

**FRUITA CITY COUNCIL
REGULAR MEETING
AUGUST 17, 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 7:00 p.m. by Mayor Henry. Council members present were Mel Mulder, Lori Buck, Stacey Mascarenas, Terry Moss, and Bob Fuller. Councilor Bonar was excused absent.

3. AGENDA – ADOPT/AMEND

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

4. PUBLIC PARTICIPATION

There were no comments from the public regarding any items that did not appear on the agenda.

5. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAMATION – A PROCLAMATION DECLARING AUGUST 17, 2010 AS “FRUITA MAJOR GIRLS ALL-STAR” DAY IN THE CITY OF FRUITA

Mayor Henry read the proclamation congratulating the Fruita Major Girls All-Star team for their championships. The proclamation was accepted by Coach Ron Reed, Manager Josh Zambrano and all members of the team.

B. PRESENTATION – A PRESENTATION BY CHRISTY WHITNEY, CEO OF HOSPICE & PALLIATIVE CARE OF WESTERN COLORADO

RN Sharon Broker and Social Worker Judy Wyatt with the newly formed Family Health West Hospice Program gave the Council a brief presentation about Hospice and Palliative Care of Western Colorado. In April of 2010, hospice staff created a partnership with Family Health West to begin creating a team to bring hospice care and services to the City of Fruita and the surrounding area. The team will consist of a Nurse Case Manager, CNA, Chaplain and a Social Worker and would serve Fruita, Loma, Mack, The Oaks, The Willows, and patients at the Family Health West hospital.

Hospice and Palliative Care currently has some small office space at the hospital but they envision moving into a storefront setting where every service that is in Grand Junction would be available in Fruita. They will also be creating a “Residents Council” for people who live in the nursing homes in Fruita to offer them education about hospice care. Ms. Wyatt stated that Hospice and Palliative Care is always working to recruit volunteers.

6. CONSENT AGENDA

- A. MINUTES - A REQUEST FOR APPROVAL OF THE MINUTES FROM THE AUGUST 3, 2010 CITY COUNCIL MEETING**
- B. IN THE MIDDLE LIQUORS:**
- 1. A REQUEST FOR APPROVAL OF A REPORT OF CHANGES FOR A RETAIL LIQUOR STORE LICENSE LOCATED AT 303 US HIGHWAY 6 & 50 TO ADD SABRINA DEVEYDT AS A CORPORATE OFFICER OWNING 10% OF THE CORPORATION**
 - 2. A REQUEST FOR APPROVAL OF A MODIFICATION OF PREMISES FOR A RETAIL LIQUOR STORE LICENSE LOCATED AT 303 US HIGHWAY 6 & 50 TO EXPAND THE STORE TO INCLUDE THE SECTION OF THE BUILDING PREVIOUSLY KNOWN AS NATHY'S MEXICAN RESTAURANT**
- C. ORDINANCE 2010-12 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING SECTION 12.20.070 OF THE FRUITA MUNICIPAL CODE TO RENAME A STREET FROM PURPLE PLUM STREET TO PURPLE PLUM COURT IN THE MANLEY SUBDIVISION**
- D. RESOLUTION 2010-32 – A REQUEST TO APPROVE A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS IN THE GENERAL FUND TO SUPPORT THE CRAFT SHOW SPONSORED BY THE ARTS AND CULTURE BOARD**
- E. RESOLUTION 2010-33 – A REQUEST TO APPROVE A FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) FOR THE LEGACY PUD SUBDIVISION, FILING 1**
- F. RESOLUTION 2010-34 – A REQUEST TO APPROVE A RESOLUTION SUPPORTING A GREAT OUTDOORS COLORADO GRANT APPLICATION FOR IMPROVEMENTS AT HERITAGE PARK**
- G. ADOBE VIEW NORTH PUD SUBDIVISION – A REQUEST FOR AN EXTENSION OF TIME TO JANUARY 31, 2011 TO SUBMIT THE FINAL PLAT (FIFTH REQUEST)**
- H. HART ADMINISTRATIVE SUBDIVISION – A REQUEST FOR AN EXTENSION OF TIME TO JANUARY 31, 2011 TO RECORD THE FINAL PLAT**

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

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

7. PUBLIC HEARINGS

There were no Public Hearing items on the agenda.

8. ADMINISTRATIVE AGENDA

A. CITY ENGINEER KEN HALEY

1. UPDATE ON PROPOSED CHANGES TO THE COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY 6 ACCESS CONTROL PLAN

City Engineer Ken Haley reviewed the Highway 6 Access Control Plan to give the Council a status update. The cities of Fruita and Grand Junction, Mesa County and the Colorado Department of Transportation (CDOT) have been working on the plan for the past 18 months. At the July 27th workshop session of the Fruita City Council, there were specific items discussed that the Council wanted addressed in the plan before they adopt it. Mr. Haley handed out a summarized list of these items to the City Council.

Mr. Haley reviewed the changes and asked the Council to provide feedback to make sure staff was on the right track. These changes were in regards to several accesses.

Mayor Henry expressed concern about acceleration and deceleration lanes on K Road and the lack of adequate room. Mr. Haley explained that acceleration and deceleration lanes combined is called a “weave” lane and that it does work when there is heavy traffic in one direction but not a whole lot merging from the other way. He stated that there is a note in the plan’s table that says if the geometrics will work, then it will be permitted.

Mr. Haley also explained the process going forward; first, city staff would need to coordinate with CDOT to make sure they are satisfied with the changes. CDOT has not had any comments to date. Mesa County would also be involved since they have some interest in the accesses. Language would then be added to the Intergovernmental Agreement (IGA) and all parties would have to agree to it.

Mr. Haley continued that the City of Fruita and the City of Grand Junction are working on the plan simultaneously. The City of Grand Junction just took the plan to their Council workshop the previous week and they did not have any significant comments. The County Commissioners’ biggest concern has been the implementation of the plan and there was some language added into the document to address that.

Once the Fruita City Council is comfortable with the plan, they will adopt it and the City of Grand Junction will likely adopt theirs simultaneously. Mesa County will not even consider it until both cities have said that they are okay with the plan. The county will then make sure all of their issues are addressed. If any of the other parties have significant changes, staff would then bring it back to the Fruita City Council.

Staff has drafted a resolution containing language that would allow the Mayor to execute the IGA once it is finalized and it will be signed by all four parties.

Councilor Mascarenas asked what county department would be presenting the plan to the Board of County Commissioners. Mr. Haley responded that the county Regional Transportation Planning Office (RTPO) would present the plan.

Mayor Henry stated that the economic impact section of the document was comprehensive and satisfied his concerns. Mr. Haley responded that it was a combined effort of city staff and CDOT. He concluded that CDOT is required to consult with local agencies before implementing a plan such as the State Highway 6 Access Control Plan, but ultimately, it is CDOT that makes the final decision.

Mr. Haley said he would try to make the changes as soon as possible and he would be bringing a resolution back to the Council for adoption.

B. PARKS AND RECREATION DIRECTOR TURE NYCUM

1. UPDATE ON LITTLE SALT WASH PARK CAPITAL IMPROVEMENTS PROJECTS

Parks and Recreation Director Ture Nycum gave the Council an update regarding the enhancements that have been made and continue to be made at the Little Salt Wash Park. In 2010, the city had \$300,000 allocated to various projects at Little Salt Wash Park and city staff has worked to complete the following additional enhancements to the park:

Enhancement Activities Completed

- Construction of two bathroom facilities and one attached shelter
- Installation of a lift station
- Installation of transformers and electrical needs to support the newly constructed facilities
- Completion of landscaping in and around pedestrian pathways
- Installation of bleachers purchased by the Fruita Little League
- Installation of a tot playground

Enhancement Activities Currently in Progress

- Construction of the pedestrian bridge across the wash to Wildwood Acres
- Completion of any remaining landscaping on east side of parking lot
- Completion of the “core area” by installing shelters, picnic benches, and concrete

Mr. Nycum stated that staff is currently working on the plaza area. Clarke & Co. has been hired to do a \$154,000 concrete project of the entire plaza area between fields 1, 2 and 3 and they should have it completed in early September. GA Western is working with Buckhorn Engineering to do some design work on the pedestrian bridge. The design cost for the bridge is approximately \$7,500 and staff should be getting some plans in the next few days. Construction costs are estimated at about \$90,000 to put in some piles on both sides of the bridge and fabricate and install the bridge. The city was able to save a little money by using some wood planking that was already in city inventory.

Councilor Mascarenas asked why the construction costs for the bridge were so high. Mr. Nycum responded that embankments are being installed and a substantial amount of concrete will be used to

shore up the sides. The bridge will span about 80 feet. Mr. Nycum added that the \$90,000 is a placeholder and the actual construction costs could come in lower.

Councilor Mascarenas asked how staff determined the location for the bridge. Mr. Nycum answered that there is a trail connection there to Fouts Court. An area to the north was considered for the bridge but it was determined to be in the floodplain, so it was moved to the current spot.

Mr. Nycum reported that there would be a Public Information meeting on the coming Thursday from 6:00 to 7:00 p.m. Notice was sent to residents in the area and staff hopes to get feedback before moving forward. He said the completion date was anticipated to be in late fall.

Other expenditures for the park include picnic tables for the shelters, permanent trash cans, bicycle racks, and lights for the flag poles. If funds allow, staff hopes to finish up a little more landscaping between the south bathroom and the parking lot.

Staff would also like to accomplish a few things in the future for the park such as a maintenance shed for the Parks Department, a concessions stand, and more permanent coverings for the dugouts and players' benches.

The Fruita Little League has purchased four scoreboards which are ready to be installed. There will be expenses such as wiring, anchoring, and permits and some of the installation services may possibly be donated. Coordination will need to take place between the Little League, city staff, and contractors.

Mr. Nycum stated that the city is also working with the Little League to get a drinking fountain placed outside one of the dugouts on Field 1.

The city's financial impacts include the hiring of one full-time employee to the Parks Department who is dedicated to the maintenance and ongoing operations of the park. During the spring, summer and fall months, the city has anywhere from one to three seasonal employees working on the park as well to collect trash and clean bathrooms. There are additional costs for janitorial supplies, irrigation supplies, field preparation for the Little League games, planter and tree care, electrical bills and water bills.

Councilor Mascarenas asked if the bathrooms are locked at night. Mr. Nycum responded that the Fruita Police Department locks them up at night (year-round) when they are not on calls. Councilor Buck stated that she would like to see time locks on the bathrooms so that the Police Department wouldn't have to do that every night. Mr. Nycum stated that it could be done, but would require re-wiring the facilities for time locks. Mr. Nycum also commented that there has actually been a little bit of a decrease in vandalism at the Little Salt Wash in the last two months except for earlier that week when someone cut up one of the vinyl casings on a picnic bench.

Mayor Henry mentioned that he had a chance to visit numerous ball parks this softball season including the national Little League Headquarters in Waco, Texas and he would say that Fruita's Little Salt Wash Park is worthy of comparison to all of them with the exception of bleachers and scoreboards. Mr. Nycum commended Art Shires and his staff; saying they really do take care of Little Salt Wash as well as all the city parks in Fruita.

Mayor Henry asked why the city isn't paying for the bleachers at Little Salt Wash. Mr. Nycum stated that the city has had an agreement with the Fruita Little League that they (the Little League) would help

with capital projects by donating upwards of \$100,000. The League purchased the bleachers and city staff installed them. Little League is also paying for the scoreboards because the bleachers and scoreboards are specific to the sport of softball/baseball, so Mr. Nycum said it just makes sense that they will help the city pay for those kinds of things.

Mayor Henry noted that there used to be an adult softball program during the Fruita Fall Festival and asked if it would be returning. Mr. Nycum said he had spoken with the people who run the tournament during Fruita Fall Festival, but they were concerned about the field size because Little Salt Wash's fields are only 225 feet.

Little League President Bryan Cross stated that one of the reasons the tournament wasn't held in Fruita for Fruita Fall Festival because a lot of the mens' teams feel that with the shorter fences, they hit too many home runs. Mr. Cross remarked that the players need to learn to keep the ball in the park. He said he is trying to work with the gentleman who runs the tournament this year to have the tournament in Fruita. In the past, Fruita Little League has paid rental fees at Canyon View to have the tournaments there. Mr. Cross said there are normally about 110 teams, but he thinks about 5 – 10 will drop out because they don't want to play on a smaller field, although he felt that the teams could likely be replaced.

Councilor Mascarenas asked if anyone was looking at having the tournament in Fruita this year. Mr. Nycum stated that this was the first time he had heard them talking about having it in Fruita this year. He said that actually, Parks and Recreation has Youth Soccer and Youth Flag Football at Little Salt Wash on Saturday and Sundays, so it would be difficult to schedule the adult softball tournament at this point. He added that with plenty of notice, his department is always more than happy to work with people to get the park reserved.

Mayor Henry said he wanted to make a point that historically, the Fruita Fall Festival Softball Tournament has been an important thing in the past. Mr. Nycum said that the city would need to sit down with Little League and work out things such as the rental fees for the park.

Councilor Mascarenas asked if there was talk about changing the name of the Little Salt Wash Park. Mr. Nycum responded that staff is proceeding with the name Little Salt Wash Park and the sign is already up. Councilor Mascarenas asked Mr. Nycum to provide the Council with a copy of his Power Point presentation. She asked that there also be some discussion about marketing the park by creating brochures or something. Mr. Nycum said that he hasn't really been actively marketing Little Salt Wash Park and wasn't too familiar with other municipalities marketing their parks, but it would be something that could be looked at. Councilor Fuller asked if there was anything on the city's website that highlights Little Salt Wash Park. Mr. Nycum said he couldn't say there was. Councilor Fuller suggested that pictures of the ballpark itself would be great on the website. Mr. Nycum remarked that you didn't really want to overuse a ballpark because the turf could get worn out, but he wasn't discouraging people from coming in to use it. He said he just wanted to ensure that the fields remain in top condition.

Mayor Henry asked Mr. Nycum what kind of response he was receiving from the Wildwood Subdivision in regards to the pedestrian bridge. Mr. Nycum stated that he had personally not received any phone calls. Mayor Henry said he has heard many comments and none were positive. He said people who live there said they don't want people walking by their houses. Councilor Mascarenas

stated that she has heard positive comments from families. Mayor Henry said it really isn't safe to walk there as it is right now because it is so narrow.

Mayor Henry thanked Mr. Nycum for his presentation and noted that Mr. Cross would be back in front of the Council to give a report in terms of the Little League operation this year.

C. CITY CLERK/FINANCE DIRECTOR MARGARET STEELMAN

1. JULY 2010 FINANCIAL REPORTS

City Clerk and Finance Director Margaret Steelman presented the July 2010 Financial Reports. Highlights include:

- *City sales tax revenue* for June sales is up 11.7% for the month and up 0.12% for the year. The 2010 budget is unchanged from 2009 actual revenues. The city is currently on track with budget for city sales tax revenues.
- *County sales tax revenue* for 2010 is down 19.88% for June and down 11.67% for the year. The County sales tax revenue for the month was affected by a fairly significant refund of previously paid taxes. Without this adjustment, County sales tax revenues would have been up 2% for the month. Currently, County sales tax revenues are trailing budget by about 9%.
- *Use tax on motor vehicles* is down 17.4% for the month and down 9.45% for the year. The 2010 Budget includes a 3% increase over actual 2009 revenues.
- *Use tax on building materials* is down 2.81% for the month and up 76% year to date. The 2010 Budget includes a 41% reduction over actual 2009 revenues.
- Annualized, the current trends for sales and use tax result in a budget shortfall of \$88,760 for 2010. Currently, the city's contingency fund of \$196,000 is sufficient to cover the shortfall. However, 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 – June 2010.* The combination of sales and use tax revenues for June 2010 reflects a 3.11% increase over June 2009 revenues. Year to date sales and use tax revenues are up 6.38% 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 – June 2010.* This report shows revenue from the 3% lodging tax. Lodging tax revenues are up 60.1% for the month and down 11% for the year. June revenues include delinquent payments from prior months. Adjusting for these delinquent payments, lodging taxes collected in June would have been down 5%. If lodging tax revenues continue at this rate, the city will fall short of budget by 10% (\$10,000).

- *General Fund Revenues – May 2010.* The General Fund Revenue report is a detailed budget to actual revenue report. Through July 2010, the city is ahead of budget with actual revenues at 65.6% of budgeted revenues.

Ms. Steelman requested that the Council approve the July 2010 Financial Reports as presented.

Mayor Henry asked staff how many new Planning Clearances for new homes were issued for the year. Mr. Kinney responded that there were approximately 54 new home starts through July 2010.

Councilor Mascarenas asked Mrs. Steelman if she was disconcerted about the amount of money in the contingency account. Mrs. Steelman responded that she felt all city staff was pretty well aware of the city's financial situation and concerns, so budgets were being looked at very carefully. She explained further that if there were some sort of disaster that caused major damage, the city has Fund Balance that would require Council appropriation. The Fund Balance is approximately \$4 million.

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

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR FULLER

Councilor Fuller reported that he, Councilor Mascarenas and Clint Kinney attended the State of Colorado Department of Revenue Town Hall meeting and he thought it was quite informative. He said the Department of Revenue seems to have the ability to use current technology to enhance collections and to further the information outflow. As a perfect example, they addressed refunds specifically because the State doesn't have a mechanism in place to notify the counties in advance that refunds may be coming due or are in process. The Department of Revenue is working on giving municipalities and counties as much advance notice as possible to allow them to be able to budget.

Councilor Fuller also noted that it was discussed at the Town Hall meeting that medical marijuana centers cannot deposit money in banks. Councilor Mascarenas said she was going to discuss the issue at the next Police Commission meeting because Fruita has an Ordinance that centers must implement the use of safes for their money and products.

Councilor Fuller stated that it was a well-attended presentation and he thought it was quite well done.

COUNCILOR MOSS

Councilor Moss brought two Fruita Fall Festival posters from the Chamber of Commerce for the Council to see. He said he saw the Juicy Fruita GPS-based mountain bike that would be shown at mountain bike trails, which was interesting.

Councilor Moss also reported that there will be two new physicians coming to Fruita; one is Dr. Larry Tice, a neurosurgeon who will be doing surgical procedures at Family Health West three days per week, and a new female Primary Care Physician at Western Valley Family Practice.

Councilor Moss stated that the Parks and Recreation Advisory Board met on August 5th at the new Community Center project site and he recommended that anyone who hasn't taken a tour to do so because it is pretty amazing. The Board received a presentation from the State Forester, Tammy Long regarding tree contractors and how they are selected to be on the state's list. The list is available in the Parks and Recreation Department office at the Civic Center.

Councilor Moss stated that Russell Skalla also attended the Parks and Recreation Board meeting and he has more ideas and is working hard to try to help with the plans for expanding the skate park. The public input process will be coming up shortly, sometime within the next year. The Board encouraged Mr. Skalla to get all the kids who like to skate board involved.

Mr. Nycum explained that FCI Constructors would be putting back the existing skate park equipment once the Community Center is completed.

Councilor Mascarenas stated that she would like the Council to see what is going to be proposed for the expansion of the skate park before the existing equipment is put back.

Mr. Nycum responded that the expansion would need to be well planned and would take some time to go through the public input process before any money is spent. He said the idea is to put back the grind rails and the half-pipe that the city already has from the old skate park for the meantime, and if there are some additional funds, then maybe another element or two could be added.

Councilor Moss stated that the Kingsview Open Space project is moving along and the Council would be discussing it on the September 7, 2010 Council meeting. Mr. Nycum added that the Parks and Rec Board heard from Mesa County Land Trust and they determined it would be appropriate for upwards of six disc golf baskets to be placed on the Snook's Bottom open space. The Board still needs to tie up the temporary easement with the land owner, Mr. Moir.

Councilor Moss continued that the Parks and Recreation Board selected the Yard of the Month. Mr. Nycum stated that the Board is proceeding with the duties and activities that the Tree Board had conducted in the past.

COUNCILOR MASCARENAS

Councilor Mascarenas reported that she had sent all Council members the results of the telephone Town Hall meeting, which she said was very interesting and scary. There were almost 6,000 people that called in. She said she would appreciate if the Council could try to go to the Public Official's workshop in Palisade on August 23rd so the 2035 Transportation Plan could be discussed. Councilor Mascarenas said the plan was being finalized and then it would go to the State.

She said she attended the State Transportation Accountability Committee meeting and the people were excited to have a representative there from the Grand Valley. They meet once per month and there is also a chance to go to Washington, D.C. in the spring to further champion not only funding in Colorado, but for the Western Slope. Councilor Mascarenas stated that the Grand Valley

Regional Transportation District apparently has a very unique relationship with the Colorado Department of Transportation (CDOT), because most of the regions don't get along with their Transportation Planning Regions. She said GVRTC is fortunate to have such a good relationship with CDOT.

Councilor Mascarenas stated that the Chamber's Business After Hours would be held at Pablo's Pizza.

COUNCILOR BUCK

Councilor Buck stated that she had nothing to report.

COUNCILOR MULDER

Councilor Mulder stated that the 5-2-1 Drainage Authority TAC meeting would be held the following day and then the regular Board meeting would be held in approximately a week for the preliminary look at what is going to happen with the budget for 2011. The Drainage District would also be having a meeting and will be receiving a recap of what the recent record rainfall did to the asphalt. Councilor Mulder said he would bring that report to the Fruita City Council.

Councilor Mascarenas remembered that she had printed out some information for the rest of the Council from CDOT regarding Proposition 101 and Amendment 61. She stated that proponents of the measures have raised about \$12,000 to help with their campaign and opponents have raised \$4 million. She said she would be attending the Club 20 meetings regarding the issues as well.

Councilor Fuller stated that the information he heard is that the opponents are significantly behind at this point and that he felt that any money the city has available should be used to educate the public.

MAYOR HENRY

Mayor Henry announced that at 3:25 p.m. the previous day, his new granddaughter was born. Her name is Ashley Ann and she weighs 8 lbs and 2 ounces.

10. ADJOURN

With no further business before the City Council, the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk