

**FRUITA CITY COUNCIL
REGULAR MEETING
SEPTEMBER 21, 2010
7:00 P.M.**

1. THE INVOCATION WAS GIVEN AND THE PLEDGE OF ALLEGIANCE WAS RECITED.

2. CALL TO ORDER AND ROLL CALL

The regular meeting of the Fruita City Council was called to order at 7:04 p.m. by Mayor Henry. Council members present were Bruce Bonar, Mel Mulder, Lori Buck, Terry Moss, and Bob Fuller. Councilor Stacey Mascarenas was absent.

3. AGENDA – ADOPT/AMEND

- **COUNCILOR BUCK MOVED TO ADOPT THE AGENDA AS PRINTED. COUNCILOR MULDER SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. A PRESENTATION RECOGNIZING A PROMOTION IN THE FRUITA POLICE DEPARTMENT

Fruita Police Chief Mark Angelo Officer introduced Officer John Coughran, who was promoted to the position of Sergeant on September 15, 2010. He gave the Council a history of Sergeant Coughran's employment with the Fruita Police Department. Sergeant Coughran's two daughters were present to remove his Officer's badge and replace it with his new Sergeant's badge on his uniform.

Sergeant Coughran commended Chief Angelo for making the Fruita Police Department what it is today and said he was happy to be a part of it.

Mayor Henry thanked Chief Angelo and all the Officers present, saying that the Council is very proud of the entire department.

5. PUBLIC PARTICIPATION

There were no comments from the public regarding items not appearing on the agenda.

6. CONSENT AGENDA

A. MINUTES - A REQUEST FOR APPROVAL OF THE MINUTES FROM THE SEPTEMBER 7, 2010 CITY COUNCIL MEETING

B. ADOBE CREEK GOLF COURSE – A REQUEST FOR APPROVAL OF THE RENEWAL OF AN OPTIONAL PREMISES LIQUOR LICENSE – MALT, VINOUS,

AND SPIRITUOUS FOR ADOBE CREEK NATIONAL GOLF COURSE LOCATED AT 876 18 1/2 ROAD

- C. **SPECIAL EVENT LIQUOR PERMIT – BIKES, BANDS AND BREWS – A REQUEST FOR APPROVAL OF THE FRUITA ROTARY CLUB’S SPECIAL EVENTS PERMIT APPLICATION TO SELL BEER AT THE BIKES, BANDS AND BREWS EVENT ON OCTOBER 15, 2010 FROM 3:00 P.M. TO 10:00 P.M. AND OCTOBER 16, 2010 FROM 10:00 A.M. TO 8:00 P.M. AT CIVIC CENTER PARK (325 E. ASPEN AVE.)**
- D. **RESOLUTION 2010-37 – A REQUEST TO APPROVE A RESOLUTION FOR THE FIRST AND FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) FOR GRAND VALLEY ESTATES SUBDIVISION, FILING 1**
- E. **RESOLUTION 2010-38 – A REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT WITH GEORGE AND DIANA STENDEL FOR A MULTI-PURPOSE EASEMENT ON THE SOUTH SIDE OF OTTLEY AVENUE**

Mayor Henry opened the Consent Agenda for public comment. Hearing none, he referred to the Council.

- **COUNCILOR BUCK MOVED TO APPROVE THE CONSENT AGENDA AS PRINTED. COUNCILOR MOSS SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

7. PUBLIC HEARINGS

There were no Public Hearing items on the agenda.

8. ADMINISTRATIVE AGENDA

A. POLICE CHIEF MARK ANGELO

1. PRESENTATION REGARDING THE POLICE DEPARTMENT

Fruita Police Chief Mark Angelo provided the Council with an informal update on Police Department operations. The update focused on the implementation of the City’s School Resource Officer (SRO) Program and reviewed the calls for service the department has handled through August 2010.

Chief Angelo stated that his goal through the SRO program has been to build a relationship with the youth in the Fruita community in a positive way. He changed the program from an enforcement program to more of a preventative program with the philosophy that the earlier the Department could get to the kids and build a positive relationship with them, the better everyone would be in the long run.

In 2009, the Grand Junction Police Department, Sheriff’s Department, and the Fruita Police Department received \$100,000 from the School District, which was split equally. The City of Fruita set aside \$34,000 so it could potentially be used on a capital project at one of the Fruita schools in 2010, but the City Manager and Chief Angelo discussed using the funds instead to hire a part-time Police Officer.

The goal was to assign an additional patrol officer part-time to help the full-time SRO by the start of the 2010 - 2011 school year; however, the City was unsuccessful in meeting the deadline. A part-time officer has recently been hired and it is hoped that the officer will be trained by the end of this school year for school year 2011 – 2012.

Chief Angelo stated that he recently discovered that the School District has budgeted another \$100,000 in the 2010 - 2011 Budget for the SRO program. It has not yet been decided how the funds will be distributed among the law enforcement agencies in the valley. There has been some discussion about taking the bulk of the money and funding an SRO program for Palisade High School because they did not receive any of the funding last year and do not currently have an SRO Program.

Chief Angelo stated that he will continue to fight for Fruita's share of those funds so that the City can continue its own SRO program. He said that regardless of the outcome of the 2011 Budget, the Fruita Police Department is committed to at least one full-time SRO, primarily assigned to the 8/9 School and Fruita Middle School. Patrol Officers will continue to handle calls for service at Fruita Monument High School, Shelledy, and Rim Rock Elementary Schools.

The Fruita Police Department has decided that they are not trained to teach the Lion's Quest Program at the schools and should turn that over to the School District because it is a more complicated and lengthy program than even Drug Abuse Resistance Education (DARE) is. Chief Angelo stated that he feels it is best taught by the counselors at the schools based on the type of program it is.

Chief Angelo stated that he has been working with the Principal at the Fruita 8/9 School to help get funding for the "Rachel's Challenge" Program to be brought to Fruita Monument High School and the Fruita 8/9 School. Chief Angelo said he wants to School District to know that he is committed to keep the partnership between the schools and the Fruita Police Department strong. He added that the School District is limited in the amount of time that is available for officers to come in to the schools to implement prevention programs, as well as the time that counselors have for such programs as Lion's Quest and DARE due to educational mandates.

Councilor Buck asked how long the SRO would last with the \$34,000 in funding. City Manager Clint Kinney answered that staff has the part-time position budgeted for the City's fiscal year for this year and it will be included in the proposed budget for next year as well.

Mayor Henry commented that as services are cut, there are certain priorities that have to be maintained. He said there is a consequence to the lack of prevention training in our schools.

B. CITY CLERK MARGARET STEELMAN

1. AWARD OF CONTRACT FOR TRASH COLLECTION SERVICES IN THE CITY OF FRUITA

City Clerk Margaret Steelman reviewed that trash collection services contract for the Council's consideration. The City initially awarded a five-year contract to Monument Refuse, which expires at the end of December in 2010. The contract was assigned to Waste Management in April of 2009 and Waste Management assumed all the contractual obligations of the original contract.

A request for proposals was sent out and three proposals were received. The lowest bid which included bi-weekly recycling services was \$10.50 per residence per month and was submitted by Waste Management. This rate is good for the five-year term of the contract excluding landfill increases and a fuel surcharge to be adjusted annually on service anniversary date based on data from the US Office of Energy Statistics weekly retail on diesel fuel for the Rocky Mountain region. Waste Management will be retaining the same 3-day route schedule.

In addition to trash collection services and recycling services for residential customers, the contract includes trash collection and recycling for city facilities, Christmas tree collection, a quarterly Recycle Rewards program, recycling for Mike the Headless Chicken Festival, and an electronic waste recycle day.

The fiscal impact of the contract to the City is approximately \$535,000 in trash collection services, a 5% increase over existing costs based on the current customer count of 4,100. Impact on a single residential dwelling unit is \$11.50 per month. This is an increase of \$0.50 per month from the current charge of \$11.00 per month.

Mayor Henry asked that the quarterly Rewards Program be explained a little further. A representative from Waste Management explained that one of the really important things for them is that the recyclable materials are clean, so there will be a random drawing where residents' recycling is checked out for cleanliness and whoever has the cleanest materials and bins will win \$100.00 every quarter. It will help promote the public education on how to clean recyclables.

Mayor Henry asked if recycling would be collected at the Little Salt Wash Park as part of the contract. City Manager Clint Kinney responded that the contract includes special events such as Mike the Headless Chicken to begin with and the City will work with Waste Management towards having recycling at other events as well. Staff and Waste Management want to determine that the demand will be great enough first. Two big plastic recycling receptacles will be placed at Little Salt Wash park but they will need to be monitored to see if people will use them correctly.

Councilor Moss suggested that the City continue to educate the public about how to recycle properly in the City Link quarterly newsletter.

- **COUNCILOR BUCK MOVED TO APPROVE THE CONTRACT BETWEEN THE CITY OF FRUITA AND WASTE MANAGEMENT FOR THE PROVISION OF TRASH COLLECTION SERVICES FOR A FIVE YEAR TERM AND AUTHORIZE THE CITY MANAGER TO FINALIZE ANY NEGOTIATIONS AND EXECUTE THE CONTRACT. COUNCILOR FULLER SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

Councilor Moss stated that he wanted to make it known he was concerned because there was a local company that came up with a pretty good proposal as well and he believes in shopping local so that the money stays local. He was concerned that Waste Management's money goes back to the national headquarters instead of staying in Fruita.

2. AUGUST 2010 FINANCIAL REPORTS

City Clerk Margaret Steelman reviewed the August 2010 Financial Reports. Highlights include:

Revenues and Expense Summary – August 2010. As of August 2010, sources of funds exceed uses by \$2.8 million. The 2010 Budget includes the use of \$14.9 million of the \$24 million in available fund balance. The most significant use of fund balance includes \$10 million in bond proceeds received in 2009 for construction of the Community Center. Also included is \$2 million for construction of the Wastewater Treatment Facility and \$2.7 million from the General Fund for various capital projects.

Revenues and Expenses as a Percentage of Budget – August 2010. This report shows the percentage of revenue and expenses received/spent as compared to the Budget. The City is 67% of the way through the year.

Revenues exceed expenses as a percentage of the budgeted amounts for all funds except the Marketing and Promotion Fund and the Capital Projects Fund. Marketing and Promotion Fund expenses exceed revenues by \$15,000. The 2010 Budget includes the use of \$21,150 of the \$138,759 available in net assets of the Marketing and Promotion Fund at 12/31/2009. Capital Projects Fund expenses exceed revenues by \$5.6 million. Approximately \$5.1 million of this amount is funded through bond proceeds for the Community Center received in 2009 and the remaining \$500,000 is either outstanding transfers from other funds or grant revenues which have not yet been submitted to the granting agency for payment.

Sales and Use Tax Revenues.

City sales tax revenue for July sales is up 17.63% for the month and up 2.38% for the year. The 2010 Budget is unchanged from 2009 actual revenues. The City is currently slightly ahead of budget for city sales tax revenues.

County sales tax revenue for 2010 is down 3.64% for July and down 10.5% for the year. Currently, county sales tax revenues are trailing budget by about 7%.

Use tax on motor vehicles is up 21.54% for the month and down 2.54% for the year. The 2010 Budget includes a 3% increase over actual 2009 revenues, so the City is trailing budget by about 5.5%.

Use tax on building materials is down 62.27% for the month and up 36.75% year-to-date. The 2010 Budget includes a 41% reduction over actual 2009 revenues and the City currently exceeds the budgeted amount by \$43,000.

Annualized, the current trends for sales and use tax result in a budgeted shortfall of \$64,054 for 2010. Currently, the Contingency Fund of \$196,000 is sufficient to cover the shortfall. City staff will continue to monitor revenues to see if additional adjustments are necessary and will also continue to monitor and reduce expenses where possible.

Community Center Fund – July 2010. The combination of city sales and use tax revenues for July 2010 reflects a 14.93% increase over July 2009 revenues. Year-to-date sales and use tax revenues are up 7.6% from the prior year and are running ahead of budget at this time. The 2010 Budget includes a 2% reduction in total sales and use tax revenues dedicated to the Community Center for the year.

Marketing and Promotion Fund – July 2010. This report shows revenue from the 3% lodging tax. Lodging tax revenues are up 49.74% for the month and down 2.85% for the year. If lodging tax revenues continue at this rate, the City will fall short of budget by 1%. (\$1,000).

General Fund Revenues – August 2010. The General Fund Revenue report is a detailed budget to actual revenue report. Through August 2010, the City is ahead of budget with actual revenues at 73.36% of budgeted revenues.

The City Clerk requested that the Council, by motion, approve the August 2010 Financial Reports unless any Council members had any questions.

- **COUNCILOR MULDER MOVED TO APPROVE THE AUGUST 2010 FINANCIAL REPORTS AS PRESENTED. COUNCILOR BUCK SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR BONAR

Councilor Bonar stated that the Fruita Fall Festival has an extra feature this year: Saturday, September 25th will be the beginning of the 8-day KAFM fund raising for the fall, so they will be having a kick-off event at the Hot Tomato. There will be music from 1:30 p.m. until 9:00 p.m. and the Hot Tomato will be making a special pizza called a “Solar-Powered Pie.” The proceeds from the sale of this pizza will go to KAFM.

Councilor Bonar continued that the Fall Festival Parade should be packed; he thought there were 120 applications from Elementary School kids for the parade including 40 bicycles.

COUNCILOR MULDER

Councilor Mulder said he noticed at there was a track hoe at Mountain Meats gate and asked if that was the beginning of the drain line that will be going through there. City Manager Clint Kinney responded that the project was out to bid currently, but to his knowledge the bids weren't even due back yet. He proposed that the Drainage District may possibly be doing some work there.

COUNCILOR BUCK

Councilor Buck reported that the Arts and Culture Board selected the art piece by Jeff Bates for the Community Center. The Board is proceeding with the Arts and Crafts Show during the Christmas parade. They discussed the possibility of having fire pits out on the sidewalk during the parade for people to gather around. City Manager Clint Kinney stated that basically, people would be encouraged to bring their own fire pits. Councilor Buck said that the Arts and Craft Show was basically a wash last year, so she wasn't sure if the Board was going to need to request any more funding from the Council.

She continued that Summer Theater is looking good for next summer; the Board saw a presentation from a local theater troupe that can do plays for kids of all ages.

Councilor Buck said the seniors met at the Community Center at their last meeting, and although they are happy, they have lots of opinions about things relating to the Center.

Councilor Buck reported that she attended the Western Slope Community Tree Conference the previous Friday and learned that the Emerald Ash Borer, an insect that is destroying ash populations, is now officially in Kansas. She noted that there are a lot of ash trees in Fruita and that large scale, it is not economical to treat the trees. The City of Grand Junction is no longer planting any more ash trees and haven't for a couple of years because of this problem. Councilor Buck predicted that in a couple of years, the ash trees in Fruita will die due to the insect. She suggested that the Western Slope Community Tree Conference be held at the new Fruita Community Center in the future. It will be hosted by Buena Vista next year.

COUNCILOR MOSS

Councilor Moss said that he noticed the banner on the Co-Op Grain Elevator and was glad that it was finally up. He said it looks nice, although he would like to see the word "Fruita" a little more pronounced. He thought it was a little hard to read until you get up close.

Councilor Moss reported that Russell Skalla came to the Parks and Recreation Board meeting that was held at the Community Center and the Board discussed with him in great detail how the current park and maybe one extra feature would be put back in place once the contractor moves their construction trailer. The Board told Mr. Skalla that they would like to hear from other skateboarders who will be using the park as well. Mr. Skalla stated that he would work on that and that he understands the process can take some time. The Board concluded that it would be premature to seek grants when there isn't a plan yet for a new skate park. Mr. Skalla communicated that his concern was that the Parks and Recreation Board encouraged him to contact the City of Grand Junction and he became a little overwhelmed after he made calls to them but didn't receive any calls back. Councilor Moss said he was in the process of contacting Mr. Skalla to review the process with him again because it will likely be February or March of next year before the skate park is returned to a usable condition.

COUNCILOR FULLER

Councilor Fuller reported that the previous week was the Lower Valley Fire Protection District's (LVFPD) monthly board meeting and they had a very successful Country Jam and Rock Jam with fundraising. It helped their budget considerably for the year. The LVFPD is going to be adding a new vehicle because they only have one functioning vehicle at the moment and need to transport people to training and things like that. Councilor Fuller stated that the Chief of the LVFPD will be going in front of the Fruita City Council in October to give a presentation about the size and scope of their operations.

Councilor Fuller noted that every month, the LVFPD is forced to write off underpayments primarily by Medicare/Medicaid and other federal and state agencies. This amount averages about \$10,000 per month.

MAYOR HENRY

Mayor Henry said that on Sunday, he was invited to welcome the Sergeant that is doing the "Walk Across America" to raise money for vets who are returning home and have financial issues. The Sergeant came through Aspen and ended up in the hospital for 3 days with a kidney stone, which put

him behind. Mayor Henry said it was interesting to talk to him about the challenges he has. He is lacking 11,000 people to get on his Facebook page, but once he does that, it's worth \$50,000.

Mayor Henry also noted that Rocky Mountain Health Plans just opened up a new building called the Ward Building (after one of the major founders of Rocky Mountain HMO). Mayor Henry said he attended a very touching presentation about what Dr. Ward had accomplished and that Rocky Mountain HMO is a national model for health care.

Mayor Henry concluded by saying that his class (the Fruita High School Class of 1960) would be in town for a reunion on Saturday, September 25, 2010.

Councilor Buck added that she thought the banner on the Co-Op grain elevator turned out phenomenally and that she thinks the Tourism Board and Cobb and Associates hit the ball out of the park. She said she thinks it is an eye-catcher and she is completely thrilled with how it turned out.

Councilor Moss said he was anxious to see the banner that will go on the other side of the grain elevator.

10. ADJOURN

With no further business before the City Council, the Mayor adjourned the meeting at 8:22 p.m.

Two members of the audience spoke up and said they were told they could come to the Council meeting to address the Council on an issue they were having. Mayor Henry explained that the Public Participation section of the agenda was at the beginning of the meeting. City Manager Clint Kinney suggested that the Council go ahead and hear what they had to say.

Mayor Henry reopened the meeting at 8:23 p.m.

Mr. Dave Glew stated that he was speaking on behalf of Angela Walsh. They live on Tamarisk Court. Mr. Glew said that three years ago, the subdivision had a pressurized water system and run-off drainage installed by John McBride, of the Fruita Public Works Department. Mr. McBride lived in the house next door to Angela Walsh and Mr. Glew stated that he did not allow anyone to help him install the system, which Mr. Glew said has failed every since.

Mr. Glew continued that when the subdivision floods, three feet of standing water collects through the whole back yard and all the way around the corner. He said the water is full of llama dung from the field behind them and then dogs run through the mess. Mr. Glew said they have a shed that is sinking and phone boxes are falling over, as well as a two-foot tall electrical box that has all but six inches covered in water when the area floods.

Mr. Glew said that the City has been called numerous times and he would provide phone records to prove it. He said that every time he or Angela had tried to call, they did not get any help at all. He continued that and situation is getting worse and worse and the water is not draining because Mr. McBride installed a smaller drain.

Mr. Glew said they have experienced property damage and there will have to be disclosures if they want to sell the house, resulting in a loss of thousands of dollars. Mr. Glew said he left messages with every City office, called the Fire Department, called 911, and called the Police Department to get the water

shut off. Mr. Glew said that Mr. McBride showed up at his house one day and he (Mr. Glew) invited the newspaper because he wants to make it a public matter. He said that John McBride is the one that put the system in, used City trucks to drop off all the dirt and gravel, and used City employees to work on the system. He said that the City is not maintaining the whole thing and nobody will give him any answers as to who is responsible.

Mayor Henry told Mr. Glew that the City Manager's name is Clint Kinney and gave him the phone number to reach him. Mr. Glew said he didn't want to talk to Mr. Kinney because he is tired of talking to people and nobody has done a thing; that is why he was bringing it to the City Council.

Mr. Glew then said if Mr. Kinney wanted to discuss it and seriously get it taken care of, then he (Mr. Glew) just needs to know who needs to fix the system. He said that if the residents need to fix it, all the neighbors have agreed to do that, but if it is the City's fault, then they should fix it.

Mayor Henry assured Mr. Glew that Mr. Kinney was aware of the situation and had been doing some research on it. He strongly encouraged Mr. Glew to contact Mr. Kinney. Mr. Glew stated that he would contact Mr. Kinney the following day.

Mr. Kinney said that he called and left a message for Mr. Glew the previous Friday. Mr. Glew said he didn't get the message until yesterday because nobody calls him and he doesn't answer his phone anyway. He reiterated that he had placed numerous calls and this is the first time that he is getting any kind of response.

Mayor Henry assured Mr. Glew that Mr. Kinney would follow up on the matter. Mr. Glew again stated that he would call Mr. Kinney the following day.

The meeting was re-adjourned at 8:32 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk