

**MINUTES
OF
REGULAR MEETING OF THE CITY COUNCIL
OF
CITY OF LAKEWOOD**

7:00 P.M.

September 25, 2006

ITEM 1 – CALL TO ORDER

Mayor Burkholder called the meeting to order at 7:00 p.m. in the Council Chambers, Lakewood Civic Center South, 480 South Allison Parkway, Lakewood, Colorado.

ITEM 2 – ROLL CALL

Those present were: Mayor Steve Burkholder, Presiding

Vicki Stack
Cheryl Wise
Bob Murphy
Sue King
Ed Peterson
Doug Anderson
Ray Elliott
Mike Stevens

Absent: Diana Allen
Debbie Koop

Others in attendance: Mike Rock, City Manager
Roger Noonan, City Attorney

Full and timely notice of this City Council meeting had been given and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – PROCLAMATION – RECOGNIZING SEPTEMBER 2006 AS NATIONAL PROSTATE CANCER AWARENESS MONTH

Councilman Peterson read a proclamation recognizing September as National Prostate Cancer Awareness Month.

ITEM 5 – PROCLAMATION – RECOGNIZING THE STAY IN CIRCULATION CAMPAIGN TO IMPROVE AWARENESS OF VASCULAR DISEASE

Councilwoman Wise read a proclamation recognizing the Stay in Circulation Campaign. Mayor Burkholder invited Mike Benjamin of the Vascular Disease Foundation to speak to the Council. Mr. Benjamin stated it is the foundation's mission to reduce death and disability from vascular disease and to improve vascular health for all.

ITEM 6 – PRESENTATION – APPRECIATION FOR COMMUNITY RESOURCES FROM THE COLORADO NATIONAL GUARD

Mayor Burkholder recognized Major General Mason C. Whitney, Adjutant General of Colorado, to make the presentation. Major General Whitney stated he greatly appreciates that Lakewood has provided community support for National Guard members, and presented a Certificate of Appreciation to Kathy Hodgson, Director of Community Resources.

ITEM 7 – RESOLUTION 2006-52 – REAPPOINTING A MEMBER TO THE LAKEWOOD HOUSING AUTHORITY

Councilman Peterson made a motion to approve Resolution 2006-52. Councilwoman Wise seconded the motion.

Councilman Anderson - asked that this motion be moved to the end of all other motions

Mayor Burkholder opened the motion for discussion

Councilman Anderson – Stated that he does not know the woman being appointed to the Lakewood Housing Authority, stated she never came before the screening committee. Stated he believes Council has the responsibility to at least go through the motions. Stated he would like her to come before the screening committee.

Councilman Stevens – Stated he has no qualms with reappointing Ms. Smith tonight.

Councilman Peterson – Stated that Ms. Smith did not appear at the most recent screening committee hearings and stated he has the utmost confidence in her ability to perform her duties on this committee and would support her reappointment.

Councilwoman Stack – Stated that she has worked with Ms. Smith before and cannot say enough about her and her involvement in the community.

Councilman Peterson suggested that the matter be referred to the screening committee and withdrew his motion to approve the resolution.

Councilwoman Wise withdrew her second to the motion.

Mayor Burkholder stated the motion has been withdrawn and that Resolution 2006-52 will be considered on the October 9th agenda.

ITEM 8 – RESOLUTION 2006-53 – APPOINTING A MEMBER TO THE LAKEWOOD SENIOR CITIZENS ADVISORY COMMISSION

Councilman Peterson made a motion to approve Resolution 2006-53. Councilwoman Wise seconded the motion.

Vote: All Ayes. No Nays. The motion carried.

ITEM 9 – RESOLUTION 2006-54 – APPOINTING MEMBERS TO THE LAKEWOOD YOUTH COMMISSION

Councilman Peterson made a motion to approve Resolution 2006-54 as revised. Councilwoman Wise seconded the motion.

Vote: All Ayes. No Nays. The motion carried.

ITEM 10 – RESOLUTION 2006-55 – APPOINTING AND REAPPOINTING MEMBERS TO THE LAKEWOOD COMMISSION ON CULTURAL DIVERSITY AND HUMAN RELATIONS

Councilman Peterson made a motion to approve Resolution 2006-55. Councilwoman Wise seconded the motion.

Vote: All Ayes. No Nays. The motion carried.

Several of the appointees were present and invited to come forward and introduce themselves to the Council.

ITEM 11 – RESOLUTION 2006-56 – APPOINTING MEMBERS TO THE LAKEWOOD BOARD OF APPEALS

Councilman Peterson made a motion to approve Resolution 2006-56. Councilwoman Wise seconded the motion.

Vote: All Ayes. No Nays. The motion carried.

The following Consent Agenda items were read into the record by the City Clerk:

ITEM 12 – RESOLUTION 2006-57 – AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH JEFFERSON COUNTY TO FUND THE DESIGN AND CONSTRUCTION OF AN INTERCHANGE AT C-470 AND ALAMEDA AVENUE

ITEM 13 – RESOLUTION 2006-58 – FOR THE ACCEPTANCE OF A DEED FOR 5.607 ACRES OF OPEN SPACE ALONG BEAR CREEK LOCATED ON THE EAST SITE OF THE SOUTH WADSWORTH RETAIL CENTER (KOHL'S) AT 3150 SOUTH WADSWORTH

ITEM 14 – RESOLUTION 2006-59 – APPROVING THE 2007 OPERATING PLAN AND PROPOSED BUDGET FOR THE ALAMEDA CORRIDOR BUSINESS IMPROVEMENT DISTRICT

ITEM 15 – ORDINANCE O-2006-23 – ORDINANCE VACATING A PORTION OF COLLINS AVENUE RIGHT-OF-WAY LYING ADJACENT TO 10811 WEST COLLINS AND FURTHER LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO

ITEM 16 – ACCEPTING MINUTES OF THE BOARDS AND COMMISSIONS

Senior Citizens Advisory Commission Meeting	July 12, 2006
Liquor and Fermented Malt Beverage Licensing Authority Meeting	July 13, 2006
Liquor and Fermented Malt Beverage Licensing Authority Meeting	August 24, 2006

Public Comment: None

Councilman Peterson made a motion to approve the council minutes, accept the minutes of the boards and commissions, order all ordinances introduced on first reading to be published in the *Rocky Mountain News* and public hearings set for the date included in the ordinance, and adoption of resolutions, all of which were included in the Consent Agenda items introduced into the record by the Acting City Clerk. It was seconded by Councilwoman Wise.

Councilman Elliott – Stated that Item 12 is very important in terms of economic development and the creation of primary jobs in Lakewood. Stated it is not just an intersection, the development of this interchange will accomplish the council's goals for this project.

Councilman Anderson – Stated he would like to pull Item 14 for a separate vote.

Mayor Burkholder - Stated that Item 14 has been pulled and will be considered under General Business.

Vote on the Consent Agenda except Item 14: All Ayes. No Nays. The motion carried.

ITEM 17 – ORDINANCE O-2006-19 – AUTHORIZING SIGNATURE OF A PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO THE CONSOLIDATED MUTUAL WATER COMPANY FOR AN UNDERGROUND WATER STORAGE TANK, WATER LINES, SERVICE ROADS AND UTILITIES TO SERVICE THE TANK AND RELATED FACILITIES ON WILLIAM FREDERICK HAYDEN PARK TO PROVIDE WATER TO THE FUTURE RESIDENTS OF LAKEWOOD; FURTHER ACCEPTING A QUIT CLAIM DEED OR SOME OTHER RELATED DOCUMENT FROM JEFFERSON COUNTY TO THE CITY OF LAKEWOOD RELEASING THE OPEN SPACE RESTRICTION ON THE PERMANENT EASEMENT THAT WILL BE CONVEYED TO THE CONSOLIDATED MUTUAL WATER COMPANY

City Manager Mike Rock – Stated this easement has been requested by Consolidated Mutual Water Company. Stated that though there has been some consolidation of numerous water companies, Lakewood relies on special districts to serve Lakewood residents. Stated that Consolidated Mutual will be one of the primary water providers in the Rooney Valley. Mr. Rock showed a map of the proposed area and locations of similar water storage tanks. He stated Lakewood has an interdependent relationship with all the water companies and our residents rely on the city to provide domestic water and fire protection.

Wally Welton – President-Consolidated Mutual Water – 12700 W 27th Ave Lakewood
Stated that Consolidated Mutual has been around since 1926 and it is not a special district, rather a mutually owned private water company. Stated they operate two different water systems: the Denver system, which provides treated water that is leased through the Denver Water Board, and the Maple Grove System. Stated the Maple Grove System is independent of Denver; Consolidated owns the water rights. Stated they have just broken ground on a 20 million dollar replacement water plant. Mr. Welton showed a Power Point presentation, including area maps.

Public Comment:

Carlo Spano – 2277 S. Holman Cir., Lakewood CO

Stated he is opposed to giving any more open space land to further the profits of a developer. Stated these water tanks could be placed somewhere else.

Martha Buckwalter – 1657 S. Deframe St., Lakewood CO

Stated she is opposed to O-2006-19.

Johann Cohn – 1208 S. Brentwood St, Lakewood CO

Stated he is President of Lakewood Citizens for Open Space. Stated this group is not opposed to projects like this one. Stated they feel Council should continue it's oversight. Stated they are concerned with how it will look when it is done. Stated if this project is not built, the easement should revert to the City. Stated he is hopeful that Council would exercise caution regarding the use of park land.

Public Comment was closed.

Councilman Peterson made a motion to adopt Ordinance O-2006-19 on second and final reading. Councilwoman Wise seconded the motion.

Councilman Murphy – Asked Mike Rock to give an overview of the oversight and approval process.

Mike Rock – Stated the project has to be built as represented and the City will have construction oversight from the beginning of excavation through completion. Stated that the City will make sure Consolidated Mutual builds this project according to the specs.

Councilwoman Stack – Asked what Ward 1 residents could expect.

Wally Welton – Stated the existing facility is underground and located just west of 10th and DeFrame about 500 feet west of 10th. Stated the proposal for that location is to replace the existing station with a new pump station, which will be a reinforced concrete structure completely underground. Stated they do not anticipate putting a back up generator at that location.

Councilman Anderson – Stated he had some questions regarding the tank site and asked if they would bury the existing power lines.

Wally Welton – Stated there is no existing power to the site. Stated there was power to the old helm that was there but has since been taken down and there are only power poles in place now.

Councilman Anderson – Asked if the easement would revert to the City if the water tank were not built or if the site is abandoned.

Wally Welton – Stated that if something went awry and nothing was built, there would be no reason for them to keep title to the easement.

Councilman Anderson – Asked if there are security requirements such as fencing around the water tanks.

Wally Welton – Stated that if fencing were put in, it would be some sort of security fencing that would then be screened by a cedar fence so it looks more natural. Stated they are not going to just stick chain link there.

Councilman Anderson – Asked what the perimeter would be.

Wally Welton – Stated the fencing would be around the entry hatches only. Stated the fencing will be approximately 10x10.

Councilman Anderson – Asked if the dirt that will be removed in order to replace the tank will form a hill or will it be a couple feet of soil that is spread around.

Wally Welton – Stated there would be approximately 17 feet of slope, resulting in a fairly flat slope with about 15 foot of relief. Stated the dirt will be rolled up so it blends in with the slope, resulting in a stair step effect.

Councilman Anderson – Clarified that the area will be revegetated in kind with the existing plant life. Stated that he will be voting in favor of this ordinance.

Councilman Elliott – Asked if this tank is actually dug into the ground.

Wally Welton – Stated that the easterly two thirds of the tank will be a cut condition which means they will be pulling the material out, stated the westerly third will be controlled which means they will use some of the dirt they pull out and set the tank on it. Stated it will be a controlled fill. Stated the topography will change slightly.

Councilman Elliott – Clarified that there are 11 water tanks in the Green Mountain area. Stated it is very difficult to find where any of the existing tanks sit today. Stated he will be voting in favor of this ordinance.

Vote on the O-2006-19: All Ayes. No Nays. The motion carried

ITEM 18 – ORDINANCE O-2006-20 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTERESTS IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF TURN LANES, TRAFFIC SIGNALS AND SIDEWALK IMPROVEMENTS AT THE INTERSECTION OF WEST COLFAX AVENUE AND SIMMS STREET FOR THE COLFAX AT SIMMS INTERSECTION IMPROVEMENT PROJECT, AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS, AUTHORIZATION TO CONVEY THE FEE SIMPLE PARCELS ACQUIRED ON THIS PROJECT ADJACENT TO STATE RIGHT-OF WAY TO THE COLORADO DEPARTMENT OF TRANSPORTATION, AND CONDEMNATION OF REAL PROPERTY INTERESTS

Public Comment: None

Councilman Peterson made a motion to adopt Ordinance O-2006-20 on second and final reading. Councilwoman Wise seconded the motion.

Councilwoman Stack – Asked if the City is just looking at the Colfax side and how much land will be taken from the Simms side.

Mike Connor – Property & Purchasing Services Manager-City of Lakewood – Stated that at this time the City is only looking at taking the Colfax side.

Vote on the O-2006-20: All Ayes. No Nays. The motion carried

ITEM 19 – ORDINANCE O-2006-21 – ADDING SECTION 1.16.090 OF TITLE 1 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO PENALTY FOR VIOLATIONS, AMENDING SECTIONS 9.12.010, 9.44.030, 9.45.020, 9.45.030, 9.45.040, 9.45.050, 9.45.060, 9.45.070, AND 9.50.050 AND ADDING SECTIONS 9.41.100, 9.43.080, 9.45.090, 9.50.030, AND 9.65.030 OF TITLE 9 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO PUBLIC PEACE AND SAFETY

Public Comment: None

Councilman Peterson made a motion to adopt Ordinance O-2006-21 on second and final reading. Councilwoman Wise seconded the motion.

Councilman Elliott – Asked Janet Young when this will go into effect after Council adopts it.

Janet Young – Deputy City Attorney – Stated it is a 30 day time frame and the provisions regarding probation violations will apply to any terms and conditions administered by the Municipal Court after that date.

Councilman Elliott – Asked if there is any way to speed up the process; declare it an emergency and have it go into effect sooner.

Janet Young – Stated they could amend the ordinance this evening.

City Attorney Roger Noonan – Stated if they want to propose an emergency provision, Council would have to amend the ordinance. Stated the motion would have to include reasons for the emergency in addition to changing the ordinance as it is currently written.

Councilman Elliott – Stated a number of similar measures have been incorporated into State law and rather than waiting 30 days, he would prefer to move it up quicker if at all possible.

Roger Noonan – Stated it is Council's prerogative. Recommended Councilman Elliott order O-2006-19 be amended to include an emergency provision to state that the City Council finds public health, safety and welfare would be served by declaring an emergency in order to allow some of these provisions to go into effect immediately.

Councilman Elliott – Proposed an amendment to the motion to declare an emergency based on the health, safety and welfare of the Citizens of Lakewood.

Councilman Murphy – Stated this is a very important ordinance for the City and asked if someone could discuss the details of this ordinance from an enforcement standpoint. Asked how declaring an emergency would work from an operational standpoint.

Janet Young – Stated it appears that Councilman Elliott's main interest right now is in the provision that would allow police officers to arrest for violation of probation for prostitution offenses. Stated that currently if a person is on probation for a prostitution offense and violates it, there has to be a revocation of probation petition filed and a warrant issued for that person's arrest. Stated that this ordinance will allow police agents to make an arrest when they see a violation occur. Stated the Police Department would like to institute a new program whereby any prostitute who has been convicted of a prostitution-related offense in Municipal Court would be subject to an area restriction; stated these individuals would not be allowed in the Colfax corridor between 13th and 17th and between Sheridan and Simms. Stated those convicted of a prostitution-related offense would have to get court permission for things such as a medical appointment or an appointment with an attorney or for employment purposes. Stated this is to stop persons convicted of prostitution offenses from street walking on Colfax, and stated it would make it a lot easier to protect citizens from these type of offenses in the future.

Kevin Paletta –Division Chief, Lakewood Police Patrol Division – Stated they see this as a very important operational ordinance and a tool they can use to address some of the problems they have seen growing on Colfax. Stated the ordinance is modeled after similar ordinances in Denver and Aurora. Stated that without a similar ordinance in Lakewood, they are left with one less tool to combat the same problem that other jurisdictions are combating. Introduced Agent Struck.

Agent Brent Struck – Police Agent-City of Lakewood – Stated that in 2005 this all came about because they started seeing a huge increase in prostitution on the West Colfax corridor between Sheridan and Simms. Stated he and his partner started looking into the increases in arrests and tried to find a cause for this. Stated they found out that several of the prostitutes that they contacted were on area restriction in Denver. Stated that with this ordinance; once a prostitute is arrested and convicted in court, the person is placed on probation, a condition of that probation is an area restriction program. Stated it gives an option to the courts and the police, in lieu of jail or fines they cannot pay. Stated many prostitutes have a crack, cocaine, heroin or amphetamine addiction and a five hundred dollar fine just doesn't work. Stated in this program, the problem is displaced. If the prostitute has a legitimate reason for being in Lakewood, on Colfax, they can go to that appointment. Stated that this will basically take them off the streets and alleviate a lot of other crimes that go with prostitution. Stated prostitution creates

drug problems, assaults, sex assaults. It is just a matter of time before they see a prostitution-related murder if something isn't done.

Councilman Elliott – Asked if there would be any operational issues if the ordinance were passed on an emergency basis.

Agent Brent Struck – Stated the judges want to enforce this but they do not have the means to enforce it now without the ordinance. Stated a lot of chronic prostitutes are in jail serving 180 days. Stated getting this program in place as soon as possible would be great.

Kevin Paletta – Stated operationally there would be no impact; the police are ready to go as soon as the ordinance is passed.

Mayor Burkholder – Asked if the Ramping Up Special Enforcement Team has helped address some of this problem.

Kevin Paletta – Stated that program has helped. In early 2007 they will bring back the Special Enforcement Team, which will consist of a supervisor and five agents. Part of their responsibility and mission will include addressing some of the issues along Colfax, including prostitution.

Councilman Elliott proposed an amendment to the motion to adopt O-2006-21 to declare an emergency, finding that it is in the public interest to implement this ordinance immediately in order to allow the Lakewood Police Department to ensure the health, safety and welfare of Lakewood residents. Councilman Murphy seconded the motion.

Vote on amendment to O-2006-21: All Ayes. No Nays. The motion carried

Mayor Burkholder – The motion before us is the adoption of Ordinance O-2006-21 as amended.

Vote on O-2006-21 as amended: All Ayes. No Nays. The motion carried.

ITEM 20 – GENERAL BUSINESS

- **ITEM 14 – RESOLUTION 2006-59 – APPROVING THE 2007 OPERATING PLAN AND PROPOSED BUDGET FOR THE ALAMEDA CORRIDOR BUSINESS IMPROVEMENT DISTRICT**

Councilman Anderson – Stated he has no comment and is asking for a vote.

Vote on Resolution-2006-59: 8 Ayes. 1 Nay (Anderson). The motion carried.

ITEM 21 – PUBLIC COMMENT

Dorothy Wisecarver – 8655 Meadowlark Dr, Lakewood CO

Stated the summary of written comments she had submitted to the City Clerk was not accepted because it wasn't signed and didn't have an address. Stated she contacted Margy Greer and found out the deadline for submittal and was also told her comments had to be 500 words or less. Stated she followed those rules and submitted her comments on Friday, September 22 at 4:06 p.m. Stated the person who helped her took the petition and she in turn asked if she needed to sign anything, a form of any sort, she was told no, that she didn't need to sign a form or anything. Stated she was given a date stamped copy of the comments she had submitted as her copy. Stated she relied on the Clerk's knowledge to tell her if she needed to sign or not sign. Stated her summary is valid and should be filed.

Brian Wareing - Unincorporated Jefferson County

Read a poem regarding taxes.

Natalie Menten – Ward 5

Stated she spoke with numerous City Clerk's offices and they stated they would have asked Dorothy Wisecarver to sign her statement. Stated she does not understand how the City Clerk's office could have made such a huge mistake and not allow the statements to be filed. Stated she hoped City Council could bend the law a little bit.

Brett Zachman – 492 S. Saulsbury St, Lakewood CO

Stated he is speaking on behalf of a group of concerned citizens in regards to the 2A Initiative. Read a statement in support of the TABOR ballot issue. Stated his group believes Lakewood citizens should vote yes on 2A. Stated he was told today that due to some City protocol his statement would not be a part of the blue book. Stated his group feels the City of Lakewood should be educated on this topic and stated they are hopeful the statement will make it into the blue book.

Walt Heidenfelder – 13095 W Ohio Ave, Lakewood CO

Stated that over the past couple of years there has been a lot of hate speech directed at immigrants. Stated that animosity promoters have generated a lot of the information and if someone were to do a little research, they would see that a lot of the information is incorrect.

Rita Bertolli – 13484 W Oregon Lakewood CO

Asked if City Council could get her a copy of the date stamped pro statement.

Public Comment was closed.

Mayor Burkholder – Stated that the pro/con statement issue is not an issue that Council decides. Stated this is a legal matter and asked Roger Noonan to clarify the issues.

Roger Noonan – Stated that state law is very clear about what shall be contained on the document that is submitted to the City Clerk. Read from the statutes, saying he discussed this matter with City Clerk Margy Greer, and in his opinion, the pro and con statements needed to include a signature and the address of the person making the statement.

Mayor Burkholder – Asked if the pro/con statements were submitted prior to 5:00 p.m. Friday afternoon.

Acting City Clerk Sharon Blackstock – Stated the statements were submitted before 5:00 Friday afternoon.

Mayor Burkholder – Cautioned Council this is not a decision they can make, stated it is a legal issue.

Councilman Elliott – Asked if there is an ability by either side to rectify the situation.

Roger Noonan – Stated there is not.

Councilman Anderson – Asked if it would be possible for Council members to receive copies of the time and date stamped pro/con arguments. Stated that it is in the public's best interest to have as much knowledge about 2A as possible. Asked Mr. Noonan if there is any case law that would address this issue.

Roger Noonan – Stated they would look to see if there is any case law that would be of any assistance to the City Clerk's office. Stated this is the City Clerk's call and the City Attorney will advise her of any court decisions relating to the issue, if there are any.

Councilwoman Stack – Asked if this was submitted to the Secretary of State without signatures or was it determined prior to the deadline that the signatures weren't there. Stated that these are well known people to the City of Lakewood and asked why we didn't catch this mistake so it could be moved forward.

Roger Noonan – Stated this is not a decision made by the Secretary of State. Stated this statute specifically relates to the responsibility of your City Clerk to make that decision. Stated that neither document when filed contained a signature or address.

Councilman Stevens – Asked Roger Noonan who has final jurisdiction in a situation like this.

Roger Noonan – Stated that if there were to be a challenge to the City Clerk's decision, it would be Jefferson County District Court. Stated he is not advising either the pro or con representatives.

Councilman Stevens – Clarified that the City Clerk would have the power to make a judgment as to whether or not to accept it as a valid statement.

Roger Noonan – Stated the only thing he can say is that the statute clearly says what is supposed to be on this document.

Councilman Stevens – Stated a mistake was made and has affected both sides severely. Asked that everything possible be done to see if it can be rectified.

Roger Noonan – Stated he will look at any legal research that he can that might be of some guidance and will talk with the City Clerk, however the decision is hers, not his or Council's.

Councilman Stevens – Asked if there could be some sort of challenge if she were to accept the statements without signatures.

Roger Noonan – Stated the same arguments could be made by others should the Clerk accept the statements now. Stated every one of these types of issues has two sides to every argument.

Councilman Stevens – Requested that staff make rectifying this issue a priority over the next 24-48 hours. Stated it is embarrassing and we would like to rectify the situation.

Councilman Elliott – Asked if there is any way to modify the date to allow them to do it correctly. Stated he would like to see if there is a way to allow this to occur and give the citizens the information regarding 2A.

Mayor Burkholder – Stressed to Council this is a legal issue, stated they have to follow the law.

Councilman Peterson – Asked the Acting City Clerk if she knows when the pro statement was turned in.

Acting City Clerk Sharon Blackstock – Stated the pro statement was turned in the day before, on Thursday at 4:55 p.m.

Councilman Peterson – Clarified that these are public documents and anyone who wishes to see these can get them. Asked the Acting City Clerk to provide Council with copies of those statements. Stated he realizes this is a legal issue and anything our legal counsel can do to advise the Clerk would be appreciated.

Councilman Murphy – Asked about the possibility of Brett and Dorothy pledging not to file a lawsuit and following up with some boiler plate language. Also asked if the City might have a pre-election issue of Looking at Lakewood where these statements could be printed.

Public Information Officer Stacie Oulton – Stated they could get an issue of Looking at Lakewood out before the election.

City Manager Mike Rock – Asked the Acting City Clerk if there were only two statements submitted.

Acting City Clerk Sharon Blackstock – Confirmed there were only two statements submitted.

Roger Noonan – Stated that Councilman Murphy's suggestion opens up the possibility for any other citizen to challenge the expenditure of public funds to express an opinion. State Law says if anything is going to be printed at City cost it has to be factual, cannot state any opinions, such as the pro and con statements. Stated it is the responsibility of the City Clerk to take signed and addressed pro and con statements and summarize them for the TABOR booklet, not print them in a newsletter.

Mayor Burkholder – Stated Paul Kennebeck will meet with the City Clerk's office as soon as possible to review the situation further.


ITEM 22 - REPORTS

Mayor and City Council reported their attendance at previous meetings and events and announced upcoming neighborhood meetings and events.

ITEM 23 - ADJOURNMENT

There being no further business to come before the Council; Mayor Burkholder adjourned the meeting at 9:19 p.m.

Submitted by,


Sharon Blackstock, Acting City Clerk

