

**FRUITA CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 16, 2016**

**1. INVOCATION AND PLEDGE OF ALLEGIANCE**

A moment of silence was observed in lieu of the Invocation and the Pledge of Allegiance was recited.

**2. CALL TO ORDER AND ROLL CALL**

Council members present were Bruce Bonar, Mel Mulder, Kyle Harvey, Stacey Mascarenas and Joel Kincaid. Mayor Buck called the meeting to order at 7:00 p.m.

Mayor Buck asked if there were any corrections or additions to the agenda. City Manager Mike Bennett stated that there were not.

**3. AGENDA – ADOPT/AMEND**

- **COUNCILOR BONAR MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR MULDER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

There were no Proclamations or Presentations on the agenda.

**5. PUBLIC PARTICIPATION**

Mayor Buck asked if anyone in the audience wanted to speak about something not otherwise appearing on the agenda. Hearing no comments, she closed the public participation section of the agenda.

**6. CONSENT AGENDA**

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE FEBRUARY 2, 2016 CITY COUNCIL MEETING**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A RETAIL LIQUOR STORE LICENSE – MALT, VINOUS AND SPIRITUOUS FOR CENTER TOWN LIQUORS LOCATED AT 136 S. MESA STREET**
- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A 3.2 PERCENT BEER RETAIL (OFF-PREMISES) LIQUOR LICENSE FOR MAVERIK, INC. LOCATED AT 1103 US HIGHWAY 6 & 50**

- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS AND DANCE HALL LICENSE FOR THE BUCKBOARD CAFÉ AND LOUNGE LOCATED AT 155 N. MULBERRY STREET**
- E. SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR APPLICATION FOR THE FRUITA ROTARY CLUB TO PROVIDE BEER AND WINE SERVING SERVICES AT THE FRUITA COMMUNITY CENTER FOR THE FRUITA CHAMBER OF COMMERCE ANNUAL BANQUEST ON SATURDAY, FEBRUARY 20, 2016 FROM 5:00 TO 10:00 PM**
- F. RESOLUTION 2016-02 – A REQUEST TO APPROVE A RESOLUTION ADOPTING A POLICY FOR FUNDING REQUESTS FROM OUTSIDE AGENCIES**
- G. BUDGET RESOLUTION 2016-04 – A REQUEST TO APPROVE A RESOLUTION FOR A SUPPLEMENTAL APPROPRIATION FOR THE 2016 FISCAL YEAR**
- H. BRANDON ESTATES SUBDIVISION, FILING 3, PHASE 2B**
- 1) RESOLUTION 2016-05 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE BRANDON ESTATES, FILING 3, PHASE 2B SUBDIVISION IMPROVEMENTS AGREEMENT (SIA)**
  - 2) RESOLUTION 2016-06 – A REQUEST TO APPROVE A RESOLUTION FOR THE FIRST RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) FOR THE BRANDON ESTATES, FILING 3, PHASE 2B SUBDIVISION**
- I. JANUARY 2016 FINANCIAL REPORTS – A REQUEST TO APPROVE THE JANUARY 2016 FINANCIAL REPORTS**

Mayor Buck opened the Consent Agenda for public comments, of which there were none.

Mayor Buck brought the Consent Agenda back to the Council for any comments or questions.

- COUNCILOR KINCAID MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **7. PUBLIC HEARINGS**

There were no public hearing items on the agenda.

## **8. ADMINISTRATIVE AGENDA**

There were no Administrative agenda items on the agenda.

## **9. CITY MANAGER'S REPORT**

City Manager Mike Bennett stated that the next edition of the City Link would be coming out at the end of February. Deputy City Clerk Deb Woods noted that the new edition was currently available on the City's website and that the printer would be mailing the issues the week of February 22<sup>nd</sup>. Mr. Bennett added that the City Link includes all the bios of all the candidates for the City's 2016 Municipal Election, which filled up the majority of the newsletter.

Mr. Bennett continued that staff had spoken with the City Council about doing a safety training, which could be done at the next workshop session or it could be done after the election. Mayor Buck requested to wait until the new Council will be seated in April.

Mr. Bennett also said that Louis Benitez, Director for the State Office of Outdoor Recreation will be in Fruita on February 22<sup>nd</sup>. There will be a Happy Hour at the Hot Tomato from 5:30 to 7:30 p.m. that night and City staff will be giving Mr. Benitez a tour of the Greenway Business Park, the future Kokopelli section of the Riverfront Trail, and other areas around Fruita prior to that.

Mr. Bennett reminded everyone that the City would be hosting the Chamber Business After Hours from 5:30 to 7:30 at the Fruita Community Center on February 18<sup>th</sup>. He added that the Chamber Annual Banquet would be held on Saturday, February 20<sup>th</sup> (also at the Fruita Community Center).

## **10. COUNCIL REPORTS AND ACTIONS**

### **A. COUNCIL REPORTS AND ACTIONS**

Mayor Buck asked Councilor Kincaid if he wanted the Council to discuss the printed out logo concepts from the students at Western Colorado Community College that he had provided earlier. The Council came to a consensus to discuss them at the next workshop session.

#### COUNCILOR MULDER

Councilor Mulder reported that the 5-2-1 Drainage Authority would be meeting the following day at 2:00 p.m. at the Mesa County Courthouse and they hope to achieve a consensus regarding a fee-based structure for drainage fees.

Councilor Mulder also announced that he would be running for the District 1 seat on the Board of Mesa County Commissioners.

#### COUNCILOR BONAR

Councilor Bonar said he thought Councilor Mulder would have an interesting meeting at the 5-2-1 Drainage District the following day. Mayor Buck asked if Public Works Director Ken Haley would be attending that meeting as well. Councilor Mulder said he was sure he was.

Councilor Bonar said that there have been some other alternatives proposed besides the three about which the Council was previously informed. He added that alternative #5 is basically to expand the Grand Valley Drainage District to the 5-2-1 perimeter and have the Drainage District collect the fees, which is basically where everybody was a year ago.

#### COUNCILOR HARVEY

Councilor Harvey reported that the Arts and Culture Board continues to gear up for the Evening of Art event in Fruita on March 5<sup>th</sup> from 7:00 to 9:00 pm. Tickets are available at City Market in Fruita as well as at the Community Center. He noted that the Board is hoping that many people attend the fundraising event to raise money for public art in the City.

Mayor Buck asked how many tickets had been sold so far and Councilor Harvey said he did not have a current count of that; he knew they had sold some, but not a whole lot as of the last Arts and Culture Board meeting.

Councilor Mascarenas asked how many artists would be participating in the event. Councilor Harvey said the Board is hoping to have a total of around 12 booths and that about half of those had been accounted for so far. He added that everybody has been very generous in donating items for the Silent Auction and that there will be good food, wine and beer at the event.

Mayor Buck asked the Council members to do what they could to help boost ticket sales.

#### COUNCILOR MASCARENAS

Councilor Mascarenas said that the Sweet Heart Run was a big success and that there were lots of vendors at the Health Expo. She added that there would be a follow-up meeting the following week to discuss how to maybe do things differently next year.

Councilor Mascarenas continued that she attended the Chamber Board meeting the previous week. The Board discussed some scholarship programs that they are going to start for Future Farmers of America (FFA) students, the Student Senate and kids that are interested in marketing careers.

Councilor Mascarenas said that the Chamber Board also talked about City Link TV and is looking at potentially doing some live streaming of the City Council meetings.

Councilor Mascarenas said the Board also discussed ribbon cuttings and testimonials to create an accumulation of videos and interviews to use as a marketing campaign.

Councilor Mascarenas said the Chamber Board discussed their budget and Director Frank Ladd is very optimistic about increasing not only Chamber membership totals, but revenues as well. She said the meeting was very positive and full of energy.

Councilor Mascarenas noted that the Grand Valley Regional Transportation District has not had a board meeting since late last fall, but the next one will be in March, which will be her last meeting.

COUNCILOR KINCAID

Councilor Kincaid asked if the Council and Mayor wanted to have the WCCC students come to the workshop meeting to present their latest logo concept designs. Councilor Mascarenas said she would like to meet the students and thank them for all their time and effort. Councilor Kincaid said he would invite the students to the workshop.

MAYOR BUCK

Mayor Buck stated that she attended Deputy Geer's funeral the previous day and it was a very nice service.

Mayor Buck noted that the Grand Junction Economic Partnership (GJEP) would be meeting the following day.

- B. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION TO DETERMINE A POSITION RELATIVE TO A MATTER THAT MAY BE SUBJECT TO NEGOTIATION UNDER C.R.S. SECTION 24-6-402(4)(E) AND REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F)**
- **COUNCILOR BONAR MOVED TO MEET IN EXECUTIVE SESSION FOR A CONFERENCE WITH CITY STAFF FOR THE PURPOSE OF DETERMINING A POSITION RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATION UNDER C.R.S. SECTION 24-6-402(4)(E) AND REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F). COUNCILOR MULDER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

*The Fruita City Council convened into Executive Session at 7:13 p.m. The regular meeting convened at 7:45 p.m.*

The Mayor and Council discussed extending the Municipal Court Judge's contract and whether or not to increase his monthly rate of pay. There was agreement that a new contract should wait until the new Council is seated after the election, and there should be a formal review.

Councilor Mascarenas stated that the Judge was underpaid and she would support increasing his pay now. Councilor Bonar stated that perhaps a small increase until the point at which they set the annual review and extend the contract would be a good gesture and then at the point of the review, a permanent rate would be established.

A discussion began regarding whether or not to increase the Judge's rate of pay to \$2,250 or \$2,500 per month until the review.

Councilor Mascarenas stated that considering it was the Judge (who had said he works about 25 hours per month) and attorneys are typically paid by the hour, she felt an increase of \$20 per hour

would be appropriate in the future, so she would be fine with increasing to \$2,500 tonight until the review and then considering there would be a new revenue in the future, the Council could then consider an appropriate increase.

Mayor Buck suggested an increase of \$2,250 per month.

City Manager Mike Bennett asked what new revenue was being referred to. Judge Brown stated that he had updated the Council during Executive Session that the Court receives a couple of people per week that come in to pay their fine from a ticket issued by a Fruita Police Officer that was written into County Court, so it seems that the Police Department could write more tickets into Municipal Court to increase revenue. Judge Brown also stated that the City could consider other forms of fees by looking into the differences in Grand Junction Municipal Court that has more or higher court fees.

Councilor Mulder brought up the topic of health insurance for the Judge. Judge Brown stated that he had asked the City Manager whether he could be added to the City's plan and was told no. Mayor Buck mentioned that this was brought up in Executive Session and wondered whether it was a possibility to fit within our current plan. City Manager Mike Bennett stated that the City only includes full-time employees who work more than 30 hours per week on the health insurance plan that is set up with Rocky Mountain Health Plans and this would be a significant change to the plan. Councilor Mulder stated that perhaps this can be something the City Manager can look into for the future.

The discussion returned to the Judge's rate of pay. Councilor Kincaid stated that the question comes down to whether the Council should agree on a \$250 or a \$500 per month raise over what Judge Brown is currently receiving. He said that he was okay with the higher increase of \$2,500 per month based on the Council's discussion in Executive Session.

Councilor Mulder stated that he supported an increase. Councilor Bonar stated that he was comfortable with a gesture of an increase until the review. Mayor Buck said she would be comfortable with the middle ground of \$2,250 until the review. Councilor Mascarenas stated she felt \$2,500 is appropriate. Mayor Buck stated that this seemed like a large increase and unlike anything that we usually do. Councilor Mascarenas stated that it was the Judge and he had shown that he is paid below market rate and deserves an increase. Councilor Bonar stated that while it is a significant amount of money, it would only be for four months, so we are only talking about a difference of \$250 per month or total of \$1,000 for the four month period.

There was also discussion about adding provisions to the Municipal Court Judge's contract to allow for formal and informal performance evaluations twice per year. Councilor Bonar suggested that that it be handled similar to the City Manager's with a formal review once a year to discuss pay and solicit feedback from the public and an informal review halfway through the year as a check-in. The Mayor stated that two example reviews had been provided by the City Manager that Judge Brown had seen, one being the same form used for the City Manager and the other being an ICMA example of a Municipal Court Judge review from Oregon.

Councilor Bonar asked a question to clarify that before making a motion would it be the same form as the City Manager that would be used? Judge Brown stated that he preferred the Oregon example. Councilor Bonar stated that perhaps the actual form would not need to be stated in the motion any way. Mayor Buck stated that the form would be included as a Council agenda item prior to the review to release it to the public and that would be when it would be specified.

- **COUNCILOR BONAR MOVED TO EXTEND THE MUNICIPAL COURT JUDGE'S CONTRACT FROM MARCH 1, 2016 THROUGH THE END OF JUNE 2016 AND TO CHANGE THE RATE OF PAY FOR THE MUNICIPAL COURT JUDGE TO \$2,500 PER MONTH FOR THE MONTHS OF MARCH, APRIL, MAY AND JUNE, 2016. COUNCILOR MULDER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- **COUNCILOR BONAR MOVED TO ESTABLISH A FORMAL ANNUAL EVALUATION OF THE MUNICIPAL COURT JUDGE IN JUNE OF EACH YEAR TO REVIEW THE INTERIM RATE OF PAY AS WELL AS AN INFORMAL ANNUAL REVIEW IN DECEMBER OF EACH YEAR. COUNCILOR MULDER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **11. ADJOURN**

With no further business before the Council, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita