

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

**April 18, 2001**

The City Council of the City of Grand Junction convened into regular session the 18<sup>th</sup> day of April 2001 at 7:34 p.m. at the City Auditorium. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Payne led in the Pledge of Allegiance. The audience remained standing during the invocation by Steve Johnson, Living Hope Evangelical Free Church.

**PRESENTATION FROM THE CITY COUNCIL AND MESA COUNTY  
COMMISSIONERS TO ROBERT BRAY AND KNUTE KNUDSON FOR THEIR WORK  
ON THE RIVERVIEW TECHNOLOGY CORPORATION**

The Council and Mesa County Commissioners Kathy Hall and Jim Baughman expressed their appreciation to the two co-chairs of the Riverview Technology Corporation, Knute Knudson and Robert Bray, for all their hard work. A token of appreciation was presented to Knute Knudson. Robert Bray was not present.

**PROCLAMATION DECLARING APRIL 15-21, 2001, AS "SPECIAL OLYMPICS  
INSPIRE GREATNESS DAYS" IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING APRIL 22-28, 2001 AS "CRIME VICTIMS' RIGHTS  
WEEK" IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING APRIL 29 THROUGH MAY 5, 2001, AS "MUNICIPAL  
CLERKS WEEK" IN THE CITY OF GRAND JUNCTION**

**BOY SCOUT TROOPS #358 AND #385**

The Mayor recognized the attendance of Boy Scout Troop #358 and Troop #385.

**CONSENT ITEMS**

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Terry and carried by roll call vote, the following Consent Calendar items #1 through 12 were approved:

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the April 2, 2001 Workshop, the Minutes of the Special Joint City/County Meeting April 2, 2001 and the Minutes of the Regular Meeting April 4, 2001*

2. **Setting a Hearing on First Supplemental Appropriation Ordinance for the 2001 Budget**

The request is to appropriate specific amounts for several of the City’s accounting funds as specified in the ordinance.

Proposed Ordinance Making Supplemental Appropriations to the 2001 Budget of the City of Grand Junction

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 2, 2001*

3. **25 Road Reconstruction – Highway I-70B to Patterson Road**

The following bids were received on April 10, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M.A. Concrete Construction.	Grand Junction	\$926,154.51
United Companies	Grand Junction	\$971,565.00
Bogue Construction	Fruita	\$1,024,778.25
Elam Construction	Grand Junction	\$1,174,080.00
Rolland Engineering’s Estimate		\$966,155.00

*Action: Award Contract for 25 Road Reconstruction, Highway I-70B to Patterson Road, to M.A. Concrete, Inc., in the Amount of \$926,154.51*

Staff presentation: Tim Moore, Public Works Manager

4. **Engineering and Design Contract for the Riverside Bypass Project, Phase 1**

This work will develop the best alternative for the construction of the connecting road system from 24 Road along the Colorado River to the Highway 50 bridge and beyond to the connection with 29 Road.

*Action: Award Contract for Engineering and Design of the Riverside Bypass Project, Phase 1, to Kimley-Horn and Associates, Inc., in the Amount of \$326,800.85*

5. **Concrete Repair for 2001 Street Overlays**

The following bids were received on April 10, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
B.P.S. Concrete	Grand Junction	\$287,351.09
G and G Paving Construction, Inc.	Grand Junction	\$310,606.00
Vista Paving L.L.C.	Grand Junction	\$298,692.93
Reyes Construction, Inc.	Grand Junction	\$309,372.34
Engineer's Estimate		\$412,155.33

*Action: Award Contract for Concrete Repair for 2001 Street Overlays to B.P.S. Concrete in the Amount of \$287,351.09*

6. **South Camp Bicycle and Pedestrian Trail Project, Wingate School Section**

The following bids were received on March 20, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
R.W. Jones Construction	Fruita	\$68,250.54
Mays Concrete	Grand Junction	\$72,138.00
D & K Construction Management	Montrose	\$84,936.66
Colorado West Leasing	Grand Junction	\$85,954.69
Ewing Trucking & Construction	Edwards	\$96,389.50
B.P.S. Concrete	Grand Junction	\$114,991.12
Vista Paving	Grand Junction	\$133,139.75
Engineer's Estimate		\$88,964.50

*Action: Award Contract for South Camp Bicycle and Pedestrian Trail Project, Wingate School Section, to R.W. Jones Construction, Inc. in the Amount of \$68,250.54 and Waiving Irregularities in the Bid*

7. **Authorizing Sewer Connections to the Valle Vista Sewer Interceptor and Amending the Persigo Agreement Adopted October 13, 1998**

On April 2, 2001 the City Council and the Board of County Commissioners, in a joint public hearing, adopted motions authorizing certain connections to the Valle Vista Sewer Interceptor, east of 30 Road, on central Orchard Mesa.

Resolution No. 35-01 – A Joint Resolution of the City Council of the City of Grand Junction and the Board of County Commissioners of Mesa County Amending Paragraph 23 of the Persigo Agreement by Authorizing Specific Connections to the Valle Vista Sewer Line

*Action: Adopt Resolution No. 35-01*

8. **FY 2001 Unified Planning Work Program Amendment**

The Grand Junction/Mesa County MPO is entitled to additional \$17,328 in Consolidated Planning Grant Program funds. The local match requirement for these funds is \$3,804, to be split 50/50 between Mesa County and the City of Grand Junction. Before these funds can be distributed, the MPO must amend its current UPWP to add the additional dollars into current or new tasks.

Resolution No. 36-01 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Amended Fiscal Year 2001 Unified Planning Work Program

*Action: Adopt Resolution No. 36-01*

9. **Extension of Lease with Mesa National Bank**

The Police Department has conducted polygraph testing procedures at Mesa National Bank since 1996. The proposed action will extend the term of the lease for one year.

Resolution No. 37-01 – A Resolution Extending the Lease of Office Space at 131 North 6<sup>th</sup> Street for Use as a Polygraph Testing Facility

*Action: Adopt Resolution No. 37-01*

10. **Setting a Hearing on Correcting the Zoning for Faircloud Subdivision, Located at the Northeast Corner of F<sup>1</sup>/<sub>2</sub> Road and 30 Road**  
[File #FPP-1999-280R]

Faircloud Subdivision was mistakenly zoned to RSF-4 with adoption of the new zoning map. It should have been zoned to PD to reflect the approved PR 3.4 zone on the parcel as part of the approved Faircloud Subdivision. At its hearing on April 10, 2001 the Planning Commission recommended approval of this request.

Proposed Ordinance Correcting Zoning of the Faircloud Subdivision, Located at the Northeast Corner of F½ Road and 30 Road (Correcting Zoning from RSF-4 to PD)

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 2, 2001*

11. **Setting a Hearing on Vacating Florida Street Right-of-Way in White Willows Subdivision, Located at 2851 D Road** [File #VR-2001-059]

In conjunction with the approval of White Willows Subdivision Filing 1, the applicant requests to vacate Florida Street right-of-way within the boundaries of this development. The purpose of the vacation is to align the street with the existing location of the water and sewer lines, which is approximately 100 feet south of the unimproved right-of-way. At its hearing on April 10, 2001, the Planning Commission recommended approval of this request.

Proposed Ordinance Vacating Florida Street Located at the 28½ Road Alignment within the Approved White Willows Subdivision, being a Portion of Bevier Subdivision

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 2, 2001*

12. **Revocable Permit for Sewer Line across City Owned Property to Serve Property Located at 202 Fourth Avenue** [File #RVP-2001-020]

Consideration of a resolution authorizing the issuance of a Revocable Permit to allow the petitioner to construct a sewer line across City-owned property, to serve the subject property located at 202 Fourth Avenue

Resolution No. 38-01 – A Resolution Concerning the Issuance of a Revocable Permit to K.C. Asphalt, LLC

*Action: Adopt Resolution No. 38-01*

**\*\*\* END OF CONSENT CALENDAR \*\*\***

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

**TWO RIVERS CONVENTION CENTER AND PARKING EXPANSION AND IMPROVEMENTS**

The following outlines the various options for the expansion of Two Rivers and the related parking. GMP indicates the guaranteed maximum price.

<b>GMP Summary</b>	<b>Building</b>
Building w/o Alternates	\$3,577,546
Backflow/Fire	\$ 7,296
Alternate #1	\$ 28,512
Alternate #3	\$ 58,679
Alternate #4	\$ 152,057
Alternate #5	\$ 20,019
Alternate #7A	\$ 6,174
Alternate #9	\$ 6,640
Alternate #10	(\$ 8,258)
Total	<u>\$3,848,665</u>

<b>GMP Summary</b>	<b>Parking Lot</b>
Parking Lot Construction	
w/o Alternates	\$624,029
Electric Vendor outlets	\$ 30,000
2 <sup>nd</sup> Street Pedestrian Improvements	<u>\$140,000</u>
Total	\$794,029

**Grand Total GMP \$4,642,694**

Parks and Recreation Director Joe Stevens reviewed this item, noting the need for the improvements. He said the action requested is the approval of the contract to Shaw Construction with a guaranteed maximum price of \$4,642,694. He outlined the changes made to the line item budget for the project that had been amended since the Monday night workshop presentation.

He stated there will be some short-term inconveniences during the construction but will be worthwhile in the long run. The facility will be closed May 26, 2001 until December, 2001.

Councilmember Terry inquired about the scheduling/booking of the facility during the construction. Mr. Stevens said Staff will continue to take reservations throughout the

project. He said the wait staff will be laid off and other employees will be transferred as maintenance workers to the Parks Division for the summer.

Mr. Stevens noted the following funding: Downtown Development Authority, \$1 million, State of Colorado, through Energy Impact Funds, \$600,000, \$100,000 from JUCO and the balance from the City.

Councilmember Spehar clarified that although the GMP is \$4.6 million the total cost of the project is \$5.6 million. He noted he would hope there would be enough savings in the contract to upgrade the acoustics and the sound system in the process.

City Manager Kelly Arnold asked if the subcontractors could be identified. Mr. Stevens said there are 17 subcontractors from the City, three others are from the western slope and six are from the front range.

City Manager Arnold said Bob Brooks, Director of the Department of Local Affairs, dropped by City Hall and this project was discussed. Mr. Brooks was pleased with the grant award to this project.

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried, the contract for the Two Rivers Convention Center and Parking Lot Expansion and Improvements was awarded to Shaw Construction with a guaranteed maximum price of \$4,642,694.

**PUBLIC HEARING - VACATING THE ROAD RIGHT-OF-WAY FOR FLOWER STREET BETWEEN CENTRAL DRIVE AND G 3/8 ROAD** [FILE #VR-2001-037]

The project petitioners are requesting the vacation of a road right-of-way that was dedicated via a recorded plat.

The hearing was opened at 8:01 p.m.

Pat Cecil, Development Services Supervisor, Community Development, reviewed this item. The Planning Commission recommended approval of the vacation request subject to two conditions: the applicant pay the recording fees and the relocation of the easement for the irrigation transmission facility.

There were no public comments. The hearing was closed at 8:04 p.m.

Ordinance No. 3336 – An Ordinance Vacating a Portion of Flower Street Located South of Central Drive

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3336 was adopted on second reading and ordered published.

**PUBLIC HEARING - BERTHOD ANNEXATION LOCATED AT 2982 GUNNISON AVENUE** [FILE #ANX-2001-033]

Public hearing for acceptance of the petition to annex and second reading of the annexation ordinance for the Berthod Annexation, located at 2982 Gunnison Avenue. The entire annexation area consists of 0.712 acres.

The public hearing was opened at 8:05 p.m.

Associate Planner Patricia Parish, Community Development Department, reviewed this item and said staff recommends approval.

The petitioner was not present.

There were no public comments. The hearing was closed at 8:06 p.m.

Councilmember Spehar asked City Attorney Wilson to advise as to Council's leeway on approval of communications towers. Mr. Wilson replied that with the last year's experience with the new ordinance, a discussion with Council would be appropriate. Federal law says they cannot be prohibited, although ways of disguising such towers could be discussed. Challenging the inability to co-locate has been difficult due to lack of knowledge on the technology.

**a. Resolution Accepting Petition**

Resolution No. 39-01 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Berthod Annexation, Located at 2982 Gunnison Avenue, is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3337 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Berthod Annexation, Approximately 0.712 Acres, Located at 2982 Gunnison Avenue

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 39-01 was adopted and Ordinance No. 3337 was adopted on second reading and ordered published.



**PUBLIC HEARING - ZONING BERTHOD ANNEXATION, LOCATED AT 2982 GUNNISON AVENUE** [FILE #ANX-2001-033]

Second reading of the zoning ordinance for the Berthod Annexation located at 2982 Gunnison Avenue. State law requires the City to zone property that is annexed into the City of Grand Junction. The proposed zoning of I-1 is similar to the existing Mesa County zoning of Industrial. The Planning Commission forwarded a positive recommendation.

The public hearing was opened at 8:11 p.m.

The petitioner was not present.

Patricia Parish reviewed this item. She said the request complies with the Zoning and Development Code and the Planning Commission recommends approval along with Staff.

There were no public comments. The hearing was closed at 8:12 p.m.

Ordinance No. 3338 – An Ordinance Zoning the Berthod Annexation to Light Industrial (I-1), Located at 2982 Gunnison Avenue

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3338 was adopted on second reading and ordered published.

**PUBLIC HEARING - CANTRELL ANNEXATIONS NO. 1 AND NO. 2, LOCATED AT 2930 NORTH AVENUE** [FILE #ANX-2001-052]

The 3.09-acre Cantrell Annexation area consists of one parcel of land, approximately 2.71 acres in size, located at 2930 North Avenue. The remaining acreage is comprised of approximately 703 feet of right-of-way along North Avenue. There are no existing structures on the site. The owner of the property has signed a petition for annexation.

The public hearing was opened at 8:13 p.m.

Lori Bowers, Community Development Department, reviewed this item. She clarified the reason for the request for annexation. The request complies with the State Law and Staff therefore recommends approval.

Hal Heath was present to answer questions on behalf of the applicant. There were none.

There were no public comments. The hearing was closed at 8:16 p.m.

**a. Resolution Accepting Petition**

Resolution No. 40-01 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Cantrell Annexation, Located at 2982 Gunnison Avenue, is Eligible for Annexation

**b. Annexation Ordinances**

- (1) Ordinance No. 3339 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cantrell Annexation No. 1, Approximately 0.38 Acres, Located at 2930 North Avenue and Including a Portion of the North Avenue Right-of-Way
- (2) Ordinance No. 3340 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cantrell Annexation No. 2, Approximately 2.71 Acres, Located at 2930 North Avenue and Including a Portion of the North Avenue Right-of-Way

Upon motion by Councilmember Theobold, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 40-01 was adopted and Ordinances No. 3339 and 3340 were adopted on second reading and ordered published.

**REVOCABLE PERMIT FOR MONUMENT MOTORS LOCATED AT 748 N. 1ST STREET** [FILE #RVP-2001-068]

A request for a revocable permit for auto sales display in the right-of-way of Hill Avenue for Monument Motors, located at 748 N. 1<sup>st</sup> Street.

Councilmembers Payne and Theobold stepped down from the dais due to conflicts of interest.

Acting Community Development Director Kathy Portner reviewed this item. She noted there is no curb or gutter on Hill Avenue at that location but there is a sidewalk. She pointed that out. She displayed a 1970 photo where the previous dealership existed and showed the right-of-way was used for the business at that time.

Ms. Portner said they have never had a revocable permit request for such a purpose and if granted the vehicles would have to be sixty feet back from the intersection, out of the sight triangle.

Councilmember Scott asked if the display will be just during the day. Ms. Portner said she is not aware that the use is restricted to certain hours but Mr. Payne has stated that the display of vehicles are moved during the night.

Councilmember Terry asked for clarification on the previous (earlier) use. Mr. Earl Payne, 410 Mesa Court, gave the history under the Fuoco use. He detailed what would have to happen in order to bring the property up to compliance.

Mayor Kinsey asked how many vehicles are displayed there. Mr. Payne said two or three, leaving some customer parking.

Ms. Portner said nothing would prohibit someone from parking there but that parking cannot be counted as part of the required parking.

Councilmember Spehar clarified the conditions the grantee will need to comply with as 1) meeting the City's site distance requirements at the intersection, 2) that the displays only occur during normal business hours, and 3) the permit be revoked upon any change of ownership.

Mr. Payne asked that the last condition only apply to a change of use. A new use would require a new request. Council agreed.

Resolution No. 41-01 – A Resolution Concerning the Issuance of a Revocable Permit to Fuoco Investments, LLC

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 41-01 was adopted with the application of the foregoing conditions.

Gerald W. McKeel, 326 Hill Avenue, (1312 County Road 129, Glenwood Springs, CO) suggested a yellow line be painted on the outside edge of the sidewalk as a guide for parking.

Councilmembers Payne and Theobald returned to the dais.

### **LEASE PURCHASE AGREEMENT FOR THE STEAM PLANT PROPERTY**

The proposed action will authorize City staff, with the advice and assistance of the Steam Plant RFP Review Committee, to conduct negotiations for the lease, redevelopment and potential conveyance of the former Steam Plant property.

City Real Estate Manager Tim Woodmansee reviewed this item. "STEAM" is a 501(c)3 corporation created solely for the purpose of rehabilitating this property. Out of the 80

request for proposals sent out, only two were received. A committee was created to review the written proposals and receive oral presentations. The committee is recommending the City negotiate a lease purchase agreement with STEAM. He listed all the items that were required for the proposal: specific uses both interior and exterior, timing or phasing of renovation, period of a lease, remediation and potential environmental concerns inside the property, whether any ultimate conveyance would convey the deed restrictions so the City could maintain some type of control of the uses of the property long term, architectural finishes, art on the corner, etc. Two representatives were present, Don Bell and Steven Belter.

Don Bell said it seems like a tremendous opportunity for them. He didn't know all the details yet and wanted to respond to questions of Council.

Councilmember Terry asked about the timing and Mr. Bell's organization's ability to move on this project. Mr. Bell said he didn't know. At least two organizations that have expressed interest in the facility need their space within a year and a half so that would be a goal.

Councilmember Terry asked if Mr. Bell's organization will need to pursue fundraising in order to accomplish this project. Mr. Bell said yes, they don't have the money at this time. They have some commitments, although they are not enough to fully fund the project. Some funding could come from grants and private funds.

Councilmember Theobald asked about the targeted date to begin the project as the appearance and improvement to the exterior is a high concern. Mr. Bell deferred to Steven Belter for an architectural and construction opinion. Mr. Bell felt they would be able to determine within 90 to 120 days whether the project is financially possible.

Councilmember Scott said the report indicates one of the prospective clients will need space 16 months from now. Mr. Bell said the referenced party might be able to get a lease extension if they have a short time frame of need. If not, they may have to go elsewhere. It is an incentive for his organization to move as quickly as possible.

Councilmember Payne asked about grant money. Mr. Bell said he didn't know, perhaps 25% to 50% of the funding can be obtained from various grants. He thought they could get investors for the majority of the funding.

Councilmember Payne said grants require matching and ownership. Mr. Bell said yes, it will be a challenge. This particular project has a substantial amount of interest by various groups; therefore they have some ability to use investor money that does not require collateralization through ownership.

Councilmember Terry asked Mr. Bell if he had done any research to ascertain specific funds of that nature. Mr. Bell said he has studied the Colorado grant book. There are at least five, no more than 20, organizations in the State of Colorado that would have some interest in funding this project. He had not begun considering other national grants.

Steven Belter, having a background in architecture and planning, said this project is unique to this community but not for others. The answers to the timetables questions are vague at this point. The project will require simultaneous effort on the part of the consultants and the developer. They had only 45 days to assemble the proposal. Projects such as this usually take up to three years. The timeline on page 9 is their best guess. Fixing the exterior appearance can be resolved in 30 to 60 days if environmental issues can be resolved. Once they have cleaned up the building, it will have a significant presence in that neighborhood. This is one of the reasons this is an important project for Grand Junction. It is a catalyst for positive change in that area.

Councilmember Terry said Council needs a definitive timeline and ability to move forward by the end of the year or January, 2002. The building has been vacant and deteriorating rapidly for the past ten years; it can't go any longer. Something needs to be done now.

Councilmember Payne asked if the contaminants inside the building would be handled first. Tim Woodmansee said yes. The bid from December, 2000, for clean-up was \$23,000 contingent upon the opening of the Cheney disposal site for the comingled hazardous wastes. The latest word is the site will open this June.

Councilmember Terry asked if the engineering studies could be used and not redone. Mr. Woodmansee said they could be used as a basis. There was no hard testing done, only a visual analysis, so further studies will likely be needed.

Councilmember Terry said the Downtown Development Authority has information from the studies prior to 1997, and suggested referring the group to the DDA.

Councilmember Theobald said the contamination is not an issue because the City will have to deal with it if the City demolishes it as well. The site was purchased by the City to support the new County jail. The Riverfront Project is very important to Grand Junction's citizens, and those who care about it have devoted a lot of time and energy toward it. This proposal is very similar in that this groups of people care about rehabilitating these types of buildings. He said the review committee was impressed with the proposal, their credentials, the qualities of this group and what they are trying to accomplish. The project could also become an asset to the lower downtown area. He felt this proposal can make that asset a reality. He was in favor of Council authorizing negotiations.

Councilmember Scott said the timing was his concern and suggested setting a deadline of six months. He didn't feel the City should put it off any longer.

Councilmember Spehar agreed with Councilmembers Scott and Terry. He was skeptical. He wanted to see this proposal flushed out by January, 2002. Otherwise, there is money in the budget next year to demolish the site. He recalled there are some structural issues in both parts of the building.

Tim Woodmansee said there are three buildings on the site. The cold storage and icehouse are structurally deficient. They need to be demolished to make room for parking or other uses that comply with the Code. The steam plant proper is structurally sound. The addition does have both structural and aesthetic problems as a result of mill tailings removal from the basement. Holes were cut in the walls and part of the structure had to be removed. The City made it quite clear in the RFP that the City's sole intent was to have someone come in with private financing to renovate the property with no financial participation by the City other than providing the real estate. One item left open was whether or not the City ought to address the environmental concerns at the City's expense. In most cases, in a transaction such as this, it is the owner that pays for remediation. In this case, the City has money in the budget to accomplish that. It is normally the owner's obligation to clean it up if it is going to be sold.

Councilmember Payne agreed with Councilmembers Terry, Spehar and Scott regarding clean up of the other two buildings between now and January 1, 2002.

Tim Woodmansee said the entire property has been cleaned up except for those last pieces.

Mayor Kinsey said City Manager Kelly Arnold will be the negotiator for the City.

City Manager Arnold said he will probably look for an earlier date than January, 2002, due to budget implications. He will probably place some performance standards, monetary limits, and establish checkpoints for funding commitments in any agreement made.

Upon motion by Councilmember Theobald, seconded by Councilmember Spehar and carried, negotiations by the City Manager were authorized for the lease and purchase agreement with STEAM for the Steam Plant property. The motion carried 7-0.

### **PROPOSED ENHANCEMENT PROJECTS**

City Council will review the projects staff has identified for funding through the Enhancement Program. This meeting will provide City Council with the opportunity to add, delete or modify the scope of these projects eligible for funding in years 2003-2005. Council will also prioritize the list of projects that will ultimately be presented to the Transportation Policy Advisory Committee (TPAC).

Public Works Manager Tim Moore reviewed the proposed enhancement projects. He explained the program and the timeframe. The program is a federal program channeled through the State with the requirements on each planning region in Mesa County, to collectively decide which projects are to be funded. Those projects are then passed on to the State for funding over the years 2003 through 2005. It is a more formal process than what has been used in the past.

Mr. Moore listed projects funded by this program in the past: Horizon Drive, South Camp Trail, 24 Road Trail and Patterson Road.

Councilmember Spehar accept the Staff recommendation on the three projects, and encouraged work on the tunnel project.

Tim Moore said on May 2, 2001, Staff will make a recommendation to the policy arm of this funding and they will submit items to the State for consideration. Mr. Moore said approximately \$3 million will be split within Mesa County. He stated he will proceed with the list of projects.

Councilmember Spehar asked about sharing of funds. Tim Moore said the funds will be shared with Mesa County, Fruita and Collbran for submitted projects. City Manager Kelly Arnold said Grand Junction's local share is 20%.

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Spehar and carried, the list of projects that could be funded through the Enhancement Program was approved.

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

### **Gerald W. McKeel**

Gerald W. McKeel, 326 Hill Avenue (1312 County Road 129, Glenwood Springs), registered a complaint calling for the immediate dismissal of Municipal Judge David A. Palmer, alleging deliberate violation of the Constitution of the State of Colorado to wit: Article II, Bill of Rights, Section 6 – Equality of Justice.

On April 9, 2001 Mr. McKeel requested a copy of the Oath of Office for Judge Palmer. A reply from the Office of the City Clerk, City Clerk Stephanie Nye, said Judge Palmer was appointed by the Grand Junction City Council on August 18, 1982 by Resolution No. 62-82, and since there is no written Oath of Office in the file, she assumed the oath was a verbal oath administered at the time Mr. Palmer entered into office. If an electronic recording of that Oath of Office exists, he requested that it be transcribed and displayed as an oath of office. The Charter of the City of Grand Junction, Article XIII, Officers and

Employees, Section 99, states every officer or salaried employee shall subscribe an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado and ordinances of the City of Grand Junction. He presented a motion to the Judge twice which was denied both times. He felt it was an extreme violation of his family's constitutional rights. His granddaughter was removed from his home by Mesa County Social Services. The document that was presented was false, forged and didn't have a proper judge's signature on it. It only had lettered hand stamp signing the judge's name.

City Attorney Wilson said the Council, by Charter, delegates certain duties to the Municipal Judge. Council has heard the complaint and will have Mr. Wilson investigate to see if there is anything Council would have the power to do. It is unlikely the Council could do anything unless they believe Judge Palmer was acting outside the scope of his duties and Colorado Law. The issues to the Human Services should be directed to the District Attorney's office. The City can do nothing about obstruction of justice or allegations of criminal behavior. Regarding the other allegations, he advised Mr. McKeel to talk with a private attorney. It would be inappropriate for Council to discuss the complaints.

Mr. McKeel said he has been clear to the top on this issue. He has been to the Mesa County Sheriff's office, the City Police Department, and everyone has ignored or the buck has been passed. He has since employed a constitutional civil rights lawyer who will proceed further.

City Attorney Wilson asked Mr. McKeel to have his attorney call him, and give the Clerk a copy of his report.

### **Connie Cass**

Connie Cass, 266 27½ Road, said it was a pleasure to deal with City staff and the rest during her City Council campaign. She was also disappointed that Question 2A did not pass. She and her family wished to contribute \$45 to the City's Capital Improvement Fund which represents the TABOR refund for each of her three family members. She presented the check to Ron Lappi, Administrative Services Director. Councilmember Terry thanked Ms. Cass for the contribution and her efforts in running a good campaign.

### **ADJOURNMENT**

The meeting adjourned into executive session at 9:30 p.m. to discuss property negotiations and pending litigation.



Stephanie Nye, CMC  
City Clerk