

**FRUITA CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 15, 2005  
7:00 P.M.**

**1. CALL TO ORDER AND ROLL CALL**

The Regular Meeting of the Fruita City Council was called to order by Mayor Adams at 7:00 P.M. Council Members present were Bill Tallon, Mel Mulder, Dave Karisny, Darline Merling and Ken Dodgion. Nick Kohls was excused absent.

**2. PLEDGE OF ALLEGIANCE AND INVOCATION**

The Pledge of Allegiance was led by Councilman Karisny and the Invocation was recited by Mayor Adams.

**3. AGENDA - ADOPT/AMEND**

" **COUNCILMAN MULDER MOVED TO ADOPT THE AGENDA AS PRESENTED. COUNCILMAN KARISNY SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

**A. CITIZEN OF THE YEAR**

Mayor Adams introduced Sergeant Judy Macy from the Fruita Police Department and asked her to read her nomination for the Citizen of the Year Award. Sgt. Macy read her nomination for Jan Irvine. Sgt. Macy stated that Ms. Irvine is also known fondly as Platoon Mom Jan. Ms. Irvine baked cookies for deployed soldiers in combat and in other parts of the world and she sends at least four boxes containing 12 dozen cookies in each box every week of every year for the past five years. Sgt. Macy stated that Ms. Irvine has baked and sent 149,760 cookies over the last 5 years. Sgt. Macy stated that Ms. Irvine does this on her own time with her own funds and very special love. Sgt. Macy stated that Ms. Irvine is devoted to her local community as well and since November 2003 she has gone to Fruita Monument High School mentoring students and helps out in the Library. Sgt. Macy stated that she believes that Ms. Irvine truly represent what a good citizen is, not only for the City of Fruita but for the State of Colorado and the Entire United States and admires her devotion to her community. Mayor Adams presented Ms. Irvine with a plaque and thanked her for her generous contribution of time and expense to the Fruita community and beyond. Mayor Adams called for a 15 minutes recess in order for a celebration of the Citizen of the Year. Ms. Irvine received a standing ovation from the audience.

Upon reconvening from break the regular meeting was called to order by Mayor Adams at 7:20 P.M.

**B. EMPLOYEE OF THE MONTH**

Chief of Police, Mark Angelo read his nomination for the group of employees that assisted in the hand gun crisis at the Fruita Middle School. Chief Angelo stated that on the November 19<sup>th</sup> a hand gun was brought to the Middle School and was found before any tragedy occurred. Chief Angelo stated further that on November 24<sup>th</sup> a message in one of the Middle School walls indicated the possibility of another gun on school grounds and a School lock down was enforced. Chief Angelo stated that as a result a phone line was designated at City Hall for concerned parents and family to call in to obtain information and Chief Angelo stated that he didn't expect that the employees would handle 150 incoming calls but the calls were handled proficiently and professionally. Chief Angelo stated that the entire Police Department and the Administration at City Hall will all be honored for their hard work on such a stressful day.

Councilman Karisny stated that by the way everyone reacted to the situation, he has heard only but praise on the professionalism demonstrated by staff. Mayo Adams stated that he is proud to part of such a great community and is proud of the City Staff. City Manager Clint Kinney stated that the highlight he saw was how everyone worked together and this was a real sign of how well the Staff works as a team.

**5. PUBLIC PARTICIPATION**

There was no comment from the Public. Mayor Adams stated to employees to spread the word that there are many openings on various boards and commissions and to please encourage family and friends to volunteer for these important boards.

Councilman Karisny thanked the staff for the phenomenal job on the situation at the Middle School and has heard only positive comments from the public and other agencies.

Councilwoman Merling stated that she was pleased to hear there were no drugs found at the Middle School on the days of the searches.

**6. LIQUOR LICENSE****A. BUCKBOARD CAFÉ AND LOUNGE -HOTEL/RESTAURANT LIQUOR LICENSE AND DANCE HALL LICENSE RENEWAL**

City Clerk, Margaret Steelman stated that the Liquor License and Dance Hall license for the BuckBoard Café and Lounge located at 155 N. Mulberry is up for renewal. Mrs. Steelman stated that the current license expires April 29, 2005. Mrs. Steelman stated that the license was initially approved with limitation on hours of service and those hours were amended with the approval of Council in 2003. Mrs. Steelman stated that the licensee is currently permitted to serve alcohol from 11:00 am to closing during days when the Head Start program is in operation and when the program is not in operation the licensee may serve alcohol during hours permitted by state statute. Mrs. Steelman stated that the Police Department report indicates that there have been incidents involving the establishment

during 2004 and a copy of the police report is attached to councils packets. Mrs. Steelman stated that the license was suspended in 2004 by the State Licensing Authority for violation of the liquor code and the Buckboard Café is currently on a one year probationary period and if any violation occurs during that time a suspension of 10 days will be held plus any additional fines. Mrs. Steelman stated that the licensee has met with the Fruita Police Department in November concerning the best way to address problems. Mrs. Steelman stated the JD Brach, licensee and Mary Moore have received Certificates of Completion for Alcohol Awareness Training sponsored by the Grand Junction Police Department and one employee has attended the TIPS training class held on February 5, 2005 by the Fruita Police Department Mrs. Steelman stated that the Police Department recommends approval with conditions.

Councilman Karisny inquired if the violations occurred in 2003 or 2004. Mr. Brach stated that the violation was in 2004 and was deferred. Mr. Brach stated that he had paid a fine in lieu of any suspension and once he completes his probation period then everything will go away. Councilman Karisny inquired when the 4 months run out will there be another hearing. City Clerk, Margaret Steelman stated that there would not be another hearing and the only violations that can be acted on by the local licensing authority is new violations during the next one year period.. Councilman Karisny inquired as to what would occur if Mr. Brach didn't call the Fruita Police Department. City Manager, Clint Kinney stated that if a fight or scuffle occurred and Mr. Brach didn't call the Police Department and the victim came to the Police Department and reported the incident then Mr. Brach would be in violations of the conditions set by the Council and a Show Cause Hearing would be required. Mayor Adams stated to Mr. Brach that if someone takes a swing at someone else, just call the Police Department. Councilman Mulder stated to Mr. Brach that if there are any incidents to please call law enforcement. Mr. Brach inquired if after the 4 month period with the State is over is he still on probation with the City of Fruita. City Manager, Clint Kinney stated that the probationary period is a different situation and once that is over that is the end. Mr. Kinney stated that now you will have stipulations from the Council. Councilman Tallon stated to Mr. Brach that anybody can make mistakes and it sounds like you have taken steps to fix things. Mr. Brach inquired if there were a little scuffle couldn't he just kick the parties involved out. Councilman Tallon stated that it would be better that an officer get too the establishment and not be needed.

" **COUNCILMAN MULDER MOVED TO APPROVE THE RENEWAL OF THE HOTEL/RESTAURANT LIQUOR LICENSE AND DANCE HALL LICENSE FOR THE BUCKBOARD CAFÉ AND LOUNGE SUBJECT TO THE CONDITIONS OF ANY VIOLATIONS OF THE STATE OR MUNICIPAL CODE INCLUDING DISTURBANCE, FIGHTS, DISORDERLY CONDUCT OR WEAPON INCIDENTS BE REPORTED TO LAW ENFORCEMENT AND THAT THE LIMITATIONS ON HOURS OF SERVICE OF ALCOHOL ARE FROM 11:00 AM TO CLOSING ON DAYS WHEN THE HEAD START PROGRAM IS IN OPERATION AND FAILURE TO REPORT INCIDENTS MAY RESULT IN THE FURTHER ACTION ON THE LIQUOR LICENSE INCLUDING SUSPENSION, REVOCATION AND OR FINES.**

**COUNCILMAN DODGION SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

## **7. PUBLIC HEARINGS**

### **A. ORDINANCE 2005-10 - 2<sup>ND</sup> READING - ANNEXING THE CASA TIARA SCHOOL SITE.**

City Manager, Clint Kinney stated that the of the official action to annex the school site and second reading on the annexation. Mr. Kinney stated that staff recommends approval.

Mayor Adams opened the hearing to the public. There was no comment from the audience. Mayor Adams closed the meeting to the public.

Councilman Tallon stated that the sooner the school site gets going the better it will be for the citizens.

" **COUNCILMAN TALLON MOVED TO ADOPT ORDINANCE 2005-10 ANNEXING THE CASA TIARA SCHOOL SITE PROPERTY LOCATED ON J.6 ROAD. COUNCILMAN DODGION SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

## **8. COUNCIL REPORTS AND ACTIONS**

### **COUNCILWOMAN MERLING**

Councilwoman Merling stated that the Chamber had a retreat and was very productive and that Christy Hovland, Director has come up with some ideas the will put Fruita on the map. Councilwoman Merling stated that the Chamber is looking at Concerts at the State Park.

### **COUNCILMAN KARISNY**

Councilman Karisny inquired if there would be a possibility of having an events calendar. Councilman Karisny stated that when there are multiple events on one day, there can be a very long procession of traffic involved. City Manager, Clint Kinney stated that he is not aware of such calendar but one could be created. Councilman Karisny stated that if there were a master calendar of events then there could be a traffic plan. Mayor Adams concurred that a Master Calendar of Events needs to be done.

### **COUNCILMAN MULDER**

Councilman Mulder stated that on an update from the School District, the new state law stated that the district is not required to go through standard municipal process but the district is good with communication with the City of Fruita.

### **COUNCILMAN TALLON**

Councilman Tallon stated that the Blue Dot Car Club is preparing the Mike the Heads Chicken Car

Show and is hoping to see 200 entries this year over the 136 last year. Councilman Tallon stated that as a part of the entry fee two tickets will be given for the Lions Club Pancake Breakfast.

### **MAYOR ADAMS**

Mayor Adams stated that he received a letter from Congressman Salazar stated that he would like to have a meeting with his District to see what is going on. Mayor Adams stated that he will get the information to staff for distribution.

## **9. CONSENT AGENDA**

### **A. APPROVAL OF CITY COUNCIL MINUTES OF FEBRUARY 1, 2005 REGULAR MEETING**

### **B. ROME INC. (DBA FIESTA GUADALAJARA - FRUITA) TRANSFER OF OWNERSHIP OF A HOTEL/RESTAURANT LIQUOR LICENSE**

### **C. RESOLUTION 2005-15 - SETTING A HEARING DATE FOR THE 18 ROAD ANNEXATION**

### **D. RESOLUTION 2005-16 - SETTING A HEARING DATE FOR THE WILKIE ANNEXATION**

### **E. RESOLUTION 2005-17 - SETTING A HEARING DATE FOR THE WATER VALLEY ANNEXATION LOCATED WEST OF THE BIG SALT WASH, NORTH OF HWY 6 & 50 AND SOUTH OF L ROAD**

### **F. VISTA VALLEY PUD - SECOND REQUEST FOR EXTENSION OF 90 DAYS TO MAY 15, 2005 TO COMPLETE THE PARK FACILITIES.**

### **G. RESOLUTION 2005-18 - FIRST RELEASE OF SUBDIVISION IMPROVEMENTS AGREEMENT FOR SANTE FE RANCH.**

### **H. RESOLUTION 2005-20 - FIRST RELEASE OF SUBDIVISION IMPROVEMENTS AGREEMENT FOR WINDOSR PARK PHASE II**

### **I. VILLAGE @ COUNTRY CREEK, FILING 3 A REQUEST FOR EXTENSION OF TIME (90 DAYS) TO RECORD THE FINAL PLAT**

### **J. ORDINANCE 2005-16- 1<sup>ST</sup> READING - ZONING THE CASA TIARA SCHOOL SITE LOCATED ON J.6 ROAD.**

" COUNCILMAN KARISNY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILMAN MULDER SECONDED THE MOTION. THERE WERE 5 YES VOTES.

## **10. ADMINISTRATIVE AGENDA**

### **A. PUBLIC WORKS DIRECTOR**

#### **i) PRESENTATION PROVIDING AN OVERVIEW OF THE CITY OWNED WATER RESOURCES ON PINION MESA.**

Public Works Director, Tom Huston presented the Council with a update on the status of maintenance and operation of the water rights owned by the City of Fruita. Mr. Huston stated that he will provide a history on recent actions of the Mountain Water Program and direction being taken to assure accountability of the water rights and effective use of those water rights. Mr. Huston stated that one of the major concerns to the City is how to turn the water rights owned by the City of Fruita into a break even or revenue generating asset for the City. Mr. Huston stated that the water that the City of Fruita maintains decrees on originally began in 1894 and it wasn't until 1902 that a survey was done on the pipeline. Mr. Huston stated that pipeline construction began in 1906 thru 1909 and the original pipeline was wooden and extended 24.8 miles from one reservoir on Pinion Mesa and produced 1 cubic foot per second of water. Mr. Huston stated that there are four reservoirs located on Pinion Mesa which contain an estimated 563 acre- feet of water storage capability. Mr. Huston stated that the Enochs Reservoir contains 207 acre -feet, Fruita Reservoir #1 contains 142.8 acre -feet, Fruita Reservoir #2 contains 167.8 acre- feet and Fruita Reservoir #3 contains 45.9 acre -feet of water with a total of 563.5 acres- feet. Mr. Huston stated that negotiations have been on going between the City of Fruita and the Glade Park residents since 1985 and in order for the City to maintain the water rights owned on Pinion Mesa the water has to be actively used of show due diligence. Mr. Huston stated that every six years the City as to provide a report to the Division of Water Resources in Denver that confirms the City is showing due diligence and the next report will be due in 2006. Mr. Huston stated that in the 1900 the Center entered into an agreement with the Glade Park water users to maintain and provide water for the purposes of providing irrigation water for residents who pay for taps on the City of Fruita's pipeline. Mr. Huston stated that records show about 34 original irrigation taps were made and the agreement has been renewed on a five year basis from 1994 to 2003. Mr. Huston stated that the City owns 80 acres around and including Enochs Lake and there is presently an active campground maintained by the City at this location. Mr. Huston stated that 40 acres of land is owned just north of the Fruita 31 campground and is leased to grazing and also the City owns and is responsible for four dams, Fruita Reservoir 1,2,3 and Enochs. Mr. Huston added that there are numerous springs that are active and there is approximately 144,000 feet of pipeline maintained by the City. Mr. Huston stated that a diversion box at

Haypress Creek above #3 is also maintained. Mr. Huston presented a break of cost incurred for Mountain Water since the year 2000 between the City of Fruita and the Glade Park Pipeline Water User Association. In 2000 the Cities expenditure was 52,051 and Glade Park was \$31,207 and in the year 2001 the Cities cost was 30,162 and the GPPWUA was 39,194. Mr. Huston showed that in the year 2002 the Cities of Fruita Expenditure was 26,135 and the GPPWUA was 21,916 and in the year 2003 the Cities cost was 28,792 and the GPPWUA was 19,465. Mr. Huston stated that in the year 2004 the City of Fruita cost was 49,995 with a total of 187,135 for the last 5 years and the GPPWUA cost in the 2004 was 22,449 totaling 134,231 for the same time period. Mr. Huston stated that from 1987 to 1989 the City was averaging 25,000 to as much as \$37,000. Mr. Huston stated that in the year 2004 the City replaced approximately 1,000 feet of pipeline in the area of reservoir #1 and made significant improvements toward recording the actual water received in each of the reservoir #2 and #3 and the amount of water delivered to the GPPWUA through the distribution pipeline. Mr. Huston stated that beginning in 2005 the City will be able to maintain flow records on these reservoirs through measuring devices installed at #2 and #3 and the measuring devices have data recorders attached to them and can transmit the data to a central data logger located at Windy Point. Mr. Huston stated that Reservoir #3 had a flow measuring device installed to provide accurate records of water retained and discharged to the pipeline and #3 has the potential to receive calls for the water due to junior water right the City maintains compared to other share holders on the drainage basin. Mr. Huston stated that Reservoir #2 has decrees on it that allow the City to retain all water until the reservoir is full and then the access can be released. Mr. Huston stated that with the recording the flows it will allow the City to determine how much water to release using the discharge valved. Mr. Huston stated that the Enochs campground has seen a major face lift and the trash has been picked up, the outhouse has been rebuilt and the holding tanks cleaned. Mr. Huston stated that 4 fire rings were installed on campsites and gravel has been added to make the camping area more accessible. Mr. Huston stated that four concrete picnic tables has been bought and will be installed in the Spring. Mr. Huston said the dams were all inspected during 2004 by a State Engineering Dam Inspector and numerous clean up request were made before they are officially inspected this year and a large amount of manpower was directed at correcting the deficiencies. Mr. Huston stated that as far as future needs and costs are concerned the city was required to breach reservoir dam #1 because the dam face was beginning to fail and the city was notified in 2000 the reservoir #3 has a deteriorating flood spill way and was required to upgrade the spill way or breach the dam. Mr. Huston stated that the design has been completed for the improvements but the construction has not been budgeted and costs are estimated at 75,000. Mr. Huston stated that reservoir #1 need to have the breach repaired so the reservoir can be fully utilized and the estimated cost for repair is 150,000 and to replace the pipeline from reservoir #2 to the main Fruita Waterworks pipe would cost approximately 25,000. Mr. Huston stated that there are miscellaneous springs repairs and piping to main line would cost approximately 25,000. Mr. Huston stated that private owners on the Pinion Mesa have discussed the possibility of obtaining a long term Lease of water from Enochs reservoir and reservoir #2 and discussions have been made regarding the possible purchase of the 40 acres of grazing land near Fruita campground #1. Mr. Huston stated that the leases and purchases may be adequate to provide funding to

restore the full use of reservoirs 1,2 and 3.

Mayor Adams inquired if there was any way to start any repairs so that the City could start seeing a return on the investment. Mayor Adams stated that the City should consider to continue with leases.

Councilman Karisny inquired if any though of how the 40 acres of land was of any value and there has always been talk about selling the land and would there be any consideration to talk to Grand Mesa for potential sale.

Councilwoman Merling stated that the City should just put the land on the market.

Councilman Karisny stated that selling the property is not an easy decision to make and the cause and affect of selling the land would need to be examined throughly.

Mr. Huston stated that the GPPWUA said they could do repairs for 10 dollars a foot so there is a potential to get repairs done cheaper.

**ii) IRRIGATION WATER USERS AGREEMENT BETWEEN THE CITY OF FRUITA AND THE GLADE PARK PIPELINE WATER USERS ASSOCIATION (GPPWUA)**

Public Works Director, Tom Huston stated that the GPPWUA has maintained an agreement of mutual benefit between them and the City of Fruita. Mr. Huston stated that the agreement provides assurance to the GPPWUA that they will receive water for irrigation purposes at 44 taps in the Glade Park area. Mr. Huston stated that the City of Fruita has budgeted in 2005, \$24,275 to provide maintenance and repairs to the water transmission lines between the four reservoirs and Windy Point and the GPPWUA provides maintenance of the pipeline from Windy Point to the water users of the Glade Park area. Mr. Huston stated that this agreement saves the City additional costs of maintenance to the lines on an annual basis.

Councilman Tallon stated that new taps are \$1500 and does the GPPWAU pay the City a percentage. Mr. Huston stated that the contract calls for \$750.00 to the GPPWAU for installation and the City only sees a small portion of the sale of the new tap.

" **COUNCILMAN DODGION MOVED TO APPROVE THE AGREEMENT BETWEEN THE CITY OF FRUITA AND THE GLADE PARK PIPELINE WATER USERS ASSOCIATION FOR THE LEASE OF IRRIGATION WATER TO SAID ASSOCIATION FOR THE 2005 IRRIGATION SEASON. COUNCILMAN MULDER SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

**B. CITY ENGINEER**

**i) RESOLUTION 2005-19 - ADOPTING THE ACCESS CONTROL PLAN FOR**

**HIGHWAY 340.**

City Engineer, Eric Mende stated that on March 17<sup>th</sup> the Transportation Commission hearing in Denver is scheduled. The final plan provides guidance to all parties including CDOT, The City of Fruita, Business owners and potential developers concerning the type and location of access point within the corridor. Mr. Mende presented the Council with the final plan starting at the Colorado National Monument Road on to the Jurassic Ave Access. Mr. Mende stated that The Jurassic Avenue will be a signalized intersection. Mr. Mende stated that the access on the Frontage Road will be restricted when safety and traffic operations are warranted. Mr. Mende stated that the primary goal is to get signalized on the Westbound and East bound on/off ramps of I 70. Mr. Mende explained the Access plan from Aspen Ave Cherry Street with some business having right/in and right/out access and stated that they are looking at safety issues. Mr. Mende stated that he has been in contact with Business owners and the business owners have been understanding. Mr. Mende stated that CDOT does not have control over this area but is included in the access plan for future improvements.

" **COUNCILMAN MULDER MOVED TO ADOPT RESOLUTION 2005-19 AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT FOR THE 340 ACCESS CONTROL PLAN. COUNCILMAN DODGION SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

**C. RESOLUTION 2005-21 - ESTABLISHING A CITIZEN REVIEW COMMITTEE TO STUDY THE EFFECTS OF THE TABOR AMENDMENT OF THE CITY OF FRUITA AND TO MAKE RECOMMENDATIONS TO THE FRUITA CITY COUNCIL REGARDING PROPOSED COURSES OF ACTION.**

City Manager, Clint Kinney stated that in May of 2004 the City Council embraced a number of goals to work toward over the current term and one of the goals was the investigate the importance and feasibility of brining another de-Brucing measure before the citizens of Fruita. Mr. Kinney stated that the citizens of Fruita passed a de-Brucing measure in April of 2000 overriding the provision of the TABOR Amendment and the de-Brucing measure is set to expire December 31, 2006. Mr. Kinney stated that the what the Council has before them tonight is a resolution creating a Citizen TABOR Amendment Review Committee and the committee is to investigate community support for another de-Brucing measure and potential effects of such a measure or lack of measure on the budget. Mr. Kinney stated that the resolution is asking the committee to present a report to the Council detailing findings and recommendations by September 30, 2005.

" **COUNCILMAN MULDER MOVED TO ADOPT RESOLUTION 2005-21 CREATING A CITIZEN TABOR REVIEW COMMITTEE. COUNCILMAN DODGION SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

With no further business to come before the Council the meeting wad adjourned at 9:40 P.M.

Respectfully Submitted,

Michelle Hopkins, Deputy City Clerk