

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

**June 6, 2001**

The City Council of the City of Grand Junction convened into regular session the 6<sup>th</sup> day of June 2001 at 7:32 p.m. at the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Enos-Martinez called the meeting to order and Councilmember Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Miriam Greenwald, Lay Leader, Jewish Community, Congregation Ohr Shalom.

**OATH OF OFFICE TO NEWLY PROMOTED POLICE SERGEANT AMY CLYMER**

**PRESENTATION OF CERTIFICATES OF APPOINTMENT TO NEWLY APPOINTED MEMBERS OF THE PLANNING COMMISSION**

Creighton Bricker was present to receive his certificate.

The Mayor announced the deletion of Item #19 from the agenda and the addition of an executive session to discuss personnel.

**CONSENT ITEMS**

Upon motion by Councilmember Theobold, seconded by Councilmember McCurry and carried by roll call vote, the following Consent items #1 through 12 were approved:

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the May 14, 2001 Workshop and the Minutes of the Regular Meeting May 16, 2001*

2. **Enhanced 911 Equipment for the Communications Center**

Request for Proposals were solicited and received until March 16, 2001 for the purchase of a 911 Enhanced Communications System with Automatic Numbering Identification and Automatic Location Identification. Proposals were received from the following companies:

Quest/Positron	Colorado Springs, CO/Grand Junction, CO
Quest/Plant	Colorado Springs, CO/Temecula, CA
Motorola/Plant	Englewood, CO/Temecula, CA
911 Inc./Phonz +	Denver, CO

*Action: Approve the Purchase of Enhanced 911 Communications Equipment from Quest/Plant in the Amount of \$344,674*

3. **Grant Request for COPS in Schools 2001 Program**

The U.S. Department of Justice is accepting grant requests to provide funds toward salaries and benefits for a School Resource Officer who will be deployed to work in and around schools under the COPS in Schools grant program. This is a Federal Program that will fund up to \$125,000 per officer, over a three-year grant period. The total three-year budget is estimated at \$212,724 which includes a marked police vehicle and related equipment as well as the officer's uniforms and required personal safety equipment. The City's portion will include \$29,347 in matching funds for salaries and benefits and \$58,377 for capital expenditures and associated operating expenses for the three-year grant period.

*Action: Authorize City Manager to Sign the Grant Request for COPS in Schools 2001 Program*

4. **Wireless Report Writing Software System**

This system is a software solution for mobile wireless data access for the Grand Junction Police Department. By use of pocket radio technology the system provides real-time messaging and data communications among permanent and mobile users. This system is a law enforcement version that includes specialized features designed to improve officer safety, optimize communications efficiency and provide investigative logic field reporting.

*Action: Approve Purchase of One Wireless Report Writing Software System from Vision TEK, Inc., Superior, Colorado, in the Amount of \$80,000*

5. **Zetron Radio Interface Upgrade**

This is an upgrade to the Communication Center's existing Computer Aided Dispatch system. The upgraded software works in conjunction with the Motorola paging equipment in the Communication Center and the individual Grand Junction Fire Stations to allow automatic dispatch notification (toning) for the fire station and a visual indicator for the dispatcher.

*Action: Approve Purchase of One Zetron 6/26 Radio Interface Upgrade for the Grand Junction Communications Center in the Amount of \$29,423*

6. **Accepting Grant from the Colorado State Emergency Medical Services for Funding of New Ambulance**

City Council Resolution authorizing acceptance and Mayor's signature on a contract for a Colorado State Emergency Medical Services grant for partial funding of a replacement ambulance for the Grand Junction Fire Department. The Grand Junction Fire Department is requesting acceptance of the \$34,200 matching grant.

Resolution No. 55 -01 - A Resolution Accepting a Colorado State Emergency Medical Services Grant and Approving the Associated Contract

*Action: Adopt Resolution No. 55 -01*

7. **29 Road Improvements, Phase 1 – Utilities**

The following bids were received on May 25, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M.A. Concrete Construction, Inc.	Grand Junction	\$1,082,318.50
RW Jones Construction, Inc.	Fruita	\$1,155,535.75
Sorter Construction, Inc.	Grand Junction	\$1,209,705.00
Engineer's Estimate		\$1,286,545.00

*Action: Award Contract for 29 Road Improvements, Phase 1 – Utilities to M.A. Concrete Construction, Inc. in the Amount of \$1,082,318.50*

8. **2001 New Sidewalk Construction**

The following bids were received on May 29, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Reyes Construction	Grand Junction	\$137,271.25
G and G Paving	Grand Junction	\$130,000.00
BPS Concrete	Grand Junction	\$124,995.27
Vista Paving Corp.	Grand Junction	\$109,970.90

Engineer's Estimate \$123,029.75

*Action: Award Contract for 2001 New Sidewalk Construction to Vista Paving Corporation in the Amount of \$109,970.90.*

9. **2002 Regional Transportation Planning Contract**

A joint resolution approving the Regional Transportation Planning Office to accept funds in the amount of \$8500.00 from CDOT. The funds allow the RTPO director to participate in the Statewide Advisory Committee activities.

Resolution No. 56-01 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 2002 Regional Transportation Planning Contract

*Action: Adopt Resolution No. 56-01*

10. **Amendment to the 2001-2006 Transportation Improvement Program**

Amendments to the TIP are required to reflect the amounts the MPO will request from the Federal Transit Administration prior to submittal of grant applications. The applications include requests for funds for construction of the transit transfer station, purchase of para-transit vehicles, rural transit operating funds, and planning assistance. City of Grand Junction, Mesa County and CDOT Region 3 staff concurs with the proposed amendment.

Resolution No. 57-01 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of Administrative Amendment to the Fiscal Year 2001-2006 Transportation Improvement Program

*Action: Adopt Resolution No. 57-01*

11. **Addendum to the 1998 - 2002 Transit Development Plan**

The Addendum to the 1998-2002 Transit Development Plan is required to qualify for other Federal Transit Administration (FTA) grant funding sources. The Addendum also updates the sections on service provision to more accurately reflect the current level of service. Because the City of Fruita and the Town of Palisade are located outside the federally designated "urban area," these additional sources can be accessed to help offset local match requirements to the overall Grand Valley Transit system. The Addendum also updates two sections of the Transit Development Plan on service provision to more accurately

reflect the current level of service as approved by the Transit Steering Committee in January of 2000.

Resolution No. 58-01 - A Joint Resolution Concerning the Adoption of the Addendum to the Mesa County Transit Development Plan for 1998-2002

*Action: Adopt Resolution No. 58-01*

12. **Setting a Hearing on Vacating Portions of Road Right-of-Way for the Legends Subdivision Located at the Intersection of 28½ Road and Patterson Road** [File #VR-2000-238]

The project petitioners are requesting the vacation of two portions of road right-of-way located at the intersection of 28½ Road and Patterson Road and that portion of unimproved 28½ Road right-of-way located north of the Grand Valley Canal.

Proposed Ordinance Vacating the Portions of 28½ Road Located between Patterson Road and the Grand Valley Canal

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 20, 2001*

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

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

**AMENDMENT TO PERFORMANCE INCENTIVE AGREEMENT WITH STARTEK USA INC.**

StarTek USA Inc. requested the Mesa County Economic Development Council grant a one-year extension to their performance incentive agreement for the number of employees only, leaving the rest of the agreement in effect. MCEDC has granted a one-year extension to August, 2002 and is asking for City Council's concurrence.

Steve Ausmus, President MCEDC, presented this request for an extension for StarTek USA Inc.'s performance incentive agreement to reach full employment of 200. It currently has 119 employees and the deadline for the 200 employee requirement is August, 2001. MCEDC has granted the request for extension until August, 2002 and is asking City Council for their concurrence.

Councilmember Spehar stated that with this incentive is an audit procedure and asked Mr. Ausmus to please explain.

Mr. Ausmus responded that once full employment is reached the vesting period begins. The employer is audited annually to ensure compliance. Violation constitutes a prorated payback of incentive funds during the vesting period. If full employment is not reached, all funds received now must be returned.

Councilmember Butler asked what is the monthly salary required. Mr. Ausmus stated the monthly employment is \$2080, about \$12 an hour.

Upon motion by Councilmember Butler, seconded by Councilmember Spehar and carried, the one-year extension to August, 2002, was granted.

**PUBLIC HEARING - 2001 FIVE-YEAR CONSOLIDATED PLAN WHICH INCLUDES THE ANNUAL ACTION PLAN FOR THE 2001 CDBG PROGRAM YEAR**

This public hearing is to receive public testimony regarding the City's 2001 Five-Year Consolidated Plan which must be submitted to HUD prior to the start of the City's 2001 CDBG Program Year.

The public hearing opened at 7:46 p.m.

David Thornton, Principal Planner, Community Development Department, stated this is the last public hearing required. During the workshop, direction was given to make amendments to the Strategic Plan wording. The amended page was distributed to Council. Mr. Thornton told Council the City had a good response to the solicitation for requests, with about 39 agencies having made inquiries. He gave Council an overview of the plan.

There were no public comments. The public hearing closed at 7:50 p.m.

Upon motion by Councilmember Theobald, seconded by Councilmember McCurry, and carried by roll call vote, Resolution No. 59-01 Authorizing the City Manager or His Designee to be the Designated Certifying Official for the City of Grand Junction for All Signatures Required by HUD as Part of being a CDBG Entitlement Recipient was adopted.

**PUBLIC HEARING - VACATING RIGHT-OF-WAY AT 859 STRUTHERS AVENUE (HIGH SIDE BREWERY) [FILE #VR-2001-082]**

Second reading and public hearing for the ordinance to vacate a right-of-way for the High Side Brewery located at 859 Struthers Avenue.

The public hearing opened at 7:51 p.m.

Pat Cecil, Development Services Supervisor, Community Development Department, reviewed this item. He stated there have been some changes to the application since the initiation of this application. The Planning Commission denied the Conditional Use Permit based on the proposal for an outdoor concert area. However, the City no longer requires the right-of-way and believes it appropriate to go forward with the vacation.

City Attorney Dan Wilson asked for clarification of the description of the right-of-way. Pat Cecil said the legal description is non-existing and undefined. The ordinance will effectively vacate whatever right-of-way does exist.

There were no public comments. The public hearing closed at 7:54 p.m.

Upon motion by Councilmember McCurry, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 3350 Vacating Right-of-Way Located at 859 Struthers Avenue (High Side Brewery) was adopted on second reading and ordered published.

**PUBLIC HEARING - GRAND MEADOWS ANNEXATION LOCATED AT 30 ROAD AND GUNNISON AVENUE** [FILE #ANX-2001-080]

Resolution for acceptance of petition to annex and second reading of the annexation ordinance for the Grand Meadows Annexation located at 30 Road and Gunnison Avenue, and including a portion of 30 Road right-of-way.

The public hearing opened at 7:55 p.m.

Lisa Gerstenberger, Senior Planner, Community Development Department, reviewed this item. She noted Council will not be considering zoning yet as the Planning Commission has not reviewed the project.

There were no public comments. The public hearing closed at 7:56 p.m.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried by roll call vote, Resolution No. 60-01 Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Grand Meadows Annexation is Eligible for Annexation, Located at 30 Road and Gunnison Avenue and Including a Portion of the 30 Road Right-of-Way, was adopted; and Ordinance No. 3351 Annexing Territory to the City of Grand Junction, Colorado, Grand Meadows Annexation, Approximately 9.65 Acres

Located at 30 Road and Gunnison Avenue and Including a Portion of the 30 Road Right-of-Way was adopted on second reading and ordered published.

**PUBLIC HEARING – C & K ANNEXATION LOCATED AT 2521 RIVER ROAD**

[FILE #ANX-2001-092]

Resolution of acceptance of petition to annex and second reading of the annexation ordinance for the C & K Annexation located at 2521 River Road.

The public hearing opened at 7:57 p.m.

Lisa Gerstenberger, Senior Planner, Community Development Department, reviewed this item. She referred to a map and indicated that it is a series of five parcels that are contiguous.

There were no public comments. The public hearing closed at 7:58 p.m.

Upon motion by Councilmember Spehar, seconded by Councilmember Theobald and carried by roll call vote, Resolution No. 61–01 Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as C & K Annexation is Eligible for Annexation, Located at 2521 River Road, was adopted; and Ordinance No. 3352 Annexing Territory to the City of Grand Junction, Colorado, C & K Annexation, Approximately 9.935 Acres Located at 2521 River Road, was adopted on second reading and ordered published.

**PUBLIC HEARING - ZONING C & K ANNEXATION LOCATED AT 2521 RIVER ROAD**

[FILE #ANX-2001-092]

Second reading of the zoning ordinance to zone the C&K Annexation Light Industrial, I-1, and Community Services and Recreation, CSR, located at 2521 River Road.

The public hearing opened at 7:59 p.m.

Lisa Gerstenberger, Senior Planner, Community Development Department, reviewed the zoning request. She stated the property was zoned a heavier industrial designation in the County and after reviewing the Growth Plan and existing properties in the area, staff felt a lighter industrial zoning was more appropriate. One area includes the river trail and will be zoned CSR.

There were no public comments. The public hearing closed at 8:00 p.m.



Upon motion by Councilmember Theobald, seconded by Councilmember Kirtland and carried by roll call vote, Ordinance No. 3353 Zoning the C & K Annexation to Light Industrial, I-1 Zone District, and CSR Zone District, Located at 2521 River Road, was adopted on second reading and ordered published.

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

### **Gerald McKeel Addresses Council**

Gerald W. McKeel, 1312 County Road 129, Glenwood Springs, Colorado and 326 Hill Avenue, Grand Junction, Colorado came to clear up misconceptions from his last presentation on April 18, 2001 and to add some information. He has not heard from the attorney or anyone else and he wanted to update the present status of his calling for the immediate dismissal of Judge Palmer and his motion for items belonging to him that were seized without warrant be returned.

On April 18, 2001, page 16 of the City Council minutes, one correction was that his granddaughter was removed by Social Services with the assistance of the Grand Junction Police Department, which, in this case, the Colorado Revised Statutes states the City is strictly prohibited because it is of statewide concern. Thus, the Grand Junction Police Department had no authority to pursue the warrant. The paperwork submitted to the Police Department was false and was forged. He stated the Police Department was taken in by the paperwork and recommended the Police Department receive appropriate training in recognizing and handling warrants. He stated the piece of paper received by the Police Department did not look like a warrant, and didn't include any descriptions of the house or items to be taken. He stated there was no specificity to the name of the individuals, including the misspelling of names of the primary parties.

Mayor Enos-Martinez asked Mr. McKeel if this was a complaint against the Grand Junction Police Department. Mr. McKeel responded yes, and it was also a complaint of violation of civil rights in denying the return of items seized without warrant, which was his granddaughter.

Mayor Enos-Martinez questioned if it would be more appropriate for this complaint to be addressed by the County and Social Services as the City has no jurisdiction over these agencies. The City would investigate the complaint against the Grand Junction Police Department.

Mr. McKeel stated he has been at odds since 1994 with Social Services over this situation.

Mayor Enos-Martinez reiterated that the City has no control over the County and Social Services.

Mr. McKeel stated one person in Social Services acting outside their scope caused the incident.

Mayor Enos-Martinez conveyed to Mr. McKeel that if he had a specific complaint against the Grand Junction Police officers involved, to submit a written complaint to the City Manager and City Attorney. She explained that personnel issues would not and could not be addressed in a public hearing such as this.

Mr. McKeel stated his complaint has been submitted to the City Attorney who said he would investigate to see if there was anything the City Council could do.

City Attorney Wilson stated he read the reports in detail. The City has no jurisdiction for the remedy or relief Mr. McKeel is requesting. The only connection the City might have is with the assisting officers. There is really nothing more the City can do.

Mr. McKeel asked if there is anybody at this meeting that could take care of the problem with Judge Palmer.

City Attorney Wilson stated it is not clear that Judge Palmer did anything improper. One possible remedy Mr. McKeel indicated earlier was filing a complaint in federal court, and he strongly recommended Mr. McKeel consult with an attorney.

Mr. McKeel showed the Council a notebook full of criminal complaints as a result of the actions taken that night. His attorney is currently reviewing the documents. He stated he has the right as a citizen to pursue the return of items seized without warrant.

City Attorney Wilson stated he can go to federal court and offered to talk with Mr. McKeel's attorney.

Mr. McKeel noted, according to the Colorado Revised Statutes, the Mayor has the full authority to release any official of the City.

City Attorney Wilson explained that was incorrect because this is a home rule city governed by the City Charter.

Mr. McKeel stated he has been to the governor's office, and all he receives is stall, delay and cover up. He started this petition October of last year and it has been to Judge Palmer's office twice.

Mayor Enos-Martinez suggested he present this to a higher, more appropriate authority.

Mr. McKeel stated he wished there was some way Council could feel the pain of having a granddaughter kidnapped under the color of law and not be able to do anything about it.

City Attorney Wilson stated the City Manager can direct the Police Department to investigate the assisting officers and the appropriate action would be taken.

**EXECUTIVE SESSION**

Upon motion by Councilmember McCurry, seconded by Councilmember Terry and carried, the meeting adjourned into executive session at 8:24 p.m. to discuss personnel issues.

**ADJOURNMENT**

The meeting adjourned at 8:24 p.m.

Stephanie Nye, CMC  
City Clerk