

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

May 7, 2001

The City Council of the City of Grand Junction, Colorado, convened into special session the 7th day of May, 2001, at 10:30 a.m. in the Administration Conference Room, 2nd floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Pro Tem Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Pro Tem Enos-Martinez called the meeting to order.

PROPOSED CULTURAL HERITAGE PLAZA

Councilmember Terry asked if Council could change the name of the plaza. She wanted the name to be somewhat historical. Councilmember Theobold suggested renaming it at a later date.

Councilmember Theobold oriented the three new Councilmembers Butler, Kirtland and McCurry on the plaza. A sub-committee of the Council consisting of Councilmembers Enos-Martinez, Terry and Theobold were assigned the task of making recommendations on the selection of monuments, the design and other details.

At today's meeting, Councilmembers were provided with a written sheet describing the monuments selected and a drawing indicating the proposed locations. Councilmember Theobold provided Council with a first draft of a diorama that would explain what monuments are erected and how they flow from one to the other, etc.

1. The Ten Commandments. The concept is that the Ten Commandments is the first written set of laws from which many things are based.
2. The Magna Carta is a long document. A condensed version will be used since many of the aspects deal with details that were important in the year 1215. There were a lot of aspects of civil rights, such as punishment should fit the crime, not buying justice or paying to have justice denied, and elected representation.
3. The Mayflower Compact is a document that brings all of this history to North America. It is a bond that brings Americans together as a common people in America, and initiates the first part of the Bill of Rights, such as freedom of religion.
4. The Declaration of Independence is what created America. It has a lot of important thoughts in it such as self-government and freedom, and it's what created the revolution that created America.
5. The Preamble to the Constitution symbolizes the Constitution which is far too lengthy to put on a monument. It also establishes the goals and ambitions of the

Constitution. It is something that people need to have refreshed in their memory about its role in creating this nation.

6. The Bill of Rights is the basic document of the rights, liberties and responsibilities that created the Rule of Law in this country.

From this progression of documents, America became what it is today. By America, Councilmember Theobold was not talking about the people of the country, but rather the institution that is the beacon of liberty and freedom that has been copied the world over.

Councilmember Theobold said that is the general flow of the monuments the Committee recommended to Council. He then submitted the design sheet by landscape architect Ted Ciavonne. Mr. Theobold explained the first proposal. The wide part of the small crescent would be the first monument and goes from east to west in stages. The first monument would be the Ten Commandments, which is a vertical monument, but aspects of the Ten Commandments are also quite vertical in that they are related to Man's relationship to God, not just to the rule of Man. As each of the monuments progress, the idea is to make each monument a little less vertical and a little more horizontal by tilting 15 degrees, indicating the horizontal relationship of Man to each other, such as the Bill of Rights which is exclusively an interpersonal relationship and does not speak of God at all. By starting tall and tilting, there would not only be a nice uniform pattern of the monuments, but as one gets closer to the building, the profile of the monuments comes down. The concept would not detract from the new City Hall building and the current landscaping. The three monuments most closely identified with this country would center around the flagpole in the design. An icon to symbolize each monument would represent them on a diorama. The diorama would explain what each monument is set to accomplish, how it puts all of the monuments in context, how it traces the changes of the rule of law, etc. The concept is also educational. Students learn about the Bill of Rights, but they don't study the Declaration of Independence. A lot of this plaza will educate people on how this country came to be and important aspects of America. That is why it is to be located on the east end of the landscaping, with plenty of room away from the street where people can walk on the grass. The committee is hoping students will come from all over the valley to see these monuments and appreciate the history of democracy and law that goes far beyond just the nation. America is the culmination of this drive to create the Rule of Law for society.

Councilmember Theobold explained the first concept reviewed was more low key, but didn't flow and is legally more difficult to grasp that it is a monument plaza in which all the monuments are linked. The progression was difficult physically and conceptually.

Councilmember Terry said the new proposal was preferred as with the first there was also a safety issue. The location on 5th Street, a busy street, was dangerous for groups of small children.

Councilmember Spehar said it addresses the concern that the pleasing aesthetics of the new City Hall building not be junked up by scattering different monuments around the grounds. Having everything grouped with a logical sequence will be beneficial.

Councilmember Terry said the exact details have not yet been determined. There may have to be some modification of existing landscaping.

Councilmember Theobald said the committee will request Ted Ciavonne's office do the final design which will include the design of the monument bases for safety and the other landscaping features. Councilmembers in the Wednesday night executive session seemed to be leaning away from the concrete and something much less obtrusive with a lot more grass instead of concrete.

Councilmember Butler suggested leaving the concrete, representing the foundation of our heritage, and point toward the Ten Commandments, and go on down.

Councilmember Theobald said "foundation" is a word he was thinking of when it comes to what to call this plaza. If there is going to be a concrete strip, the name of the plaza can be put on it. Mr. Butler suggested "the Foundation of our Nation" for the wording.

City Attorney Wilson said Ted Ciavonne has an amazing ability to take an idea and figure out how to make it into something that is larger and make it look good.

Councilmember Spehar said there is a value in simplicity. He wanted to leave the focus to be on the six monuments and not on the peripheral things around it.

City Attorney Wilson hoped to think of this plaza as a preliminary plat in the City's zoning context, where the overall view, endorsement of the concept and big picture, and then give direction to a final plat with the detailed construction drawing as soon as possible to bring back to Council for final approval. The original resolution listed a completion date of July 4, 2001. That date is not realistic now as there is so much detail that must be approved, and then built.

Mayor Pro Tem Enos-Martinez said Council is not going to change the date for now.

Councilmember Spehar said if there is a value in building it early in the context of the bigger picture, Council should think about that. If it doesn't matter, then there would be a more relaxed timeframe for accomplishing this. This is part of a bigger effort.

Mayor Pro-Tem Enos-Martinez asked Mr. Wilson if he had enough information for the overall concept. Mr. Wilson said yes, if Council is comfortable going with the big picture. The one piece with the most certainty is the Ten Commandments. It's the appearance of the other pieces that are unknown because it is still being designed. Council could delegate to City Manager Kelly Arnold the authority to implement the project on a sensible schedule. The City has asked for an extension to answer the court. Dates come around quickly and there may be times when Mr. Wilson will not be able to visit with Council in a public or executive session to try to implement the big picture. The monument can be moved when it's appropriate. Those issues will depend on how this is setting up.

Councilmember Terry said Council has decided to change the wording on the disclaimer to make it identify more with Council. She submitted some wording that was suggested

by a citizen who originally wanted the City to remove the Ten Commandments from City Hall entirely. Council having made the decision to retain the monument, this citizen then made some constructive suggestions on how the disclaimer should read. The committee has tried to embody that wording as well. Council reviewed the suggested wording.

Councilmember Spehar asked if there is a way to clarify in the last sentence of wording, "Such questions and views". He felt it is vague, and suggested saying "Particular religious views cannot and do not matter."

City Attorney Wilson suggested saying "Religious views cannot and do not matter."

Councilmember Terry suggested saying "We do not endorse, in any way, any religion" and tie the two together.

Mayor Pro Tem Enos-Martinez said it could be left at that. Councilmember Spehar concurred.

Mr. Wilson suggested simply deleting that last sentence. Council agreed.

Councilmember Terry said she and Councilmembers Theobald and Enos-Martinez will continue working on the details with Ted Ciavonne. No final decision will be made until all of Council has reviewed the plan.

City Attorney Wilson asked for a motion to approve the concept thus far which doesn't commit the City to an end result.

Councilmember Spehar asked if the motion should include delegating some of the implementation, which will allow Council to move in an appropriate path. Mr. Wilson said yes. Depending on some of the ending details on the construction drawings, and where the exact location of the monument will be, there may be some advantage to moving it first so the community knows, and the other five are laid out later when further detail is provided. That is one good option. The decision could be delegated to City Manager Kelly Arnold once Council says it's the best legal option. If that's true, then during the interim, that's where a new sign becomes important. If all six monuments could be erected tomorrow, the replacement sign wouldn't be needed because it is in the context. Mr. Wilson said he would be comfortable if Council would delegate that to himself and Mr. Arnold.

Mayor Pro Tem Enos-Martinez suggested the motion accept the concept in close work with the architect and also with City Staff that will be considering irrigation and current landscaping. Because of the architect's workload and schedule, she didn't feel there would be a plan ready for review for 4 to 6 weeks.

Councilmember Theobald outlined the four points of the motion for consideration:

1. Council accepts the six monuments that have been designated;
2. Council accepts the preliminary plan for the plaza;

3. Council accepts the rough draft of the diorama language which is the document Council has considered at this meeting; and
4. Council instruct Staff to begin implementation and working with the City Council sub-committee to that effect.

Councilmember Spehar said there are two separate issues. One is refinement of the design concept (work on the technical and aesthetic issues). The other is the implementation which is more of a legal issue. He didn't think more committee work is needed on legal issues. Any serious legal issue would come to Council. But the implementation is saying to the City Attorney and City Manager to do the legally appropriate thing at the legally appropriate time.

Councilmember Theobold said he was not thinking of the legal issues but rather the design concerns for the sub-committee. He too felt there is no need for the sub-committee to be involved in the legal aspects.

City Attorney Wilson said part of the legal question is what makes sense from a long-term maintenance (irrigation and utilities, etc.). He felt he understood Council's direction.

It was moved by Councilmember Theobold and seconded by Councilmember Spehar that the concept be accepted with the four foregoing considerations and the City Attorney and City Manager be authorized to handle the implementation of the project. The motion passed 7-0.

Councilmember Theobold brought up name suggestions. Two more names suggested are "Historical Heritage Plaza" and "Foundations of Law and Liberty." City Attorney Wilson said the decision on a name can be made when Council receives the final plan. Councilmember Terry liked "Foundations of Law and Liberty" because it keeps it more tightly constrained in terms of content. She felt it would help in regard to adding things in the future. Councilmember Theobold agreed and favored "Foundations of Law and Liberty."

Councilmember Kirtland asked if naming the plaza is something that needs to be done at this meeting. Council answered no. Councilmember Theobold suggested making note of the general preference, yet be open to something else later.

Councilmember Theobold said the financial situation needs to be discussed. Council's discussion in executive session dealt with contributions. The sub-committee's recommendation was that donations to the plaza would be accepted and encouraged. If any one group or entity wanted to fully fund the cost of one of the monuments, as the Eagles have already done, they would have appropriate recognition on the monument. Councilmember Spehar was not comfortable with Council "selling sponsorships." Councilmember Theobold said Council had also discussed the defense and accepting contributions for the legal defense. Council's general consensus from the executive session was Council did not want to accept legal defense contributions. They want contributions to the monument plaza, but not to the legal defense. Councilmember Spehar said some of the reasons for that is because Council doesn't want this to be

caught up in somebody else's agenda. The issue will be handled by Council on its own terms and not a part of someone else's bigger agenda. By accepting contributions to the plaza, Council is leaving the community an opportunity to participate in all of this, which is important.

Councilmember Terry said the citizens of Grand Junction are already paying for this through taxes.

Councilmember Theobald said giving credit to contributors on one of the monuments results in two issues: 1) consistency, and 2) unobtrusive credit is appropriate as long as Council controls quality and design.

Councilmember Terry said if there are smaller contributions that don't fully fund any one monument, all contributors to the project could be listed on the back of such monuments.

Councilmember Butler suggested a plaque at City Hall stating "contributions made by" instead of attaching it to a monument.

Councilmember Terry disagreed with Councilmember Spehar's concern about sponsorship. If there is one person or organization that wants to fully pay for a monument, she could see no problem with putting their name on the back of the monument. If it's not fully funded, then the recognition of anybody who contributes in one central location. She did not see it as the City selling anything.

Mayor Pro Tem Enos-Martinez wasn't sure engraving could go on the back of the monuments because of the angle of erection. She felt the architect could give some ideas on such credits.

Councilmember Spehar agreed with Councilmember Butler's central acknowledgement suggestion. He still felt what smacks a sponsorship attached to an historical document in a prominent way demeans that document.

City Attorney Wilson suggested asking architect Ted Ciavonne to think about this discussion and see what ideas he can come up with.

Mayor Pro Tem Enos-Martinez suggested placing credits on the diorama.

Consensus of Council was to have the architect come up with ideas for consideration by Council.

Councilmember Theobald felt the most important aspect is the funds for defense. He felt Council's decision at what level it will give credit to contributors may effect those large contributions.

Councilmember Butler thought people will make contributions without recognition. Councilmember Theobald agreed some will, but will the amount be \$5,000 or \$50.

City Attorney Wilson said the City has had offers of money for legal defense to pay bills. The City has not accepted, but asked interested citizens to think about contributing to the plaza. The City has also had offers of free legal services from various groups nationwide that would not be billed. Those offers have been declined as well with the City wanting to take that responsibility solely. Mr. Wilson will be suggesting to Council that he be allowed to use the services of a local firm as back-up help with regard to briefing deadlines, etc. Council concurred that it definitely wants to be in control of the legal process.

It was moved by Councilmember Theobold and seconded by Councilmember Terry that the City accept contributions for the monuments, the design and construction of the plaza, with credit to be determined at a later date, but the City decline contributions for legal defense.

Councilmember Kirtland requested the motions be separated.

It was moved by Councilmember Theobold and seconded by Councilmember Spehar that Council decline contributions to the legal defense.

Councilmember Butler did not like "give people credit for a contribution." If they want to contribute, they will do so without receiving credit.

Councilmember Kirtland wanted distinction as to what assistance will be helpful to the City Attorney and have Council allow that assistance. City Attorney Wilson said an example is a group has already sent him a couple of drafts of documents in other courts. He would continue to accept those documents. They are not going to be acknowledged as being of Council in this case. They would not be signing as lawyers of the case. That is what Mr. Wilson is declining. Mr. Wilson will ask for help and other resources. At the end of litigation, Council can make a judgement after the fact whether it wants to acknowledge those efforts.

Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried, the City is to decline cash and services contributions for legal assistance, but uncredited and freely offered legal assistance will be accepted by the City.

It was moved by Councilmember Theobold and seconded by Councilmember Terry that the City accept and encourage contributions to the purchase and installation of the monuments, and the plaza's design and construction, with credit for major contributors to be determined at a later date. Any group, entity or individual who pays for an entire monument would get appropriate credit directly related to that monument.

Discussion then ensued. Councilmember Butler agreed with Councilmember Spehar that affixing credits to monuments is not necessary. Mr. Butler suggested giving contributors a plaque.

Councilmember Spehar said he would like to find a way to acknowledge contributors, but the sponsorship issue demeans what Council is trying to do. Councilmember Theobold disagreed.

Councilmember Spehar clarified that Councilmember Theobold's motion is framed so that the acknowledgement is on the individual display, not a central acknowledgement. Councilmember Terry said that is only if it's fully funded by a group, entity or person. Other contributors that don't fully fund would still be acknowledged.

Councilmember Theobold amended his motion to include "with recognition to all other contributors at a central location." Councilmember Terry seconded the amendment.

The amended motion failed 3 to 4.

Councilmember Theobold went back to his original motion which was "accept contributions for the monuments, etc.... all the other aspects said before The change with this one is "recognition for all contributors to be determined at a later date." Councilmember Terry seconded the amendment.

Councilmember Spehar felt Council needs to make that decision fairly quickly because it could effect someone's willingness to donate or the amount they donate.

Mayor Pro Tem Enos-Martinez asked City Attorney Wilson to ask Ted Ciavonne for suggestions and get back to Council as soon as possible for a decision.

City Attorney Wilson suggested the issue be placed on the next City Council meeting to be held on May 16, 2001 for a formal decision. Discussion can take place at the May 14, 2001 Council workshop.

The second amended motion passed by a vote of 7-0.

Councilmember Kirtland said this has been a real interesting piece of history for the City of Grand Junction. He hoped that when the project is complete, a written explanation will be prepared so that years from now, people will know why the monument is sitting on City Hall grounds. Councilmember Theobold had also thought about such an explanation.

City Clerk Stephanie Nye suggested writing it up and attaching it to the minutes as part of the permanent record.

ADJOURNMENT

The meeting adjourned at 11:20 a.m.

Stephanie Nye, CMC
City Clerk