

**FRUITA CITY COUNCIL
REGULAR MEETING
DECEMBER 17, 2013**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

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

2. CALL TO ORDER AND ROLL CALL

Mayor Buck called the regular meeting of the Fruita City Council to order at 7:00 p.m. Council members present were Bruce Bonar, Mel Mulder, Stacey Mascarenas, Joel Kincaid and Bob Fuller.

3. AGENDA – ADOPT/AMEND

Mayor Buck asked if there were any additions or changes to the agenda.

City Manager Clint Kinney requested to add a discussion item to the end of the agenda: a notice of Code Enforcement Violation Increases assessed by the Fruita Municipal Court. There were no objections.

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

4. PROCLAMATIONS AND PRESENTATIONS

- A. UTE WATER PRESENTATION – UTE WATER EXECUTIVE DIRECTOR LARRY CLEAVER AND UTE WATER BOARD REPRESENTATIVE KEN HENRY WILL GIVE A PRESENTATION (INVITED BY MAYOR BUCK)**

Fruita's Ute Water Board representative Ken Henry complimented the City of Fruita on its recreation center. He said he continues to hear many comments from people about how great it is. He noted that recently there were cars in the Fruita Community Center's parking lot from New Mexico, Utah and Wyoming.

Mr. Henry noted that Ute Water's General Manager Larry Cleaver, Assistant General Manager Steve Ryken and President Neil Jaquet were also present in the audience. He commented that Ute Water is a very well managed organization that has some of the highest credit ratings of any quasi-public entity and is very service-oriented. Over 300 taps were replaced last year and Mr. Henry said Ute has been very responsive to the needs of citizens, businesses and schools by delivering some of the highest quality water available anywhere in the country.

General Manager Larry Cleaver gave some background history on Ute Water, which was formed in 1956 by a vote of the people. Fruita was originally included within the district, although Ute Water did not serve Fruita until the early 1980s. Ute Water is a Title 37 Conservancy District, which is different from most Special Districts (which are Title 32 Districts). Mr. Cleaver explained that the

difference is that the Board of Directors for Ute Water are not elected; they apply to the Judge or are recommended to the Judge for seats on the Board. Ute Water has fourteen members on the Board of Directors that each serve four year terms.

Ute Water's revenue comes from water sales and tap fees. They have a half a mill levy currently. Ute Water has 66 employees presently; while five years ago they had 79. Ute has a treatment plant that can process 34 million gallons of water per day. Mr. Cleaver urged anyone interested in taking a tour of the plant to do so.

Mr. Cleaver stated that Ute Water has had a very good partnership with the City of Fruita.

Mr. Cleaver also noted that last year, Ute Water bought 12,000 acre feet of Rudeye Reservoir water for \$15 million. This amount of water is more than one year's worth of reserves. Currently, Ute uses between 10,000 and 11,000 acre feet of water per year. The reserves from Rudeye will allow Ute to withstand drought conditions or a compact call and be able to continue to service customers.

Major projects in 2014 include upgrades to a pump station on the Colorado River near the Cameo plant. Ute hopes to be able to pump about 14 or 15 million gallons of water per day from this location when the improvements are complete. Repairs are also scheduled on East Orchard Mesa.

Another big development for Ute Water was the announcement of the Governor's State Water Plan. Mr. Cleaver stated that this was quite a big concern because it likely means that the Front Range is planning to take water from the Western Slope. Ute Water called a special meeting of all the water entities in the Grand Valley shortly thereafter and Mr. Cleaver said this was the first time in his eighteen and a half years at Ute Water where all entities showed up for the meeting. Public Works Director Tom Huston was present on behalf of the City of Fruita. Mr. Cleaver noted that Mr. Huston was a big help in the effort of putting together some guidelines in response to the Governor's State Water Plan. He added that water for the Front Range will just have to come from somewhere else.

Councilor Mascarenas asked what Ute Water is doing on a continual basis regarding the Governor's State Water Plan.

Mr. Cleaver responded that the Western Slope has organized what is called the "Grand Valley Water Council," who continues to meet. The Council is trying to get the irrigation companies (Grand Valley Water and Grand Valley Irrigation Company) on board, and is continuing its efforts at the Colorado Basin Roundtable. The Council also goes to conferences and is asking the Governor hard questions.

Councilor Mascarenas asked if the Council has a lot of contact with representatives in Denver.

Mr. Cleaver responded that part of the problem is that there is not a lot of water knowledge in the legislature and our local representatives are not well-versed in it, either, so the Water Council plans to continue to do everything it can to further its position.

Councilor Fuller asked if the purchase of the water rights at Rudeye was due to the Ute's inability to expand its reservoir. Mr. Cleaver said that this is not the case and that Ute Water is still working on

being able to do that. He added that Ute Water has spent about \$1,500 - \$1,600 per acre foot on permitting the two reservoirs, but spent only \$1,300 an acre foot for the water, which is a very good deal.

5. PUBLIC PARTICIPATION

Mayor Buck asked if anyone in the audience wanted to speak about something that did not otherwise appear 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 DECEMBER 3, 2013 CITY COUNCIL MEETING**
- B. LIQUOR LICENSE REPORT OF CHANGES – A REQUEST TO APPROVE A REPORT OF CHANGES TO ADD A NEW REGISTERED MANAGER FOR A HOTEL/RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR EL TAPATIO LOCATED AT 402 JURASSIC AVE.**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF MIKE PERRY TO THE TOURISM ADVISORY BOARD FOR A THREE YEAR TERM TO EXPIRE IN DECEMBER OF 2016**
- D. RESOLUTION 2013-32 – A REQUEST TO APPROVE A RESOLUTION REQUESTING THAT THE U.S. CONGRESS ACCEPT FINANCIAL RESPONSIBILITY FOR STORM WATER ORIGINATING ON FEDERAL LANDS**
- E. RESOLUTION 2013-33 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE SUPPLEMENTAL HEALTH INSURANCE COPAYMENT POLICIES AND PROCEDURES**
- F. WESTCOTT SERIAL ANNEXATIONS – FINDING PROPERTIES ELIGIBLE FOR ANNEXATION**
 - 1) RESOLUTION 2013-35 – A REQUEST TO APPROVE A RESOLUTION FINDING THAT APPROXIMATELY 0.455 ACRES OF PROPERTY LOCATED AT 989 17 ROAD (STATE HIGHWAY 340) IS ELIGIBLE FOR ANNEXATION INTO THE CITY OF FRUITA (*WESTCOTT 1 SERIAL ANNEXATION*)**
 - 2) RESOLUTION 2013-36 – A REQUEST TO APPROVE A RESOLUTION FINDING THAT APPROXIMATELY 0.455 ACRES OF PROPERTY LOCATED AT 989 17 ROAD (STATE HIGHWAY 340) IS ELIGIBLE FOR ANNEXATION INTO THE CITY OF FRUITA (*WESTCOTT 2 SERIAL ANNEXATION*)**

G. WESTCOTT SERIAL ANNEXATION – ANNEXING AND ZONING

- 1) **ORDINANCE 2014-01 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 0.455 ACRES OF PROPERTY LOCATED AT 989 17 ROAD (STATE HIGHWAY 340) INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 21, 2014 (WESTCOTT 1 SERIAL ANNEXATION)**
- 2) **ORDINANCE 2014-02 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 0.455 ACRES OF PROPERTY LOCATED AT 989 17 ROAD (STATE HIGHWAY 340) INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 21, 2014 (WESTCOTT 2 SERIAL ANNEXATION)**
- 3) **ORDINANCE 2014-03 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 0.455 ACRES OF PROPERTY LOCATED AT 989 17 ROAD (STATE HIGHWAY 340) TO RURAL RESIDENTIAL FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 21, 2014 (WESCOTT 1 & 2 SERIAL ANNEXATIONS)**

H. RESOLUTION 2013-37 – A REQUEST TO APPROVE A RESOLUTION TRANSFERRING FUNDS FROM THE FLEET MAINTENANCE CONTINGENCY ACCOUNT TO THE FLEET MAINTENANCE SUPPLIES AND EQUIPMENT ACCOUNT

I. RESOLUTION 2013-38 – A REQUEST TO APPROVE A RESOLUTION TO VACATE A PUBLIC UTILITY EASEMENT LOCATED BETWEEN MULBERRY AND MESA STREETS SOUTH OF PABOR AVENUE

J. NOVEMBER FINANCIAL REPORTS – A REQUEST TO APPROVE THE NOVEMBER 2013 FINANCIAL REPORTS

Mayor Buck opened the Consent Agenda for public comments. Hearing none, she closed the public hearing and referred to the Council.

Councilor Mascarenas referred to the financial reports for November; specifically, that she saw that the county sales tax was up 0.3%, but it was projected at 4.7%.

City Clerk Margaret Sell confirmed that staff projected an increase of 4.7% in county sales tax. Mr. Kinney added that when staff put the 2013 budget together, staff thought the county sales tax would actually be flat. He explained that the 4.7% increase was over actual numbers and that staff was not being optimistic. Mrs. Sell also added that the City was trailing \$80,000 in county sales tax.

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

7. PUBLIC HEARINGS

A. CITY CLERK MANAGER CLINT KINNEY

1) **ORDINANCE 2013-16 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AUTHORIZING THE CONVEYANCE OF WATER RIGHTS AND LAND AND AUTHORIZING A LONG-TERM LEASE FROM THE CITY OF FRUITA TO RONALD TIPPING (ET AL) IN EXCHANGE FOR REPAIR WORK TO FRUITA RESERVOIRS**

City Manager Clint Kinney stated that the City of Fruita is currently in a contract with Ron Tipping that requires the City to provide \$360,532 worth of water over a 15-year period from Enoch's Reservoir. This agreement was executed in 2007 and was made because Mr. Tipping made \$360,532 worth of repairs to the reservoir and the payback was always intended to be in water. Since its execution, staff has learned that Mr. Tipping does not like the agreement because he does not believe he can use all the water owed to him in the 15 years provided for in the contract. In order to use all the water owed to him, he would need to use about 150 acre feet annually. The reservoir holds about 204 acre feet.

In 2009, Ron Tipping contributed \$124,232 of material to the repair of Reservoir #1. It was originally (verbally) agreed that this would be paid to Mr. Tipping in water through an arrangement similar to the Enoch's Lake arrangement. No written agreement was executed, however, and Mr. Tipping later requested that he be paid in cash for the materials.

Mr. Tipping sent a letter (received on March 23, 2012) essentially asking that the Enoch's contract be renegotiated such that the \$360,532 debt would be repaid with a land swap rather than the conveyance of water and that the Reservoir #1 debt be paid through a combination of selling permanent water rights and land.

It is the City Attorney's opinion that the property in question could be sold without a vote of the people. Mr. Kinney explained that if City land is designated as parkland, then state law requires a vote of the people, but the property in question has never been designated as such. Direction from the Council was to explore the potential for a land exchange for property around Enoch's such that the City would exchange hillside property on the south side of Enoch's. The 120-acre parcel near Reservoir #1 was not an option for sale/exchange. Attorney Mark Hermansted has been working to negotiate this deal for Mr. Tipping. An agreement between the City and Mr. Tipping (et al) has been prepared and tentatively agreed to, which would compensate Mr. Tipping for the \$484,764 in repair work as follows:

- Conveyance of approximately 38 acres of hillside land located south of Enoch's Lake at a credit of \$4,000 per acre (approximately \$152,000)
- Conveyance of 1.5 cfs of water rights from Mirror Ditch #1 for a credit of \$50,000 (Mr. Tipping has been leasing this water from the City for well over 20 years; he would like to own it outright)
- Conveyance of a storage right in Mirror Lake Reservoir #2 for a credit of \$25,000
- Annual interest of 4% on the balance owed to Mr. Tipping for repair work to be added to the long-term lease of water

- Long-term lease of a minimum of 100 acre feet of water per year at \$185 per acre foot until the remaining balance of repair work is extinguished

Mr. Kinney expressed that the intention from the beginning was always to make sure that the deal was fair to Mr. Tipping; he fronted considerable money to the City's benefit. Mr. Kinney stated that the fiscal impact of the Ordinance is relative to the exchange of \$182,000 (plus or minus depending on actual acreage of land) in assets (water and land) and a future obligation to lease a minimum of 100 acre feet of water at \$185 per acre foot for approximately an additional 23 years (2036 to 2037) to extinguish the balance owed to Mr. Tipping for the total cost of \$484,764 in repair work to Enoch's Lake and Reservoir #1 plus 4% annual interest accrued on the balance of repair work. There is no cash impact, but there is a reduction in assets owned by the City.

Mr. Kinney also stated that the development of water resources is a long-term goal of the City. The Ordinance and agreements provided needed repairs to Reservoir #1 and Enoch's Lake in exchange for property and water rights as well as future lease of water and preserves the City's investment in Reservoir #1 and Enoch's Lake.

Mr. Kinney stated that it was staff's recommendation that the City Council approve Ordinance 2013-16 – Conveying water rights and land and executing a long-term lease of water in exchange for repair work on Enoch's Lake and Reservoir #1 and to further authorize the City Manager to execute the associated contract and the necessary paperwork associated with the agreement.

Mr. Kinney explained that if the Council chose not to execute the agreement, the existing Enoch's agreement would stay in place and the City would be obligated to pay Mr. Tipping roughly \$125,000 in cash. This is undisputed.

Mayor Buck opened the public hearing on Ordinance 2013-16.

Mr. Mark Brown, owner of Go-Fer Foods, asked how much of the water used by the City of Fruita comes from the subject properties. Mr. Kinney responded that the City uses none of the water rights and hasn't since Ute Water took over as Fruita's water provider in 1982-1984. He added that the water does serve the Glade Park area, but none of it makes it into Fruita City limits because the usable pipe stops about two miles north of the Glade Park Store.

Mr. Brown asked what repairs Mr. Tipping made to Enoch's Lake. Mr. Kinney responded that all of the improvements were related to the dams.

Mayor Buck asked if any other audience members wanted to speak regarding Ordinance 2013-16. Hearing no further comments, she closed the public hearing and referred back to the City Council.

Councilor Mascarenas asked how the City would know when the long-term lease of a minimum of 100 acre feet of water per year (at \$185 per acre foot) would be extinguished. Mr. Kinney responded that it would depend on how much water Mr. Tipping uses; the City gets to charge him for a minimum of 100 acre feet of water per year, but the agreement allows the City to provide the water out of Enoch's Lake, Reservoir #1, #2, or #3, so theoretically he could be using upwards of 200 acre feet per year. If he did this, the lease would be extinguished in as short as twelve (12) years, but if he only uses the minimum of 100 acre feet per year, then staff estimates it would be 23

years before the debt would be extinguished. The City has measuring devices so that it knows how much water is being delivered to Mr. Tipping.

Councilor Mascarenas asked how the measurement of the water is being monitored. Public Works Director Tom Huston responded that the City has a structure at the bottom of the hill from Enoch's that has a magnetic flowing device that measures every gallon of water that flows through it. There is another location at Reservoir #1 where there are several extra flow measuring devices that are measured on an annual basis for the Water Commissioners.

Councilor Fuller asked when the repayment has been completed (worse case in 23 years from now), will the City recapture that 100 acre feet of water for Fruita? He commented that it seemed that really the City was only losing the 1.5 cfs in the Mirror Spring. Mr. Kinney responded that the only thing that the City is selling is the 1.5 csf from Mirror Ditch #1 and the 3 acre feet of storage in Mirror Lake Reservoir #2, as well as the land.

Councilor Fuller said he was assuming that the City was carrying these assets on its balance sheet. City Clerk Margaret Sell responded that there is minimal value associated with the assets and the impact would actually show more significantly on the balance sheet as future debt owed to Mr. Tipping.

Councilor Mascarenas wanted it reiterated that the City of Fruita is not using the subject property for park purposes or other governmental purposes. Mr. Kinney stated that selling the section of land was permissible because it's exceptionally difficult to access; there's really no public use for it because it's very steep and wooded and not tremendously valuable to anybody except Mr. Tipping because he owns adjacent property. He added that the Council's direction was that at least 100 feet from the highest water mark will be protected as public land so citizens will still be able to walk around the reservoir and use it for fishing and other recreational purposes. It is just the one hillside that is being sold to Mr. Tipping.

Mr. Kinney also added that the City does not operate mountain water as an Enterprise Fund because it loses money, so really what the City is doing is having the asset pay for its own repairs rather than having the General Fund subsidize it further. He noted that every dollar spent on mountain water is a dollar that is not spent on City streets and parks, so having the asset pay for its own repairs just makes financial sense.

- **COUNCILOR MASCARENAS MOVED TO APPROVE ORDINANCE 2013-16 CONCERNING THE CONVEYANCE OF WATER RIGHTS AND LAND AND A LONG-TERM LEASE OF WATER IN EXCHANGE FOR REPAIR WORK ON ENOCH'S LAKE AND RESERVOIR #1 AND FURTHER AUTHORIZE THE CITY MANAGER AND/OR THE FRUITA MAYOR TO EXECUTE THE ASSOCIATED CONTRACT AND THE NECESSARY PAPERWORK ASSOCIATED WITH THE AGREEMENT. COUNCILOR FULLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

- 2) **RESOLUTION 2013-34 – DISCUSSION AND POSSIBLE ACTION TO CONSIDER RESOLUTION 2013-34 – A RESOLUTION OF THE FRUITA CITY COUNCIL ADOPTING THE CIVIC CENTER MEMORIAL PARK AND**

DOWNTOWN STREETSCAPE IMPROVEMENTS PLAN AS PART OF THE CITY'S MASTER PLAN

Mr. Kinney stated that the 2008 Fruita Community Plan included recommendations for stimulating investments and redevelopment in downtown Fruita. While many steps have been taken toward this end, in 2012, the Fruita City Council made developing the full potential of a strong downtown a top priority. The goal statement identified the initial step in this effort to be to work with business owners, property owners, and the community to create a comprehensive downtown plan that would address a variety of issues.

In February of 2012, an initial meeting of downtown stakeholders was held. Concurrently, the Parks and Recreation Advisory Board started developing draft plans for the Civic Center Memorial Park with one of the primary goals being to improve the park's connection to downtown among other goals for improvement. Over the course of 2012, the Downtown Advisory Board was created and that board adopted a number of core values they believe should guide the development of downtown.

With the work of the Parks and Recreation Advisory Board and the Downtown Advisory Board underway, in June of 2013, the City retained Logan Simpson Design, Inc. to develop conceptual plans for the Civic Center Memorial Park and the Aspen Avenue Streetscape. Throughout the six month process, many community meetings were held with stakeholders to shape the vision, goals, and recommendations in the Master Plan. The Fruita Master Plan is a combination of a number of documents: the Community Plan, the Parks, Open Space and Trails Plan, the Downtown Plan and others.

The plan identifies the vision of downtown as:

Historic Downtown Fruita is the heart and soul of the community, with vibrant businesses that support the needs of the residents and visitors, and public spaces that provide opportunity for social interaction and community celebrations and events. People of all ages have wonderful experiences in Downtown Fruita and return on a frequent basis because it is an authentic, fun place to be. Goals were defined and included in the plan to meet this vision.

The plan has gone through several revisions to reflect feedback received from the respective advisory boards and other stakeholders. Since the first draft, sections have been added to the plan detailing the public input process that the community has gone through to develop the plan, language was added regarding the importance of working with stakeholders in the implementation, artist renditions were altered to reflect the public input received and text was added to ensure the plan is as comprehensive as possible.

As presented, this plan will establish the foundational framework for how future downtown improvements should occur. It calls for widening sidewalk spaces, reducing traffic lanes (to one) around Circle Park, consolidating and/or narrowing some access drives, enhancing pedestrian safety, and creating spaces that are funky, beautiful, interesting, comfortable, fun and family-friendly.

Adopting this plan will put the goals in place and provide direction for the City to take as it works to develop the full potential of a strong downtown.

The Fruita Planning Commission discussed the plan at their November 12, 2013 public meeting. The motion to recommend approval of this Master Plan included the condition that the City Council consider all staff and Planning Commissioners' comments and specifically requested that the Council take another look at the position of the stage in CCMP and consider moving it to the northwest corner of the park. The vote on this motion was 5 yes votes and one no vote. Commissioner Van Etten voted against the motion because he believes that the conditions of approval are unnecessary as the minutes of the meeting clearly identify the concerns of the Commission.

There is no direct fiscal impact with adopting the plan. Should the plan be adopted, it calls for over \$4.8 million worth of improvements to occur in Civic Center Memorial Park and the Historic Downtown area.

Mr. Kinney stated that it was staff's recommendation that the Council listen to any remaining feedback received and move to adopt Resolution 2013-34 – A Resolution of the Fruita City Council adopting the Fruita Civic Center Memorial Park and Downtown Streetscape Improvements Plan as part of the City's Master Plan.

Mayor Buck opened up the public hearing on Resolution 2013-34.

Dave Karisny (Planning Commissioner), 917 Squire Court, stated that he wanted to clarify the motion that was made at the Planning Commission meeting. He said the motion was made after two previous motions had died for lack of a second. Mr. Karisny said he felt that a better message to the Council would be that the Planning Commission really couldn't reach a consensus with where the stage should be (in Civic Center Memorial Park), so a motion was created to pass that decision on to the City Council. He said the Planning Commission was aware that there were a number of discussions among a number of boards and that the process was a five-month long one, so the assumption that many of the Planning Commissioners had is that the position of the stage had been worked through in the other meetings and/or with the consultant and that the Planning Commission didn't have strong feelings one way or the other regarding the placement of the stage.

Mr. Karisny continued that there were some on the Planning Commission that did have strong feelings about where the stage should be located; this is why the two initial motions died and this is also why the City Council received the recommendation that they did from the Planning Commission.

Mark Brown, owner of Go-Fer Foods, stated that he wanted to reiterate one more time his concerns about narrowing any of the driveways at the Go-Fer Foods/Conoco gas station. He said he wanted to maintain the existing dimensions of all three of his entrances/exits on the west, north and east. Mr. Brown noted that the bulb-outs of the curbs were still shown on the artist's rendering and that he just hasn't seen an actual detailed, to-scale drawing that shows that his concerns were being addressed.

Mayor Buck pointed out that there was a drawing on Page 9 in the plan that showed what Mr. Brown was looking for. She said it looked to her like all of the Go-Fer accesses were open.

Mr. Brown said that he was good with the plan as long as that was what the Council was adopting and thanked them for allowing his input.

Mayor Buck asked if anyone else in the audience had any input on the Downtown Plan. Hearing no further comments, she closed the public hearing and brought the discussion back to the City Council.

Councilor Purser said he thought the Council talked about making sure there was some explanation in the plan that it is a Concept Plan consisting of phases, each of which will have to go through a public process whereby people will still have input. He said he wasn't sure if this was included in the plan.

Mr. Kinney referred to a section in the plan under "Implementation" that says, (read by Councilor Mascarenas) "the project will have to be phased over many years and cannot be accomplished without securing funding. The City will need to commit to continue working with landowners, tenants and the community at large to ensure projects appropriately balance the needs of individual businesses and property owners with the adopted goals and policies of this plan."

Councilor Purser stated that this was sufficient.

Councilor Bonar stated that he was in favor of the plan as a Concept Plan, but he was uncomfortable with the specific details in almost every part. He said he agrees with the Planning Commission's request to reconsider the location of the stage; he was never particularly a supporter of its position. He added that there are details about the changes to Circle Park that need to be ironed out.

Councilor Bonar continued that he was a strong supporter of South Mesa Street as the entrance to the City, but he thought there were a lot of conceptual details that need to be resolved. He pointed out that the plan does recommend a traffic and parking study to determine what Fruita needs for parking spaces. Councilor Bonar said he has heard from people that the Downtown Plan seems heavily biased towards vehicles, traffic and parking as opposed to having an emphasis on a pedestrian environment. He conceded that Aspen is the "main drag" through town, however, and there are a lot of businesses who rely on being able to provide parking for customers.

Councilor Bonar said the City needs to have parking study to determine if Fruita has enough parking spaces (for the businesses both present and anticipated), or a surplus or a deficit of parking spaces and if so, where might that parking be developed. He asked that a traffic and parking study be incorporated into the implementation phase of the plan.

Councilor Mascarenas said she read (in the plan) that the City of Fruita should consider conducting a detailed parking and traffic study to define the need for parking of oversized vehicles, but not necessarily all vehicles.

Mr. Kinney said the statement in the plan reads as Councilor Mascarenas said, but he thought it was understood that a parking study in general needs to be done.

Councilor Bonar noted that at the last Council meeting, there was a lot of discussion about vehicles pulling trailers not being able to park by a particular business, but he thought the City really needs to look at all of the parking as a whole and not just in a specific location or for a specific type of vehicle.

Councilor Mascarenas asked if the plan should include this language to further address parking as Councilor Bonar suggested.

Mr. Kinney responded that it certainly could be included if the Council wanted it, but he thought it was already understood that way. He added that the Council needed to feel comfortable in adopting the plan.

Councilor Mascarenas said she thought it was a good idea to include all vehicles in parking areas in the plan.

Councilor Bonar said he was not going to go back and wordsmith that part of the plan, but he wanted the record to show that in the deliberation of the Council, it was discussed that when it is time to move forward towards implementation of specific phases of the plan, the City will have careful consideration of the details and recognition that the plan is a *Concept Plan*, and not a blueprint.

Mr. Kinney noted that the City had just applied for a \$40,000 grant to do some of that kind of specific engineering work.

Councilor Fuller asked if \$40,000 would cover a traffic and parking study. Mr. Kinney said he could not answer that question, but he would guess probably not. He said this is the kind of thing that will need to be discussed as the funds come in.

Councilor Mulder said he wanted to reiterate that as a Concept Plan, it is a nice, pretty picture, but that each stage of the plan would have to be well-thought out as the plan progresses. He said that his unhappiness with the location of the stage is already well known.

Councilor Mascarenas said she was happy to see the changes in the plan for Mesa Street. She added that regarding the Civic Center Memorial Park Concept, she still likes moving the stage to the east end because she thought it would open up the park to Aspen Street. She said she also likes the entrance to the building, the seating, the shelters and the benches. Councilor Mascarenas concluded that she was satisfied with the plan.

Councilor Kincaid agreed that it was a great Concept Plan and added that it will be the implementation that will be very important. He also agreed with Councilor Mascarenas that he likes the location of the stage on the east end and the entrance into the Civic Center. He said it was a Concept Plan that has come a long way since the process began.

Councilor Fuller stated that having the stage on the east end indicates that people are facing east with the sun in the back during the hot months, which he thought was appropriate. He added that the stage being there would lend itself access to the Civic Center, which would create opportunities for the building to be used for staging and storage that may be required. Councilor Fuller said it is

going to be a long, drawn-out process and the City obviously doesn't have the money right now so it will be done in phases and will consist of many public hearings. He said he feels comfortable moving forward that the public will ultimately win out in the process and will get what they want, which in essence, is the responsibility of the elected representatives of the public.

- **COUNCILOR KINCAID MOVED TO ADOPT RESOLUTION 2013-34 – A RESOLUTION OF THE FRUITA CITY COUNCIL ADOPTING THE FRUITA CIVIC CENTER MEMORIAL PARK AND DOWNTOWN STREETSCAPE IMPROVEMENTS PLAN AS PART OF THE CITY'S MASTER PLAN. COUNCILOR MASCARENAS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

8. ADMINISTRATIVE AGENDA

A. CITY CLERK MANAGER CLINT KINNEY

1) RAIL (TROLLEY) CAR – DISCUSSION REGARDING STEVE VIGIL'S PROPOSAL FOR THE RAIL (TROLLEY) CAR

Mr. Kinney stated that in the last several meetings, the Council has informally discussed the rail (trolley) car and how to move forward. He said there is a potential opportunity for expansion at the current location of the rail car and in order to make that occur, the rail car very likely needs to be moved. He added that the Council had discussed a variety of different options; Councilor Mulder said he knew somebody that potentially might be interested in moving it, however, Mr. Kinney said he was never contacted by this individual.

Mr. Kinney continued that on the previous Wednesday, Mr. Steve Vigil (who has talked to the City Council previously about acquiring the rail/trolley car) submitted a letter that was essentially proposing that if the rail car were to be given to him, he would pay for all moving expenses. Mr. Vigil proposes to move the rail car south on Highway 340 about ½ mile to his property, where he envisions utilizing it as an artist's studio.

Mr. Kinney said he thought the proposal met the Council's preference for having the rail car staying in somewhat of a public use, so he was bringing it before them for consideration.

Councilor Purser said he has no problem with Mr. Vigil's proposal.

Mayor Buck said she thought Mr. Vigil has a good track record of recreating things in a good way and she was very comfortable with his proposal.

Mr. Kinney explained that in order to sell the rail car, there would have to be some research and legal footwork done first and if the Council was comfortable, he could go ahead and proceed. He added that it would come back before the Council in a formal hearing.

Councilor Mascarenas asked if Mr. Vigil had checked with Mesa County yet about his proposal. Mr. Kinney said he did not know.

Councilor Fuller asked if the City would no longer own the rail car and Mr. Kinney confirmed that this was correct.

Mr. Kinney said that another one of the issues staff needs to deal with is the month-to-month lease currently in place for the rail car.

Councilor Kincaid said that he is glad to see that the rail car will be used for something other than storage and moving it will only help draw more traffic to south Fruita, so he was 100% in favor of the proposal.

Councilor Fuller noted that the rail car would be located sort of within walking distance of the state park.

The Council gave Mr. Kinney consensus to move forward with the proposal.

2) ADDED TO THE AGENDA BY CITY MANAGER CLINT KINNEY: NOTICE OF CODE ENFORCEMENT VIOLATION INCREASES

Mr. Kinney stated that penalty assessments are basically ticket amounts that the Fruita Municipal Court collects. By law, the judge sets the penalty assessment within the restrictions set by the City Council. Mr. Kinney said he wanted to make sure the Council was aware of the proposed penalty increases and ask if they wanted to have input on the process.

The two major penalty assessments that are being increased are for weeds and snow removal. Right now, if someone does not shovel their sidewalk, it is a \$10 ticket. The new proposed penalty is \$75 for the first offense and \$150 for the second offense. Code Enforcement staff would continue to follow through with their normal procedures of giving at least one warning before citing a property. The goal of the City is always compliance first.

Mr. Kinney stated that in the 2013 Citizen Survey, citizens responded that they feel the City is too lax on enforcing the weed and snow removal requirements of the Municipal Code.

Mr. Kinney said he basically wanted to know if the Council wanted to weigh in on the proposed penalty amounts.

Mayor Buck noted that she was driving down Pabor Avenue earlier that day and there was an elderly woman with a walker who had to walk in the street because she couldn't use the sidewalk. She said she supports whatever staff wants to do to get the job of enforcement done.

Mr. Kinney said that staff hopes to start an advertising campaign, perhaps in the Fruita Times to get the word out and give people fair warning about the penalty increases.

Councilor Mascarenas said there was a Fruita business owner in the City of Grand Junction the previous week who was going down Main Street and saw City of Grand Public Works crews cleaning all of the sidewalks. The business owner called the Chamber and contacted her and Mr. Kinney because he was very upset that the City of Fruita isn't doing the same for businesses on Aspen.

Councilor Bonar responded that he was sitting in a coffee shop on Aspen the previous Sunday and he watched three City of Fruita Parks staff clearing the snow on the sidewalks on Aspen in front of Cavalcade, Suds Brothers and all the way down to the Circle.

Mr. Kinney stated that it is the City's policy that sidewalks in front of businesses are the responsibility of the business owners, but City staff will do their best to help when they can. He said when businesses ask why the City isn't completely responsible for removing the snow, his response is that the City puts the emphasis on removing snow from the streets.

Councilor Bonar said the Fruita Parks staff did a very good job of clearing the handicapped access ramps and were working very hard at it. Mr. Kinney said that staff was going above and beyond.

Councilor Mascarenas said she would pass that on to the business owner who contacted her.

Councilor Fuller said especially with the increased fine, it gives an opportunity for neighborhood kids to earn some money. He added that some enterprising individual could put together a four-wheeler with a plow to run down Aspen and could collect \$10 from every business owner.

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR KINCAID

Councilor Kincaid reported that the Arts and Culture Board was able to get 44 vendors at the Holiday Craft Fair and the tables filled up the whole gymnasium at the Fruita Community Center (FCC). There were 16 photographers who participated in the "Day in the Life" photo event and the board will be scheduling a date for exhibiting the photos. The Board has tentatively scheduled the 2014 F-Town Film Festival for October 18th.

Councilor Kincaid continued that in regards to the Colorado Creative District program, Kyle Harvey has been working on it. The program has new requirements that will come out in January, so Mr. Harvey is waiting to see what those are and then he will update the board. The Arts and Culture Board also selected artists for the displays at the Community Center and at Family Health West. Dan Durrant, a local photographer, will have half a dozen photos mounted on aluminum that will be on exhibit at the FCC. Charley Volz (pencil illustrator) was selected for the exhibit at Family Health West.

Councilor Kincaid reported that the Arts and Culture Board also discussed inviting Rand Hillyer, the Eagle Scout who did the velociraptor sculpture on a bike (located in front of Copper Club Brewing Co.), to come to the Board meeting so that he can accept a Certificate of Appreciation. He said the board also wants to get Rand a vest (like other Boards and Commissions members received) as a thank you for donating the sculpture.

Mayor Buck asked if the Board would like to present the vest to Rand at a City Council meeting. Councilor Kincaid said the board hadn't discussed this, but that could be a possibility.

COUNCILOR FULLER

Councilor Fuller reported that the Colorado Municipal League (CML) Policy Committee met early in the month of December. The legislature has not yet been elected or installed yet, but already there are rumors and discussions about what might be coming through the 2014 state legislative session.

Councilor Fuller stated that up to now, there has been a sun-setting of the Brownfield Tax Credit Restoration that would apply to the old refinery. He said the sun-setting will probably be extended another five years or so. They also want to increase the tax credit to 40% for up to \$750,000 in expenses. Councilor Fuller said this is something that might impact Fruita.

Councilor Fuller continued that there was a minor point made that municipalities are actually not able to share gas pumps because it is illegal. There will be a bill sponsored by CML to get that resolved.

There will be a survey completed (date unknown) on Impact 64, which is the .7% increase in sales tax to be allocated to transportation. CML will be reviewing the questions and the way it will work is that CDOT will get 60% of the revenue, counties will receive 22% and cities will receive 18%. CML figures that 18% of the .7% sales tax increase could be as much as \$24 million dollars. Councilor Fuller said that given the mood of the general populace, it will be interesting to see whether an increase in sales tax will pass. He added that the majority of CDOT's 60% of the revenues will go the Front Range and Denver/Metro area.

Councilor Fuller stated that he was also in Denver the previous day for a Special Highway Committee meeting. The committee allocated \$5 million for bridge projects around the state. Fourteen municipalities submitted applications for a total of \$20 million. It will be an 80%/20% split, so 80% came up to about \$14 million. The Committee did approve six projects that will be put in the pipeline in 2016. Councilor Fuller said it is an interesting process because it is money that the federal government allocates to states specifically for non-state highway bridge repairs. Of that, 50% goes to CDOT for the semi-annual inspection of all bridges in the non-state highway system and the remainder is allocated between the cities and the counties. The counties in Colorado usually get more money than the cities, but it is a pool of money and Fruita has one bridge that may eventually be eligible for the funding.

Councilor Fuller said there were four people at the Special Highway Committee meeting; himself and three people from the Front Range. He said Fruita should consider itself blessed because in talking with the various municipalities at both CML Policy Committee and the Special Highway Committee, there are lots of problems going on in many cities around Colorado. Councilor Fuller said these are real major problems such as political upheaval, infighting and economic problems. He said Fruita must be doing something right because it is motoring along.

COUNCILOR MASCARENAS

Councilor Mascarenas reported that she attended a reception at a friend's house for Gubernatorial Candidate Mike Kopp, who has a daughter that is attending Colorado Mesa University. She said she asked Mr. Kopp a lot of questions about water and transportation dollars and thought maybe he might be a little more interested in the Western Slope since his daughter is in school here.

Councilor Mascarenas noted the Mr. Kopp has been a state Senator for several years and has national recognition.

COUNCILOR MULDER

Councilor Mulder reported that the 5-2-1 Drainage Authority adopted their 2014 Budget. He noted that Mr. Cleaver brought up a point about Ute Water in that the City of Fruita and Ute Water were always willing conversants, but Fruita really didn't come into the Ute Water program until the early 1980s. He continued that Fruita has been a member of the 5-2-1 Drainage Authority since its inception, and he fully expects that in 2014, Fruita will have to operate under the MS4 Permit that the 5-2-1 Drainage Authority is designed to uphold. Councilor Mulder pointed out that the Council had just approved Resolution 2013-32 – A Resolution requesting that the US Congress accept financial responsibility for storm water originating on federal lands. He said that this will be important in the Valley's bargaining position in the future. Councilor Mulder also said that the Drainage District and the Drainage Authority are talking to see how budgets can best be used and there will be more information to come.

Councilor Mulder added that the Parade of Lights was very enjoyable.

Mayor Buck pointed out that the Council would probably not be meeting until January 7th, since the workshop session would have to be held on Christmas Eve. There was consensus among the Council to cancel the December workshop session.

10. ADJOURN

With no further business before the Council, the meeting was adjourned at 8:27 p.m.

Respectively submitted,

Debra Woods
Deputy City Clerk
City of Fruita