

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

3. AGENDA – ADOPT/AMEND

- **COUNCILOR BUCK MOVED TO ADOPT THE AGENDA AS PRINTED. COUNCILOR MASCARENAS SECONDED THE MOTION. THERE WERE 6 YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations on the agenda.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST FOR APPROVAL OF THE MINUTES FROM THE DECEMBER 7, 2010 CITY COUNCIL MEETING**
- B. LIQUOR LICENSE RENEWAL – A REQUEST FOR APPROVAL OF A RENEWAL OF A BEER AND WINE LIQUOR LICENSE FOR HOT TOMATO CAFÉ AND PIZZERIA LOCATED AT 124 N. MULBERRY**
- C. LIQUOR LICENSE REPORT OF CHANGES – A REQUEST FOR APPROVAL OF A REPORT OF CHANGES TO ADD A RETAIL WAREHOUSE STORAGE PERMIT FOR THE FRUITA LIQUOR MART LOCATED AT 423 E. HIGHWAY 6 & 50**
- D. RESOLUTION 2010-48 – A REQUEST TO APPROVE A RESOLUTION CONCERNING THE ADOPTION OF THE LOCAL MATCH FUNDING FOR GRAND VALLEY TRANSIT PUBLIC TRANSIT SERVICES FOR FISCAL YEAR 2011**
- E. BOARDS AND COMMISSIONS – ARTS AND CULTURE BOARD – A REQUEST TO APPROVE THE APPOINTMENT OF AMRON GRAVETT TO THE ARTS AND**

CULTURE BOARD TO FILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN DECEMBER 2015

F. BOARDS AND COMMISSIONS – PARKS AND RECREATION ADVISORY BOARD

- 1. A REQUEST TO APPROVE THE RECOMMENDATION THAT A BOARD MEMBER BE REMOVED FROM THE PARKS AND RECREATION ADVISORY BOARD**
- 2. A REQUEST TO APPROVE THE APPOINTMENT OF NOAH SEARS TO THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN FEBRUARY 2014**

G. KINGSVIEW OPEN SPACE – A REQUEST TO APPROVE A RECOMMENDATION TO THE PARKS AND RECREATION ADVISORY BOARD THAT THE KINGSVIEW OPEN SPACE BE RE-NAMED “FRUITA RIVERFRONT PARK”

H. ORDINANCE 2010-16 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE VACATING THE PABOR AND ASPEN AVENUE RIGHT-OF-WAYS LOCATED BETWEEN THE RAILROAD RIGHT-OF-WAY AND THE SOONER INDUSTRIAL PARK SUBDIVISION AS PART OF THE FRUITA INDUSTRIAL PARK SUBDIVISION – FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 18, 2011

I. RESOLUTION 2010-55 – A REQUEST TO APPROVE A RESOLUTION FOR A PUBLIC SERVICE COMPANY UTILITY EASEMENT AT THE FRUITA COMMUNITY CENTER

J. NOVEMBER 2010 FINANCIAL REPORTS – A REQUEST FOR APPROVAL OF THE NOVEMBER 2010 FINANCIAL REPORTS

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

Councilor Bonar requested that Item G. Kingsview Open Space – A request to approve a recommendation that the Kingsview Open Space be re-named “Fruita Riverfront Park” be removed from the consent agenda for further discussion. Mayor Henry noted that Item G. would be moved to Item 8 - 3) under the Administrative agenda.

- COUNCILOR MOSS MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED. COUNCILOR BUCK SECONDED THE MOTION. THERE WERE 6 YES VOTES.**

Councilor Buck introduced Amron Gravett, who was appointed to the Arts and Culture Board. Mrs. Gravett stated that she was very excited to be appointed the Board; noting that she and her husband are new members of the Fruita Community. They moved to the area in October 2010. Mr. Gravett works at

Family Health West as a Physician's Assistant. Mayor Henry welcomed Mr. and Mrs. Gravett to Fruita and thanked Mrs. Gravett for being willing to participate on the city's Boards and Commissions.

Councilor Moss introduced Mr. Noah Sears, who was appointed to the Parks and Recreation Advisory Board. Mr. Sears has been attending the Board meetings for almost two years as a non-voting member. He has a background in mountain biking and Councilor Moss noted that he will be a great addition to the Board.

Mr. Sears stated that he has been in the Valley for about five years and has lived in Fruita the past two years. He managed Over the Edge Sports for five years and is now working for Mountain Racing Products in Grand Junction. Mr. Sears said that he appreciates the appointment and looks forward to serving on the Parks and Recreation Advisory Board. Mayor Henry thanked Mr. Sears for his willingness to participate on the Board.

7. PUBLIC HEARINGS

There were no public hearings on the agenda.

8. ADMINISTRATIVE AGENDA

A. CITY MANAGER CLINT KINNEY

1. FOLLOW UP DISCUSSION REGARDING THE ALLOCATION OF THE PROPOSED ECONOMIC DEVELOPMENT LINE ITEM

City Manager Clint Kinney stated that the discussion was scheduled to talk further about economic development in the City of Fruita. Mayor Henry noted that a meeting was being scheduled for January 5, 2011 for the Council to discuss ways to support the Fruita Farmer's Market.

Councilor Moss stated that he had run into the owners of the old Hot Tomato and they said they will be renting the space for a theater/open mike night for a short term until they can find a long-term tenant. He added that there are two gentlemen who want to bring theater acts to Fruita.

Councilor Mascarenas stated that she was disappointed that the Council had decided against having a Pow Wow event in Fruita next June. Mayor Henry said that he had been excited about the Pow Wow as well, but that the city would be busy facing the challenges of opening the new Community Center and the mountain bike/disc golf park.

Mayor Henry said that one option may be that Mr. Roland McCook could provide entertainment such as exhibition dancing at a Farmer's Market. Another option is for the city to have an Indian Blessing at the opening of the Fruita Community Center. Mayor Henry said he would follow up with Mr. McCook regarding that.

Mr. Kinney's recommendation was that the city have one big strategy for economic development. He added that he was currently working on getting a timeline for an economic assessment to be performed by the Colorado Office of Economic Development and International Trade. Mr. Kinney stated that the office of the Grand Junction Economic Partnership (GJEP) has also committed to work with the City of

Fruita regarding economic development. Ms. Ann Driggers of GJEP will be giving the Fruita City Council a presentation at the January 4, 2011 Council meeting.

Councilor Mascarenas commented that it will be difficult for the Council to know what to do with the money allocated for economic development until after the assessment process.

Councilor Moss suggested that the Council members be proactive and decide what the top five priorities might be.

Mayor Henry stated that he would like the Council to address the issues regarding downtown Fruita fairly soon. He added that there might need to be some education about parking downtown because there are a lot of people that aren't aware that there is city-owned free parking available behind the old Brew Pub on Aspen. Mayor Henry also proposed possible modifications and expansion of the planters and outdoor seating in downtown Fruita.

Councilor Buck said that she had heard a lot of great small ideas and wanted to make sure that the Council was going to look at those, too and not just the big picture of what the assessment might conclude. She mentioned better signage and planters as some of the ideas. Councilor Buck suggested having a meeting about all of the ideas to prioritize what the city should begin doing first.

Mr. Kinney proposed that the Council discuss it again at the January 4, 2011 Council meeting. Councilor Buck asked everyone to bring a list of the ideas for economic development to the meeting.

Mayor Henry stated that he had asked for a report from the Fruita City Market showing the percentage of customers by zip code (taken from their value cards). He noted that he asked for this because a liquor store in town said that 15% to 20% of their business comes from Utah and this could be a market that Fruita businesses should consider.

Mayor Henry mentioned that the Council had previously discussed putting in some planters and flowers in downtown Fruita like the ones they have in Delta. Mr. Kinney said a decision would need to be made as to who would take care of the flowers. He suggested that the Council get some buy-in from local businesses first. Mayor Henry stated that there are a number of master gardeners that live in Fruita and there were three ladies at the Village at Country Creek that said that they are looking for things to do now because their husbands are gone. Councilor Moss said that he really likes the planters that hang from poles, like the ones in Steamboat Springs.

Councilor Bonar said that there are a couple of months before plants could be put outside, so there was no need to rush into a decision. Councilor Moss said he thought decisions should be made at the January workshop meeting. Mr. Kinney stated that it was staff's goal to have "not-to-exceed" estimates of the costs for the mountain bike/disc golf course at the second Council meeting in January.

Mayor Henry said he thought Fruita should consider getting an events coordinator; someone who would be able to get sporting teams to stay in Fruita.

Councilor Mascarenas stated that she talked to the competitive baseball teams about finding a place in Fruita for batting cages. She said she was concerned that Fruita hotels would be resistant to offering discounts to large groups for sporting events.

Mayor Henry said he still felt the major thing to discuss in January would be downtown Fruita - planters and outdoor seating, and in the meantime he and Councilor Buck would try to find out who some of the gardeners in town are.

Councilor Mascarenas expressed concern that a bunch of little projects could eventually add up and the money could be gone fairly quickly.

Councilor Buck suggested that the ideas from the e-mails received for the focus group meeting on December 14, 2010 be put into a list for the upcoming discussion at the January 4, 2010 Council meeting.

Mayor Henry noted that there would be a meeting with the representatives for the Fruita Farmer's Market on January 5, 2011 and that they would be asking the City Council for contributions and guidance to enhance the Farmer's Market. Councilor Buck mentioned that the new appointee to the Arts and Culture Board, Amron Gravett, should be invited to that meeting because she might possibly be interested in taking over the Farmer's Market.

2. DISCUSSION REGARDING PLACING A MASON CORNERSTONE AT THE FRUITA COMMUNITY CENTER

City Manager Clint Kinney stated that the idea was brought up to potentially have a mason cornerstone put in at the new Fruita Community Center, so staff had provided some background information regarding the process. He said staff was asking for direction whether or not the Council wanted to move forward with the idea. The cost to the city was estimated at \$1,000 by the City Manager.

Potential dates had been provided to staff for the cornerstone ceremony; all in the last week of March. The proposed cornerstone would be located outside the Community Center on the northeast corner.

- **COUNCILOR MOSS MOVED TO REQUEST THAT A MASON'S CORNERSTONE BE INSTALLED AT A COST OF \$1,000 OR LESS AT THE FRUITA COMMUNITY CENTER. COUNCILOR MASCARENAS SECONDED THE MOTION. THERE WERE 5 YES VOTES. THE MOTION PASSED 5 TO 1. COUNCILOR FULLER VOTED NO.**

3. KINGSVIEW OPEN SPACE – A REQUEST TO APPROVE A RECOMMENDATION TO THE PARKS AND RECREATION ADVISORY BOARD THAT THE KINGSVIEW OPEN SPACE BE RE-NAMED “FRUITA RIVERFRONT PARK” (REMOVED FROM THE CONSENT AGENDA BY COUNCILOR BONAR

City Manager Clint Kinney stated that this was a request to consider the official renaming of Kingsview Open Space to “Fruita Riverfront Park.” In 2009, the City Council adopted a policy for renaming parks. The first step in that process is to submit the name to the Parks and Recreation Advisory Board, who takes it through the public process. The Board then provides a recommendation to the City Council to act on it. Mr. Kinney stated that staff was recommending that the Council follow this policy.

Councilor Bonar said that he did not remember a discussion about the policy containing a minimum 90-day evaluation period. He said he didn't feel that it should apply to naming a park that really hasn't been built yet. Councilor Bonar said he also did not understand the purpose of the minimum of the 60-

day waiting period after the Parks and Recreation Advisory Board makes a recommendation to the City Council. He said he saw no value in waiting the 60 days.

Councilor Bonar continued that the city is trying to get the new park completed by April of 2011, but the waiting period would mean that the formal name of the park wouldn't be official until the end of March. He said it would be difficult to try to raise money for a park that the city doesn't have a name for yet.

Councilor Bonar also disagreed with staff's fiscal impact statement that there would be costs associated with signage and other such materials because there were no signs to change; rather, there would be costs associated with putting up signs in a new park regardless. He said he thought the language was not appropriate.

Councilor Bonar concluded that the issue did not meet the intent of the renaming policy that was drafted by Resolution and asked that the Council make a decision about having to go through the public process. He noted that the Council did not wait 60 days on a recommendation from any of the Boards and Commissions on anything.

Councilor Moss said he thought the intent of the policy was that it was for outside groups that come to the city to rename a park and not for when the city is opening a new park or adjusting the name to an existing park. He said he completely agreed with Councilor Bonar that this issue didn't need to go through the process.

City Manager Clint Kinney said he had no idea how the Kingsview neighborhood felt about it and that the process for public feedback is generally a good one. He added that the city has maps that show the area as "Kingsview Open Space."

Councilor Buck noted that part of the problem with Kingsview Open Space is that the residents living in that subdivision assumed that the open space area is owned by them. Mr. Kinney said that is why he felt the public process is good; people could show up to give their input and then they could learn the true history of the property.

Councilor Fuller recommended that the Council have a public hearing in January to achieve the public input component of the resolution previously adopted by the Council.

Councilor Buck asked if Council should direct staff to research the property's name history, noting that she recalled it was originally called "Tract A," but then referred to as "Kingsview Open Space" simply for the sake of convenience.

Mayor Henry pointed out that he and Councilor Bonar had an appointment with the Riverfront Commission to request some funding for the new park in January 2011. He said it would be nice if they could identify the park by its new name. He said he would like to know why the 60-day waiting period was included in the renaming policy, especially if there is a public hearing.

Mr. Kinney said it was his recollection that if someone was going to rename a park, they need to consider that the name will last a long time and potentially forever, so it should not be a rush decision. He said the 60 days allows time to process and think.

Councilor Moss said he was willing to take the risk of receiving feedback from the public and stating that the renaming policy does not apply to the City of Fruita.

Councilor Bonar said he felt comfortable that the Council could make a viable defense that the city is creating a new park and is budgeting funding for that park so the procedure does not apply.

- **COUNCILOR BONAR MOVED TO ADOPT THE NAME “FRUITA RIVERFRONT PARK” FOR THE NEW MOUNTAIN BIKE AND DISC GOLF RECREATION AREA IMMEDIATELY SOUTH OF THE COLORADO RIVER AND WEST OF HIGHWAY 340. COUNCILOR MOSS SECONDED THE MOTION.**

Councilor Mascarenas stated that she was a little concerned about the language in the naming and renaming procedure because it could be interpreted to mean that the policy does not apply to the City Council and city staff.

- **COUNCILOR BONAR WITHDREW HIS MOTION AFTER THE COUNCIL DIRECTED STAFF TO SET A PUBLIC HEARING DATE FOR JANUARY 4, 2011 TO MODIFY RESOLUTION 2009-53 – A RESOLUTION ESTABLISHING A POLICY SETTING A NAMING AND RENAMING PROCEDURE FOR PARKS, OPEN SPACE AND TRAILS IN THE CITY OF FRUITA.**

City Manager Clint Kinney confirmed that staff would draft a resolution to rename the park for public hearing on January 4, 2011 and would publish notice of the hearing in the Fruita Times.

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR BUCK

Councilor Buck reported that the Arts and Culture Board had their Craft Fair the previous weekend and that there was a lot of good foot traffic. She said next year, the Board plans expand the fair to fill up the three meeting rooms or the gym floor at the new Fruita Community Center. Councilor Buck mentioned the sculpture with the time capsule that had recently been erected at the Community Center.

Councilor Mulder commented that the vendors at the Craft Fair were very happy. He added that Lauri Baker was there the entire day all by herself running the whole thing.

COUNCILOR MASCARENAS

Councilor Mascarenas stated that there was no Police Commission meeting in December. She reported that she had sent out a couple of flyers to commemorate the 1-year anniversary of the Mesa County's Community Services West program. There will be an informational meeting on how to identify child abuse and what to do about it. Councilor Mascarenas continued that Family Health West is going to have their annual meeting in the Fruita Community Center.

Mayor Henry asked if the Community Services West program was going to expand their hours of operation to five days. Councilor Mascarenas responded that Tracy Garcher, the new Director of the Mesa County Department of Health, lives in Fruita, as do several other employees. The new Health

Department Manager of Fruita's Community Services West program had also expressed an interest in moving to Fruita. Councilor Mascarenas said that with so many employees working and living in Fruita, there could definitely be some expansion of the number of days of operation per week.

Councilor Mascarenas also reported that she and Mayor Henry had just interviewed Christopher Potter (who is currently on the Planning Commission) for an appointment to the Police Commission. She stated that she thinks Mr. Potter would be a tremendous asset to the Board because he has an extensive military police background that includes SWAT, firearms, marksman, and incident command training. Councilor Fuller added that Mr. Potter and his wife teach concealed carry classes. Mayor Henry noted that Mr. Potter agreed to continue on the Planning Commission until his term expires.

COUNCILOR MOSS

Councilor Moss reported that he had spoken with Troy Rarick (the previous owner of Over the Edge Sports) who still owns the building regarding the gravelly concrete on the corner. Mr. Rarick told Councilor Moss he was willing to work to solve the problem as long as the new concrete is not the kind with the pebbles in it. He said it needs to be discussed when the Council addresses the economic development issue in regards to downtown.

Councilor Moss asked if the Arts and Culture Board was commissioned to make decisions such as the approval of the sculpture for the new Community Center. Councilor Buck confirmed that they are. Councilor Moss said he questions why the City Council has no input on things like that because they are out in the public and Council members have to defend them. He said it would be nice for the Council to see those kinds of things before they are placed in the public. Councilor Buck responded that the Arts and Culture Board made the decision and that they would ask why they were appointed if they were not allowed by the City Council to make those kind of decisions.

Councilor Moss stated that he thought as a Council, the members would at least want to have a heads up.

Mr. Kinney stated that if the Council wanted to change the process for the approval of art, they could do that.

Mayor Henry stated that he was concerned about Councilor Buck's comment about Boards and Commissions members feeling like they should be able to make decisions on their own because that was dismissive of the City Council and its position. He said he would have liked to have seen the Arts and Culture Board's recommendations.

Mayor Henry continued that he didn't think it was fair because the Council has to hear about decisions that were made by non-Council members but then they (the City Council members) have to defend those decisions.

Mr. Kinney reiterated that if the Council wanted to have more input in regards to either art or tourism, then they could change it.

Councilor Moss suggested that the Council be sent e-mails regarding decisions on art or things that will be out in the public.

Councilor Buck said she was okay with the Arts and Culture Board being allowed to make decisions on art pieces for the city such as the sculpture at the Community Center. She said she didn't want the level of detail that Councilor Moss wanted.

Mr. Kinney responded that if one Council member requests to see recommendations or decisions made by the Boards, then all Council members must receive the same information. He said his goal with his Friday Memorandum was to inform the Council of those kinds of things.

Mayor Henry said he would have been more comfortable if the Arts and Culture Board had taken their recommendation for the Community Center art piece to the City Council.

After discussing it, the Council directed staff to scan and e-mail the minutes from all the Boards and Commissions meetings for three months.

COUNCILOR FULLER

Councilor Fuller noted that he and Mayor Henry are on a task force at the Grand Junction Chamber of Commerce regarding the supposed change in designation of the Colorado National Monument to a National Park. He said they met with Congressman-Elect Scott Tipton earlier in the month and they asked that he make a request to the Congressional Research Office (a non-partisan organization designed specifically to look into issues that the congressmen want them to look into) for a study to be done to determine what the actual impact of the designation to a National Park would be.

Councilor Fuller pointed out an article in the Daily Sentinel about monument officials denying a proposal for a world-class bike race. He noted that the race would have been of great economic benefit to Fruita, as well as Mesa County in general. He said that he estimated that the approval process would become even more difficult if the Monument were re-designated to a National Park. Councilor Fuller said there are serious concerns about changing the status of the Monument. He noted that Congressman Tipton would likely be providing the results of the requested study to the City Council in February or March of 2011.

Councilor Fuller asked if the City of Fruita was going to rescind its previous letter of support for the status designation change. Mayor Henry said he felt the city should send a qualifying letter that the city's support is subject to further study and input.

Mayor Henry also noted concerns about controls by the Environmental Protection Agency (EPA) in regards to air quality including and visual sheds. Councilor Fuller mentioned that there were also serious concerns that the residents on Glade Park would have potentially restricted access through a National Park.

Mayor Henry said it was interesting because the presentation by the National Parks stated that the new designation would invariably bring more people to the area. He continued that additional research has concluded that there is no real correlation between an increase in visitors and a National Park designation.

Councilor Fuller explained that Congress would have to pass a law in order to change the designation of the Colorado National Monument to a National Park and that currently Senator Udall is pushing for it. He said that Scott Tipton, at this point, is not in favor of it, but he will potentially have less sway over

the whole process than a Senator would have. Councilor Fuller said that once the study comes out, he thinks there will be sufficient written information that will help to defend the situation.

Mayor Henry made note that this isn't the first time that the National Park designation has been proposed. In the past, it was denied because the Colorado National Monument is mostly single-focused and a National Park is supposed to have multiple facets. He said that because dinosaur tracks have been found at the Monument, the Superintendent is using that as justification for being multi-faceted. Mayor Henry concluded that there are definite economic considerations and consequences for re-designating the Monument to a National Park.

10. ADJOURN

With no further business before the Council, the meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk