

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
DECEMBER 20, 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 7:01 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

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
City Attorney Mary Elizabeth Geiger (virtual)

Also present:

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 a change to the agenda from the original one that was sent out the previous Friday. Resolution 2022-41 – Authorizing the creation of the Fruita Housing Authority - was added to the Council Reports and Actions section of the agenda. The Resolution had been emailed to the Council prior to this Council meeting.

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

4. PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations on the agenda.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 1, 2022 REGULAR CITY COUNCIL MEETING**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR EL TAPATIO LOCATED AT 402 JURASSIC AVE.**
- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER AND WINE LIQUOR LICENSE FOR THE HOT TOMATO PIZZERIA, LLC LOCATED AT 124 N. MULBERRY ST.**
- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) (OFF-PREMISES) LIQUOR LICENSE FOR CF ALTITUDE, LLC DBA ALTA #6317 LOCATED AT 555 W. RAPTOR RD.**
- E. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BREW PUB LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FOR SUDS BROTHERS BREWERY LOCATED AT 127 E. ASPEN AVE.**
- F. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JESSICA HEARNS TO THE PLANNING COMMISSION TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN OCTOBER OF 2025**
- G. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF STEVEN SPARKS TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM TO EXPIRE IN DECEMBER OF 2025**
- H. OUTSIDE AGENCY BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF COUNCILOR AARON HANCEY TO REPLACE COUNCILOR JAMES WILLIAMS AS THE FRUITA CITY COUNCIL LIAISON TO THE MUSEUMS OF WESTERN COLORADO (MWC) BOARD OF DIRECTORS**
- I. RESOLUTION 2022-40 – A RESOLUTION SUPPORTING A GRANT APPLICATION FOR THE GREAT OUTDOORS COLORADO (GOCO) COMMUNITY IMPACT PROGRAM FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR THE COMPLETION OF THE REED PARK PROJECT**

J. NOTICE OF AWARD – CITY OF FRUITA CLOTHING/MERCHANDISE – A NOTICE OF AWARD TO MERGE 2 MEDIA FOR CLOTHING AND MERCHANDISE NEEDS FOR 2023

K. FINANCIAL REPORTS – A REQUEST TO APPROVE THE NOVEMBER 2022 FINANCIAL REPORTS

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

- **COUNCILOR HANCEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.**

Mayor Pro Tem Breman thanked the City Manager for getting back to him concerning the oil and gas number because he was not aware of it.

- **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. PRESENTATION – FOR THE LOVE OF FRUITA CAMPAIGN OVERVIEW – COMMUNICATIONS AND ENGAGEMENT SPECIALIST CIARA DEPINTO

Ms. DePinto presented her idea with a PowerPoint presentation of a campaign focused around building community connections and increasing awareness of staff's community and engagement efforts. She noted that she would also be sharing her presentation with a lot of the City's Boards and Commissions at their January meetings to see if they would like to participate.

Ms. DePinto explained that her idea for the campaign came from the book, *Love Where You Live*, which describes why people in the community are the reasons why people love a place and the connections they have with each other. The goal for the campaign, which is named, "For the Love of Fruita," is to bring the community together through small acts while also bringing awareness to ways people can get involved with the City of Fruita happenings by creating natural conversations with community members.

Initially, the campaign will utilize the City's Boards and Commissions members as "Co-Creators" who will write "love letters" about why they love Fruita. They will then leave them somewhere for someone else to find them and continue the trend. Ms. DePinto said she will create love letter templates that will include information about the campaign and a QR code to a landing page for the campaign, which she views as a long-term project to help get more people involved in the community.

Councilor Hancey suggested that prior Boards and Commissions members be contacted for potential participation as Co-Creators as well and that more copies of the book *Love Where You Live* be ordered and made available at the library. Mike said that when he did the community book club for the book, additional copies were ordered and Lithic Bookstore and Gallery also got quite a few more copies. He said staff would check with both to see how many copies they still had.

The presentation was for the Council's information only and did not require that any action be taken.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett reported the following:

- Staff is coordinating with Mesa County prior to giving them the official 90-day notice (per the contract) that the City of Fruita would no longer be using them for Building Inspection Services. Notice is also being provided to the State of Colorado. Staff is looking into the transition period to try to be helpful in that Fruita will take on projects even sooner if possible because some projects can take a year or 18 months and it doesn't seem fair for Mesa County to start a project and then have to continue it for the duration of the construction period. Simple projects may also be taken on by Fruita if possible once the City has the approval through the state. Staff will provide the Council with an update at the January 3, 2023 Council meeting.
- Also at the January 3rd Council meeting, Police Chief Dave Krouse will give the Council an update on Public Safety and a review of 2022 Police Department data.
- Staff would like to hold the first Housing Authority Meeting on January 17, 2023 if all Council members will be in attendance. All Council members and the Mayor said they would not be absent from that meeting.
- Also at the January 17th Council meeting, there will be an update from Curtis Engelhart, the new Executive Director of the Grand Junction Economic Partnership (GJEP) and an update from Ute Water.
- At the January 24, 2023 Council workshop meeting, there will be an agenda item for the Parks fees rollout and staff is going to check to see if someone from the Colorado Housing and Finance Authority (CHFA) can be there for a presentation.
- Staff received two bids for the Mulberry outdoor space construction. One bid was late and turned out to be much higher than the bid that came in on time. The project was awarded to Professional Pipeline and Concrete, Inc. and staff spent last week reviewing the bid, which was for \$349,925 with a \$100,000 "Force Account" for (mainly) soft amenities such as seating and firepits. In combing through the bid, staff noticed that the shade sails are an additional \$44,610. These are something that staff is going to directly order instead and have the contractor install. Two movable planters of \$20,000 each were removed from the bid and staff will instead order those locally. The line item for removing the existing pieces was also removed and staff has already completed that in-house so that construction could

begin. The Force Account is now at \$70,000 and staff does not anticipate many change orders. Construction is anticipated to begin after New Year's Day.

- Mike asked the Council members and Mayor to leave their old iPads so that Shannon can back them up onto the new iPads.

Councilor Hancey said he was concerned about the difference in the amounts of the two bids staff received and that he thought there would be value in looking at both in case something was missing in the bid that was accepted. Mike said that staff doesn't make a decision on the cost alone and that the City paid upwards of \$50,000 to design every step of the project. He continued that after bids are awarded, staff works with contractors to make sure everything is in there before actually entering into the contract and that it is the same process regardless of what is being built. Councilor Hancey said he would hate to be blindsided with something.

Jeannine said she thought it would be great to have a biggish picture of the Concept Drawing displayed downtown for the North Mulberry Street project. Mike said this was something that was already in the works.

10. COUNCIL REPORTS AND ACTIONS

A. **RESOLUTION 2022-41 – A RESOLUTION AUTHORIZING THE CREATION OF THE FRUITA HOUSING AUTHORITY - DAN CARIS, PLANNING AND DEVELOPMENT DIRECTOR AND MARY ELIZABETH GEIGER, CITY ATTORNEY**

City Attorney Mary Elizabeth Geiger recalled that the Council did form a Housing Authority per statute earlier in the year and at that time, there was a list of nine (9) people who were going to be appointed by the Council and Mayor pursuant to the City Charter. Since that time, the Housing Authority has never met and nobody was ever appointed to the board, so it has been formed only in name.

Many discussions have been had since that time about the role of the Housing Authority and the Council came to the conclusion that rather than appointing outside individuals, the City Council decided to have themselves sit ad hoc as the Board of the Housing Authority.

At Council's request, Mary Elizabeth drafted the Resolution before the Council that rescinds the prior formation of the Housing Authority and instead forms the Board with the Council sitting as the board. Then, the plan is for the Housing Authority to call a meeting to order at the second meeting in January of 2023 to adopt bylaws and conduct any other business that may be in front of the board at that time.

Mayor Kincaid opened the public hearing on Resolution 2022-41. Hearing no comments, he closed the public hearing and brought the matter back before the Council.

- **COUNCILOR PURSER MOVED TO APPROVE RESOLUTION 2022-41 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA AMENDING RESOLUTION 2022-02 CONCERNING APPOINTMENT OF COMMISSIONERS TO THE HOUSING AUTHORITY BOARD. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. COUNCIL REPORTS AND ACTIONS**COUNCILOR AMY MILLER**

Amy reported that one of her clients who moved to Fruita from Texas had her over for some tea and cookies just to tell her how much they have fallen in love with Fruita. She said they are telling everyone they know and it was fun to have such a positive interaction.

COUNCILOR JEANNINE PURSER

Jeannine reported that since the last time she had attended the Council meeting, the Downtown Advisory Board (DAB) held the “Lighting of the Downtown” in partnership with the Fruita Area Chamber and it was just a wild success. There was slight confusion about where Santa Claus was actually going to be and the DAB has some suggestions for next year, but it was a really good time.

Jeannine also reported that she and Joel (prior to the Council meeting) interviewed an applicant for a seat on the Livability Commission and she will be appointed at the next Council meeting. There will also be another interview for a vacancy on the DAB at a later date.

COUNCILOR MATTHEW BREMAN

Matthew reported that at their last meeting, the Fruita Chamber Board spent a lot of time looking at their Budget and those conversations will continue.

Matthew also reported that the Grand Junction Economic Partnership (GJEP) would be meeting the following day.

Matthew stated that he did talk to Zebulon Miracle at United Way about coming to a Council meeting to talk about what services are available for people. The county does a Needs Assessment every three years and non-profit organizations in the valley get together and divvy up who does what. Matthew asked whether the Council would like a presentation at a workshop meeting or a regular Council meeting and if they also want to invite the police and fire departments. There was consensus to have the presentation at an upcoming workshop meeting and to invite Chiefs Krouse and Cavaliere. Matthew said he would check with Mr. Miracle to see if he is available for the January 24, 2023 Workshop Meeting.

**C. 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 (WITHOUT THE CITY MANAGER)**

- **COUNCILOR KREIE MOVED TO MEET IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4) (F) FOR THE CITY MANAGER’S ANNUAL FORMAL REVIEW (WITHOUT THE CITY MANAGER). COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

The City Council convened in Executive Session at 7:56 p.m. The regular meeting of the City Council reconvened at 8:54 p.m.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:54 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita