

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
DECEMBER 6, 2022
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:02 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present:

Mayor Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Aaron Hancey

Excused Absent:

City Councilor Jeannine Purser
City Councilor Amy Miller

City staff present:

City Manager Mike Bennett
City Clerk/Finance Director Margaret Sell
Assistant to the City Manager Shannon Vassen
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Planning and Development Director Dan Caris

Also present:

Teachers, Students and family members of Shelledy Elementary School
John Howe, Attorney at Law (Applicants' Representative)
Applicants for Mezcalera, LLC dba El Mescal Family Mexican
Restaurant and Bar Hotel and Restaurant Liquor License
Ty Johnson, Planning Manager with Kaart Planning & Landscaping
Architecture
Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Kincaid called for a moment of silence for all faiths and beliefs to have the opportunity for a silent prayer. He then led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

Deputy City Clerk Deb Woods noted that there had been one change to the agenda since the Council packet went out the previous Friday. A Consent Agenda Item was moved to the Legislative Public Hearings section of the agenda – Item 7.B(2) ORDINANCE 2022-27 – An Ordinance adopting the International Energy Conservation Code, 2018 Edition.

- **COUNCILOR KREIE MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – FRUITA TEACHERS/STUDENTS OF THE MONTH FOR DECEMBER 2022: SHELLEDY ELEMENTARY SCHOOL

Mayor Kincaid read the names of the students in grades Kindergarten through Fifth Grade that were chosen by Principal Cami Kidd as the “Students of the Month.” Each student received a Certificate of Recognition, a Fruita sticker and a day pass to the Fruita Community Center. First Grade Teacher at Shelledy April Mosberger was also recognized as the Teacher of the Month and received a Certificate and day pass as well.

5. PUBLIC PARTICIPATION

A Village at Country Creek Subdivision resident named Kelly (no last name given) stated that back in October, City crews were in her neighborhood completing Sidewalk Repair Program commitments and she had one thing to say about it: “Thank You!”

There were no further comments from the public (either present in the audience or attending the meeting online).

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 22, 2022 CITY COUNCIL WORKSHOP MEETING**
- B. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF PATRICK HUMMEL TO THE PLANNING COMMISSION TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN JULY OF 2025**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF PHILIP CARLTON TO THE ARTS AND CULTURE BOARD FOR A THREE-YEAR TERM TO EXPIRE IN DECEMBER OF 2025**
- D. NOTICE OF AWARD TO MERGE 2 MEDIA TO ORDER 100 – 200 FRUITA-BRANDED T-SHIRTS**
- E. RESOLUTION 2022-38 – APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) FOR THE GARDEN ESTATES SUBDIVISION**
- F. RESOLUTION 2022-39 – AMENDING THE 2022 BUDGET AND TRANSFERRING FUNDS FROM THE FRUITA COMMUNITY CENTER, SEWER FUND AND**

GENERAL FUND CONTINGENCY ACCOUNTS FOR UTILITY EXPENSES, FUEL COSTS AND IT SERVICE CONTRACTS AND EQUIPMENT

G. ORDINANCE 2022-28 – SECOND READING – REPEALING AND REPLACING CHAPTER 2.70 OF THE FRUITA MUNICIPAL CODE CONCERNING A CODE OF ETHICS FOR CITY OFFICIALS

Mayor Kincaid opened the Consent Agenda to public comments. Hearing none, he referred the matter to the City Council.

- **COUNCILOR BREMAN MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) **NEW LIQUOR LICENSE – A REQUEST TO APPROVE A NEW HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICAN RESTAURANT AND BAR LOCATED AT 439 HIGHWAY 6 & 50 – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb provided staff's presentation. She noted that the previous liquor license at the location of 439 Highway 6 & 50 was not eligible for a Transfer of Ownership because that license had since expired. She also pointed out that the application for a new Hotel and Restaurant liquor license was filed with "Concurrent Review," which means that a copy of the application was sent to the state licensing authority upon receipt by the City Clerk's Office so that they could be completing their review at the same time the local licensing authority (the City of Fruita) is completing its review of the same.

Ms. Woods advised that statutorily, there are two things that the City Council needs to consider when approving a liquor license: 1) the character of the applicants and, 2) the needs and desires of the neighborhood.

Concerning the character of the applicant, background checks were conducted on the three individuals who will be on the liquor license and because there were no arrests for crimes of moral turpitude, there are no grounds for denying the issuance of the license based on the character of the applicants.

Regarding the needs and desires of the neighborhood, the applicants submitted a neighborhood survey that was signed by 36 individuals and 34 of those signatures marked that those people were in support of the application being approved. Two of the people who signed had no opinion, although Ms. Woods said she assumed that they didn't read the survey form closely enough to see what they needed to do.

Ms. Woods stated that based on those two considerations, it was staff's recommendation that the City Council approve the liquor license for El Mescal Family Mexican Restaurant and Bar located at 439 Highway 6 & 50.

Ms. Woods noted that attorney John Howe with the law firm of Hoskins Farina & Kampf was present in the audience as the applicants' representative, as were the three applicants, Anselmo, Pablo and David. She indicated that Mr. Howe would address the Council with any additional comments he may have.

Mr. Howe introduced himself and stated that this is the second El Mescal that the family has started; the first one opened earlier this year and is located in the Red Roof Inn building. He noted that the family has had a long history in the restaurant business; Anselmo is also the owner of the two Tequila's Restaurants in Grand Junction and David and Pablo have worked in the restaurant business for a very long time. Mr. Howe also introduced Ruby Munoz, who circulated the neighborhood survey.

Mr. Howe said he felt the survey was very informative of the needs and desires of the neighborhood with 34 in favor and none against. He asked that the Council approve the application for the liquor license, which is subject to state approval as well. He asked if the Council had any questions.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and referred the matter to the Council.

Councilor Williams commended the applicants, saying he said he and his wife had lunch at El Mescal earlier in the week and the building looks better than it ever has by far. He thanked them for doing what they've done and added that the food was terrific.

- **COUNCILOR KREIE MOVED TO APPROVE THE ISSUANCE OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICAN RESTAURANT AND BAR LOCATED AT 439 HIGHWAY 6 & 50. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**
- 2) **ORDINANCE 2022-31 – SECOND READING – AN ORDINANCE ADDING 157 NORTH PLUM STRTEET TO THE CITY REGISTER OF HISTORIC SITES, STRUCTURES AND DISTRICTS - CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's PowerPoint presentation, which consisted of slides containing the following:

- Dates and methods of the legal notices for the 2nd Reading of Ordinance 2022-31 (public hearings)
- Map depicting 350-foot buffer within which residents were sent postcards notifying them of the pending land development application and whom to contact with concerns, questions or comments
- Hearing Process steps:
 - Historic Preservation Board: 11/07/22 (recommended approval to the Council)

- Planning Commission: 11/08/22 (recommended approval to the Council)
- City Council: 11/15/22 (1st Reading of Ordinance)
12/06/22 (2nd Reading of Ordinance)
- Copy of original Town of Fruita Plat dated July 3, 1884
- Aerial photo of subject property
- Photos of the western, northern and southern views of subject property (street level)
- Land Use Code requirements pursuant to Section 17.29.060:
 - Structures must be at least 50 years old and meet 1 or more of the criteria for architectural, cultural or geographic and/or environmental significance
- Staff's recommendation of approval of Ordinance 2022-31

Mr. Hemphill expounded on each criterion listed in the Fruita Land Use Code to clarify their meaning. He noted that the applicant was unable to attend the Council meeting/public hearing on her application.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and brought the matter before the Council.

- **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2022-31 – PLACING THE PROPERTY LOCATED AT 157 NORTH PLUM STREET ON THE CITY REGISTER OF HISTORIC SITES, STRUCTURES AND DISTRICTS. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

3) RAPTOR CROSSING PLANNED UNIT DEVELOPMENT (PUD):

ORDINANCE 2022-29 – SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.9 ACRES OF PROPERTY LOCATED AT 853 RAPTOR ROAD TO A PLANNED UNIT DEVELOPMENT (PUD) ZONE - CITY PLANNER HENRY HEMPHILL

RAPTOR CROSSING PLANNED UNIT DEVELOPMENT – PRELIMINARY PUD PLAN - CITY PLANNER HENRY HEMPHILL

STAFF PRESENTATION:

City Planner Henry Hemphill combined his presentation of both zoning Ordinance 2022-29 and the Preliminary Plan application for the Raptor Crossing Planned Unit Development (PUD) into one PowerPoint presentation consisting of:

- Legal notice methods and dates
- Map depicting 350-foot buffer within which residents were sent postcards notifying them of the pending land development application and whom to contact with concerns, questions or comments

- Illustration of the PUD process with information about each step such as whether the step is required vs. optional and who reviews the application and/or makes recommendations
- Zoning map showing surrounding land uses of the subject property
- Aerial photograph with an outline of the perimeters of the subject property
- Raptor Crossing Site Plan drawing
- Nine (9) total Land Use Code criteria pursuant to Section 17.19.030(A)(1) (a-d) and Section 17.21.040 (A) (1-5)
- Staff had not received any written public comments to date.
- All review comments received were included with the Staff Report and must be adequately resolved with the Final Plat application.
- Next steps: (applicant has 180 days to submit the Final PUD Plan, which will be sent to reviewers to ensure compliance with review comments and then the decision is made administratively (staff to carry out any additional conditions imposed by Council).
- Staff's recommendation of approval of both the Preliminary PUD Plan application and PUD zoning ordinance (separate motions required for each)

Mr. Hemphill explained that the proposal for the subject property is to accommodate 39 conveyable lots for Class A motorcoaches with a shared, private driveway and private water line, sewer line, road infrastructure, landscaping and utilities, none of which would be owned or maintained by the City of Fruita. He pointed out the unique shape of the property, which is 214 feet in width by 1,300 feet in length, so it is long and narrow and would certainly present a challenge for other types of commercial uses.

Mr. Hemphill also reviewed each of the Land Use criteria as well as the review comments received from Colorado Parks and Wildlife, which must be addressed by the applicant.

APPLICANT PRESENTATION:

Ty Johnson, Planning Manager with Kaart Planning & Landscaping Architecture, was present as the developer's/applicant's representative.

Mr. Johnson pointed out that the lot is a difficult one for development not only because it is long and narrow, but also because there are quite a few encumbrances on the property: a 25-foot-wide gas easement on the western boundary that transitions to 30 feet about halfway through and a large easement on the north end, both of which are constraining. He noted that the development being proposed was not able to be proposed within an existing zoning code and that there are no other developments like the one being proposed elsewhere in the Grand Valley.

Mr. Johnson provided a PowerPoint presentation consisting of additional details about the proposed luxury Class A motorcoach community such as:

- Only larger and higher-end (26' – 45') (Average cost \$250,000) motorcoaches will be allowed
- More interior living space
- Increased towing capacity
- NOT...trailer, mobile home parks, park model, or RV
- Additional year restriction on Motorhomes for the development

- Strict use limitations and Code deviations:
 - Residential use of one Class A Motorcoach
 - Parking for one commuter vehicle, one motorcycle, and one golf cart
 - No camping or outdoor storage of any kind
 - Construction of one accessory structure per lot:
 - ❖ Small space intended to complement the living space of the motorcoach. Examples include a casita, pergola, shade structure, outdoor kitchens and fireplaces.

Mr. Johnson's presentation also included photographs of other motorcoach communities across the U.S. Other amenities proposed for the subject property include 1.2 acres of open space and 740 feet of trail, clubhouse with bathrooms, laundry and community gathering space. Dogs will be the only type of pets permitted in the development, although they will be required to be on a leash. The Home Owners' Association will determine what will constitute a "reasonable number" of how many dogs one resident may own.

Mr. Johnson explained that there will be a hammerhead on the north end of the project which is intended for motorhomes to turn around in and to provide emergency access to the Fruita Lagoon property. He will be working with City Engineer Sam Atkins to define where that emergency access is going to be. Mr. Johnson also displayed a maneuvering exhibit to show how even the largest Class A Motorhome (45 feet) plus a 15-foot-wide vehicle, plus 2 feet for the hitch (for a total of 62 feet) will be able to maneuver throughout the development successfully.

Mr. Johnson stated that he spoke with the developer at length about short-term rentals. No short-term or long-term rentals of any kind will be allowed in the development, although there is a limited opportunity for a lot owner to swap with another lot owner of another Class A Motorhome community subject to approval through the HOA.

Mr. Johnson noted that the developer intends to have very high-end, 8 to 10 feet in height fencing to the north (where I-70 is being located) and to the east, where there is currently an auto-oriented use. The intention is to do more of a transparent wrought iron fence on the west, given the vision for the Fruita Lagoon property.

PUBLIC HEARING:

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and referred the matter to the City Council.

COUNCIL DISCUSSION/COUNCIL MOTIONS:

Councilor Hancey thanked Mr. Johnson for responding to the Planning Commission's questions and comments at previous meetings.

Councilor Kreie asked if there was the potential for the accessory units to living spaces to be habitable such as a Mother-In-Law Suite and if they will have running water. Mr. Johnson stated that those spaces technically would not be allowed to be habitable, although some people may have couches and

televisions there. Residents will have the option to have running water, as some folks will have outdoor kitchens with maybe a sink.

Mayor Kincaid said he appreciated the proposal, calling it creative and unique. He added that he thinks it will fit well as a Planned Unit Development for the long, narrow space, where it would be hard to fit any other development based on the City's current Land Use Code.

Mayor Kincaid also asked if the spaces would be used year-round. Mr. Johnson responded that realistically, these are snowbirds that will be taking advantage of this type of development or maybe someone who has another lot in another part of the country in addition to the one in Fruita. He estimated that most people will be in Fruita on their property during the nicer seasons and not during winter. Mr. Johnson also noted that there will be no restrictions on how much residents use their space.

Councilor Williams asked if there will be an onsite manager all the time. Mr. Johnson stated that there will not be a designated onsite manager at all times, but the HOA will be represented by lot owners in the development and the developer of the project lives right outside of Fruita and will himself be participating in this type of recreational activity.

- **COUNCILOR HANCEY MOVED TO ADOPT ORDINANCE 2022-29 – SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.9 ACRES OF PROPERTY LOCATED AT 853 RAPTOR ROAD TO A PLANNED UNIT DEVELOPMENT (PUD) ZONE AS PROPOSED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**
- **COUNCILOR BREMAN MOVED TO APPROVE THE RAPTOR CROSSING PRELIMINARY PUD PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED WITH THE FINAL PUD PLAN APPLICATION. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

B. LEGISLATIVE HEARINGS

- 1) **ORDINANCE 2022-30 – SECOND READING – AN ORDINANCE REPEALING AND REENACTING CHAPTER 5.04 OF THE FRUITA MUNICIPAL CODE TO COMPLY WITH COLORADO LAW ON SALES AND USE TAX LICENSE EXEMPTIONS AND UPDATE OUTDATED PROVISIONS REGARDING BUSINESS LICENSES AND FEES – *FINANCE DIRECTOR/CITY CLERK MARGARET SELL***

Finance Director/City Clerk Margaret Sell gave staff's presentation. She explained the purpose of Ordinance 2022-30 as follows:

- The State of Colorado recently passed a Senate Bill which prohibits municipalities from collecting business license applications or a fee for *retail* businesses that are located outside the

City limits of all those municipalities. This was brought about by the destination self-source tax, which went into effect in 2019 and since that time, the number of people remitting sales tax for the City of Fruita through the Colorado Department of Revenue have increased dramatically, requiring anyone who has a \$0.06 sales tax to remit sales tax and apply for a \$25 business license fee, which is impractical.

- It will not have a significant impact as there will be approximately \$2,000 in revenue that the City will no longer collect. Renewal Applications will not be sent to those businesses, but the Fruita Municipal Code will still require that any businesses that provide any kind of service such as contractors and professional consultants within the City of Fruita apply for and maintain a City business license. Essentially, if a *strictly retail* establishment is not located within the Fruita city limits, they will not be required to get a City of Fruita business license.
- There is also a provision in the Fruita Municipal Code that the City can't collect a business license fee if the license is not allowed by state or federal law. In addition, there were a number of outdated provisions within the Code that were cleaned up and/or updated with changes as detailed in Ordinance 2022-30.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the City Council.

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2022-30 - REPEALING AND REENACTING CHAPTER 5.04 OF THE FRUITA MUNICIPAL CODE TO COMPLY WITH COLORADO LAW ON SALES AND USE TAX LICENSE EXEMPTIONS AND UPDATE OUTDATED PROVISIONS REGARDING BUSINESS LICENSES AND FEES. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**
- 2) **ORDINANCE 2022-27 – SECOND READING – AN ORDINANCE OF THE CITY OF FRUITA REPEALING AND REENACTING CHAPTER 15.28 OF THE FRUITA MUNICIPAL CODE TO ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION – *PLANNING AND DEVELOPMENT* DIRECTOR DAN CARIS**

Planning and Development Director Dan Caris provided staff's presentation. He explained that according to Section 31-16-107, C.R.S. concerning adopting Codes by Reference, the actual text of the proposed Ordinance needed to be read into the record as:

- This is an adoption of Ordinance 2022-27 – Repealing and re-enacting Chapter 15.28 of the Fruita Municipal Code concerning the adoption of the International Energy Conservation Code, 2018 Edition, as amended.

Mr. Caris further explained that there are four amendments in Section 15.28.010 of the International Energy Conservation Code (listed as A through D):

- Retention of construction documents

- Schedule of permit fees
- Board of Appeals
- Duties of the Code Official

Mr. Caris added that the reason that Ordinance 2022-27 was before the City Council for consideration was because House Bill 22-1362 was passed and signed into law by the Governor in May of 2022 and essentially mandates that Codes need to be adopted by June 1, 2023 that are between June 1, 2023 and July 1, 2026. The jurisdictions in the valley have elected to go with the 2018 International Energy Conservation Code (IECC) and then will go to the 2021 edition somewhere in between July 1, 2023 and July 1, 2026. Ordinance 2022-27 will bring the City of Fruita's Energy Conservation Codes in line with the other jurisdictions.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the City Council.

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2022-27 – REPEALING AND REENACTING CHAPTER 15.28 OF THE FRUITA MUNICIPAL CODE CONCERNING THE ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION, AS AMENDED. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**
- 3) **RESOLUTION 2022-34 – ESTABLISHING THE SCHEDULE FOR FEES AND CHARGES FOR THE 2023 BUDGET YEAR – ASSISTANT TO THE CITY MANAGER SHANNON VASSEN**

Mr. Vassen briefly reviewed the 2023 Budget timeline from earlier in the year to the present. He stated that a lot of the notable changes in the Fees and Charges for the 2023 Budget year were highlighted in his coversheet and that the changes to fees could be seen in the attached schedule along with an additional attachment for Building Inspection fees to be implemented once the Building Inspections Division is in place in 2023. Mr. Vassen provided staff's recommendation of approval of Resolution 2022-34.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the City Council.

Councilor Breman commented that he found it odd that unlimited trash is cheaper than limited trash. Mr. Vassen explained that limited trash includes a 96-gallon trash container and initially when Waste Management rolled that program out as an option, they did charge a higher rate to provide those.

- **COUNCILOR HANCEY MOVED TO APPROVE RESOLUTION 2022-34 – ESTABLISHING THE FEES AND CHARGES FOR THE 2023 BUDGET YEAR. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

4) RESOLUTION 2022-35 – A RESOLUTION ADOPTING THE 2023 ANNUAL BUDGET (PUBLIC HEARING CONTINUED FROM NOVEMBER 15, 2022) – ASSISTANT TO THE CITY MANAGER SHANNON VASSEN

Mr. Vassen explained that this Resolution approves the 2023 Budget. He noted that the final Budget document would be finished early in 2023, when staff will print hard copies that will be bound.

Mr. Vassen stated that the fiscal impact of the Budget is \$34.3 million and that of that amount, there is \$27 million in current year revenues, \$4 million in Transfers between funds for Capital Projects, debt service and other transfers and \$2.8 million in use of Fund Balance. A few of the funds are spending at a deficit such as the General Fund, Fruita Community Center Fund and Marketing and Promotion Fund as was discussed in previous budget presentations. Mr. Vassen provided staff's recommendation of approval of Resolution 2022-35.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the City Council.

- **COUNCILOR KREIE MOVED TO APPROVE RESOLUTION 2022-35 – ADOPTING THE 2023 ANNUAL BUDGET. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

5) RESOLUTION 2022-36 – A RESOLUTION APPROPRIATING FUNDS FOR THE 2023 ANNUAL BUDGET – ASSISTANT TO THE CITY MANAGER SHANNON VASSEN

Mr. Vassen stated that now that the 2023 Budget was approved, now the City Council is required to appropriate the funds as specified in the coversheet. He provided staff's recommendation of approval of the Resolution.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the City Council.

- **COUNCILOR BREMAN MOVED TO APPROVE RESOLUTION 2022-36 – APPROPRIATING FUNDS FOR THE 2023 FISCAL YEAR IN ACCORDANCE WITH THE ADOPTED 2023 ANNUAL BUDGET. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

6) RESOLUTION 2022-37 – ESTABLISHING THE PROPERTY TAX MILL LEVY FOR THE 2023 BUDGET YEAR – ASSISTANT TO THE CITY MANAGER SHANNON VASSEN

Mr. Vassen explained that Resolution 2022-37 establishes the property tax mill levy for the City of Fruita for 2023. There is no change to the mill levy of 10.146 mills, which has remained the same for many years. If the City does want to change the mill levy, it would have to go to a vote of the people due to TABOR. He recommended approval of the Resolution, which also allows the City Clerk to certify the mill levy with the Mesa County Commissioners.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the City Council.

- **COUNCILOR WILLIAMS MOVED TO APPROVE RESOLUTION 2022-37 – ESTABLISHING THE MILL LEVY ASSESSED ON PROPERTY IN FRUITA FOR THE 2023 BUDGET YEAR AT 10.146 MILLS FOR GENERAL OPERATIONS AND AUTHORIZING THE CITY CLERK TO CERTIFY THE MILL LEVY TO THE MESA COUNTY COMMISSIONERS. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES**

8. ADMINISTRATIVE AGENDA

There were no Administrative items on the agenda.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett reported the following:

- Staff has received the new Council iPads and Apple Pencils and is waiting on cases and screen protectors, after which (by the end of next week), they should be ready to be distributed to the Council members and Mayor. Staff will need to collect the old iPads to transfer everything over to the new ones.
- The Gofruita.com tourism website was revamped and went live. Staff is still working with Colvita Creative on some minor bugs, but Mike suggested that the Council members check it out.
- Upcoming events this week include the Reopening of the Bike Park Celebration on Thursday between 3:30 and 5:00 p.m. Around 4:30 p.m., the Mayor, Marc Mancuso and participating groups and partners will make some comments. There will be bikes for people to try out and professional riders doing tricks, but if the weather is too wet, staff talked about either rescheduling for a different day or doing a more traditional “tube (ribbon) cutting” without all the riding events. The Council opted for not rescheduling the event.
- Mike and City Engineer Sam Atkins attended a Regional CDOT meeting for Mesa County and the main thing of note for Fruita was the 20 Road Intersection Realignment, which is planned for construction in the spring of 2023.
- The Chamber's Parade of Lights will be held on this coming Saturday, December 10th at 5:30 p.m. Matthew noted that he would be judging the floats.

10. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken stated that he has not had any meetings as of late, but he did want to mention that he had been disc golfing recently and saw that there's a temporary encampment under the Highway 340 bridge on the north end that seems to be growing. He said he didn't necessarily want the City to clear everyone out, but noted that the encampment is located right where the sidewalk is going to go when the City gets to that project. It's also right next to the place where everyone pulls out their paddleboards and kayaks all summer long, so Ken thought the City might want to start thinking about how it wants to handle to situation.

Mike responded that the Police Department typically makes contact to let those people know that camping overnight is not allowed and they usually move along at that point. He said he knows the process continues to occur and that he would follow up on it.

Matthew asked if the City of Grand Junction would be sharing with Fruita their research concerning their homeless problems. Mike confirmed that Grand Junction shares that as well as other research items, studies and outcomes. Matthew requested copies of those because he has research from other communities to which he wanted to compare.

Ken said it would also be nice if the City could direct those people to the applicable resources. Mike said that is part of the City's standard procedures; that the Police Department does a great job in making that contact and making sure those people are aware of the services available to them. In the past, staff has even assisted with getting them bus passes to get to the services.

James requested that Mike bring back an update on the whole situation.

Matthew mentioned the 2-1-1 program, which is a program that partners people with the resources that are available in each community and will often act as a case manager that helps with multiple issues. He asked if the other Council members were interested in getting a Mesa County overview of what resources are out there and how they are coordinated, because he could help set that up. Interest in that was shown by all in attendance.

Joel asked if Fruita has those type of resources on its website and Mike said the 2-1-1 program might be one that staff could add. He added that there are handouts located on the first floor of the Civic Center that are provided to people who come through the building and ask for that type of information.

Aaron thought it would be great to have Mesa County give the Council a presentation at one of its meetings. Matthew said he would take the lead on getting it started.

COUNCILOR MATTHEW BREMAN

Matthew reported that he attended the Grand Junction Economic Partnership (GJEP) meeting and there was an interesting presentation by Dr. Nathan Perry concerning the economic impact of outdoor recreation for Mesa County. He provided a few statistics from that presentation.

COUNCILOR JAMES WILLIAMS

James noted that the Tourism Advisory Council meeting had been cancelled for a couple of months.

He also said he finally had to come to the realization that the Museums of Western Colorado Board meetings were not working out for him timewise, but after talking with Mike and Aaron, Aaron had graciously taken over the liaison role for him.

James also reported that Commissioner Davis reached out to him and said that Fruita has a voting membership on the Associated Governments of Northwestern Colorado (AGNC) Board and that he wants James to attend the next meeting with him.

MAYOR JOEL KINCAID

Joel directed staff to prepare an agenda item to appoint Steven Sparks to the Parks and Recreation Advisory Board after he and Aaron had just interviewed him prior to the Council meeting and appoint Jessica Hearn to the Planning Commission after he and Amy interviewed her.

Joel reported that the City Council had better attendance at the City Christmas party than it has had in several years and he thanked them for it.

Joel also reported that he and Mike got to talk to the Girl Scouts the previous week about what the City does as the local government.

Joel asked Mike if staff had gotten the signs up at Snooks Bottom and Mike said he wasn't sure if the signs came in yet; staff ordered them last week. Joel explained that the signage at Snooks wasn't consistent with the City's leash requirement (there is no leash requirement at Snooks). James wondered if that statement could be put on the City's website because people seem to be confused about it. Mike said it will appear as an FAQ in the Weekly Information Update.

Aaron recalled how staff was directed to give the Civic Center Veterans Memorial some attention and he saw that it was being cleaned up right away, which he appreciates.

Matthew asked if the memorial would be getting any touch-up paint and Mike stated that the Memorial is jointly maintained by the City and a small group of veterans and that he let them know that the Memorial was in need of a little care.

Aaron suggested that staff coordinate with the veterans when the weather is better (such as the spring) on having an event to do some work on the site.

James commended Parks staff on the great job they did with the Christmas lights downtown and being able to coordinate that with the Chamber's Parade of Lights.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Debra Woods

Deputy City Clerk
City of Fruita