

**FRUITA CITY COUNCIL  
REGULAR MEETING  
DECEMBER 20, 2016**

**1. INVOCATION AND PLEDGE OF ALLEGIANCE**

The Invocation was given and the Pledge of Allegiance was recited.

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

Council members present were Bruce Bonar, Dave Karisny, Kyle Harvey, Ken Kreie, Joel Kincaid and Lou Brackett. Mayor Buck called the meeting to order at 7:00 p.m.

**3. AGENDA – ADOPT/AMEND**

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

- **COUNCILOR BONAR MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR BRACKETT SECONDED THE MOTION. THE MOTION PASSED WITH SIX 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. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER AND WINE LIQUOR LICENSE FOR THE HOT TOMATO CAFÉ AND PIZZERIA LOCATED AT 124 N. MULBERRY**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BREW PUB LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FOR SUDS BROTHERS BREWERY LOCATED AT 127 E. ASPEN**
- C. BOARDS AND COMMISSION APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF SEAN MCCONVILLE TO THE HISTORIC PRESERVATION BOARD TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE YEAR TERM TO EXPIRE IN SEPTEMBER OF 2021**

- D. FRUITA THRIFT SHOP DONATIONS – A REQUEST TO APPROVE THE SOLICITATION OF DONATIONS FROM THE FRUITA THRIFT SHOP FOR A CHILDREN’S FOOD PROGRAM DURING SCHOOL BREAKS**
- E. RESOLUTION 2016-48 – A REQUEST TO APPROVE A RESOLUTION FOR A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE SENIOR CENTER AND PARKS EQUIPMENT AND TRASH COLLECTION SERVICES**
- F. NOVEMBER 2016 FINANCIAL REPORTS – A REQUEST TO APPROVE THE NOVEMBER 2016 FINANCIAL REPORTS**

Mayor Buck opened the public hearing on the Consent Agenda.

Fruita Police Chief Judy Macy noted that the Council packet included a request from the Police Department to solicit donations. She said that it is a program that Officer Jessica Rezak wants to start.

Officer Rezak stated that she is currently a School Resource Officer (SRO), which means that she strictly responds to calls at Fruita’s schools and brings up safety concerns when necessary. She said it had come to her attention through the Principal at Shelledy Elementary that 45% of Fruita’s kids at Shelledy are on free or reduced lunch. The Principal said that it would amaze everyone to watch the kids at lunch that put food in their pockets because they don’t know if they are going to eat when they get home.

Officer Rezak said she has learned that Canyon View Vineyard Church does a backpack program where they bring bags of food to the school on Fridays only during the school year, which means there is nothing throughout school breaks or summertime. She explained that there is a Lunch Lizard Program in the valley, but they don’t come to Fruita to help feed kids.

Officer Rezak said she was requesting to solicit monetary donations in hopes of helping the kids during school breaks and summer vacation.

Mayor Buck said the Lunch Lizard did start coming to Fruita but only in the summer months and only on one day per week.

Councilor Karisny noted that Mike Berry, President of Kids Aid has also been doing a backpack program for the whole School District since about 1999 and that he might be a good person for Officer Rezak to get involved with because Kids Aid has been looking to expand their program. He added that Tom McNamara was also involved in trying to expand the Lunch Lizard program over the summer in Fruita, as well as the Kids Aids program. Kids Aid has about 3,000 kids that they are working with and it is a very formalized organization with a website, food bank and a number of volunteers. He said it would be great if Officer Rezak could work with both Mr. Berry and Mr. McNamara in combination with what she wanted to do.

Mayor Buck suggested that Officer Rezak contact the Fruita Rotary Club, also.

Officer Rezak explained that the original letter she has is for the Fruita Thrift Store, which is where she picked to start asking for donations.

Mayor Buck said it was a great what Officer Rezak was doing and thanked her for taking it on.

There were no further comments from the public on the Consent Agenda. Mayor Buck referred to the Council.

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

## **7. PUBLIC HEARINGS**

There were no public hearings on the agenda.

## **8. ADMINISTRATIVE AGENDA**

### **A. CITY MANAGER MIKE BENNETT**

#### **1) INTRODUCTION OF SLATE COMMUNICATIONS MARKETING AND PUBLIC RELATIONS FIRM AND REQUEST TO APPROVE A CONTRACT BETWEEN THE CITY OF FRUITA AND SLATE COMMUNICATIONS FOR MARKETING AND PROMOTION SERVICES**

City Manager Mike Bennett noted that Kim Newcomer, principal and founder of Slate Communications, was present in the audience. He explained that typically, staff would have this type of contract on the Consent Agenda, but the Fruita Tourism Advisory Council (FTAC) had spent quite a bit of time going through an RFP (Request For Proposal) process where staff actually requested marketing agencies to submit proposals for either all requested services or even part.

Mr. Bennett continued that the City received a lot of proposals and the FTAC selected finalists to interview and were unanimous in the selection of the recommendation for Slate Communications. He said that the amount in the contract was included in the 2017 Budget and the contract is for two years that has options for (up to) three one-year renewals.

Mr. Bennett noted that Ms. Newcomer had travelled from Fort Collins to introduce herself to the City Council and speak a little bit about Slate Communications.

Kim Newcomer stated that she is one of the founders of Slate Communications, which is a marketing and public relations firm that works almost exclusively with communities and local governments.

Ms. Newcomer said that Slate Communication's goals include generating economic activity through tourism and marketing and engaging the community in that effort. She said her firm

believes it is very important that Fruita residents and businesses have a say or a part to play in the marketing that they do, so they would be working with staff to figure out how to do that.

Ms. Newcomer said another goal of her organization was to spread the word about Fruita, and that her firm is very excited to help in that effort beyond what the City has already established. She commented that Fruita already has a really strong foothold as a great community and Slate Communications is ready to help take it to the next level.

Councilor Brackett asked how long Slate Communications has been in business. Ms. Newcomer responded that they have been in business for four years now. They started as a small team of three people in one room without desks, and they are now up to a staff of eight. She added that they are a full-service shop; they do everything from strategy down to the implementation of graphic design, content, video and photography.

- **COUNCILOR BONAR MOVED TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH SLATE COMMUNICATIONS, LLC AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT. COUNCILOR KARISNY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **B. FRUITA MUNICIPAL COURT**

### **1) MUNICIPAL COURT UPDATE FROM JUDGE DANIEL ROBINSON**

Fruita Municipal Court Judge Robinson gave an update on court activities. He provided handouts which included a flow chart, violations statistical report (minors and adults) for 2016 plus the three prior years and graphs/charts of 2013 - 2016 Municipal Court cases.

Judge Robinson noted that the range of sentences for defendants can be a fine of up to \$1,000 maximum plus costs and fees. He said that for many defendants, he has been setting a fine of \$500 (for example), suspending \$400 of that and letting the defendant work the \$100 off through community service at \$8.00 per hour. The Judge said that he believes that the value of this kind of sentence is that it ensures an additional fine if they don't comply. The defendant must come back to court for failure to comply or if they commit a new offense (while under six months' probation), the suspended fine is sort of an assurance in reserve. He said the idea is to get the attention of the defendant that they are given an opportunity, but the court expects them to honor some commitment to the community through community service, which he said seems to be pretty effective. Judge Robinson said the result is that cases are beginning to diminish and the court is seeing more compliance than other municipal courts in the valley.

Judge Robinson said that a troublesome area is when defendants don't comply with the sentence, which becomes contempt of court. The defendant is called back for a "show cause" hearing, which is basically where the defendant must tell the court what reason they have for non-compliance and why they shouldn't be held in contempt. If they are found in contempt of a court order, there is another fine. Judge Robinson said this is both good and bad; it is problematic in the sense that if somebody didn't pay the first fine, it's not very likely they are going to pay an additional fine when they are found in contempt. He said this is where a creative sentence is very helpful such as the

community service, clear payment plans (\$5 per month if necessary) and just being extremely cooperative with defendants. The message is that the Fruita court expects defendants to comply with court sanctions and orders and he believes that the message is delivered in a friendly but firm way.

Judge Robinson briefly reviewed the charts and graphs of Municipal Court cases in 2016. There has been a decline in some areas such as minors in possession of alcohol and minors in possession of marijuana. He said he couldn't explain why, but added that the Fruita Police Department is effective and deserves to be commended because they utilize positive, polite interaction with people in the community, although they don't tolerate a lot of misbehavior, either.

The Judge reviewed all the cases in Fruita, most of which showed a decline in the number of cases since 2013. He said he believes this is a good trend and is a sign of a healthy community.

Judge Robinson said that the adult cases that are of concern to him are the issues around dogs; dog bites and dogs at large, which are cases that seem to be continuing and problematic. He said it is not so much the dogs, it is the owners that need to learn how to be competent dog owners and take responsibility for them. He continued that one way to address the matter is through dog owners' classes so that instead of fining a dog violator owner \$40 or \$50, it may make more sense to have them pay to attend a basic adult dog responsibility class.

The Judge also made a suggestion regarding available grant funds for apprenticeship-type programs for juveniles. He said that a carefully screened juvenile offender could work in an apprentice capacity at some department of the City and could become quite competent while learning job skills and being exposed to responsible adults, which could have a very positive effect on the juvenile.

This concluded Judge Robinson's presentation.

Mayor Buck asked the Judge if he knew of any animal classes in the area or if they would have to be created.

Judge Robinson said that he had talked to a dog trainer that said that there are classes, but he didn't know of any in Fruita. He added that he also asked the staff at Chow Down on Aspen Avenue about classes, which they would like to have but currently do not.

Judge Robinson stated that Fruita's Animal Control Officer does a very good job, but she is half-time now. He said he was sure that an adult dog training class could be a very good tool because dogs are an issue in this community.

Councilor Karisny asked if the Municipal Court could create a list of dog trainers in the valley and then somehow the dog trainer would provide documentation to prove compliance. Judge Robinson said this was absolutely possible; the court already does this with anger control, alcohol, and driving classes. He said the defendant could be given 90 days to attend dog classes that are offered in the valley and then they would come back to the court with proof that they have completed the class. He said there is no reason the court couldn't do this.

Mayor Buck said she liked that idea and Councilor Brackett agreed.

Councilor Karisny commended Judge Robinson on doing a very good job in a short period of time of sorting out how to handle his court cases and he encouraged the other Council members to stop in and watch a session to get a sense of what people are dealing with as families and citizens and how the Judge interacts with them. He said it was very telling.

Judge Robinson responded that a lot of common sense is required to communicate in a reasonable, effective way with defendants.

Mayor Buck said she loved the idea of the apprenticeship program for juveniles, but she understands it takes staff time to complete a grant application as well as the staff time to shadow the juvenile, so she didn't know what could be done about that.

Judge Robinson said he thought the important issue was how to reach high-risk kids and although there are no magical solutions, there are some basic rules that kids need to learn because they don't have good models. He said he was looking for creative ways to address kids' problems, but how it happens was the hard part.

Mayor Buck encouraged the Judge to be as creative as he would like to be; that the Council would support whatever he could get done and that she loved his ideas.

Judge Robinson complimented his court clerk, Lisa Hamilton, as well as other City staff for making him feel so comfortable and supported.

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

City Manager Mike Bennett reminded everyone that City offices would be closed on Monday, December 26<sup>th</sup>, as well as the following Monday, January 2<sup>nd</sup> for the Christmas and New Year's holidays.

Mr. Bennett also noted that the City Council workshop session on December 22<sup>nd</sup> was cancelled.

Mr. Bennett said he would be on vacation the following week and Chief Macy would be Acting City Manager.

Mr. Bennett said staff is trying to put together the City Council packet for January 3<sup>rd</sup> early, but there weren't many agenda items that needed to go before the Council on that night. He said that there was a full agenda for the January 17<sup>th</sup> meeting and that those items would not be ready for the January 3<sup>rd</sup>, so he proposed that the January 3<sup>rd</sup> meeting be cancelled as well.

Mayor Buck stated that the progress with a prospect might require a meeting and as long as there was time to publish notice of the meeting, then cancelling the meeting on the 3<sup>rd</sup> should be fine.

Mr. Bennett added that he and the Mayor met with the prospect the previous day and it looked like the earliest that there could be a discussion among the Council would be on January 17<sup>th</sup>. He

pointed out that with 24 hour notice, the City Council could call a special meeting if a majority of members were available. Mr. Bennett said he wasn't anticipating that at this time.

Councilor Bonar asked if there was anything in the Charter that requires the Council to have the meeting. Mr. Bennett answered that the Charter requires that the Council meet at least once per month. He added that it would not hurt to have a motion to cancel the January 3, 2017 Council meeting and then staff would put the notice out to the public.

- **COUNCILOR BONAR MOVED THAT CONSIDERING THE CITY MANAGER'S UPDATE THAT THERE IS NO BUSINESS TO BE TRANSACTED ON JANUARY 3<sup>RD</sup>, THAT THE JANUARY 3, 2017 CITY COUNCIL MEETING BE CANCELLED. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Mr. Bennett noted that the sales and use tax revenues for October 2016 were up 10% compared to October of 2015.

Mr. Bennett said that he and the Mayor planned to continue having meetings with business prospects and would be soon meeting with a company that they met with last year who said that they would be coming to Fruita in about two years.

Mr. Bennett said he had a great meeting with the new Director of the Mesa County Work Force Center and he thinks there will be some good opportunities for the City to work with them more closely and bring them into the City's extended economic development team along with the Grand Junction Economic Partnership (GJEP), the Business Incubator and the Fruita Chamber. He said that the Work Force Center has some great programs; one is an apprenticeship program that the City will be looking at, perhaps combined in some way with the Municipal Court. Mr. Bennett said that Code Compliance Officer Mark Angelo works with certain groups at the Work Force Center, which works well when volunteers are available that need to do community service. The Work Force Center also has a lot of data put together that Mr. Bennett said would be great to share with companies regarding the skill sets/work force that our area has to offer.

Mr. Bennett let the Council members know that hard copies of the 2017 Budget were ready if anyone wanted one, noting that it was posted on the City's website and also available in a pdf format.

Mr. Bennett wished the Mayor and Council a Merry Christmas.

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

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

#### **COUNCILOR BRACKETT**

Councilor Brackett stated that he had no items to report on from the Police Commission nor the Parks and Recreation Advisory Board.

Councilor Brackett did say he was the Fruita Community Center earlier in the day and found that it was being used up to the hilt. He added that the FCC was a good investment that adds to the Council's goal of Quality of Place.

#### COUNCILOR KINCAID

Councilor Kincaid said he wanted to bring to everyone's attention the Council's review of the City Attorney and that it needed to be placed on an agenda, as this is one of the responsibilities of the Council.

Councilor Kincaid reported that he received one e-mail and one phone contact from two different people in the community that are asking about the City's new logo and how and if it may be used by local businesses. He requested that the City Manager look into the matter to find an answer.

#### COUNCILOR KREIE

Councilor Kreie reported that the Downtown Advisory Board had an e-mail discussion regarding the success on the Christmas tree lot.

Councilor Kreie also reported that attended the Colorado Municipal League (CML) Policy Committee meeting, where they discussed the lobbying they are doing on behalf of Colorado municipalities. They reviewed the laws that were successfully passed as well as laws that they need to work on getting passed in the coming year. He said that it was good to meet new people and learn what CML is doing for the City.

#### COUNCILOR HARVEY

Councilor Harvey reported that the Arts and Culture Board met and they are thrilled that they are going to attend the January 24<sup>th</sup> workshop of the City Council. At that meeting, the board will update the Council on how they are focusing their efforts to raise money for public art and how they might be able to help the City in purchasing something eventually. Councilor Harvey added that the board also wants to "put their hat in the ring" in terms of what art may be placed in the roundabouts.

Councilor Harvey also reported that he had just come from the Riverfront Commission meeting and the big news is that co-chairs Brad Taylor and Frank Watt are choosing to not be reappointed to their positions on the board (they will both remain on the Riverfront Foundation Board of Directors). They are being replaced by Stacy Beagh and Karen Jefferson, who Councilor Harvey said will do a great job because they are both very engaged in the process of putting on the Riverfront Summer Concert Series, so he has no hesitation in supporting their appointments. He added that this does mean that there will likely be a couple of open spots on the Riverfront Commission and requested the Council members to pass this along to anyone who might be interested.

Councilor Harvey also reported that the Town of Palisade received a Great Outdoors Colorado (GOCO) grant for \$90,000 for the Palisade Plunge trail's environmental studies/bio-assessment and they hope to receive the results in February or March of 2017. Then in August, Palisade will apply



for a GOCO Connect Grant. They are shooting for fall of 2018 or spring of 2019 to have the trail completed.

Councilor Harvey stated that the Riverfront Commission wants to encourage more volunteer participation. One of the big projects coming up is a volunteer surcharge project where customers visiting a business would be asked if they would like to donate money by rounding their charges up to the next dollar (to go to the Riverfront Commission).

The Commission is also trying to figure out how to relieve some of the burden of meeting every month, so they are considering meeting every other month. Councilor Harvey said he had to leave the meeting and didn't know if the Commission voted on that after he left, but he would find out and update the Council at the next meeting.

### COUNCILOR KARISNY

Councilor Karisny reported that the Planning Commission had an orientation/planning session the previous week. They reviewed Planning Commission roles, quasi-judicial hearings and voting.

In January, the Planning Commission will continue the orientation/planning session and Community Development Director Dahna Raugh will review the entire land development application process.

Councilor Karisny said he hoped he didn't steal the thunder out of Officer Rezak's request for approving the solicitation of donations from the Fruita Thrift Shop. He said it was absolutely great what she is doing and he thought some Council members were only trying to say that there are other people doing this kind of work and that it would be good to connect with them because they might help Officer Rezak with the whole process.

### COUNCILOR BONAR

Councilor Bonar said he noticed earlier in the day that remodel work is being done on the Park Hotel; corners of the false front had been removed. He had nothing else to report at this time.

### MAYOR BUCK

Mayor Buck reported that GJEP met the previous week. Their top focus of recruiting businesses is still outdoor recreation of any type, Information Technology (IT) and security. Mayor Buck said Colorado Mesa University is considering offering classes in the security industry. She said that agriculture is currently not a focus of GJEP.

Mayor Buck asked how much the Downtown Advisory Board has been involved in the downtown alley improvement project. She said it would be really great to have the alley be more of a local gathering spot/pleasant pedestrian area and not just a utilitarian space.

Mr. Bennett responded that currently, the City's Engineering Department is trying to wrap up the design so that the work can begin in 2017. One of the next steps is gathering input from the downtown businesses and Mr. Bennett said that utilizing the Downtown Advisory Board would be

great. He said that some of the businesses such as the Hot Tomato have already come up with some ideas such as art on the back side of the buildings, but there are also some challenging things that can be worked out with cooperation and City staff can help with that. Mr. Bennett said it involves taking into consideration all the dumpsters in the alley and the need for somewhere to put the businesses' trash. Mr. Bennett continued that he had already talked to one of the trash service providers and they said they would want one account for all the businesses, so he wondered if the City could help somehow where the City is not necessarily paying for the trash service, but helping to coordinate between all parties involved. Mr. Bennett said it would be a good thing if the Downtown Advisory Board could take somewhat of a lead with the businesses to come up with some solutions.

Mayor Buck said that the alley could be a cool place to hang out if it were done right and hopefully that is what everyone is shooting for.

Mayor Buck also reported that she and the City Manager had lunch with the City's Public Works Department because they were largely absent at the City Christmas party. She said she wanted to make sure that Public Works knew that they were missed and are appreciated for everything they do.

**B. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) (MUNICIPAL COURT JUDGE REVIEW)**

- **COUNCILOR BONAR MOVED TO MEET IN EXECUTIVE SESSION TO DISCUSS ISSUES RELATED TO PERSONNEL MATTERS UNDERSTANDING THAT DISCUSSIONS OF SUCH ISSUES IN EXECUTIVE SESSION ARE SPECIFICALLY PERMITTED BY THE STATE'S OPEN MEETING LAW C.R.S. 24-6-402(4)(F). COUNCILOR BRACKETT SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

*The Council convened in Executive Session at 7:48. The regular meeting of the City Council reconvened at 8:05.*

**11. ADJOURN**

With no further business before the Council, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita