

**FRUITA CITY COUNCIL  
IN PERSON AND VIRTUAL MEETING  
JANUARY 3, 2023  
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 7:00 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 Jeannine Purser  
City Councilor James Williams  
City Councilor Ken Kreie  
City Councilor Amy Miller  
City Councilor Aaron Hancey (virtually)

**Excused Absent:** (None)

**City staff present:** City Manager Mike Bennett  
Assistant to the City Manager Shannon Vassen  
City Clerk/Finance Director Margaret Sell  
Deputy City Clerk Deb Woods  
Communications and Engagement Specialist Ciara DePinto  
Planning and Development Director Dan Caris  
Chief of Police Dave Krouse

**Also present:** Board members of Crime Stoppers of Mesa County  
David Combs with Black Citizens and Friends  
Eric Ward with Black Citizens and Friends  
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 was an addition to the agenda of a Proclamation proclaiming January 16, 2023 as “Martin Luther King, Jr. Day” in the City of Fruita.

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

#### **4. PROCLAMATIONS AND PRESENTATIONS**

- A. PROCLAMATION – PROCLAIMING JANUARY 2023 AS “NATIONAL CRIME STOPPERS MONTH” IN THE CITY OF FRUITA TO BE ACCEPTED BY RICH PARRISH AND OTHER BOARD MEMBERS OF CRIME STOPPERS OF MESA COUNTY**

Councilor Williams read the Proclamation, which was accepted by Rich Parrish and other board members of Crime Stoppers of Mesa County. Photos of them with the City Council were taken.

- B. PROCLAMATION – PROCLAIMING JANUARY 16, 2023 AS “MARTIN LUTHER KING, JR. DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY DAVID COMBS AND ERIC WARD OF BLACK CITIZENS AND FRIENDS**

Councilor Kreie read the Proclamation, which was accepted by David Combs and Eric Ward of Black Citizens and Friends. Mr. Combs announced several events being held around the valley for the holiday culminating in the Monday event, which will be held in downtown Grand Junction at City Hall prior to a march to Colorado Mesa University (CMU). Photos of Mr. Combs and Mr. Ward with the City Council were taken.

#### **5. PUBLIC PARTICIPATION**

There were no comments from the public.

#### **6. CONSENT AGENDA**

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 15, 2022 REGULAR CITY COUNCIL MEETING**
- B. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JESSICA RUFFULE TO THE LIVABILITY COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN JANUARY OF 2026**
- C. RESOLUTION 2023-01 – DESIGNATING THE PLACE FOR POSTING OF NOTICES OF MEETINGS OF THE FRUITA CITY COUNCIL AND ALL BOARDS AND COMMISSIONS OF THE CITY OF FRUITA**

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

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

#### **7. PUBLIC HEARINGS**

There were no public hearing items on the agenda.

## **8. ADMINISTRATIVE AGENDA**

### **A. FRUITA BUILDING DIVISION – *PLANNING AND DEVELOPMENT DIRECTOR DAN CARIS***

Mr. Caris noted that 2.75 full-time employees (FTEs) were budgeted for in the 2023 Budget for the City's new Building Services Division. Three individuals have been successfully recruited for positions within the Division. They are:

- John Anderson as Chief Building Official who has almost 30 years of experience as a Building Official in California
- Mike Mossberg, who was the Building Official for Mesa County prior to Darrell Bay and has been hired to do plan reviews and non-electrical inspections
- Journeyman Electrician Jenn Wooten, who will serve as the City's Electrical Inspector

Mr. Caris reviewed the webpage on the City's website for the Building Division where the new permitting software can be found as well as "how-to" videos on how people can submit for building permits and request inspections. It also has some state-mandated elements that must be on the website such as the certifications for state electrical and plumbing licenses.

Mr. Caris explained that the state Plumbing Board and state Electrical Board will not allow multiple jurisdictions doing plumbing and electrical inspections in any given jurisdiction. He continued that City staff has had much dialogue with the Mesa County Building Department concerning how best to implement Fruita's Building Division in a smooth and professional manner.

Pursuant to the letter the City of Fruita sent to Mesa County notifying them that Fruita will be bringing its building inspections in-house, the 90-day notification period ends on March 28, 2023. Mr. Caris said he feels it will be a tougher transition if Fruita waits until then because that will be when batch plants open and asphalt starts to become available, so February 20<sup>th</sup> is closer to the date when things will be transitioned over.

Mr. Caris also explained that City staff has a meeting with the Homebuilders Association (HBA) and Western Colorado Contractors Association (WCCA) on January 11<sup>th</sup> and will probably be doing some Energy Code training in late January or early February. There will also be some training workshops for the Cloudpermit software, which is now fully incorporated with the Mesa County Assessor's website. The training will take people all the way through the entire development process.

Mayor Kincaid asked Mr. Caris how many twelve to eighteen-month projects are on the books now that will be sitting out there for a while with Mesa County. Mr. Caris responded that there are probably four or five including the Car Barn redevelopment, tenant improvements at FARM, the Fruita Mews and any and all mechanical/electrical gear upgrades at the schools.

Councilor Hancey asked if Mr. Caris if the new Building Division would be reporting to him and Mr. Caris confirmed that they would. Councilor Hancey also asked about Mike Mossberg working part-

time for a while; whether the Council needed to expect an amendment down the road to the Budgeted 2.75 FTEs. Mr. Caris said he believed that there would be no requests for additional salaries for the Building Division staff since Mr. Mossberg would be only working 16 to 20 hours per week.

Councilor Purser asked about how the building industry responded to the City starting a few months sooner than was originally planned. Mr. Caris responded that many in the industry that he has talked to understand that there is a show of respect and cooperation between both jurisdictions (Mesa County and City of Fruita) and that it really will be about getting as much facetime as possible with people. He surmised that everything will work out fine because none of the larger projects that he has spoken with have any reservations whatsoever.

Councilor Williams asked where the Building Division will be housed in the Civic Center. Mr. Caris explained that Chamberlain Architects would soon be starting on Phase 1 of the Civic Center remodel to include putting new offices in both the dance room on the south end (across from the Department of Motor Vehicles) and the archive room on the north end on the first floor. Councilor Williams asked where the dance class would be held and City Manager Mike Bennett confirmed that the dance class had been moved to the Fruita Community Center.

Mr. Bennett added that the construction is scheduled to take three months. He said it will be a little disruptive for the offices right next to it, but people will have the opportunity to work from home if necessary. As far as equipment for the new employees, computers are ready and vehicles are on order.

Councilor Breman asked when the new software would be brought online and Mr. Caris responded that staff had a “soft” launch earlier in the day at 3:00 p.m. He provided additional features of the software such as how it is linked to the Mesa County Assessor’s website, which contains recorded plats and their assigned tax parcel ID numbers. Mr. Caris stated that the software will be up and fully functioning by February 1<sup>st</sup>.

Councilor Miller asked if in-person trainings would be made available to other parties who will using the software. Mr. Caris responded that there will be videos about how to submit a building permit and how to request inspections on the software’s website and Planning Department staff has been taping all of their trainings with the software technicians to make those available as well. He added that staff will also do individual trainings after pre-application meetings, which are often held with repeat applicants.

Mayor Kincaid asked if there will be a contingency for contracting out electrical and plumbing inspections to other state-licensed inspectors if any of the new City staff needs to take sick or vacation time. Mr. Caris said that there are two staff members who can do the plumbing inspections (Mike Mossberg and John Anderson). He explained that a Journeyman or Master license is not required for plumbing, but they do have to be certified with the International Code Council. A Journeyman or Master Electrician is required for electrical inspections and Mr. Caris said that an option is to have a commercial installer that is a Master Electrician do an inspection if the City’s electrical Inspector is not available to do it.

Councilor Kreie mentioned that he received unsolicited feedback that City staff made good choices on the new hires for the Building Division. Mr. Caris said he would pass that along to them.

Councilor Williams commended staff for the way they have rolled out the new Building Division.

**B. PUBLIC SAFETY UPDATE – *CHIEF OF POLICE DAVE KROUSE***

Chief Dave Krouse provided the Council with a Police Department update for 2022 and 2023. He first reported on 2022 accomplishments, which include:

- Continued implementation of body cameras
- Received a state grant for implementation and expansion of body cameras such that now each officer is equipped with one and the department has a few spares in the event one isn't working. Data storage was also expanded.
- First full year of implementation of Lexipol policy/training
- Implemented legislatively mandated reporting requirements
- Personnel changes: went into the year fully staffed. Retirement of Sergeant created a vacancy and opportunities for promotions
- Calls for service: 8,695 in 2022. 2021 calls for service were 8,478 for a 3% increase in 2022 over 2021

Mayor Kincaid asked Chief Krouse what his Department's average response time to calls. Chief Krouse responded that response times are pretty good. He explained the prioritization of calls, Priority 1 Calls being those that require immediate response such as an assault or domestic violence. Chief Krouse stated that the Dispatch-to-Arrival-Time is typically 3 to 5 minutes response time.

Chief Krouse's presentation also included a look ahead to 2023:

- Staffing issues – two current vacancies, 1 more expected in spring due to retirement
- Colorado Association of Chiefs of Police (CACP) Reaccreditation due
- Focus on outreach and engagement with citizens (crime prevention and education programs, community events such as National Night Out, Special Olympics car show, Faith in Blue Weekend, increase social media presence)
- Monitor traffic issues for future needs and priorities as the community grows
- Better tracking of committed versus non-committed time

Continuing challenges for the Fruita Police Department include:

- Recruitment (a state and nation-wide issue)
- Societal issues – mental health, substance abuse, homelessness (emphasize that the criminal justice system/law enforcement is not the right answer for many of these issues)
- Balancing CFS, staffing, reporting, technology and training

Chief Krouse spoke briefly about homeless camps in the community, saying that the way the Police Department approaches those is first it is determined by officers whether it is on private property, in which case, officers work with the property owner regarding any trespass or clean-up issues. At the same time, it is determined to be either in Mesa County or in Fruita city limits and if it is in the county, Fruita PD works with the Sheriff's Office and partner in any trespass issues or evaluating whether some

sort of clean-up is needed for health and safety reasons. If clean-up is needed (whether on private or county/city/public property), officers will post the camp for at least 72 hours with colored paper notices that are safety pinned onto a piece of the property (such as a tarp or tent) to inform them of the violations and to let them know they need to clear out, otherwise, property at the camp may be considered abandoned property and after 72-ish hours, officers will collect any valuables they find. The notices that the officers post let individuals know where they can go claim their property that was left behind. In addition, the posting contains a list of resources in the community for homelessness.

Chief Krouse noted that homeless camps are a bit of a sensitive issue. Municipalities throughout the country are facing litigation for disposing of property and it has yet to be resolved in the courts as to what exactly is constitutional when it comes to municipal or county agencies cleaning up properties like that. Chief Krouse stated that he will continue to monitor that closely (as well as Mesa County's recent camping prohibition) because sometimes those types of litigation have been attempted only later to be deemed unconstitutional.

Chief Krouse also clarified that the homeless camp that has been periodically located under the Highway 340 Bridge is Mesa County property, so the Fruita Police Department does coordinate with the Sheriff's Office to address the issue there.

In conclusion, Chief Krouse stated that the things that impact his Department's goals include balancing the demands on officers' time in between:

- Staffing shortages
- Calls for service
- Reporting requirements
- Administrative duties related to body cams
- Technology such as cell phone or ring camera evidence collecting and processing
- Ever-increasing training requirements

Councilor Purser asked the Chief if he knew what the majority of calls for service are. Chief Krouse said he did not have statistical information, but he thought he could get it and maybe include it in a Weekly Information Update from the City Manager. He thought anecdotally, most of the calls that officers in Fruita respond to are "quality of life" -type (noise complaints/barking dogs/dogs at large) calls and "crimes of opportunity" (car break-ins and vandalisms).

Councilor Purser asked if Chief Krouse had a sense of how often Fruita PD gets calls for service from the same source. Chief Krouse responded that those are tracked and officers engage in problem-oriented policing where officers will make those a priority to try to address the issues.

Councilor Purser said she was curious about Chief Krouse's thoughts in general about possibly having a social worker in-house with the Fruita PD for reoccurring calls that aren't necessarily law enforcement matters; somebody who could offer resources to people to maybe help eliminate the multiple occurrences of calls for service. Chief Krouse said he thinks that is definitely the "wave of the future," and that he knows a lot of law enforcement agencies that are going in that direction such as the Mesa County Sheriff's Office and Grand Junction Police Department, who are both employing clinicians or therapists to address those types of issues. He added that he wasn't sure if Fruita's volume

warrants it quite yet, but that it is something that certainly could be considered in the future if it is determined to be financially viable.

Councilor Williams asked about the protocols for the body worn cameras and the data that is retrieved from them. Chief Krouse stated that he could not give specifics, but noted that there is a Retention Schedule that is followed, some of which is based upon the statute of limitations on crimes and court proceedings. He pointed out that no evidence that is involved in any court proceeding is disposed of without the District Attorney's Disposition Order.

Councilor Williams said he wondered if the Fruita PD is going to need any additional equipment or technology-based products or services for the body worn cameras. Chief Krouse stated that the data is housed through a contract with Axon, who technically stores the data for the City of Fruita so that the City doesn't have to provide any servers.

Councilor Williams also asked if there was anything that the Fruita PD is lacking or that the City Council could help with in any way. Chief Krouse said he and his staff enjoy great support from the Fruita City Council and Administration Offices. He added that he doesn't feel as though the department is wanting for much; that if they need something, they ask for it. He also said the PD does try to be conservative with requests and make sure there is justification for them. He thanked Chief Williams for the question.

Mayor Kincaid asked how many officers are School Resource Officers (SROs). Chief Krouse said there are two (2) that are the City's primary SROs. Mayor Kincaid asked if the current vacancies will affect that at all and Chief Krouse responded that they could, potentially, because the SRO position is typically where the Department will draw from to fill patrol vacancies. The Police Department has not had to do that yet; they've been able to do other things to keep the SROs in the schools. Chief Krouse said if he does have to go that route, the Department will typically try to keep them on a shift where they can still service the schools since they are familiar with that and it is emphasized to the other day shift officers that they need to be more active in the schools.

Mayor Kincaid noted the 3% increase in calls for service from 2021 to 2022 and asked if there had been more student cases or need with the SRO Officers. Chief Krouse stated that the need may have increased, but he didn't feel that the number of cases has. He said the PD doesn't make a lot of criminal cases in the schools, but they do utilize a lot of intervention. A lot of the cases that are in the schools can be somewhat complicated and time consuming because they sometimes involve a lot of students and a lot of staff that need to be interviewed. Regarding referrals to the criminal justice system, Chief Krouse said that Fruita PD tends to stay at the lowest level possible when it is appropriate with the use of diversion so that the student doesn't end up with a criminal record as long as they comply with what they are supposed to and the charges aren't criminal.

Councilor Breman asked if the Fruita PD faces local recruiting challenges in addition to those that are being seen statewide. Chief Krouse said he thinks that the challenge that is local is the pool of applicants is fairly limited, unlike the metro area, where there are a lot of agencies with which to apply. He said he thinks the City offers applicants a lot and if it is allowed to explain that, then oftentimes, Fruita can win them. He named excellent benefits, work environment, support and interaction with the community as things that are proposed to applicants when the City is recruiting.

Mayor Kincaid asked the Chief if he has had officers approach him that want to come work for Fruita or if he has a list of those who have shown interest and Chief Krouse responded that the PD never turns down an application; if someone is interested (whether there is a vacancy or not), the application is kept on file. He said they definitely keep in touch with people who show interest and if a vacancy does come up, PD lets them know.

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

City Manager Mike Bennett reported on the following:

- Reminder that the Chamber Business After Hours hosted by the City of Fruita would be held on Thursday, January 12, 2023 from 5:30 to 7:00 p.m. at the Fruita Community Center
- Staff received an email earlier in the day from the Department of Local Affairs that they need a letter signed by the Mayor concerning the City's grant request of over \$600,000 for the Aeration Project that was included in the 2023 Budget. The letter simply needs to state that the City accepts the correction of replacing the "Town of Fruita" with the "City of Fruita." This is needed by DOLA in order to process the grant request through the state process. There were no objections by the City Council and Mike said he had the letter prepared and ready for the Mayor to sign after the meeting.
- Staff will be bringing an agenda item before Council to recommend cancelling or rescheduling the Tuesday, July 4, 2023 Regular City Council Meeting because of the holiday. He explained that if staff waits too long to do this, it is much harder to plan development projects around it and that is why he was bringing it up so soon. He added that staff is always mindful of upcoming conflicts with holidays in order to avoid causing delays of a project. Mayor Kincaid said he was good with cancelling the meeting and the other Council members had no objections.

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

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

#### **COUNCILOR AARON HANCEY**

Aaron asked what the actual costs were of the damage to the basketball court from the water leak at the Fruita Community Center including the amount to the City's insurance carrier. Mike said he didn't have the numbers in front of him, but that staff put in a claim with the City's insurance carrier and the City's insurance carrier is working with the insurance carrier of the cleaning company who caused the water leak. He said he knew staff received bids for the replacement, did not have those figures in front of him at the moment, but that it is all being handled with the City's insurance carrier who is also working with the cleaning company's insurance carrier.

Aaron asked if Mike was saying that the City is not going to have any out-of-pocket costs for the damage except the temporary closing of the programs that use the basketball court. Mike said the City will simply pay a deductible of \$5,000 and be reimbursed for expenses.



Mike continued that the initial response from insurance was that they wanted to replace just the portion of the court that got wet, but staff was not satisfied with that. For next year, the City has \$30,000 budgeted to resurface the entire court and Mike said that staff pushed back proposal by saying the whole court needs to be replaced for it to be in the right condition. There are still decisions to make such as whether to add to the scope of work or not and whether the City will have to cover some of the expenses to get the desired result. Mike pointed out that when staff was receiving quotes, the bidding companies were not interested in partially replacing the wood floor. He explained that there are a lot of variables that staff is still working through and that he would continue to provide updates to the City Council.

There was continued discussion between staff and the City Council concerning:

- Equating the City's loss of revenue from the gym closing (which Mike said FCC staff was already tracking in order to either issue a refund or remove from billing so the customer doesn't have to pay for those months when the basketball gym is unavailable)
- The current condition of the concrete subfloor (it was tested once but will be tested again to make sure it is dry and mold-free)
- Whether the concrete subfloor could be used temporarily (it cannot)
- Whether any upcoming events will be affected (Those affected include the Redlands Middle School Basketball Camp that typically takes place during the Christmas break and volleyball season that is in the process of being rearranged. Staff is looking ahead six to eight weeks to determine who all needs to be notified and make other arrangements for them, if possible.)

#### COUNCILOR JEANNINE PURSER

Jeannine said she didn't have anything to report but wanted to know if Mike needed to know which City Council members were coming to the Chamber's Business After Hours event on January 12, 2023. Mike said he really didn't need to know because staff was going to post it on the meeting calendar either way. Mayor Kincaid encouraged Council members to show up if they could.

#### **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) FOR THE CITY MANAGER'S ANNUAL FORMAL REVIEW (WITH THE CITY MANAGER)**

- **COUNCILOR KREIE MOVED TO MEET IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER COLORADO REVISED STATUTE SECTION 24-6-402(4)(F) FOR THE CITY MANAGER'S ANNUAL FORMAL REVIEW WITH THE CITY MANAGER. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

*The City Council took a five-minute break before convening in Executive Session at 8:52 p.m. The regular meeting of the City Council reconvened at 10:52 p.m.*

- **COUNCILOR PURSER MOVED TO UPDATE CITY MANAGER MIKE BENNETT'S CONTRACT INTO ONE DOCUMENT, RAISE HIS SALARY TO \$175,220 PER YEAR AND AMEND THE SEVERANCE PAY FROM SIX (6) MONTHS TO ONE (1) ADDITIONAL MONTH PER YEAR STARTING IN JANUARY OF 2024 WITH A CAP AT ONE (1) YEAR OF SEVERANCE PAY. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **11. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 11:05 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita