

**FRUITA CITY COUNCIL
REGULAR MEETING
MAY 18, 2004
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. Members present were Ken Dodgion, Darline Merling, Dave Karisny, Mel Mulder, Bill Tallon and Nick Kohls.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

The pledge of allegiance was recited and the invocation given by Councilman Kohls.

3. AGENDA - ADOPT/AMEND

" **COUNCILMAN MULDER MOVED TO AMEND THE AGENDA AND ADD AN EXECUTIVE SESSION AS ITEM NUMBER 10. COUNCILMAN DODGION SECONDED THE MOTION. THERE WERE 6 YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. EMPLOYEE OF THE MONTH

Yvonne Piquette introduced Kathy Daniels from the Fruita Recreation Department to read her nomination for employee of the month. Mrs. Daniels stated she would like to nominate fellow employees Judy Harper, Sandi Morlang and Michelle Hopkins for their teamwork, dedication, professionalism and cooperation during the last few months of several changes. Mayor Adams presented the team with plaques and truly stated that they are very well appreciated.

B. KEVIN PAQUETTE - AWARD

Chief of Police, Mark Angelo stated to the Council that every year and Optimist Club chooses an individual from each agency to receive the 2004 Optimist of the year award. Sargent Kevin Paquette was awarded this honor. Chief Angelo stated that Sargent Paquette cares deeply with the force he works with and is a caring individual. Chief Angelo also stated that he works with the other officers so that they may succeed and grow with their jobs. Chief Angelo stated that the Creed of the Optimist Club says to "give" and this is what Sgt Paquette does. Sargent Paquette stated that he was honored to receive this award and he loves working for the City of Fruita and has made many friends and would like to say that he works with a top flight bunch of cops.

C. LIONS CLUB PRESENTATION

Lion Member Will Eidson made a humorous presentation to the Mayor for his re election. Mayor Adams was presented a humorous poster to show his new office as being an out-house on wheels.

D. COUNCILMAN MULDER

Councilman Mulder presented the plaque that Munchies had presented to the City of Fruita and asked Yvonne Piquette to find a good spot for it to be hung. Councilman Mulder stated that the car show was a huge success and interest was very high. Councilman Mulder thanked Yvonne Piquette and Karen Leonhart for all their efforts in making the Festival a huge success.

5. PUBLIC PARTICIPATION

Mr. Guy Carlucci stated to the Council that since the Farmers Market started he has lost a lot of business. Mr. Carlucci also wanted clarification on the recent Roof repair or construction that he had done on his roof. Mr. Carlucci stated he had to pay the City money and also Mesa County. Mayor Adams stated to Mr. Carlucci that he would have City Manager Clint Kinney look into the matter and send Mr. Carlucci a letter of explanation.

6. PUBLIC HEARINGS

A. FRUITA ROTARY CLUB- SPECIAL EVENTS LIQUOR PERMIT FOR DINOSAUR DAYS JUNE 18TH AND 19TH 2004.

City Clerk Margaret Steelman stated that in order to sell alcohol at community events, State law requires that a not-for-profit is required to apply for a special events liquor permit. Mrs. Steelman stated that the Rotary Club is setting up a fenced- in beer garden much like the Mike the Headless Chicken Festival. Mrs. Steelman also stated that the Fruita Police Departments requirements have been met and proper identification methods will be met. Mr. Joseph Barcott, member of the Fruita Rotary Club was present on behalf of the license. Mr. Barcott stated that the set up for the Mike the Headless Chicken festival worked really well and would like to continue with the beer garden for future festivals as well. Mayor Adams opened the meeting to the public. There was no comment for or against the special events liquor license. Mayor Adams closed the meeting to the public. There was no questions or concerns from the Council.

" **COUNCILMAN MULDER MOVED TO APPROVE THE SPECIAL EVENTS LIQUOR PERMIT FOR THE FRUITA ROTARY CLUB TO SELL ALCOHOL AT THE FRUITA CIVIC CENTER MEMORIAL PARK DURING DINOSAUR DAYS. COUNCILMAN DODGION SECONDED THE MOTION. THERE WERE 6 YES VOTES.**

B. HOLYOAK ANNEXATION AND ZONE OF ANNEXATION - A REQUEST TO CONTINUE UNTIL JUNE 15, 2004 COUNCIL MEETING

There was no discussion

- " **COUNCILMAN MULDER MOVED TO CONTINUE THE HOLYOAK ANNEXATION AND ZONE OF ANNEXATION UNTIL THE JUNE 15, 2004 COUNCIL MEETING TO ENABLE THE PLANNING COMMISSION TO MAKE A RECOMMENDATION TO CITY COUNCIL. COUNCIL KARISNY SECONDED THE MOTION. THERE WERE 6 YES VOTES.**

7. COUNCIL REPORTS AND ACTIONS

COUNCILMAN KOHLS

Councilman Kohls stated that the next meeting on the buffer strips will be on Wednesday May 26th from 4:00 pm to 7:00 pm on the Redlands.

COUNCILMAN TALLON

Councilman Tallon stated that the Planning Commissions docket in June will have a lot of new and good information and will pass the information on to Council as he receives it.

COUNCILMAN MULDER

Councilman Mulder stated that the CML conference is set for June 22nd through June 26th and if any council member would like to go to please get the registrations in. Councilman Mulder also stated that the CML is looking for Board members and asked council if this should be pursued. Mayor Adams stated to Councilman Mulder that if he would like to be a Board Member council would certainly be behind him. Councilman Mulder also stated that the Elected Officials quarterly meeting is this Thursday May 20 at 6 p.m. in Collbran. Councilman Mulder stated that he would like a discussion at a Workshop the topic of Health Insurance for the Council.

COUNCILMAN DODGION

Councilman Dodgion stated that the Police Commission meets tomorrow night and will update the Council at the next meeting.

COUNCILWOMAN MERLING

Councilwoman Merling stated that she attended her first Chamber of Commerce meeting and

was quite impressed.

COUNCILMAN KARISNY

Councilman Karinsy stated that he attended Grand Valley Transit meeting and discussed the IGA funding the system. Councilman Karisny will have minutes for Council to review. Councilman Karisny also stated the he would like to have a discussion at a Workshop on having Council available to talk to citizens and would like share his ideas on how this could be done.

8. CONSENT AGENDA

A. APPROVAL OF CITY COUNCIL MINUTES OF MAY 4, 2004

B. ORDINANCE 2004-22 - 1ST READING - AMENDING CHAPTER 2.52 OF THE MUNICIPAL CODE CONCERNING THE CITY OF FRUITA EMPLOYEE RETIREMENT PLAN

" **COUNCILMAN DODGION MOVED APPROVAL OF THE CONSENT AGENDA. COUNCILMAN KOHLS SECONDED THE MOTION THERE WERE 6 YES VOTES.**

9. ADMINISTRATIVE AGENDA

A. CITY MANGER

City Manger Clint Kinney stated that the Mesa County Economic Development Partners group is a coalition of agencies that have the identified goal of building economic activity in Mesa County. Mr. Kinney stated that currently ED Partners is made up of representatives from Grand Junction, Mesa County, Industrial Development Incorporated, Grand Junction Economic Partnership, and the Business Incubator. Mr. Kinney also stated that in the attached letter dated May 11, 2004 the Economic Development Partners Group has asked the City of Fruita to join their coalition and the ED Partners has asked that one staff member and one policy maker be appointed to the group to represent the City of Fruita. Mr. Kinney stated that by participating with this group, the City of Fruita will be better able to influence economic activity in the area, which should have a positive influence on the Greenway Business Park.

Mayor Adams recommended that City Manager, Clint Kinney should be appointed and if Council approves Mayor Adams would also be willing serve as the policy maker.

Councilman Karinsy inquired as to if this group is asking for funding or future funding. City Manager Clint Kinney stated that it is his understanding that the software and necessary equipment has already been purchased and the group has not indicated that they would be asking The City of Fruita for funding but only for representation.

Councilwoman Merling stated that she noticed the Grand Junction Chamber of Commerce sits on this Committee and why isn't the Fruita Chamber of Commerce asked to serve. City Manager, Clint Kinney stated that he has talked to Christy Hovland about this and she is perfectly comfortable with the City of Fruita representing the lower valley. Mr. Kinney also stated that maybe in the future the Fruita Chamber of Commerce may be asked to have someone represent them.

" **COUNCILMAN MULDER MOVED TO APPOINT CLINT KINNEY AS STAFF REPRESENTATIVE AND MAYOR ADAMS AS THE POLICY MAKER TO THE ECONOMIC DEVELOPMENT PARTNERS GROUP. COUNCILMAN KOHLS SECONDED THE MOTION. THERE WERE 6 YES VOTES.**

B. CITY CLERK / FINANCE DIRECTOR

D) SCHOOL LAND DEDICATION FEE

City Clerk/Finance Director, Margaret Steelman stated that the Mesa County School District has requested disbursement of the school land dedication fees held by the City of Fruita pursuant to the May 20, 1997 intergovernmental agreement between the City and School District. Mrs. Steelman also stated that pursuant to the agreement, the fees are to be expended only to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities within the District or reimburse the District for sums previously expended for such purposes. Mrs. Steelman stated that a list of real property and facility purchases made by the School District and fees collected by the District since the inception of the IGA is included in the Councils packets. Mrs. Steelman stated that the request for disbursement shall be heard at a regular meeting of the Council within 30 days after it is filed at which time the District shall demonstrate to the Council a need for the funds requested. Mrs. Steelman stated that the School land dedication fees that have been collected from April 2003 thru March 2004 was \$148,920.00 plus interest of \$743.92 less the Administrative fee of 3% (4,468.00) comes to \$145,195.92 due the School District. Mrs. Steelman stated that purchase of property and facilities for educational purposes is important, especially in the current environment of growth in population, to building and maintaining an educated workforce and community.

City Manager Clint Kinney stated at the Board meeting with School District 51 they indicated that the Board sees Fruita as the "hot spot" and recognizes the need for two more facilities. One being at Shelledy and another facility to hold 8th and 9th graders.

Councilman Kohls stated that there was an article in the Daily Sentinel on this issue. City Manager Clint Kinney stated the City of Fruita is the 1st to proceed with this and that Fruita should be the leader for other Mesa County entities.

" **COUNCILMAN MULDER MOVED TO APPROVE THE DISBURSEMENT OF SCHOOL LAND DEDICATION FEES IN THE AMOUNT OF \$145,195.92 TO MESA**

COUNTY SCHOOL DISTRICT #51. COUNCILMAN KOHLS SECONDED THE MOTION. THERE WERE 6 YES VOTES.

II) APRIL 2004 FINANCIAL REPORTS

City Clerk/Finance Director stated that Sales tax revenues received in May for March sales are up 12.5% for the month and 13.2% for the year. Mrs. Steelman also stated that County sales tax revenues for the same period are up 13% for the month and 6.6% for the year. Both City and County sales tax revenues are at 42% of the budgeted amounts which is right where they should be for the first 5 months of the year.

Mrs. Steelman stated that there are two reports on tax revenues. The General Ledger Taxes report compares the actual amount of taxes collected by the City against the 2004 Budget and the Use Tax Revenue report includes data from prior years for comparison purposes. Mrs. Steelman stated that use taxes collected on motor vehicles are up 17.0% for 2004 over 2003 revenues and use taxes collected on building materials are up 41% over last year. Mrs. Steelman stated that the differences in the amounts collected in these two reports are due to adjustments that need to be made for accruals of revenue at year end.

Mrs. Steelman stated that there are two new reports in the packet titled Revenue vs Expenses by Account Type formerly Budget Comparison Report. Mrs. Steelman explained that this report compares the actual revenues and expenses to the budgeted revenues and expenses for each fund. Mrs. Steelman stated that the City is 33% of the way through the year and she does not see any major areas of concerns with the budget at this time. Mrs. Steelman stated that the monthly utility billing charges for April is not included in the numbers on the report. Mrs. Steelman stated that in regards to Utility Billing, the City currently sends out bills for 3,283 utility accounts. There were 59 new accounts in March and 23 final accounts.

Mrs. Steelman stated that the her department is live with the new accounting system software, and the conversion of data, training on the new system and transition from the old to the new system, though time consuming, has gone pretty well. The department completed the first live billing for utilities last month with only a few minor bumps. The second monthly billing will be sent out later this week. Mrs. Steelman also stated the department is now live with all accounting system functions including accounts payable, purchase orders, payroll, general ledger and utility billing, however, work needs to be done on fixed asset tracking and purchasing policies. Mrs. Steelman stated that there is still some catch up items that need to complete and then the development of new purchasing policies and procedures as well as adjusting work flow procedures to take the most advantage of the new system.

C. CITY ENGINEER

D) RESOLUTION 2004-31 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF FRUITA TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT

ESTABLISHING THE 5-2-1- DRAINAGE AUTHORITY

City Engineer, Eric Mende Stated that the final form and text of the Intergovernmental Agreement for formation of the valley - wide Drainage Authority is attached for review and that the final name that has been selected is "5-2-1 Drainage Authority". It means "five" entities agree "to" form "one" Authority. Mr Mende stated that the draft version of the IGA the Council saw last month was discussed at the charter committee meeting on April 28th and a few minor changes were made. Mr Mende stated the Council action is required to approve (or deny) the corresponding Resolution authorizing the mayor to sign the IGA.

Mr Mende stated the he believes Palisade and the Drainage District Board have already taken action to approve the IGA. Grand Junction and Mesa County will take action in early June. Mr Mended stated that upon approval of the Resolution an appointment needs to be made official but does not necessarily need to be made tonight. Mr. Mended stated that City Manager Clint Kinney showed interest in the Authority.

Councilman Tallon stated that it is essential for all 5 entities involved and to have a considerable amount of work needs to be done.

Councilman Karinsy inquired if the 5-2-1 will be working on clean water acts. City Engineer, Eric Mende stated right now they are looking at Storm Water Management.

" **COUNCILMAN DODGION MOVED TO APPROVE RESOLUTION 2004-31 AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE 5-2-1- DRAINAGE AUTHORITY. COUNCILMAN TALLON SECONDED THE MOTION. THERE WERE 6 YES VOTES.**

10. EXECUTIVE SESSION

City Manager Clint Kinney stated for the record that Move to meet in executive session for a conference with City Staff for the purpose of determining a position relative to matters that may be subject to negotiation under C.R.S Section 24-6-402 (4) (e) the City Council has reason to convene in Executive Session to discuss an issue and determine a position relative to a matter that may be subject to negotiation. Mr. Kinney stated that to convene in executive session, state law requires that a motion with specific language requesting the executive session be passed with 2/3 of the governing body voting in the affirmative for said motion.

" **COUNCILMAN DODGION MOVED TO MEET IN EXECUTIVE SESSION FOR A CONFERENCE WITH CITY STAFF FOR THE PURPOSE OF DETERMINING A POSITION RELATIVE TO MATTERS THAT MAY BE SUBJECT TO**

NEGOTIATION UNDER C.R.S SECTION 24-6-402 (4) (E). COUNCILMAN MULDER SECONDED THE MOTION. THERE WERE 6 YES VOTES.

Upon reconvening from the executive session the Mayor announced that the Council discussed a matter subject to negotiation.

With no further business to come before the Fruita City Council, the regular meeting of the Fruita City Council was adjourned at 8:51 p.m.

Respectfully Submitted,

Michelle Hopkins
Deputy City Clerk