

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

**AUGUST 20, 2003**

The City Council of the City of Grand Junction convened into regular session on the 20<sup>th</sup> day of August 2003, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer, and President of the Council Pro Tem Harry Butler. Councilmember Bill McCurry and President of the Council Jim Spehar were absent. Also present were City Manager Kelly Arnold, Assistant City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Mayor Pro Tem Harry Butler called the meeting to order. Councilmember Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by Mark Harris, New Horizon Four Square Church.

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

**TO NEWLY AND REAPPOINTED MEMBERS OF THE URBAN TRAILS COMMITTEE**

Janet Hollingsworth and Kent Leinbach were present and received their certificates of appointment.

**TO NEWLY AND REAPPOINTED MEMBERS OF THE RIVERFRONT COMMISSION**

Dennis DeVore, Dustin Dunbar, Dani Weigant Knopp, Michael Kuzminski, and Dan McClean were present and received their certificates of appointment.

**SCHEDULED CITIZEN COMMENTS**

There were none.

**PRE-SCHEDULED CITIZENS COMMENT**

Pat McDermott addressed Council regarding home occupations. She asked Council if it was possible to amend the Zoning Code to allow massage therapists to work from home. She said there are many good reasons for home-based businesses with all the economic concerns, and everyone is aware that medical care costs are rising. She stated services provided from a residence reduces the costs of services and benefit the users. She said the supply of and the demand for office space for massage therapists was a problem. She said some therapists have even left the area because it was not financially sound for them to stay. She explained that parking and traffic problems would also be solved by allowing home occupations and that this type of business should have no impact on neighborhoods at all. In addition, a better quality of service would be provided and the State doesn't require any licensing. She felt this type of business would increase contact

with people in the neighborhood. Ms. McDermott next provided statistics regarding massage therapy.

Bob Blanchard, Community Development Director, told Ms. McDermott that he would do some research to see if it is possible to allow massage therapy as an occupation to be performed from one's home.

Councilmember Hill asked Ms. McDermott if the Code would be changed, a) could she meet the requirements to provide massage therapy in her home; and b) how do homeowners associations feel about this kind of home-based business? Ms. McDermott stated that they are currently looking for a new home in an area/subdivision allowing massage therapists working from their residence.

John Shaver, Assistant City Attorney, clarified that covenants of a homeowners' association would override City Code.

Councilmember Palmer explained that the purpose of the Code was to keep certain types of professional services out of residential neighborhoods. He felt an opinion survey of the citizens would be necessary prior to changing the current Code.

Ms. McDermott stated she found out that massage therapy as a home-based business was allowed outside the City limits, i.e. Fruita, Clifton, and Palisade. Ms. McDermott requested Council to consider amending the Code to allow massage therapy as a home-based business.

## **CONSENT CALENDAR**

It was moved by Councilmember Kirtland, seconded by Councilmember Hill, and carried by a roll call vote, to approve Consent Calendar Items #1 through #6.

### **1. Minutes of Previous Meetings**

*Action: Approve the Summary of the August 4, 2003 Noon Workshop, the August 4, 2003 Workshop, and the Minutes of the August 6, 2003 Regular Meeting*

### **2. Intergovernmental Agreement with Mesa County for Use Tax Audits on Construction Projects**

The County has no internal auditor, and has agreed with the City staff that it is in our best interests to conduct a Mesa County Use Tax audit, in coordination with the City's own audits of construction projects. The City has had an internal auditor conducting Sales and Use Tax audits since 1991.

Resolution No. 77-03 - A Resolution Authorizing an Intergovernmental Agreement Between the City of Grand Junction and Mesa County Regarding the Performance of Construction Use Tax Audits

*Action: Adopt Resolution No. 77-03*

**3. Setting a Hearing on Lutheran Church Rezone, Located at 628 26 ½ Road and a Portion of 632 26 ½ Road [File #RZ-2003-096]**

Petitioner is requesting to rezone approximately 2.37 acres from PD (Planned Development) (.59 acres) and RSF-1 (Residential Single Family not to exceed 1 du/ac) (1.78 acres) to R-O (Residential Office).

Proposed Ordinance Zoning the Property Known as Lutheran Church Located at 628 26 ½ Road and a Portion of 632 26 ½ Road to R-O

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 3, 2003*

**4. FAA Grants for Airport Improvements**

AIP-27 is for (1) installation of new electronic access system at the passenger terminal building and air carrier apron, (2) expansion of the air carrier apron, and (3) engineering and design for the relocation of a large water line. Estimated grant amount is \$1,550,000. AIP-28 is for the acquisition of approximately 16 acres of property bordering Landing View Lane as part of future air cargo development. Estimated grant amount is \$565,200. No funds are being requested of the City of Grand Junction.

*Action: Authorize the City Manager to Sign FAA AIP Grants 27 and 28 for Capital Improvements at Walker Field and Related Supplemental Co-Sponsorship Agreements for AIP-27 and 28*

**5. Purchase of Wheeled Loader**

This purchase is being requested by the Fleet Department to replace one old outdated wheeled loader with a new wheeled loader in the Streets Department.

*Action: Authorize the City Purchasing Manager to Purchase One Volvo Wheeled Loader (L90E) from Power Equipment Company in the Amount of \$81,471.00 Including Trade-In*

**6. Sole Source and Purchase of Fire Truck Exhaust Filters**

This purchase is being requested by the Fire Department to add a diesel exhaust filter on eight fire apparatus.

*Action: Authorize the City Purchasing Manager to Purchase Ceramic Diesel Exhaust Filters from Ward Diesel Filter Systems for Eight Fire Apparatus at \$8,408.00 Each for a Total Purchase of \$67,264.00.*

**\*\*\* ITEMS NEEDING INDIVIDUAL CONSIDERATION \*\*\***

**2004 LEAF Grant for DUI Enforcement and the Local Law Enforcement Block Grant (LLEBG)**

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding two out of every three years. The Grand Junction Police Department has not applied for this grant the past two years and is eligible in 2004.

The LLEBG Grant Program is an annual grant process in which local jurisdictions receive federal funds based on the three-year average of reported part one violent crimes. These funds when authorized are to be used in support of projects, which reduce crime and improve public safety. The program places a strong emphasis on local decision-making and encourages communities to develop their own responses to local crime and drug problems. The Police Department, in cooperation with the Mesa County Sheriff's Office, plans to purchase tasers to be carried by all on duty patrol personnel.

Lieutenant Michael A. Nordine reviewed the 2004 Leaf Grant for DUI Enforcement and the Local Law Enforcement Block Grant applications in one presentation. He first gave an overview of the 2004 LEAF grant for DUI Enforcement. He stated funds would be used for overtime pay do to DUI enforcement, which is heaviest on Friday and Saturday nights, and usually lasts from three to four hours. He said the funds would also cover overtime due officers working two sobriety checkpoints.

Councilmember Hill asked if overtime was really necessary. Lieutenant Nordine replied that not enough officers are available to enforce the DUI law during regular shifts.

Councilmember Palmer asked Lieutenant Nordine if the Police Department needed matching funds. Lieutenant Nordine said no additional funds are needed at this time.

Councilmember Kirtland asked if the Department received this grant before. Lieutenant Nordine stated that this grant is available to law enforcement every two out of three years. He said the last application was made and received in 1999.

Lieutenant Nordine next gave an overview of the 2003 Local Law Enforcement Block Grant. He explained it was an annual grant available to law enforcement and the Police Department automatically becomes eligible for a certain amount and it does require a 10 percent match. He said the Department plans to purchase tasers with the funds.

Councilmember Hill moved to authorize the Police Department to apply for the 2004 LEAF Grant in the amount of \$35,000, and authorize the City Manager to sign a contract accepting the 2003 LLEBG Grant for \$26,057. Councilmember Palmer seconded the motion. Motion carried.

City Manager Arnold advised Council that City policy authorizes him to sign contracts and applications for grants up to \$50,000. He said these two items were brought before Council so Council would be aware and familiar with these grants. He said he would make the decision administratively in the future and he would keep Council informed.

**Public Hearing – Monument Presbyterian Church Annexation No. 1, No. 2, No. 3 and No. 4, and Zoning the Monument Presbyterian Church Annexation Located at 2020 ½ South Broadway** [File #ANX-2003-113]

Hold a public hearing and consider final passage of a Resolution for Acceptance of the Petition to Annex and Annexation Ordinances for the Monument Presbyterian Church Annexation located at 2020 1/2 South Broadway and including a portion of the South Broadway right-of-way. The petitioner is seeking annexation in conjunction with a proposed two-phase development of a new church facility, pursuant to the 1998 Persigo Agreement with Mesa County.

The Monument Presbyterian Church Annexation is a serial annexation comprised of one parcel of land of 9.1711 acres and includes South Broadway right-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed one unit per five acres (RSF-R), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its July 22, 2003 meeting.

The public hearing was opened at 7:56 p.m.

Ronnie Edwards, Associate Planner reviewed this item and the zoning request in one presentation. She explained the petitioner wanted to do a two-phase development in the area.

There were no public comments.

The public hearing was closed at 7:59 p.m.

**a. Accepting Petitions**

Resolution No. 78-03 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Monument Presbyterian Church Annexation, a Serial Annexation Comprising Monument Presbyterian Church Annexation No. 1, Monument Presbyterian Church Annexation No. 2, Monument Presbyterian Church Annexation No. 3 and Monument Presbyterian Church Annexation No. 4, Located at 2020 1/2 South Broadway and Including a Portion of South Broadway Right-of-Way is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3559 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 1, Approximately 0.0097 Acres, a Portion of South Broadway Right-of-Way

Ordinance No. 3560 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 2, Approximately 0.0474 Acres, a Portion of South Broadway Right-of-Way

Ordinance No. 3561 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 3, Approximately 0.243 Acres, a Portion of South Broadway Right-of-Way

Ordinance No. 3562 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 4, Approximately 8.871 Acres, Located at 2020 1/2 South Broadway

**c. Zoning Ordinance**

Ordinance No. 3563 – An Ordinance Zoning the Monument Presbyterian Church Annexation to Residential Single Family with a Density Not to Exceed One Unit per Five Acres (RSF-R) Located at 2020 1/2 South Broadway

Councilmember Kirtland moved to adopt Resolution No. 78-03, and to approve Ordinances No. 3559, 3560, 3561, 3562, and 3563 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Rezoning the Fuoco Property from RSF-R to PD, Located East of Dewey Place (East of 25 ½ Road and North of F Road) [File #RZ-2003-028]**

Hold a public hearing and consider final passage of a proposed ordinance to rezone the Fuoco property, located east of Dewey Place, from the RSF-R zone district to Planned Development (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying zone district; and approval of the Preliminary Plan for a 58 lot subdivision known as Fuoco Estates.

The public hearing was opened at 8:00 p.m.

Mayor Pro Tem Butler asked the petitioner to give his presentation first. Ted Ciavonne with Ciavonne and Associates, 844 Grand Avenue, representing Fuoco Estates addressed Council and gave an overview of the site, proposing 58 patio style homes. He said the parcel could and would provide the required densities to fit within the surrounding areas. He said three-and-a-half acres of the property would be designated to the City for storm water drainage and to be used as a park with walking trails and other amenities. He explained that the proposed lots would meet underlying requirements with 4,500 square feet lots. He said the developer would also provided future road connection opportunities.

Councilmember Palmer asked if the property had road access on the south side of the property. Mr. Ciavonne confirmed that. Councilmember Palmer asked what the anticipated depth of the drainage water was. Mr. Ciavonne stated that the park would detain as much as possible, between two and five feet.

Lisa Cox, Senior Planner, reviewed this item and showed various maps (Site Location Map, Arial Photo Map, Future Land Use Map, Existing City and County Zoning Map, and the Preliminary Plan for PD Zone District Map) as part of her presentation. She explained the history of the property and identified the surrounding neighborhoods and their zoned densities. She told Council Staff was not very anxious to give up the opportunity for development at a higher density because very little land in the City is designated for high-density development.

Councilmember Palmer asked if the City would own the park. Ms. Cox stated that the City would own the park. She said the area would be designed for two purposes, a) as a regional storm water detention facility, and b) as neighborhood a park with amenities.

Councilmember Hill asked if a barrier would be constructed between the two park areas to divide this park from the park owned by the Fall Valley Subdivision north of the property. Ms. Cox stated a barrier is not required.

Councilmember Palmer asked if the size of the designated area is adequate supporting and stopping storm water and also be used as a park. Ms. Cox replied that the area should be sufficient for these purposes. She said the developer has met the rezone criteria, the request is consistent with the goals and policies of the Growth Plan, and all applicable sections of the Zoning and Development Code have been met.

Councilmember Hill asked if the density of 5.5 dwellings per acre excludes the 3.5 acres designated for the park/retention facility. Ms. Cox said it does not include park. She then explained the City's policy requiring either ten percent of land dedication or the equivalent monetary value of the land in lieu of a dedication. She stated in this case the City chose the land dedication.

Councilmember Kirtland asked if the construction of the detention area would be performed in Phase One. Ms. Cox said the construction of the retention facility/park would be done in Phase One. He then asked Ms. Cox if the water would just percolate on site and would not be connect to another facility. Ms. Cox replied that it would percolate.

City Manager Kelly Arnold requested clarification of the total park area and if the developer would also take care of the area to the east adjacent to dedicated park area. Mr. Ciavonne responded that for the interim the area in question would be landscaped with grass until road access to the east becomes necessary. He said the developer plans to install a fence at the rear of the property and along the walking paths.

Councilmember Kirtland asked if a fence or a barrier would be erected between the high-density apartment buildings and the cell tower property. Mr. Ciavonne stated the developer would build fences where applicable. He said he wanted to clarify for Council that the detention area will not percolate water, instead would hold the water for a few hours and as soon as possible the accumulated water would drain into the beehive drain. He reiterated that the developer would provide fencing along the pedestrian path and on the rear lot lines of the 11 lots that back up to the park and an irrigation system. He said since the fences are on private lots they would become the homeowner's responsibility to maintain.

Councilmember Hill was concerned that the fences adjacent to the park would only be three feet tall and felt fencing heights needed to be consistent.

City Manager Arnold stated that homeowners/buyers would be informed, and it would be stated in the subdivision's covenants, that the fence along their property line is three feet tall rather than 6 feet.

Councilmember Kirtland asked what would happen if the homeowners association wanted to change the fence heights, would that change require Council's approval?

Assistant City Attorney John Shaver explained the various options available to Council:

- a) Council could require to add to the ordinance that the Homeowners Association cannot make that change without Council's approval; or
- b) The requirements could be incorporated into the covenants, and then the City could not enforce the issue; and
- c) The type of fence could be written into the ordinance.

Mr. Mike Joyce, Development Concepts, the developer, told Council that they are placing the type of fence into the ordinance. Mr. Ciavonne stated that the covenants would allow homeowners to have certain privacy fences within their property.

Councilmember Hill asked for clarification regarding fencing on the City's property. Mr. Ciavonne identified the area on the map. He explained that it is common to combine detention facilities and recreation areas. He asked Council to approve the rezoning request.

There were no public comments.

The public hearing was closed at 8:52 p.m.

Councilmember Kirtland felt it was a creative plan and an appropriate use for the parcel.

Councilmember Enos-Martinez agreed with Councilmember Kirtland.

Councilmember Palmer said he was impressed with the site after viewing it personally.

Councilmember Hill said the Fall Valley Subdivision was a great development and the proposed development would blend in well and create a perfect transition between the surrounding high and low density properties. He felt the Fuoco Estates were a nice enhancement to the area.

John Shaver, Assistant City Attorney, informed Council that the current ordinance does not specify fencing, therefore the ordinance needs to be amended to include fencing, if Council so desires.

Ordinance No. 3564 – An Ordinance Rezoning the Fuoco Property Located East of Dewey Place Identified as Tax Parcel No. 2945-034-00-067 from Residential Single

Family Rural (RSF-R) to Planned Development District (PD) with the Residential Multi-Family-8, not to Exceed 8 Units Per Acre (RMF-8) Underlying Zone District

Councilmember Kirtland moved to approve Ordinance No. 3564 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote. (No amendments were made to the ordinance.)

Councilmember Hill requested a short recess.

Mayor Pro Tem Butler granted the request at 8:56 p.m.

The meeting was back in session at 9:03 p.m.

**Public Hearing – Zoning the Marchun Annexation No. 1 and No. 2, Located at 2925 F 1/2 Road** [File #ANX-2003-093]

Hold a public hearing and consider final passage of a proposed ordinance to zone the Marchun Annexations No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road.

The public hearing was opened at 9:03 p.m.

Lisa Cox, Senior Planner, reviewed this item explaining the petitioner's request for zoning to four to eight units per acre. She displayed various maps identifying the surrounding properties and the zoning of RSF-4. She said Staff recommends approval of the Residential Multi-Family, RMF-5 (five dwelling units per acre) zoning request, with the finding that the proposed zoning was consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

Councilmember Palmer asked about access to the property and if access would be from F ½ Road and F ¼ Road. Councilmember Hill asked if the property was also accessible from the east. Ms. Cox said that it would require stub streets to interconnect the property to surrounding areas.

Mike Joyce, Development Concepts, representing the applicant said the biggest concern was irrigation water, and that the surrounding neighborhoods weren't concerned about access.

There were no public comments.

The public hearing was closed at 9:08 p.m.

Ordinance No. 3565 – An Ordinance Zoning the Marchun Annexations No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), Located at 2925 F 1/2 Road

Councilmember Kirtland moved to approve Ordinance No. 3565 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Disconnecting the Files Property Located on Monument Road from the City and Ridges Metropolitan District** [File #MSC-2003-154]

A request to de-annex the Files property from the City of Grand Junction and remove the property from the Ridges Metropolitan District. The 38.9-acre Files property consists of one parcel bisected by Monument Road, with .5 acres on the north side of Monument Road and the remainder on the south side of Monument Road.

Hold a public hearing and consider final passage of a proposed ordinance disconnecting the Files property, located along Monument Road.

The Files property has been a part of the District since its creation and has always been assessed a property tax to assist the payment of outstanding debt and operation of the district prior to 1992. With the removal of the parcel from the City it is staff's recommendation to also remove the parcel from the District.

The public hearing was opened at 9:09 p.m.

Kathy Portner, Planning Manager, reviewed this item. She gave a history of the property. She said the property was annexed to the City with the Ridges development and was a part of the original Ridges development property, but did not have a defined plan approved for it. Ms. Portner said the parcel was currently zoned PD (Planned Development) and is approved for a single family home within a defined building envelope on the hill. She explained that approval of the disconnection would allow the home to be served by septic and a well. Ms. Portner said the portion of the Files' property south of Monument Road was outside the sewer service area and that the property's felt the property should not be in a sewer service area. Ms. Portner said the City talked to the owner about either annexing the adjoining thirty-eight acres into the City limits or to de-annex the 38.9 acres since it was not feasible to meet the City's requirements. She said Staff recommends de-annexation from the Ridges Metro District and recommends approval of the ordinance and resolution.

Mayor Pro Tem Butler asked if the owner offered to dedicate property to the City for easements. Ms. Portner stated that the City is not likely to entertain a request for easements.

There were no public comments.

The public hearing was closed at 9:16 p.m.

Ordinance No. 3566 – An Ordinance Disconnecting Certain Lands, Referred to as the Files Property, Files De-Annexation, Approximately 38.9 Acres, Located on Monument Road, West of Mariposa Drive

Resolution No. 79-03 – A Resolution Authorizing the Removal of the Files Parcel from the Ridges Metropolitan District as Part of the De-annexation Action of the City Council

Councilmember Hill moved to approve Ordinance No. 3566 on Second Reading and ordered it published, and to adopt Resolution No. 79-03. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Vacation of Excess Right-of-Way Along UnawEEP Avenue and Rocky Pitch Road** [File #PP-2003-022]

Hold a public hearing and consider the final passage of two proposed ordinances to vacate excess right-of-way along UnawEEP Avenue and Rocky Pitch Road.

The public hearing was opened at 9:18 p.m.

Lori Bowers, Senior Planner, reviewed this item and identified the area on various maps. She said UnawEEP Avenue was recently realigned and improved. During that process, excess land was obtained along the eastern section of the road, and Rocky Pitch Road in the northwest corner of UnawEEP Heights Subdivision, exists but does not correspond with the legal description. She said by vacating the excess right-of-way, the new plat would reflect the correct alignment of Rocky Pitch Road and allow the backyard property lines to extend to the edge of the Homeowners Association's landscape tract along the eastern section of UnawEEP Avenue. Ms. Bowers said vacating the excess right-of-way would not vacate the multi-purpose easement for utilities in these areas. She said the Planning Commission at its regularly scheduled meeting on July 22<sup>nd</sup>, 2003 recommended approval of the request finding the request to be consistent with Section 2.11 of the Zoning and Development Code.

There were no public comments.

The public hearing was closed at 9:20 p.m.

Ordinance No. 3567 – An Ordinance Vacating a Portion of Undeveloped Right-of-Way Along the Northern Edge of UnawEEP Avenue

Ordinance No. 3568 – An Ordinance Vacating a Portion of Right-of-Way Along a Portion of Unawep Avenue, Known as Rocky Pitch Road

Councilmember Enos-Martinez moved to approve Ordinances No. 3567 and 3568 on Second Reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Zoning the Carville Annexation Located at 2675 Hwy. 50** [File #ANX-2003-116]

Hold a public hearing and consider final passage of the zoning ordinance to zone the Carville Annexation C-1 and RSF-4, located at 2675 Hwy 50. The property is 19.93 acres and has a current Simple Subdivision application in the process of being reviewed.

The public hearing was opened at 9:21 p.m.

Senta Costello, Associate Planner, reviewed this item. She said the annexation request was presented to Council two weeks ago. She said the requested zoning would be consistent with the Growth Plan density.

Councilmember Enos-Martinez asked if part of the property was facing Dos Rios School and what type of traffic would be generated. Ms. Costello stated the traffic question could only be answered once the developer presents a development plan for the site. She said access would be either from Palmer Street or Aspen Street or from a new subdivision being built to the south of the property.

Mayor Pro Tem Butler asked if a zoning of RSF-4 was right for this parcel and how traffic would access the school behind the property. Ms. Costello said RSF-4 was the correct zoning for this parcel and the school area would be accessed off of Palmer Street.

Councilmember Hill asked if there was another development across Highway 50. Ms. Costello replied there was.

Pat Edwards, representing Royce Carville, told Council that the property would be split and would be sold off separately. He said the commercial site would be part of the overall plan. He said he was aware of the Highway situation and access would be most likely off of Palmer Street.

There were no public comments.

The public hearing was closed at 9:29 p.m.

Ordinance No. 3569 – An Ordinance Zoning the Carville Annexation to C-1 and RSF-4 Located at 2675 Hwy 50

Councilmember Palmer moved to approve Ordinance No. 3569 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

### **NON-SCHEDULED CITIZENS & VISITORS**

Eric Niederkruger of the Chapter of the local Bill of Rights Committee addressed Council. He said he has had conversations with Council and he wanted an opportunity to publicly state why the Patriot Act was a City issue. He said the Patriot Act infringes civil liberties and he is asking Council to oppose the Act and help to defend and uphold the Constitution.

Mark Scofield, 1844 North 18<sup>th</sup> Street, said he appreciates Council's willingness to give the request thoughtful consideration. He asked Council to consider the concerns of the USA Patriot Act and that the Act does have ramifications to the City's residents.

Sid Siddeek said he just wants to make the following quote: "It is dangerous to be right on matters on which the establishment is wrong."

Eric Rechel, 515 Orchard Avenue, spoke about the Declaration of Independence and the symbolic act it did in 1776 for the country. He asked that the City send a message to the world that shows the City supports the Bill of Rights.

Carol Greenhill, Loma, asked Council to give time to present the Patriot Act and concerns within the Act. She said, "Please give us a voice." The Act is of concern to everyone. She reminded Council that its members are elected servants and the people would appreciate if Council would listen to its constituents.

Mayor Pro Tem Butler thanked everyone for their comments and asked if there were any other non-scheduled citizens or visitors who would like to discuss a different concern.

There were none.

### **OTHER BUSINESS**

Councilmember Kirtland explained that, "If Council were to open its chambers to everyone, Council would be dealing with Roe versus Wade, gay marriages, and everything under the sun." Council then would have to grant that option to all groups, and he felt that this was not a part of official business.

Councilmember Enos-Martinez clarified that per policy those matters couldn't be discussed.

Councilmember Hill stated that the talks raised his level of awareness, but agrees with Council and on its level of support.

Sid Siddeek addressed Council again arguing Roe vs. Wade, the gay community, etc. are only concern specific segments of society, while the Bill of Rights concerns every person.

**ADJOURNMENT**

Councilmember Palmer moved to adjourn. Councilmember Enos-Martinez seconded the motion. Motion carried.

The meeting was adjourned at 9:41 p.m.

Debbie Kemp  
Deputy City Clerk