

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

April 17, 2013

The City Council of the City of Grand Junction convened into regular session on the 17th day of April, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Councilmember Teresa Coons was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Luke led the Pledge of Allegiance, followed by a moment of silence.

Presentation

Grand Junction Fire Department Medal Presentation to Firefighter Ryan Jordan

Deputy Fire Chief Bill Roth described the incident for which Firefighter Ryan Jordan was being recognized. Mr. Jordan rescued John Leyl, a duck hunter, who had fallen through the ice. Firefighter Jordan's rescue line became caught so he disconnected it so he could continue to rescue Mr. Leyl. It was a very difficult swim and could have only been accomplished by a firefighter in excellent physical condition with excellent skills. Mr. Jordan was awarded the Medal of Valor from Fire Chief Ken Watkins.

Mr. Leyl expressed his gratitude and described the rescue. He lauded the training of the Fire Department. He said it was a life changing experience and he was so appreciative.

Proclamation

Proclaiming April 20, 2013 as "Arbor Day" in the City of Grand Junction

Councilmember Bennett Boeschstein read the proclamation.

Tom Ziola, Forestry/Horticulture Supervisor, thanked the City Council for the proclamation. He spoke about the Arbor Day program and then introduced the Forestry Board members in attendance as well as the Department's Administrative Assistant, Tricia Rothwell. It is the City's 30th anniversary of being a Tree City USA. He introduced the Chair of the Forestry Board, Kami Long.

Ms. Long then presented the 30 year award to the City Council for being a Tree City USA.

Mr. Ziola spoke to the poster contest held for District 51 students, and introduced the poster contest winner Mia Rubenstein. Mia said her inspiration was her teacher and her class.

Mr. Ziola then described the upcoming Arbor Day event this Saturday, April 20, 2013. There will be a dedication, free trees, crafts, food, and music. Mr. Ziola thanked City Council for their support, and passed out gifts to the City Council.

Proclaiming April 20, 2013 as “Lady Mavs Day” in the City of Grand Junction

Councilmember Kenyon read the proclamation. Taylor Wagner, the coach of the Lady Mavs Basketball team, and the team were present to receive the proclamation. Coach Wagner expressed his appreciation for the team and the fans. He recognized the team members as not only good players but as great people. He then introduced the team members as well as his assistant coach.

Proclaiming April 21 – 27, 2013 as “National Crime Victims’ Week” in the City of Grand Junction

Councilmember Doody read the proclamation. Mary Harmeling, Victim Advocate Coordinator, Mary Sommerville with the District Attorney’s Office, and Tracy Baker, with the Sheriff’s Office, were present to receive the proclamation. Ms. Harmeling thanked the City Council and lauded the work of the crime victim advocates and all the hours they put in. Ms. Sommerville described the impact on the community of crime victims. Ms. Sommerville said victims of violence happen every day and it helps to have the City Council acknowledge what victim advocates go through.

Proclaiming April 21 - 27, 2013 as “Administrative Professionals Week” and April 24, 2013 as “Administrative Professionals Day” in the City of Grand Junction

Councilmember Susuras read the proclamation. Pam Eastridge, President of the Bookcliff Chapter, and Karen Lockman, immediate past Chapter President of the Bookcliff Chapter, thanked the City Council. She said the Administrative Professionals will be hosting a seminar for Administrative Professionals Day on Wednesday, April 24, 2013.

Appointments

Councilmember Kenyon moved to re-appoint Janice Rohr and Clark Atkinson to the Horizon Drive Association Business Improvement District Board for four year terms expiring April 2017. Councilmember Susuras seconded the motion. Motion carried.

Certificates of Appointment

Darcy Johnson was present to receive her Certificate of Appointment to the Commission on Arts and Culture.

Sharon Woelfle was present to receive her Certificate of Appointment to the Visitor and Convention Bureau Board of Directors.

Council Comments

Councilmember Boeschstein read a statement (*see attached statement*).

Councilmember Boeschstein moved that City Council request the immediate withdrawal of Councilmember-elect Rick Brainard and that they vote to write a letter to Mr. Brainard. Councilmember Doody seconded.

Councilmember Susuras read a statement (*see attached statement*). He asked that the governing body of the City give Mr. Brainard due process.

Councilmember Coons asked that a written statement be read on her behalf. Stephanie Tuin, City Clerk read her statement (*see attached statement*). She feels those who are public figures in the community should expect to be held to a higher standard.

Councilmember Luke said it is not really about whether it is up to the Council, a court, or public opinion, she said she is the voice of all citizens and has heard them, she hears the number one responsibility the City Council has is public safety and it has come to her attention that a great many citizens feel their safety is in jeopardy. She is in agreement with the motion made by Councilmember Boeschstein.

Citizen Comments

Joel Dyar said he was sad to see the pall cast over this community. He quoted Abraham Lincoln. He said he was representing a number of members of the public that said if Mr. Brainard does not withdraw he will be subjected to recall. He asked Ms. Schwenke and the Chamber of Commerce to break their silence and to quit sheltering Mr. Brainard. He said the citizens of Grand Junction are here to inform that those who do not speak out against this violence will also be subject to recall. Mr. Brainard can save the image of the City Council by withdrawing.

Marilyn Charlesworth read a statement and she thanked the City Council for the opportunity to speak. She said she was a victim of domestic violence for ten years. She is now a survivor. She has served this community in many capacities. She wanted to see Mr. Brainard step down and she was pleased that the City Council did support the motion for him to step down. She questioned how Mr. Brainard can take an oath to serve the City when he lied to the Police Department. She said he has no honor. This Council-elect has disrespected this City Council. She listed his words stated in the police report.

Council President Pitts asked everyone to speed up their comments.

Sheryl Reposa said she had never been to a City Council meeting but was struck by the Vision Statement on the City Council meeting agenda. She is a crime victim advocate for the City. She said by letting Rick Brainard take office, it slaps the previous proclamation about National Crime Victims in the face. She asked all City Council to support the women in the community.

Dr. Sally Matchett agreed that Rick Brainard should resign. She said she voted for Mr. Brainard without full knowledge and she regrets that. Yes, he is innocent until proven guilty, but he has incriminated himself. Violence against women cannot be condoned in a decent society.

Dan Griffin, long time resident of Grand Junction, practiced law for 45 years and is now retired. He has seen many City Councilmembers and has mostly been very proud of those who serve on the City Council. This is the first time a situation like this has come before City Council. A saying in his household is, "do not reward bad behavior". If Mr. Brainard becomes a City Councilmember he is being rewarded for bad behavior. In his opinion, the judicial system and serving on the City Council are two different things. Mr. Brainard has violated the public trust. He supported the City Council's resolution. He referred to Linda Moran's organized demonstration the previous Friday. He read a quote from Ms. Moran, "I personally have zero tolerance of any type of abuse, physical, or psychological." Mr. Brainard stated in March, "sometimes we set the bar too low in this community". Mr. Griffin said City Councilmembers must keep the bar raised to a higher standard. Given the admissions of Mr. Brainard, of physical violence toward another individual, he firmly believes Mr. Brainard should resign immediately. Mr. Griffin stated he agreed with Ms. Moran's statement.

Robert Noble said violence against women is personal to him. His father used to yell at his mother. He then described his neighbor who is confined to a wheelchair because a co-worker raped, attempted to murder her, and injured her severely in the process. He does not think any kind of violence against women is acceptable. Mr. Noble addressed Councilmember Susuras by saying that Mr. Brainard admitted to hitting that woman under oath.

Anne Landman, who has lived here since 1982, thanked the Councilmembers that voted to send a letter to Mr. Brainard. She said this was a lesson in getting to know future City Councilmembers and current Council representatives. She cautioned citizens to not give too much weight to candidates who are endorsed by the Chamber of Commerce or the newspaper. Mr. Brainard already showed how he makes decisions under pressure. She said it would save the City time and money if Mr. Brainard would resign. She said the time is not right for him to sit in public office.

Jessica Coleman thanked the community members who have turned out tonight. She thanked the City Council for representing the citizens. She said they are not asking Mr.

Brainard to give up his right to due process. They are asking City Council to stand together in asking for Mr. Brainard's resignation. There is nothing illegal or unconstitutional to call for a City employee's resignation and there is no reason to not support the resolution in a public gesture of no confidence in Mr. Brainard.

No one else had signed in to speak.

Council President Pitts advised there is another opportunity to address the City Council at the end of the meeting.

CONSENT CALENDAR

Councilmember Kenyon moved to adopt and then read Consent Calendar items #1-8. Councilmember Luke seconded the motion. Motion carried.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the April 3, 2013 Regular Meeting

2. **Setting a Hearing on the 1941 Palisade Street Rezone, Located at 1941 Palisade Street** [File #RZN-2013-77]

Request to rezone 0.24 acres from R-8 (Residential – 8 units per acre) to R-12 (Residential -12 units per acre) zone district. The applicant would like to rezone their property to R-12, which would allow a greater density on their property and thereby allow conversion of the larger house into a duplex.

Proposed Ordinance Rezoning 1941 Palisade Street from R-8 (Residential – 8 Units Per Acre) to R-12 (Residential – 12 Units Per Acre)

Action: Introduce a Proposed Ordinance and Set a Hearing for May 1, 2013

3. **Setting a Hearing on the Peony Heights Annexation, Located at 612 Peony Drive** [File # ANX-2013-96]

A request to annex 0.92 acres, located at 612 Peony Drive. The Peony Heights Annexation consists of one parcel, including portions of the Peony Drive and Broadway (Hwy. 340) rights-of-way. The total annexation area contains 1.12 acres of which 0.20 acres or 8,818 sq. ft. is right-of-way.

Resolution No. 23-13—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on

Such Annexation, and Exercising Land Use Control, Peony Heights Annexation, Located at 612 Peony Drive

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Peony Heights Annexation, Approximately 1.12 Acres, Located at 612 Peony Drive and Including Portions of the Peony Drive and Broadway (HWY 340) Rights-of-Way

Action: Adopt Resolution No. 23-13 and Introduce a Proposed Ordinance and Set a Hearing for June 5, 2013

4. **Purchase One Total Containment Trap for Police Firing Range**

The Police firing range has been in use for over 50 years with no lead clean up. Once the lead is remediated, this bullet trap will be installed to prevent future noncompliance with EPA standards.

Action: Authorize the City Purchasing Division to Purchase a Total Containment Trap from Action Target of Provo, UT in the Amount of \$127,338.16

5. **Purchase 70 Tasers for Police**

The Tasers currently being used by the Police Department are no longer supported by the manufacturer, Taser International. Therefore, the Police Department has budgeted funds to replace a portion of its Tasers in 2013 and will budget funds for the remaining Tasers in 2014.

Action: Authorize the City Purchasing Division to Purchase Tasers from ProForce Law Enforcement of Prescott, AZ in the Amount of \$75,938.80

6. **Street Lighting on the 22 Road Realignment at Highway 6 Project**

The 22 Road Realignment at Highway 6 project will reconstruct the intersection of 22 Road with Highway 6 along with a one-third mile long section of 22 Road. A key component of an urban street is adequate street lighting. This purchase order with Grand Valley Power will pay for the materials and installation of the street lights.

Action: Authorize the City Purchasing Division to Sign a Purchase Order with Grand Valley Power to Provide Street Lighting for the 22 Road Realignment at Highway 6 Project in the Amount of \$266,827

7. **Authorize the Use of 1% Funds for the Underground Conversion of Overhead Power at the 22 Road and at the 22 Road Intersection with Highway 6**

The 22 Road Realignment at Highway 6 Project will reconstruct the intersection of 22 Road with Highway 6 along with a one-third mile long section of 22 Road. As part of the project, the City proposes to use Grand Valley Power 1% funds to move the aerial power lines underground. Grand Valley Power would complete the work at a net impact to the fund of \$113,674.

Resolution No. 24-13—A Resolution Authorizing Grand Valley Power to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds as Established in the Franchise Agreement for the 22 Road Realignment at Highway 6 Project

Action: Adopt Resolution No. 24-13

8. **Letters of Support for the Pre-application to CDOT's RAMP Grant Program for 29 Road/I70 Interchange Project and the Horizon Drive/I70 Interchange Project**

CDOT has developed a one-time program called the Responsible Acceleration of Maintenance and Partnerships (RAMP). They are seeking applications by May 1st for potential projects over the next 5 years. The City has been requested to partner on two projects: Mesa County with the 29 Road/I-70 Interchange and the Horizon Drive Business Improvement District on the Horizon Drive/I-70 Interchange Improvements.

Action: Authorize the President of the Council to Sign the Letters of Support for Pre-Application for the Two Projects

Council President Pitts called for a recess at 8:15 p.m.

The meeting reconvened at 8:25 p.m.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of One Rear Load Refuse Truck

This purchase request is for one Mack Compressed Natural Gas (CNG) Rear Load Refuse Truck to replace one 13 year old diesel unit currently in the City's fleet. Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

Greg Trainor, Public Works, Utilities, and Planning Director, introduced this item. He described the request as a replacement of a rear load truck and noted that money has been saved and set aside for the replacement. There are two rear load trucks in the fleet for commercial accounts. The rest are automated side load trucks for residential accounts. The bid went out in a formal solicitation through the Purchasing Department. He described the bids and their evaluation. The truck from the Mack dealer was selected even though it was the second lowest bid. It was recommended because of the body style, a rear load body, which is more conducive to the health and safety of the employees. City employees have found through experience, a true low entry unit provides better access for the workers. There were more injuries with the previous type of truck which was not low entry. The recommended truck, the Leach body, has also been found to be the best value and has a local dealer for warranty work. The truck is designed for Compressed Natural Gas (CNG) and a fuel analysis was provided that over the life of the vehicle they estimated over \$83,000 in savings over a diesel option.

Councilmember Susuras asked for confirmation that the life of the truck is ten years and will pay for itself over three and one half years. Mr. Trainor confirmed that to be correct.

Councilmember Kenyon moved to authorize the City Purchasing Division to award a contract to purchase one 2014 Mack CNG Refuse Truck with Leach Rear Load Body from Western Colorado Truck Center in the amount of \$218,921. Councilmember Susuras seconded the motion. Motion carried.

Microwave Link Purchase for Spruce Point to Grand Mesa Radio Sites

This request is to purchase the equipment necessary to connect a microwave link from the proposed Spruce Point radio site to the existing Grand Mesa radio site. The purchase will include radio equipment, microwave dishes, and associated equipment.

John Camper, Police Chief, introduced this item and introduced Paula Creasy, Communications Center Project Manager, who is available for technical questions regarding this item. He also introduced Mike Nordine as the newest Deputy Police Chief.

Mike Nordine, Deputy Police Chief, described the request and its purpose. This equipment has been planned for. He displayed maps of the existing sites and then maps of the existing coverage and the expanded coverage with this purchase. He said sole source is being recommended as it is the same as the other equipment currently being used and it has been found to save money and maintenance.

Councilmember Kenyon asked why this is important to the City, is it a part of the 911 response and responsibility to the other intergovernmental agencies involved? Deputy Police Chief Nordine said the City works in cooperation with other agencies in the

County and Grand Junction. The Communication Center serves 22 separate agencies throughout the County and Grand Junction regional services, and they have to cover the entire County. It is managed through the Communications Center. The budget is managed by the City although all agencies contribute financially.

Councilmember Susuras moved to authorize a sole source purchase with Alcatel-Lucent for a Microwave Link for Spruce Point to Grand Mesa Radio Sites in the amount of \$79,274. Councilmember Kenyon seconded the motion. Motion carried.

Public Hearing—Amending Sections 21.07.010 and 21.10.020 of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations for the Floodplain within the City of Grand Junction

The proposed ordinance amends Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, to update the floodplain regulations to be in compliance with State requirements.

The public hearing was opened at 8:38 p.m.

Greg Trainor, Public Works, Utilities, and Planning Director, introduced this item. He said that he will turn it over to the Floodplain Manager Bret Guillory.

Bret Guillory, Utility Engineer/Floodplain Manager, described the project and how the rules were developed with a focus group. Federal Emergency Management Agency (FEMA) has adopted new rules that all communities are required to adopt. Some of the changes include clarifying definitions. One of the biggest changes is the definition of the floodway. He described the difference. It will mostly come into play along the Colorado River. The Colorado River is a very dynamic river and can change course due to high water. It has happened before but occurred within the floodplain.

Councilmember Kenyon asked City Attorney Shaver if it is true that every once in a while FEMA adopts new rules and the City must follow those rules and adopt a new ordinance. City Attorney Shaver confirmed this is correct.

Councilmember Boeschstein noted it was very important and it relates to every single land use the City Council sees and that information is provided every time they consider approving a development in or near the river. Compliance with FEMA allows the City residents to have flood insurance. Any financial institution that finances mortgages asks about the proximity to the floodplain. He thanked the Staff.

There were no public comments.

The public hearing was closed at 8:44 p.m.

Ordinance No. 4583—An Ordinance Amending Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, of the Grand Junction Municipal Code Concerning Floodplain Regulations

Councilmember Kenyon moved to adopt Ordinance No. 4583 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Amending Chapter 6.12 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Animals within the City of Grand Junction

The proposed ordinance amends Chapter 6.12 of the Grand Junction Municipal Code (“GJMC”) to require a permit for rehoming of a dog or cat under certain conditions, allow for impoundment of the dog(s) and cat(s) when there is no permit as required, and disposition of the animals after impoundment due to no permit or due to an animal having been abused and/or neglected.

The public hearing was opened at 8:45 p.m.

John Shaver, City Attorney, introduced this item. He described the request and the purpose. He said the ordinance addresses the practice of selling animals in public parking lots that occur and the animals are not necessarily cared for properly but treated as a commodity. The ordinance requires responsible ownership of animals, and law enforcement if required. The board of animal control has recommended this ordinance as well.

Council President Pitts commended City Attorney Shaver for his brief but precise definition of this ordinance.

Councilmember Luke asked for a definition of rehoming and neglected. City Attorney Shaver said rehoming is the sale or exchange of an animal from Home A to Home B. Councilmember Luke said it does not discuss a consideration. City Attorney Shaver said this is correct. He then introduced Penny McCarty, Mesa County Animal Services Director.

Penny McCarty, Mesa County Animal Services Director, said City Attorney Shaver explained it very well. She also reiterated that rehoming does not require consideration.

Councilmember Luke asked about the word neglected. Jamie Beard, Assistant City Attorney, said the additional wording pertaining to neglect is not just pertaining to rehoming. This ordinance allows Animal Services to retain the animal in the case of

animal cruelty charges, in order for the animal to be returned to the owner, a judge must make this decision.

Councilmember Doody asked about the rehoming permit and also holding a license issued by the State.

Assistant City Attorney Jamie Beard said if the owner has a State issued license the owner would not be required to retain a rehoming permit.

Ms. McCarty said it is a State regulatory agency that issues licenses to groomers, pet stores, animal services, etc.

Councilmember Doody asked if there is a fee for the rehoming permit? Ms. McCarty said there is no fee.

City Attorney Shaver said the legal definition of neglect is not changing in this amendment to the Code.

Councilmember Kenyon had several examples of animals in severe situations, not being taken care of humanely, and asked if this ordinance will solve the issue. City Attorney Shaver said he does not know that it will fully resolve irresponsible ownership of animals, however, it does provide a way to deal with some of those individuals that do have animals for the purposes of commercial means and will take a good step toward solving some of those issues.

Councilmember Susuras asked if this would also cover inbreeding? Ms. McCarty said many animals sold on street corners are of poor health; this ordinance will enable them to issue a citation and then impound the animals.

Councilmember Luke said, with regard to anybody who gets an animal from the shelter, does the shelter have a rule that they can or can't return it? Ms. McCarty said there is no fee to accept any animal. Councilmember Luke said her daughter was told after returning an animal that she could not ever adopt again. Ms. McCarty said that is not the policy of Mesa County Animal Services.

Ashley Edstrom, Officer of Grand Valley Kennel Club, read a statement from the board supporting the ordinance. She read that the Club would like to state their support of Mesa County Animal Services in requiring a permit to sell animals in public places. She said their club has been working since the early 70's for the advancement of dogs, she then read part of the Club's mission statement. She felt the request tonight was in line with the Club's mission and goals. Their belief is that the sale of puppies in commercial areas is not in the animal's best interest. The breeders in the Club adhere to highest of standards, and the breeders also make themselves available for guidance after purchase

of the puppy, often times for the life of the dog. A responsible breeder can show proof of lineage and hereditary testing. They have worked hard to educate the public about the advantages of buying from a responsible breeder, and applaud Animal Services for taking the lead in this regard.

Valerie Masteron, CLAWS Cat Rescue, supports the ordinance as it will help the unwanted cat population.

Leslie Sage, has lived here 4 years and works from her home office for Best Friend Animal Society which is the largest sanctuary for abandoned and abused animals. She has worked for them 13 years. She promotes healthy animals for adoption instead of euthanasia. With her was Elaine Johnson, who is on the board of the Roice Hurst Humane Society which partners with Best Friends. She read Ms. Sage's statement into the record. *"Of all the millions of animals lives produced annually, substandard breeding combined with no regulations are a huge problem. Dogs and Cats being sold in this type of environment are underage and are rarely vaccinated. For the unsuspecting purchaser, this can mean immediate or future visits to the veterinary office, which then creates a financial burden, and results in the surrender of many of these animals in an overcrowded taxpayer subsidized shelter. Responsible breeders do not sell their animals in this way, and have extensive adoption requirements. This ordinance is an important first step in this community, and one that this community will embrace. As a representative of Best Friends and a citizen of Grand Junction, she asks that City Council votes yes on this ordinance."* Ms. Johnson added on a personal note, that her friend had noticed a puppy in a vehicle in 100 degree weather and called for assistance and were able to help the puppy. The owner came out and said, "so what, I got it in the front of Sportsmans Warehouse, big deal." This is the type of situation trying to be prevented with this ordinance.

Dr. Jim Grady, provided his credentials, and said early weaning and maternal separation interrupts a dog's normal socialization. He supports the adoption of the Public Pet Rehoming Permit. Early weaning and maternal separation interrupt a dog's normal socialization which produces domestic incompatibility and in many cases leads to owners getting rid of the dogs. The Colorado Department of Agriculture through the Pet Animal Care and Facilities Act, licenses and inspects dog breeders who produce more than 2 litters per year. He volunteers for a collaboration between Roice-Hurst Humane Society, Grand Rivers Humane Society, and Mesa County Animal Services to transport eight to fifteen dogs to Denver in two week intervals. These are adoptable dogs that have not been placed in Mesa County homes. This accumulates to 1,000 miles driven a month to get only a few of the unwanted Mesa County animals adopted. At the very least, require documentation of a dog's age and health. He asked the City Council to support the ordinance. *(He submitted a statement which is attached).*

Betty Fulton, a citizen that loves dogs and cats, said she supports the ordinance due to the tremendous cost to the taxpayers when pets are bought in on a whim to an animal shelter. She also works with Dr. Grady transporting dogs to Denver where they can be rehomed. She has seen how many dogs would be subjected to euthanasia without the program. She encouraged adoption.

Terry Thompson is the owner of Angels in the Making which offers dog training and animal behavior counseling. She reiterated the reasons why it is not good to sell an animal before eight weeks of age. She described what she sees and noted there have been studies done on this issue.

Debra Miles, a Western Slope native and a volunteer for Roice-Hurst Humane Society and Mesa County Animal Services and recently become a certified trainer, said she is in favor of the ordinance. She described behavioral problems that result from premature separation from their mother. Many times it can lead to an early death of the animal.

Cindy Harley, a volunteer for animal services, said her job is to transition dogs out of the shelter. She supports the ordinance. She related a story of seeing some boys selling puppies on North Avenue, she bought the whole litter and took them to Animal Services where they were then transferred to Eagle County Rescue Shelter where they were taught proper social behavior and manners. She also described the negative behaviors that result from early separation from their mother. She supported the ordinance.

Sharon Davis has been a life long residence of the Grand Valley. She has Grand Valley Pet Crew which is a rescue for pit bull dogs. She asked City Council to adopt the ordinance. Many of the animals sold in parking lots are pit bulls or pit bull mixes. It places a large burden on the agency resources. Asking citizens to rehome their pets responsibly will benefit all the animal services in the area and the animals.

Gayle Redman said she has three rescue dogs and is a member of the Kennel Club. One of her dogs came from a box in a parking lot, and this dog has horrible hip dysplasia. She is facing the agonizing decision to spend thousands of dollars to have her dog's hip repaired or have him euthanized. She encouraged City Council to vote for this ordinance.

There were no additional public comments.

The public hearing was closed at 9:25 p.m.

Councilmember Susuras asked how the illegal breeders will be notified and what's to keep them from turning those dogs loose.

City Attorney Shaver said there is nothing to stop breeders from turning dogs loose, but if caught, they could be prosecuted. As to the other question of how illegal breeders will be

notified, he referred to Ms. McCarty as there may be an implementation strategy for letting these folks know. There will likely be an article in the newspaper and there will also be the normal public outreach.

Mesa County Animal Services Director Penny McCarty, said they will send out a press release and in the next thirty days the Animal Services Officers will be informing those seen out on the street. The officers will accept the animals if these animal owner's don't know what to do with them.

Councilmember Boeschstein asked who will enforce this ordinance. City Attorney Shaver said both the Police Department and Animal Control Services Officers are authorized to handle these situations, however, the Animal Services Agency will most likely take the lead.

Councilmember Kenyon thanked everyone who waited to the end of the meeting and for their comments.

Ordinance No. 4584—An Ordinance Amending Parts of Chapter 6.12 of the Grand Junction Municipal Code Relating to Permits for Rehoming of Pets in the Public and Disposition of Animals

Councilmember Susuras moved to adopt Ordinance No. 4584 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:29 p.m.

Stephanie Tuin, MMC
City Clerk

Statement by Councilmembers Bill Pitts, Jim Doody, Laura Luke and Bennett Boeschstein

Fellow Councilmembers, thank you for the opportunity to speak. Tonight we are addressing you and our citizens on why we believe that Mr. Rick Brainard should immediately withdraw from the position of At-Large Councilmember Elect. By withdrawing now he would not be sworn in as a Council member on May 6th and the City Charter process for filing a vacancy on the Council could begin immediately.

Speaking of the Charter we would like to remind you that the City Council has limited authority over its own membership; absent conviction of felony, a Charter violation or being judicially declared unable to serve, the voters determine who serves on Council not the Councilmembers. The voters' authority under the Charter extends to petitioning for recall. We would encourage any one that is interested in having a more thorough explanation of the Charter to contact the City Attorney.

Our opinion on this matter is shaped by the news reports that we have read; we have not asked for or been provided any information from the City or the GJPD and like you have no special knowledge of the case. What we do have in support of our opinion are: 1) our personal abhorrence of domestic violence; 2) an admission to domestic violence towards his girlfriend, actions that are or suggest the commission of a crime or crimes; and 3) our belief that personal character is best demonstrated by how we treat others.

While we know that all persons have legal and Constitutional protections including the presumption of innocence and the right to trial by ones' peers, we also know that some things in life do not need to be decided in the court of law; sometimes the court of public opinion should decide. We believe this to be such a matter. Many members of the public have contacted us stating the same or similar views as ours. In its editorial of April 10, 2013 the Daily Sentinel expressed a very clear and concise opinion, an opinion which we and a number of people in this community share. The editor wrote:

"...we and the public hold our elected officials to a higher standard than the average person. We don't expect our elected officials to be saints, but we do expect them to obey the law and to avoid intentionally harming others, especially while they are in office. We still hope he decides it is in his own best interest—and equally importantly, that of the community—for him to resign his council seat now and allow the current City Council to choose his replacement."

Mr. Mayor and my fellow members of City Council it is for all of these reasons that I move that Council request the immediate withdrawal of Rick Brainard from the position of At-Large Councilmember Elect and that we vote to write a letter to Mr. Bainard requesting that he immediately withdraw from the position of At-Large Councilmember Elect.

Mayor Bill Pitts, Councilman Jim Doody, Councilwoman Laura Luke, Councilman Bennett Boeschstein

Mayor Pro Tem
TOM KEBURN
Tary Coons

Sam's Response

Fellow Councilmen, before a vote is taken on this request for the immediate withdrawal of Rick Brainard from the position of At-Large Councilmember Elect I would like to make a few remarks.

First of all, I want everyone to know that I too abhor domestic violence in any form. Yet in response to Councilman Boeschstein's motion, I would like all of us to also consider these points.

- It is important to note that Mr. Brainard has not even entered a plea yet to the misdemeanor charges against him.
- We all have a right and a responsibility to defend the key tenants of our US Constitution, we the Grand Junction City Council Members probably more so because of our elected positions. Just as our citizens have a right to peaceful assembly and free speech, they also have a right to due process and the presumption of innocence until proven guilty in a court of law, not a court of public opinion.
- Courts are intended to be impartial and fair in doling out their justice. The Court of public opinion is about revenge, public shaming the whims of the crowd. Our history is filled with examples of the dark measures taken by people against other people based upon the "court of public opinion."
- It is our citizens' and the newspaper's right to freedom of speech to call for Mr. Brainard to step down. I would submit however that to use our position as the governing body of the City of Grand Junction to do likewise without the benefit of a court ruling is wrong. If we do not give Mr. Brainard his Due Process rights then we all put our own Due Process rights in danger. If we deny one American their Constitutional rights then we have adopted a process that endangers our own Constitutional rights. Are those people currently in the court of public opinion ready to surrender their rights to assemble? Or even their right to free speech?
- The voters of this community have a mechanism for removing someone they think is unsuited to represent them and it should be they rather than this body that takes any action in this regard

I am not one who routinely wears his religion on his sleeve but in this instance I have to tell you I am reminded, particularly in light of the information used to make this request, of the following bible verses:

"Do not judge according to appearance, but judge with righteous judgment." (*John 7:24*)

"Judge not, that you be not judged. For with the judgment you pronounce you will be judged, and with the measure you use it will be measured to you (*Mathew 7:1*)

I urge all of us to vote no on this request.

Sam Susuras
Grand Junction City Council
District B

Councilmember Comments – Wednesday, April 17

Councilmember Teresa Coons

Fellow Councilmembers and Community Members:

Even though I am unable to be with you this evening because of work-related travel, I feel compelled to make a statement about the Resolution that is coming before you tonight and the controversy surrounding Councilmember-Elect Rick Brainard.

First, let me be perfectly clear – I do not now, nor can I ever condone domestic violence, whether it be against woman, man, or child. Nor do I believe that the use of physical or verbal abuse is a proper way to solve problems or vent frustration in any situation. I also believe that those of us who are public figures (elected or not), should expect to be held to a higher standard and be willing to serve as role models with respect to our behavior in difficult situations.

That said, although many of us may feel that it would be a good decision – for a number of reasons -- for Mr. Brainard to voluntarily choose not to serve on City Council at this time, it is also important that we follow the proper process and procedures that are in place to protect the rights of both our citizens and those of Mr. Brainard. Should Mr. Brainard choose to respond to public requests that he step down, I strongly urge whichever Council has the responsibility for choosing his replacement to take care that they follow the highest ethical standards and avoid any appearance of “conflict of interest” in making their selection.

Thank you for listening to my comments.

April 17, 2013

To: Grand Junction City Council

From: James R. (Jim) Grady, DVM (ret)
2549 G 1/2 Road
Grand Junction, CO 81505
970-361-6211

I practiced veterinary medicine in Mesa County for 28 years, then worked for the Colorado Department of Agriculture for 9 years, in part as an animal cruelty investigator.

I support the adoption of the "Public Pet Rehoming Permit".

I'll make 3 brief points.

- 1) As is well documented, and you have heard, early weaning and maternal separation interrupt a dog's normal socialization. The outcome is an adult dog that is likely not a good fit for domestic compatibility, and about whom is too often later said "We need to get rid of it". That is an abhorrent phrase to a dog lover, and I hope to anyone with any compassion for animals. The regulation directly addresses this issue.
- 2) The Colorado Department of Agriculture through the Pet Animal Care and Facilities Act, licenses and inspects dog breeders who produce more than 2 litters per year. They do not have any contact with other breeders. This gap can be very slightly but significantly addressed by the regulation.
- 3) I volunteer for a collaboration of Roice-Hurst Humane, Grand Rivers Humane, Mesa County Animal Services to transport 8 to 15 dogs to Denver, usually at 2 week intervals. These are adoptable dogs which have not been placed in Mesa County homes after extensive and ongoing effort by each of the entities. Several private rescue groups and the Denver Dumb Friends League are able to accept these dogs and thereby prevent their euthanasia. That is 1000 miles a month to get only a few of the unwanted Mesa County animals adopted.

I ask for your vote in support. Please make that intuitive leap from underage dogs to unwanted dogs to desperate efforts to save their lives. We are currently subsidizing this casual retail outlet. Let's at least require some documentation of a pup's age and health.

Thank you, and may I try to answer any questions?