

**FRUITA CITY COUNCIL  
WORKSHOP AGENDA  
JUNE 25, 2002  
6:30 P.M.**

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

The workshop of the Fruita City Council was called to order by Mayor Adams at 6:35 p.m. Council members present were Dave Karisny, Trinidad Silva, Nick Kohls, Ken Dodgion and Mel Mulder. Gwene Phinnell was absent on vacation.

**2. COUNCIL REPORTS AND ITEMS**

**A. COUNCILMAN KARISNY**

Councilman Karisny stated that he attended the Regional Transportation Planning meeting yesterday. They discussed the Grand Valley Transit funding agreement between Fruita, Palisade, Grand Junction and Mesa County. There is language that limits any increase in funding for Grand Junction to less than the stated 4% increase, if their fiscal year spending limit (a combination of local growth and the CPI) imposed by TABOR IS less than 4%. The City of Fruita approved the agreement with that limitation on funding by the City of Grand Junction. However, Palisade did not concur and felt the same limitation should apply to all entities. An amendment to the agreement which includes all the entities in that exception for increases in funding will be brought to the Council for consideration.

Councilman Karisny noted that Grand Valley Transit is looking at replacing two of the buses they purchased from the east slope for \$1 each. They will use these buses in the City of Grand Junction and will look to the City of Grand Junction and Mesa County for funding. They are also looking at a capital replacement plan. Councilman Karisny stated that they are also looking at routes. Ridership was down in May. They attributed that to reduction in school attendance.

**B. COUNCILMAN SILVA**

Councilman Silva stated that he has not been able to attend a Grand Junction Economic Partnership meeting. However, they have sent him some information concerning economic growth in Mesa County. Venture capital funds are available to stimulate growth. He reviewed items that businesses find important when considering location of a business. Unemployment in Mesa County, at 4.4%, is lower than both the State and National average. They are in the process of developing a comprehensive economic development report. They are also promoting the industrial park west of Fruita.

**C. COUNCILMAN DODGION**

Councilman Dodgion stated that he attended the Police Commission meeting. They discussed lateral transfers from other agencies, using the City's pay scale and years of law enforcement experience, to fill vacancies in the Department. They also discussed the need for another patrol officer in the future and the Chief will be presenting information to the Council. Mayor Adams noted that traffic patrol is vital and other crimes go down.

#### **D. COUNCILMAN MULDER**

Councilman Mulder noted that there is a clay/pottery workshop scheduled for July 15 and 17 and asked Council not to schedule anything for those days. Councilman Mulder asked about the status of the TDR program. Bennett Boeschenstein noted that the County and Fruita have differing opinions on the term of conservation easements. A possible solution would be a credit based on the length of the conservation easement. Bennett Boeschenstein distributed a copy of notes from the TDR workshop. A number of issues came up with which there is disagreement and they will continue to work on these issues. Councilman Silva expressed his opinion that conservation easements should be permanent. Bennett Boeschenstein concurred stating that a 10 year conservation easement in exchange for a higher density in Fruita goes against the concept and intent of the TDR program and conservation and development. Staff and the TDR consultant will work on a draft intergovernmental agreement for the TDR program addressing these issues for Council review prior to presenting it to the County.

Councilman Mulder also complimented staff for keeping them informed about storm water management issues. He felt well informed on the issues addressed at the joint meeting with the County, Grand Junction, Palisade and Drainage District.

Councilman Mulder asked what is going on at the refinery. Bennett Boeschenstein noted that a portion of the refinery has been purchased by a company from Tulsa, Oklahoma. They will blend fuels at the site. They will be making an investment of about \$3M. It will be a clean operation. There has been a lot of cleanup on part of the property and they may be released from the RCRA order in the near future. Another portion of the property still has some work for clean up to be completed. A gravel pit may also be in operation in the near future.

Councilman Silva asked about the status of the Circle K property. Bennett Boeschenstein noted that there has been a lot of potential businesses discussed for this area but nothing concrete yet. Six of the lots in Kokopelli Commercial Park were sold at the auction. Two of the new owners have come and discussed development. Potential businesses include another motel, car wash, and shopping center with liquor store.

#### **E. TENTATIVE DATES FOR BOARD AND COMMISSION BARBEQUE**

The Council was agreeable to the dates of August 16, 2002 for the Board and Commission Barbeque and December 8, 2002 for the annual employee Christmas party. Councilman Kohls stated that he will not be able to attend either event.

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### **3. LAND USE ITEMS**

#### **A. 06-1-02 STONE MOUNTAIN ESTATES, F#3 PRELIMINARY/FINAL PLAN**

Petitioner: Alan Parkerson Vista Engineering Corp.

Location: S. Maple and Kaley St.

A request to approve a Preliminary/Final plan for Filing 3 of Stone Mountain Estates consisting of 46 single family lots on 12.053 acres. in a Community Residential Zone

Bennett Boeschstein reviewed the preliminary/final plan for Stone Mountain Estates, Filing #3. One of the key issues is whether or not to connect Greenbriar Street or leave in the proposed break away barriers to eliminate through traffic. The Planning Commission recommended approval with the through street and narrowing the width of the street with installation of a speed bump or other traffic calming device. The Fire District also recommends that Greenbriar be a through street. Residents of Greenbriar Estates were opposed to a through street at sketch plan stage and break away barriers were proposed. Eric Mende stated that a choker would minimize some of the traffic impacts through Greenbriar. The other issue is irrigation. The Planning Commission recommended denial if irrigation issues are not adequately addressed. Eric Mende stated that he reviewed the irrigation system. Issues of concern deal with water supply in a drought year. One of the complaints is that when the concrete ditch was buried it shut down their water flow. The diversion structure has a punch plate which catches debris but never clogs up to the point where it flows back into the ditch. The downstream users have been receiving more water than they own. He does not see any problem with the design of the irrigation system. There should be some arrangement between Stone Mountain and property owners to the south to clean the diversion structure on a routine basis. There has been reference to some agreement that Stone Mountain would assume that responsibility in perpetuity but he has not seen it. It is his conclusion that irrigation issues are more of a maintenance versus design problem. The formation of a lateral association would be helpful in solving some of these irrigation issues.

#### **B. 06-2-02 HARRIS ANNEXATION AND ZONE OF ANNEXATION**

Petitioner: Harris

Location: K.6 and 17 ½ road, Grape land Bed and Breakfast

A request to approve annexation and zoning for 1767 K.6 Road consisting of 12.52 acres from Mesa County AFT zone to Community Residential Zone

Bennett Boeschstein reviewed the annexation petition for the Grape land Bed and Breakfast parcel. There are no development plans at this time but we will probably see a plan in the near future. A Community Residential zoning designation is proposed. Councilman Kohls asked if the bed and breakfast operation is permitted under the community residential zone. Bennett Boeschstein stated that it is not a permitted use but will be grand-fathered in.

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**C. 18 ½ ROAD - 10' RIGHT OF WAY VACATION ADJACENT TO MONUMENT GLEN, FILING #5**

Petitioner: City of Fruita

Location: K.4 Road and 18 ½ Road

A request to approve a 10' vacation of right-of-way on the west side of 18 ½ Road from K.4 Road on the north to one lot north of E. Aquarius on the South

Eric Mende stated that this was a petition from the City of Fruita for vacation of a 10' strip on the west side of 18 ½ Road. The road right of way is 40' wide on the west side of 18 ½ Road along Monument Glen and also further south adjacent to Holly Park. A lot of the right of way is not paved and needs to be maintained for weed control. His idea was to vacate it to the developer and for the developer to dedicate it to the home owners association. The strip would be landscaped. However, at the Planning Commission meeting, the home owners association stated that they do not have enough money to maintain the open space they have and the strip of vacated right of way would continue to be a weed strip. The Planning Commission recommended that, if the vacation goes forward, it be attached to individual lots and not to the developer for dedication to the home owners association. If the vacated strip were to be attached to the individual lots there is no hurry to proceed with the vacation as it can be done at any time. Sewer and gas lines are located in the vacated strip and it would need to be retained as a utility easement.

**D. BURENHEIDE ESTATES ZONING TO A RURAL RESIDENTIAL PLANNED UNIT DEVELOPMENT**

Petitioner: Phyllis and Omer Burenheide

Location: 1130 18 ½ Road

A request to approve zoning of newly annexed property to a Rural Residential Planned Unit Development

Bennett Boeschstein stated that there is a time limit for zoning newly annexed property. A Rural Residential Planned Unit Development zone is proposed for the Burenheide annexations. This zone would permit a cluster development and also allows farm animals. The sketch plan application was tabled by the Planning Commission so the PUD guide attached to the zoning ordinance may need to be revised. However, this should be clarified by the time the public hearing on the zoning ordinance is held in August.

**4. PLACEMENT OF LIQUOR LICENSE RENEWALS ON AGENDA - DISCUSSION**

The Council discussed placement of liquor license renewals on the agenda and decided they would like to consider them as individual items and not part of a consent agenda.

**5. SENIOR CITIZENS RATES - INCOME ELIGIBILITY CRITERIA - DISCUSSION**

Margaret Steelman reviewed the proposed increase in income levels to be eligible for the senior citizen discount on sewer and trash charges. The proposed levels would be \$15,000 for a single

individual and \$18,000 for a couple.

## **6. USE OF COLORADO RIVER WATER FOR IRRIGATION - DISCUSSION**

Eric Mende reviewed the maps showing the city irrigation system which includes the core area of the City and property served by the Encanto line that runs down 18 1/4 Road, along K Road and down 18 Road. There are 17 miles of irrigation main and 719 taps. About 50% of the City's population is served by the City irrigation systems. Annual revenue is approximately \$55,000 with a maintenance fee of \$70 per year for each home using the system. The irrigation water system operations are subsidized by the General Fund in addition to the debt service payments for the irrigation system improvements made in the early 1980's. There are 444 shares of irrigation water delivered through the Independent Ranchmen's Ditch which equates to 5 cfs. Another 1/2 cfs flow through the Encanto system. This is approximately 20% of the 25 cfs of Colorado River water rights the City has.

Options for reducing costs include using the City's Colorado River water rather than rent water shares. However, the water delivery system through the Independent Ranchmen's Ditch comes from Grand Junction and there is plenty of water to serve the City. The Grand Valley Irrigation Company is not opposed to transferring the point of diversion for the City's water rights from the sewer lagoons to Palisade and put it in the ditch there. However, the ditch is already full and we are at end of line so it makes no sense to put in more water upstream. Though it does not make sense at this time, another idea may come out of it.

Currently the river water is being used to water the tree farm at the sewer lagoons and also used occasionally to flush the "black lagoon". It may be possible to run an irrigation line to service areas south of Fruita. An irrigation line exists to the Dinosaur Museum but has not been used. A storage tank would be needed. If the City were to charge \$15 a share for the 25 cfs of Colorado River water we would receive \$21,000 on an annual basis.

The biggest expense of the irrigation system is labor. The maintenance fee for the irrigation system was increased last year. We can continue to look at increasing the fee in order to cover operation and maintenance costs and possibly part of the debt service costs.

## **7. CEDAR WAY APARTMENTS - PARKING ISSUES**

Eric Mende stated that this issue came about as part of the Windsor Park development. The Council required full road improvements on 18 Road which has an impact on the parking lot for the apartment building on the west side of 18 Road. Currently, the parking area is accessed directly from 18 Road. Improvements will limit access to this area. According to the City attorney the City is within its' rights to construct improvements on the road right of way. The issue is whether or not this constitutes a taking by the City of Fruita by installing curb and gutter and eliminating direct access to the parking spaces. Road improvements do include a curb cut on the south side of the property for access to a relocated parking area. In addition the City has offered to construct berm and plant landscaping in the strip that will be left between the apartment building and 18 Road. The

Windsor Park developer has offered to dismantle the carport type parking structures. The owner of the building feels he is due some compensation for loss of use of the property and improvements in the amount of \$21, 500. The City Attorney does not believe that this constitutes a “takings”. However, it would ultimately be up to a court to decide and there is always a gray area and risk. The Council requested that the attorney put his comments and recommendations in writing. Eric Mende stated that he has researched the construction of the carports but has not been able to located any building permits. The City also offered to install a storm drain inlet.

## **8. REDLANDS AREA TRANSPORTATION PLAN ADOPTION**

Bennett Boeschstein stated that a joint Planning Commission meeting was held with Grand Junction, Mesa County and Fruita. Dusty Dunbar stated that the top priority in the transportation plan includes improvements at SH 340 and I-70. Other elements of the plan are important with Fruita and SH 340 serving as a gateway to the National Conservation Area and Colorado National Monument. Mayor Adams noted that he has a problem with the roundabout at Aspen and SH 340 discussed in the plan as an alternative. He does not have any problem with a traffic signal at this intersection but does not feel a roundabout would be an effect method of moving traffic. Dusty Dunbar noted that the Access Control portion of the plan was pulled out of the Plan and not recommended for approval at this time. They will spend more time on this component of the plan.

Eric Mendes stated that the feasibility study for the industrial park infrastructure west of the City currently under development estimates that upon buildout of the industrial park there will be a count of 39,000 average daily traffic which is Mesa Mall type traffic. This helps to justify the need for a new interchange.

## **9. AFFORDABLE HOUSING ASSESSMENT**

Dusty Dunbar stated that this item is not ready for presentation to the Council and it was pulled from the agenda.

## **10. MODULAR AND MANUFACTURED HOUSING REGULATIONS - DISCUSSION**

Bennett Boeschstein reviewed his memorandum setting forth definitions for manufacture, mobile and modular homes. He also reviewed the history of regulations in Fruita affecting these types of housing units. Options include keeping the existing current regulations which limits placement to mobile home developments; allowing modular housing but not manufactured or mobile homes; permitting HUD and/or UBC approved units in the Community Residential zone or infill areas as long as they meet certain criteria such as double wides, pitched roofs, permanent foundations, etc. Grand Junction and Mesa County allow them in residential zones. Eric Mende stated that the whole section needs a significant rewrite, particularly sections that deal with foundations. Modular units can be very attractive and trusses are installed after the unit is set. It was noted that these units can offer affordable housing and they can also be more expensive and built better than stick built homes. The Council felt that allowing units built to specific standards should be considered. Councilman Karisny stated that the city should know what subdivisions prohibit manufactured/mobile through

there covenants before issuing any permits.

With no further business to come before the Fruita City Council the workshop was adjourned at 9:55 p.m.

Respectfully submitted,

Margaret Steelman