

**FRUITA CITY COUNCIL
REGULAR MEETING
AUGUST 17, 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 Nick Kohls, Bill Tallon, Mel Mulder, Dave Karisny and Darline Merling. Ken Dodgion was excused absent.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was led by Councilman Karisny and the Invocation was made by Councilman Kohls.

3. AGENDA - ADOPT/AMEND

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

4. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAMATION - FRUITA FIRE FIGHTER APPRECIATION WEEK

Ali Smith with the Muscular Dystrophy Association stated that in order to show appreciation to the Lower Valley Fire Fighters in their outstanding efforts in the "Fill the Boot" campaign which brought a total of 772,251 state wide. Ms. Smith stated that the proclamation would proclaim August 30th through September 5th 2004 as Lower Valley Fire Protection District Fire Fighter appreciation Week. Mayor Adams read the Proclamation and stated that it is a great honor to proclaim Fire Fighter Week and stated that he appreciates what the Lower Valley Fire Department does for the community.

B. CERTIFICATE OF APPRECIATION - CITIZEN AWARD

Officer Mitch Caldwell stated to the Council that he was called out on a disturbance at Fiesta Guadalajara on July 18, 2004. Officer Caldwell stated that when he arrived at the restaurant there was a very drunk patron that was causing a disturbance and being very unruly. Officer Caldwell stated that the man was obviously uncooperative with him and was ready for a fight that appeared was going to be ugly. Mr. John Newland assisted Officer Caldwell outside until back up could arrive. The Council thanked Mr. Newland for his assistance and Officer Caldwell presented Mr. Newland with a Certificate and a dinner certificate since his dinner was interrupted that evening.

5. PUBLIC PARTICIPATION

As a citizen of Fruita, Councilman Mulder stated that the new Yard of the Month Signs that Tom Huston had made are very nice and a much needed upgrade and thanked Councilwoman Merling for proper placement of the signs in Fruita yards. Councilman Mulder also thanked the efforts of the Fruita Police Department for keeping Fruita safe.

6. LIQUOR LICENSE

A. CENTER TOWN LIQUORS - RETAIL LIQUOR STORE RENEWAL

City Clerk, Margaret Steelman stated that the Center Town Liquor Store is up for renewal and that the Fruita Police Department has had no issues that would hinder the renewal of the license. Mrs. Steelman also stated that the employees of the liquor Store are TIPS certified. Lisa Doudy, part owner with her husband Greg Doudy was present on behalf of the renewal. Councilman Karisny inquired if carding younger aged people was a problem. Mrs. Doudy stated that besides Country Jam there usually isn't any problem carding. Mrs. Doudy stated that when Country Jam occurs her employees are trained to card everyone even if they show up at her liquor store with a wrist band from Country Jam. Mrs. Doudy stated that wrist bands are easily to come by in her opinion. Mrs. Doudy also stated that if there is no ID to be presented then there is no sale what so ever. Councilman Kohls thanked Mrs. Doudy for doing a great job and to keep up the good work.

" **COUNCILMAN TALLON MOVED TO APPROVE THE RETAIL LIQUOR STORE LICENSE FOR CENTER TOWN LIQUORS. COUNCILMAN KARISNY SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

B. CITY MARKET - 3.2 % BEER RETAIL LICENSE (OFF PREMISES) RENEWAL

City Clerk Margaret Steelman stated that Fruita Police Department has had no issues that would hinder the renewal of the license and that all employees are TIPS certified. Mr Don Wynkoop, Manager of City Market was present on behalf of the license. Mr. Wynkoop stated that all employees are trained and the computer check out system will not let a liquor purchase go through with out the issuance of an ID. Councilwoman Merling stated that on the Police Report item B stated that yes there have been incidents in the last year. Chief Angelo stated that was related to shop lifting and not alcohol related issues.

" **COUNCILMAN KARISNY MOVED TO APPROVE THE 3.2 PERCENT BEER RETAIL LICENCE. COUNCILMAN MULDER SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

C. TEA HOUSE CHINESE RESTAURANT - HOTEL/RESTAURANT LIQUOR LICENSE RENEWAL

City Clerk, Margaret Steelman stated that the Fruita Police Department has had no issues that would hinder the renewal of the liquor license. Mrs. Steelman also stated that there are no TIPS certificates on file at the Clerks office and didn't know if the employees were TIPS certified. Mr. John Sy, owner of the restaurant was present on behalf of the license. Mayor Adams inquired to Mr. Sy if his employees were TIPS certified and Mr. Sy stated that they

were. Mr. Adams asked Mr. Sy to please get copies of certificates to the City Clerks Office.

" **COUNCILMAN MULDER MOVED TO APPROVE THE HOTEL/RESTAURANT LIQUOR LICENSE RENEWAL. COUNCILMAN TALLON SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

7. PUBLIC HEARINGS

A. ORDINANCE 2004-28 - SECOND READING - AMENDING THE PLANNED UNIT DEVELOPMENT GUIDE FOR MILLER'S RUN

City Manager, Clint Kinney stated that this is a request to approve a minor amendment to the Miller's Run PUD Guide. Mr. Kinney stated that the final plan and PUD Guide for Miller's run was approved on the February 3rd 2004 meeting and the changes necessary in order to accommodate the easement an 8' drainage easement was added to the plat along the north, east and south perimeter of the lot and a 10' multi-purpose easement has been placed along the west side of lot 1 and lot 6. Mr. Kinney also stated that 25' x 10' easement was added to northwest corner of lot 6 and a 14' multi purpose easement was placed along the front lot line of the east lot. Mr. Kinney also stated that a five foot set back is required for the edge of the 12 foot shared driveway that straddle the lot line between the detached homes..

There was no comment from the Council and Mayor Adams opened the meeting to the public. There was no comment for or against the amended PUD Guide and the meeting was closed to the public.

" **COUNCILMAN MULDER MOVED TO ADOPT ORDINANCE 2004-28 AMENDING THE PLANNED UNIT DEVELOPMENT GUIDE FOR MILLER'S RUN. COUNCILMAN KOHLS SECONDED THE MOTION. THERE 5 YES VOTES.**

B. ORDINANCE 2004-30 - SECOND READING - AMENDING SECTION 9.01.037 OF THE FRUITA MUNICIPAL CODE CONCERNING LOITERING AND OBSTRUCTING PUBLIC STREETS, SIDEWALKS, PLACES OR PASSAGEWAYS

Chief of Police, Mark Angelo stated that the primary goal of the Fruita Police Department is to protect the health and welfare of the community but there has been some dangerous situations that have occurred mainly concerning the High School. Chief Angelo stated that in order to enforce the loitering problem this Ordinance would help officers enforce the law.

Councilman Karisny inquired if this was standard language or if this ordinance could be challenged. City Manger, Clint Kinney stated that this Ordinance is standard through municipalities and is used by the State of Colorado. Mayor Adams stated that care should be used when enforcing this Ordinance by Officers.

Councilman Tallon inquired if the Ordinance would help with the current homeless problem

that Fruita has incurred and if this Ordinance has been reviewed by the City Attorney. Chief Angelo stated that the Ordinance would help depending on the situation of obstruction and that Mr. Sands reviewed the Ordinance.

Mayor Adams opened the meeting to the Public.

Mr. Don Wynkoop, stated that the Ordinance could really help with situations at City Market.

With no further comment from the public, the meeting was closed to the Public.

" **COUNCILMAN KOHLS MOVED TO ADOPT ORDINANCE 2004-30 AMENDING SECTION 9.01.37 CONCERNING LOITERING AND OBSTRUCTING PUBLIC STREETS, SIDEWALKS, PLACES OR PASSAGEWAYS. COUNCILMAN KARISNY SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

C. ORDINANCE 2004-29 SECOND READING - AMENDING SECTION 9.03.005 OF THE FRUITA MUNICIPAL CODE BY PROHIBITING ALL PETS FROM A DEFINED SPECIAL EVENTS AREA WHEN PROPERLY POSTED.

City Manager, Clint Kinney stated that the City of Fruita hosts four main and several small special events each year and in order to improve the overall quality of the festival is to provide a healthy and memorable experience for the attendees. Mr. Kinney also stated that prohibiting pets from the festival area will help to increase a safe and healthy venue for all. Mr. Kinney also stated that at the July 20, 2004 meeting the Ordinance did not include the "service dogs to be excluded". Mr. Kinney also stated that Councilwoman Merling met with Mayor Adams and himself and suggested that the Ordinance includes exotic pets.

Councilman Kohls inquired how big the problem is with people bringing these pets to the festivals. Mayor Adams stated that the reason this is become an issue is that dogs are allowed to run around by their owners and the animals are not being picked up after.

Councilwoman Merling stated that bringing animals to an event is very hard on the animals as well and people allow them to be on hot pavement and the different smells the animals have to deal with.

Councilman Tallon stated that during Mike the Headless Chicken Festival, several participants of the car show were nervous about having the animals jump on their very expensive paint jobs. Councilman Tallon stated there is a time and a place for animals and festivals are not that time.

Councilman Karisny stated that if it was the intent to post signs prohibiting pets from the festivals. City Manager, Clint Kinney stated that in order to enforce the Ordinance signs will be posted prior to the event and signs are ready to be made.

Mayor Adams opened the meeting to the public. Kelly Baty, of the Fruita Times stated that Charlie the Cat would enjoy having the public to herself. Mayor Adams closed the meeting to the public after no further comment.

" **COUNCILMAN TALLON MOVED TO ADOPT ORDINANCE 2004-29 AMENDING SECTION 9.03.005 OF THE FRUITA MUNICIPAL CODE PROHIBITING ALL PETS FROM A DEFINED SPECIAL EVENT AREA WHEN PROPERLY POSTED AND TO AMEND SECTION B STATED THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO BRING A DOG OR OTHER DOMESTICATED PET, EXOTIC PET, EXCLUDING "SERVICE DOGS" INTO THE VENUE OF ANY FESTIVAL OR OTHER SPECIAL EVENT. COUNCILMAN KOHLS SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

8. COUNCIL REPORTS AND ACTIONS

COUNCILMAN KOHLS

Councilman Kohls stated that on the 9th of September the Purchase of Development Rights is having a program in Palisade that includes two properties and he will be attending and letting Council know of the outcome.

COUNCILMAN MULDER

Councilman Mulder thanked City Manager Clint Kinney for his memos that update the council on various issues like the pedestrian signs. Councilman Mulder also stated that he will be attending the Growth Seminar on August 20th and on August 26th will be the affordable housing seminar and he will be attending that as well.

COUNCILMAN TALLON

Councilman Tallon stated that Qwest is slowing down progress 17 Road and the fiber optic cable will be behind schedule.

COUNCILMAN KARISNY

Councilman Karisny stated that he will be attending the Growth seminar with Councilman Mulder and will have to see about the Transit Funding.

COUNCILWOMAN MERLING

Councilwoman Merling stated that Tree Board is doing Tree inventory and is well under way. Councilwoman Merling stated that Bennett Boeschstein and herself did Kingsview and Little Salt Wash. Councilwoman Merling also stated that the Chamber of Commerce is doing well and at the next City Council workshop will be bringing an item from Christy Hovland

MAYOR ADAMS

Mayor Adams stated that the Mayor's luncheon was last week and invited Councilman Mulder along. Mayor Adams stated that the luncheon was very informal and relaxed. Mayor

Adams also stated that the Municipalities meeting in Debeque turned out to be real good and very informative. Mayor Adams stated that what the Chamber of Commerce will be bringing to the Workshop is the concept of the Tourism Board and Chamber joining together as one.

9. CONSENT AGENDA

A. APPROVAL OF CITY COUNCIL MINUTES OF JULY 20, 2004 AND AUGUST 3, 2004 REGULAR MEETINGS

B. DISCUSSION AND POSSIBLE ACTION TO CONSIDER A RESOLUTION AUTHORIZING BRESNAN COMMUNICATION, LLC TO TEMPORARILY OPERATE THE CABLE COMMUNICATIONS SYSTEM IN THE CITY OF FRUITA AND TO CONTINUE THE PUBLIC HEARING CONSIDERING THE ORDINANCE ADOPTING THE FRANCHISE AGREEMENT TO SEPTEMBER 21, 2004.

C. RESOLUTION 2004-41 - AUTHORIZING THE CITY MANAGER TO SIGN A 3 YEAR CONTRACT FOR STREET STRIPING

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

10. ADMINISTRATIVE AGENDA

A. CITY CLERK

i) PRESENTATION OF FINANCIAL STATEMENTS FOR THE 2003 FISCAL YEAR AND AUDITOR'S REPORT

Finance Director, Margaret Steelman introduced Mr. Todd Beckstead with Chadwick, Steinkirchner and Davis the Auditors for the City of Fruita. Mr. Beckstead presented to the Council a summary of what the auditors are required to look at including invoices and canceled checks. Mr. Beckstead stated that the auditors responsibility is to adhere to significant accounting policies as required in GASB 34 which affects how tap fees are reported. Currently the tap fees are reported in the equity section and will now be shown as revenues. Mr. Beckstead stated that The City of Fruita Tax Revenue trend from 1999 to 2004 shows a steady growth and grew to 6 million dollars. Mr. Beckstead stated those numbers include taxes from county and use tax Mr. Beckstead stated that the source of revenues are taxes are 43% and 19% are from Grants, 10% are from Enterprise charges, 11% from Grand Valley Transit Charges, 13% are from Tap fees and Developer fees and 4% comes from other resources. Money that was spent was 28% on personnel, 11% is debt service, 8% contract services and 15% on other fees.

Councilman Kohls inquired if there is anything unusual or out of line. Mr. Beckstead stated that nothing is unusual and that the numbers are pretty typical of government services. Mr. Beckstead stated that GASB 34 is a new reporting format and the major change is the infrastructure issue. Mr. Beckstead stated that the GASB 34 adds a few more layers to the financials and there will be a lot more work to do. Mr. Beckstead stated that Margaret Steelman and her staff do an excellent job during the audit and Mrs. Steelmans finance keeping is in excellent order.

Mayor Adams thanked Mr. Beckstead for the report as it was very informational.

" **COUNCILMAN KARISNY MOVED TO APPROVE THE FINANCIAL STATEMENT FOR THE 2003 FISCAL YEAR AND AUDITOR'S REPORT. COUNCILMAN KOHLS SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

ii) FINANCIAL REPORTS

Finance Director, Margaret Steelman gave a brief summary of the various financial reports. Mrs. Steelman stated that the General Fund Revenue shows it is at 64% of the budget through July 2004. Mrs. Steelman also stated that the Sales Tax revenues received in August for June sales are up 5.5% for the month and 11.5% for the year and County sales tax revenue for the same period are up 9.7% for the month and 7.14% for the year. Mrs. Steelman also stated that the Use Tax Revenue collected on motor vehicles is up 18% and are right on budget at 60% and use taxes collected on building materials are up 62% over last year and currently at 116% of amount budgeted for 2004. Mrs. Steelman stated that the comparison report compares the actual revenues and expenses to the budgeted revenues and expenses for each fund. Mrs. Steelman stated that we are within 48.02% of the amount budgeted for the year to date. Mayor Adams inquired what was the overall revenue amount. Mrs. Steelman stated that the revenues are at 64.28% of the Budget. Councilman Tallon stated that the Use Tax on building materials is very interesting and that it shows how Fruita is growing. Councilman Karisny stated the boost in Use tax is very volatile and sees how difficult it would be to budget.

" **COUNCILMAN MULDER MOVED TO APPROVE THE JULY 2004 FINANCIAL REPORTS AS PRESENTED. COUNCILMAN KARISNY SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

B. CITY ENGINEER

i) 340 CORRIDOR STUDY/ ACCESS CONTROL PLAN

City Engineer, Eric Mende stated that since December of 2003, the City has been working on a joint project with CDOT and Mesa County to prepare a Corridor Study and Access Control Plan for Hwy 340 beginning at the West Aspen Avenue connection to Hwy 6 and continuing south to the Colorado National Monument entrance. Mr. Mende stated that the intent of the Study Plan was to identify and evaluate long term traffic volumes and

infrastructure needs within the corridor and develop a realistic and legally enforceable access control plan. Mr. Mende stated that to create a legally enforceable Access Control, Plan and Intergovernmental Agreement must be executed between CDOT, Mesa County and Fruita and after the agreement is accepted by the State Transportation Commission. Mr. Mende stated at the April workshop a draft plan was reviewed and the final plan was presented at the July Workshop and the final plan is before the Council tonight. Mr. Mende stated the Resolution accepts the finding of the Corridor Study/Access Control Plan and adopts the plan as an interim guidance until the I.A. is brought forward and directs staff to move forward with the I.A. preparation. Mr. Mende stated that the plan will also be presented to the Grand Valley Regional Transportation Committee for review on August 23, 2004 and expect to bring the formal I.A. to Council in November. Mr. Mende stated that State action on the I.A. and access Control Plan will probably occur in January. Mr. Mende stated that there is two primary components to study one is the corridor study extends beyond highway 340 and goes through the middle of town through Cherry St. Mr. Mende stated the idea of Highway 6 also extends eastward to the circle is not true but it does include City Market, Burger King and Mulches areas. Mr. Mende also stated that the other area to be considered is the Frontage Road access to be changed. Mr. Mende stated that there are 13 existing access point in the segment of SH 340 corridor that is along Aspen Avenue between US 6 and Cherry Street and the primary emphasis of access management in the segment of the corridor is through traffic movement with secondary emphasis on direct access to abutting properties. Mr. Mende Stated that CDOT has a proposed project to construct a cul-de-sac on Aspen Avenue east of it's current intersection with US 6 and access from Aspen to US 5 will be re routed by Coulson Street. Mr. Mende stated that the proposed modification of accesses on Aspen Avenue between Cherry Street and Plum Street are graphically on Figure 4-1a. Mr. Mende stated that Access 1 is a Vacant lot and the parcel will be reconstructed as a part of the cul-de-sac project and direct access to Aspen from cul-de-sac is proposed.. Mr. Mende also stated that access 2 is a residence and 631 W Aspen and direct access to Aspen will be from the cul-de-sac, Access 3 at the Mobile Home Park will also have access by the cul-de-sac. Mr. Mende stated that the Car Barn located at 535 W Aspen the modifications include the construction of a standard commercial driveway and a raised barrier curb along the parcel frontage to control access to and from Aspen Ave. Mr. Mende stated Trial Park has a short pull out for parking and adequate length and width should be constructed and paved. Mr. Mende stated that intersection of Aspen and North Coulson will be included in the 2004 Summer project along 6 & 50. Mr. Mende stated that the primary access the Balanced Rock Motel needs to be reconstructed to meet CDOT standards and with the construction of a cul-de-sac the driveway should be restricted to right in, right out and left in access. Mr. Mende stated that the Magic Mirror Hairstyling, High Desert Mountain Sports, needs to be reconstructed as well to meet CDOT standards. Mr. Mende stated that CDOT proposed access to Mulches Pizza includes the construction of two one-way commercial driveway with a raised barrier curb along the parcel frontage to control access to/from Aspen and the driveways tot he site would be reconfigured to allow for on-site circulation that would maintain the existing on -site parking fronting Aspen. Mr. Mende stated that left turns to/from the site would be restricted by the raised median along Aspen Avenue. Mr. Mende also stated that Access 15 on figure 4-1a shows a roundabout at the

intersection of Aspen Avenue and Cherry Street that would replace the four way stop. The plan does not mandate a roundabout and a traffic signal could be placed there instead. Mr. Mende stated that a part of the Plan includes the Driveway to Burger King on Cherry Street a shared drive on the north side Aspen Ave between Cherry Street and Plum Street and the driveway to City Market are under the jurisdiction of the City of Fruita and not a part the SH 340 Access Control Plan but these areas were evaluated in the study. Mr. Mende stated the raised medians from the Aspen Avenue/Cherry Street would allow right-in/right-out restrictions.

Mayor Adams stated that he does not like the idea of roundabouts or raised medians as they would hurt the business that are already there and careful consideration should be given before proceeding with the construction of the plan.

Councilman Karisny stated that the whole mechanics of the plan will need to be worked out and that the resolution is only giving us a guide and not the plan to proceed with construction.

City Manager, Clint Kinney stated that plan is in two steps and the resolution as stated by Councilman Karisny is that we accept the plan as a guidance and then the power comes into affect after the I.A. is accepted.

Councilman Tallon stated that careful consideration should be taken so safety plays a major factor.

Eric Mende stated that one other issue that he would like to discuss is the CDOT plan for the I-70 Ramps, I70 Frontage Road, Raptor Road and the Colorado Welcome Center. Mr. Mende stated that CDOT may conduct an independent study of I-70 Sh340 interchange operations, safety and improvement options. Mr. Mende stated that the ramps may include traffic signals and reconstruction of median islands to maximize left turns. Mr. Mende stated that to resolve traffic congestion and drive expectancy issues would be to shift the intersection of the I 70 Frontage Road to the south to align with Raptor Road and access to the Colorado Welcome Center is provided from the relocated frontage road. The SH 340/Jurassic intersection, south of this location, is the designated location for a future signalized intersection and Raptor Road may be restricted in the future. Mr. Mende stated that the Jurassic Court access is to remain and the intersection could be signalized when future warrants are met. Mr. Mende stated the Kokopelli Blvd access is also to remain but a two way left turn lane is proposed for SH 340 to provide for left turn access to the intersections and driveways.

Councilman Karisny inquired that since this is the third time Council has looked at the study and there have been changes made, could there be other changes made. City Manager, Clint Kinney stated that changes can still be made and the changes would need to go to Denver. Councilman Karisny stated that drawing 15 shows a round about and or a signal and the round about was put in the picture because of space. Councilman stated that access is the real

issue and feels that either one will work.

City Manager, Clint Kinney stated that the process can certainly be slowed down to a comfort zone and workshop discussion can continue. Councilman Mulder stated that if Council is only adopting the resolution to have the Study/Access plan as a guideline then he would certainly be in support of the Resolution.

Councilman Karisny inquired if Mr. Mende feels that we have spent enough time with the Public on this study. Mr. Mende stated he feels that he has and has been going door to door and talking with people as well as the Public Hearings. City Manager stated that in order proceed with the I.A. a public hearing will need to be held

" **COUNCILMAN MULDER MOVED TO ADOPT RESOLUTION 2004-39 ADOPTING THE STATE HIGHWAY 340 STUDY AND ACCESS CONTROL AS A GUIDELINE. COUNCILMAN TALLON SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

CITY MANAGER

i) VILLAGE AT COUNTRY CREEK SOUTH AMENDED TOWN HOUSE PLATS

City Manager, Clint Kinney stated that this item should have been put on the Consent Agenda but was missed and the land use code requires townhouse plats can approved by consent agenda. Mr. Kinney stated that the Planning department held an Administrative Hearing with Village at Country Creek and went through administrative process to have town houses process last week. The amendment splits one lot into two homes as previously done.

" **COUNCILMAN MULDER MOVED TO APPROVE THE AMENDED TOWN HOUSE PLAT FOR LOTS 33 -38 FOR VILLAGE AT COUNTRY CREEK SOUTH WITH STAFF COMMENTS. COUNCILMAN KARISNY SECONDED THE MOTION. THERE WERE 5 YES VOTES.**

With no further business to come before the Fruita City Council the meeting was adjourned at 9:55 PM.

Respectfully Submitted,

Michelle Hopkins
Deputy City Clerk

