

**FRUITA CITY COUNCIL  
REGULAR MEETING  
MARCH 16, 2010  
7:00 P.M.**

**1. THE INVOCATION WAS GIVEN AND THE PLEDGE OF ALLEGIANCE WAS RECITED**

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

Mayor Pro Tem Lori Buck called the meeting to order at 7:01 p.m. Council members present were Bruce Bonar, Mel Mulder, and Nick Kohls.

**3. AGENDA-ADOPT/AMEND**

- **COUNCILOR MULDER MOVED TO APPROVE THE AGENDA AS PRINTED. COUNCILOR KOHLS SECONDED THE MOTION. THERE WERE 4 YES VOTES.**

**4. PUBLIC PARTICIPATION**

There were no comments from the public.

**5. PROCLAMATIONS AND PRESENTATIONS**

There were none.

**6. CONSENT AGENDA**

**A. MINUTES OF MARCH 2, 2010 – A REQUEST FOR APPROVAL OF THE MINUTES**

**B. BOARDS AND COMMISSIONS REAPPOINTMENTS:**

- 1) **A REQUEST TO APPROVE THE REAPPOINTMENT OF NANCY POTTER TO THE HISTORIC PRESERVATION BOARD FOR A THREE-YEAR TERM TO EXPIRE IN JULY OF 2012**
- 2) **A REQUEST TO APPROVE THE REAPPOINTMENT OF YVONNE PETERSON TO THE SENIOR TASK FORCE FOR A THREE-YEAR TERM TO EXPIRE IN JANUARY OF 2013**
- 3) **A REQUEST TO APPROVE THE REAPPOINTMENT OF RONI WELSH TO THE TOURISM ADVISORY COUNCIL FOR A THREE-YEAR TERM TO EXPIRE IN FEBRUARY OF 2013**

**C. ORDINANCE 2010-03 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE REPEALING AND REENACTING**

**CHAPTER 10.04 OF THE FRUITA MUNICIPAL CODE WHICH PROVIDES FOR THE REGULATION OF TRAFFIC; ADOPTING BY REFERENCE THE 2009 EDITION OF THE MODEL TRAFFIC CODE AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

- D. ORDINANCE 2010-05 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING CHAPTER 1.20, CRIMINAL PROCEEDINGS, AND CHAPTER 1.28, GENERAL PENALTIES OF THE FRUITA MUNICIPAL CODE (WILL BE CONTINUED TO APRIL 6, 2010)**
- E. ORDINANCE 2010-09 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING CHAPTER 9, PUBLIC PEACE, MORALS AND WELFARE, OF THE FRUITA MUNICIPAL CODE (WILL BE CONTINUED TO APRIL 6, 2010)**
- F. RED ROCKS SUBDIVISION – A REQUEST TO APPROVE THE FINAL SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) FOR RED ROCKS SUBDIVISION**

Mayor Pro Tem Buck opened the Consent Agenda for public comments. Hearing none, she closed the Consent Agenda for public comments.

Mayor Pro Tem Buck asked the Council if there were any items on the Consent Agenda they would like removed for further discussion.

- **COUNCILOR KOHLS MOVED TO APPROVE THE CONSENT AGENDA AS PRINTED. COUNCILOR MULDER SECONDED THE MOTION. THERE WERE 4 YES VOTES.**

**7. PUBLIC HEARINGS**

- A. ORDINANCE 2010-10 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING THE LAND USE CODE TO IMPLEMENT THE PARKS, OPEN SPACE AND TRAILS (POST) MASTER PLAN**

Community Development Director Dahna Raugh asked the Council if they would again like to review staff's major changes to the Land Use Code or if they would prefer to only discuss the one major outstanding issue of allowing credit against the Parks, Open Space and Trails Impact Fee/Dedication for 5-foot wide landscaped strips outside of the right-of-way along collector and arterial roads. Councilor Kohls stated it was his preference to discuss that.

Ms. Raugh stated that it was staff's understanding that the City Council desired to allow developers to receive credit for the 5-foot strip of land and improvements to the land. She continued that staff had some concerns with the requirement because the only way to determine what the value of the land is would be to have an appraisal done on the

property, but there is such a wide range of appraised values that there is inconsistency and unfairness in the process. Ms. Raugh stated that additionally, one of the primary findings of the Parks, Open Space and Trails (POST) Master Plan was that too much credit was being given for small pocket parks, which inhibits the funding of larger parks. Providing credit for the landscaped strips continues that problem, she said.

Ms. Raugh said that if the landscaped strips were required, they would make more sense, but one of the amendments to the Code as directed by the Council was to remove the requirement for the 5-foot strip and let it be optional. One of the other concerns of staff is the recommendation in the POST Master Plan of credit not being given for open space along the washes (land that isn't developable). Ms. Raugh said it would be kind of weird to allow credit for the 5-foot strip, but not for areas around the trail along the washes.

Ms. Raugh concluded that other than this concern, staff is very comfortable with the proposed amendments to the Land Use Code.

Councilor Buck said that she recalled the conversation a little differently; she thought that some members of the Council decided not to require the 5-foot strip and that it should be an option and some Council members said that developers should be given credit but some said they shouldn't. She added that there was a discussion about allowing the fence to go right up to the back of the sidewalk and also about a 12" or 18" space so that handlebars wouldn't get caught on the fences. Councilor Buck said she thought the Council left it at that but she wanted to hear what the other Councilors recalled.

Councilor Bonar said he remembered what Councilor Buck had recalled. He said he thought the additional 5 feet behind the sidewalk that allows the tall fence was something that was a community benefit and that it should be required and open space credit should be given. Councilor Bonar said this idea of his was shot down and he clearly remembered that he did not persuade people that it was a good idea. Councilor Bonar said he was the one who made the argument about the fence being right up against the sidewalk and then it was clarified that there would be 12 inches between the back of the sidewalk and the fence. Councilor Bonar said it was his understanding that after a lot of discussion back and forth, the final call was that the city would not require the additional 5 feet in order to build a 6 foot fence; that the city would instead require the 5 foot landscaped strip and the developer would get transportation credit for that and nobody would have to deal with appraisals. He continued that part of that was because in the Community Mixed Use zones, that additional space between the sidewalk and the fence was one of those things that could be used for bonus density.

Councilor Bonar said it was his recollection that there was no credit being given against parks, open space and trails, but developers were not being required to add the additional 5 feet in order to have a 6 foot fence.

Councilor Mulder said he recalled it the same way Councilors Buck and Bonar just stated, but that he did not remember giving bonus density credits for an additional 5 feet of land. Councilor Buck proposed that maybe it was because it was part of the enhanced transportation corridor. Councilor Mulder said it was his contention that the five-feet should just "go away."

Councilor Kohls said he thought it fell under the category of enhancing the transportation corridor more so than enhancing parks and open space.

Councilor Buck said she thinks there have been some misunderstandings and asked if it would be appropriate to continue the discussion to the next Council meeting to let the other Council members recall what they heard.

Councilor Buck opened the discussion for public hearing but there were no comments from the public (the only audience members being a reporter from the Fruita Times and a reporter from the Daily Sentinel). Councilor Buck closed the public hearing.

Councilor Bonar agreed that it was reasonable to continue the discussion to the next City Council meeting. Councilors Mulder and Kohls agreed as well.

- **COUNCILOR BONAR MOVED TO CONTINUE THE PUBLIC HEARING FOR ORDINANCE 2010-10 TO THE APRIL 6, 2010 CITY COUNCIL MEETING. COUNCILOR MULDER SECONDED THE MOTION. THERE WERE 4 YES VOTES.**

Councilor Bonar recommended that Ordinance 2010-10 also be placed on the upcoming workshop agenda.

## **8. ADMINISTRATIVE AGENDA**

### **A. CITY CLERK/FINANCE DIRECTOR MARGARET STEELMAN**

#### **1. FEBRUARY 2010 FINANCIAL REPORTS**

City Clerk/Finance Director Margaret Steelman reviewed the February 2010 Financial Reports. Highlights included:

#### **Sales Tax Revenues – January 2010**

City Sales tax revenue for January 2010 was up 1.41% for the month and year. The sales tax collections for this period include delinquent payments from prior periods which inflate the January sales tax revenues. Mrs. Steelman anticipates that the city will see a decline of 10% to 15% in February city sales tax revenues.

County sales tax revenue for 2010 is down 24.29% for January 2010 and the year.

#### **Use Tax Revenues – February 2010**

Use tax on motor vehicles is up 2.67% over the same period last year and is up 2% year to date. The 2010 Budget includes a 3% increase over actual 2009 revenues.

Use tax on building materials is up 110% for the month and up 250% year to date. The 2010 Budget includes a 41% reduction over actual 2009 revenues.

Community Center Fund – 2010

The City implemented a 1% increase in city sales and use taxes effective January 1, 2009. These revenues are dedicated to the construction and operation of a community recreation center. Sales and use tax revenues for January 2010 reflect a 21.46% increase over January 2009 revenues. 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 – 2010

Lodging tax revenues are down 34% for January 2010.

General Fund Revenues – February 2010

Through February 2010, the city is at 11.38% of budgeted revenues.

- **COUNCILOR MULDER MOVED TO APPROVE THE FEBRUARY 2010 FINANCIAL REPORTS AS PRESENTED. COUNCILOR KOHLS SECONDED THE MOTION. THERE WERE 4 YES VOTES.**

**B. CITY MANAGER CLINT KINNEY****1. CITY COUNCIL ORIENTATION**

City Manager Clint Kinney gave the Council some proposed goal-setting meeting dates following the April Municipal Election. In the years past, the city has had at least two half-days of goal-setting and hopes to continue with that format. Staff had thought about adding a third half-day to involve orientation. Consultant Kathy Novak will be in the area on May 7<sup>th</sup> and May 8<sup>th</sup> to provide the City of Palisade a session on protocols, roles of elected officials and staff, and holding effective meetings. If the City of Fruita wishes to share some of the costs with Palisade, Mr. Kinney could schedule the Fruita City Council to meet at that same time and take advantage of Ms. Novak's being in the area.

Councilor Bonar said he preferred to have a separate session(s) with Ms. Novak rather than share with Palisade because there would be more time for the Fruita City Council to ask their own questions. He stated that anytime after 6:00 pm works for him, but not any earlier on a weekday.

Mr. Kinney noted that because Councilor Buck would be out of town that weekend, he would look at other tentative dates and propose them again to the Council at a later time.

Mr. Kinney also mentioned that staff was attempting to schedule a tour of the new Community Center the week of March 29<sup>th</sup>. The City Council members agreed to tentatively schedule it for the afternoon of Thursday, April 1, 2010.

**9. COUNCIL REPORTS AND ACTIONS****COUNCILOR MULDER**

Councilor Mulder stated that the 5-2-1 Drainage Authority would be holding its annual meeting on March 24, 2010 and he thought it would be interesting to see what develops at the meeting. He added that the Drainage District is continuing to pursue a purchase of property that will directly affect the City of Fruita in the long run.

**10. ADJOURN**

The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk