

**FRUITA CITY COUNCIL MEETING
MARCH 19, 2024
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 Aaron Hancey

Excused Absent: City Councilor Amy Miller
City Manager Mike Bennett

City staff present: Assistant City Manager Shannon Vassen
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Public Works Director Kimberly Bullen
Fruita Police Lieutenant Nick Peck

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

- **COUNCILOR BREMAN MOVED TO ADOPT THE AGENDA AS PRESENTED. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – RECOGNITION OF ELMWOOD HEIGHTS HOA “ADOPT A STREET” VOLUNTEERS

Assistant City Manager Shannon Vassen provided staff’s presentation. He noted that about two years ago, the City’s Livability Commission formally created an “Adopt a Street/Adopt a Trail” program based upon things they were interested in and interest from the City Council to find opportunities for citizen groups, families, local businesses to volunteer and give back to the community. Since the program was created, there have been seven (7) separate groups that have volunteered, so Shannon called it a great success.

At a previous Council meeting, Family Health West was recognized for adopting a portion of Ottley Avenue and doing a number of cleanups on it.

Mr. Vassen introduced two members of the Elmwood Heights HOA, Linda Johnson and Jamie Vavre, who adopted N. Mesa Street between Ottley Avenue and K and $\frac{3}{4}$ Roads. He said the City wanted to recognize and thank these community members for their efforts.

Mayor Kincaid presented Linda and Jamie with certificates of appreciation, Fruita logo bumper stickers, I-heart-Fruita buttons and day passes to the Fruita Community Center. He also read the list of the names of the other members of the Elmwood Heights HOA who participated in the program.

B. PRESENTATION – BRAD MCCLOUD, XCEL ENERGY AREA MANAGER, COMMUNITY RELATIONS WESTERN COLORADO TO ADDRESS COUNCIL CONCERNS REGARDING UTILITY STRIKES

With the recent extensive construction to install conduit/fiber throughout the City of Fruita, there has been quite an increase in the number of gas/utility and other infrastructure strikes by excavators.

Mr. Brad McCloud with Xcel Energy stated that Xcel's priority is always the safety of their customers, communities and employees. He stated that they have counted a total of five (5) utility strikes since the beginning of the year to the present and they have been looking into it.

About a month ago, Mr. McCloud met with City staff to address some of the issues that were going on and since then, Xcel has had two (2) more strikes. Mr. McCloud explained that some of those have been due to issues with locates and some have been issues with the excavation contractors that Xcel had at the time. He added that the efforts that have been put in place since then will do much to mitigate those concerns going forward.

Mr. McCloud pointed out that the fiber locates that they've had recently are up almost 3,500% to date over last year, so obviously with that much more activity, the risk of utility strikes is going to be that much higher no matter what. He added that with that being said, Xcel Energy would still like to mitigate the issue and give everyone assurances that people are safe.

Mr. McCloud announced that as of the beginning of February of 2024, Xcel Energy has brought on a new locate company and is no longer working with the previous contractor simply because Xcel was not pleased with either their performance or their timelines to meet Xcel's needs. He said he's had some assurances that the new contractor they've hired will be better.

Mr. McCloud added that back in mid-February, his team did a training with several of the local contractors and crews working throughout Mesa County (approximately 100 individuals). Courses taught included "Best Practices for Digging Safely" and "Horizontal and Directional Drilling" (also known as "boring.")

Mr. McCloud made himself available for questions from the Council after stating that Xcel is very confident with the change in staff and contractors.

Mayor Kincaid noted that one of the locates was off by 25 feet and asked if it was because it was an older line or if there are other certain aspects that are affecting the utility strikes. Mr. McCloud stated that locates can be off for multiple reasons such as not trusting the equipment being used and bad

mapping. In the case of the one locate being off by 15 feet, Mr. McCloud stated that this was a very rare anomaly because there were multiple items that affected it such as:

1. Mapping that said the pipe was going one way while someone should have made sure that a “Circle Locate” was done, but it wasn’t. Historically, there was nothing that showed the line that was there.
2. There was bleed-off, so they had two lines that they did catch on the locates, but they also had a comms line that gave a false reading.

Mr. McCloud concluded that with the trainings Xcel has been doing, the change in companies that they are using for Xcel’s locates and the proactive measures that Mark Construction has taken with their excavators, he does not anticipate the issues continuing going forward.

The Council had a few more questions about technical issues, response time, Xcel’s level of confidence in the new contractor, and the extent of Xcel’s liability (Xcel does not reimburse businesses for loss of revenue if they have to close due to a strike).

C. PRESENTATION – DOUG SEACAT, DEEPLY DIGITAL OWNER/PRESIDENT AND JONATHON COOK, PROJECT MANAGER TO ADDRESS COUNCIL CONCERNS REGARDING UTILITY STRIKES AND PROVIDE AN UPDATE ON THE BUILDOUT OF FIBER INFRASTRUCTURE

Deeply Digital Owner/President Doug Seacat and Project Manager Jonathon Cook also addressed the City Council about the City’s concern with several recent utility strikes. He provided a couple of handouts containing contact information for Deeply Digital and Clearnetworkx, the sister company that will be one of the City’s new internet providers once the network is built. Deeply Digital is the contractor for the installation of the network.

Mr. Seacat stated that Deeply Digital held a community meeting the previous week that was attended by over 100 people. He noted that there had been utility hits in addition to Xcel Energy’s gas lines that he and Mr. Cook would also be addressing.

Mr. Seacat explained that the majority of the work being for conduit installation has been done by Mark Construction, but other subcontractors have been used by Deeply Digital. He said that his goal was not to make everybody in Fruita upset or scared about utility lines getting hit because he wants residents to feel good about signing up with Clearnetworkx for the internet service after the installation is complete. He added that Deeply Digital’s construction contracts have clear standards that must be met by subcontractors including the necessary training.

Since the beginning of the project, Deeply Digital has had 19 utility hits categorized as follows:

Cause of Hit	# of Utility Hits
Unlocated	9
Mislocated	4
Contractor/Subcontractor Fault	6

The types of utilities that were struck include:

Type of Utility	Cause	# of Utility Hits
Gas	Unlocated	6
Gas	Mislocated	1
Gas	Contractor/Subcontractor Fault	2
Water	Mislocated	1
Water	Contractor/Subcontractor Fault	1
Electric	Mislocated	1
Communications	Unlocated	3
Communications	Mislocated	1
Communications	Contractor/Subcontractor Fault	2
Sewer	Contractor/Subcontractor Fault	1

Mr. Cook conceded that 19 utility hits is a large number but stated that he and Mr. Seacat take the work very seriously. For the locates, he explained that Deeply Digital has to work with multiple locating companies, subcontractors, municipalities, and in some cases, even homeowners who are aware of their own private utility locations.

Deeply Digital had all their subcontractors attend a “Safety Shutdown” where they halted construction for over a week in order to facilitate training with Xcel’s training so that everyone knows what they will have to do on a day-to-day basis to ensure safe and orderly construction. Mr. Cook added that they have had multiple training sessions and a couple of the subcontractors who tried to cut corners were dismissed.

Mr. Cook explained their process for the locates and noted that many times, Deeply Digital has had to call a utility’s locator because they know there’s something more underground that got missed. He pointed out that they have to completely stop construction when a utility is hit, so they spend a lot of time trying to make sure it doesn’t happen.

Mr. Cook noted that Deeply Digital is very close to done with everything north of I-70 and is in the process of redesigning the south side after it wasn’t done correctly. Deeply Digital has also built the new Carrier Neutral Location (CNL) and then any Internet Service Provider (ISP) can use that building.

Mr. Cook also advised that another main thing that will probably be struck over time is sprinkler systems. He said Deeply Digital will almost always repair those onsite, but come springtime, there may be more leaks. He added that he has a whole team dedicated just for that and they are keeping track of any yards that Deeply Digital has dug in or if they feel there is a concern of some sort, in which case, they will be contacting those homeowners as they go along. Mr. Cook said that homeowners are given Deeply Digital’s phone number and as long as the homeowner can show it is close to where they were digging, they will come out and pretty much fix anything.

Councilor Breman said he came home one day and there was a guy standing halfway beneath his yard where he could see the sprinkler pipes. He said it was filled in and he didn’t have any complaints but wondered why he never received any notice about potential problems with sprinkler systems. Mr. Cook responded that they have tried to communicate with the community in a number of different ways including social media campaigns and meetings like the one they had at the Fruita Community Center, but if staff and the Council could assist with spreading the word, that might also help. He

added that at every house where they have had to dig, they have placed a door hanger on the home. In addition, Deeply Digital said they have sent mailers out, asked homeowners to tell their neighbors, and has billboard signs and A-frame signs out to try to make their phone number as visible as possible. Mr. Cook noted that Deeply Digital is also keeping track of all of the calls they receive.

Public Works Director Kimberly Bullen informed the Council that she has an internal only meeting scheduled for next week with her staff to discuss turning on the irrigation system in a systematic way so that geysers don't just start showing up all over town. Staff will then schedule a meeting with Deeply Digital to talk about the systematic approach so that they can stay ahead of those repairs. Ms. Bullen called the issues inevitable because the irrigation water wasn't on when Deeply Digital was going through those neighborhoods, so many of the strikes are yet to be known and located.

Councilor Breman asked Deeply Digital if they are doing As-Built Drawings when they are putting in the conduit and if so, whether the City gets copies of those or they stay in Deeply Digital's records only. Deeply Digital's Engineer responded that they are doing As-Built for their own records and that they locate their own utility because they don't trust any third parties. He said they could share those records with the City or even their competitors so they know where the infrastructure is located.

Mr. Cook concluded by saying that each week, Deeply Digital's marketing staff gets with Fruita's Communications and Engagement Specialist Ciara Amann and Public Works to let them know where in the City they will be working on a weekly basis. The City will have updates on its website about that, too.

Deeply Digital's current goal is to start turning on the zones in the beginning of April 2024. Over 1,000 residents in Fruita (north of I-70) have pre-ordered the high-speed internet service.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE AND WINE LIQUOR LICENSE (OFF-PREMISES) FOR MAVERIK INC. #400 LOCATED AT 1103 E HIGHWAY 6 & 50**
- B. RESOLUTION 2024-09 – AMENDING THE LIVABILITY COMMISSION BYLAWS CONCERNING COUNCIL LIAISON POSITIONS AND OTHER CHANGES**
- C. FINANCIAL REPORTS - A REQUEST TO APPROVE THE FEBRUARY 2024 FINANCIAL REPORTS**

Mayor Kincaid opened the public hearing on the Consent Agenda. Hearing no comments from the public, he directed it to the City Council.

Regarding Consent Agenda Item B., Councilor Purser said it was her understanding that the Livability Commission requested that the nepotism piece be added to their Bylaws, but she thought it might have already been included in them. Assistant City Manager Shannon Vassen responded that the language regarding nepotism was originally drafted when the City Council adopted the Boards and

Commissions Policy and staff subsequently updated the Livability Commission's Bylaws to also include them knowing that they aren't technically official until the City Council formally approves the Livability Commission Bylaws.

- **COUNCILOR KREIE MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES. COUNCILOR WILLIAMS VOTED YES ON ALL ITEMS WITH THE EXCEPTION OF CONSENT AGENDA ITEM B. (RESOLUTION 2024-09 – AMENDING THE LIVABILITY COMMISSION BYLAWS CONCERNING COUNCIL LIAISON POSITIONS AND OTHER CHANGES).**

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM GEMINI ADVENTURES TO SERVE BEER FOR THE DESERT RATS TRAIL RUNNING FESTIVAL ON SATURDAY, APRIL 13, 2024 FROM 5:00 TO 9:00 P.M. AT CIVIC CENTER MEMORIAL PARK – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation, which was a review of the application and other event specifics. She also gave an overview of the commitments from Gemini Adventures that they would be serving one free can of beer to participants, that no other alcohol would be served, that the licensed premises at Civic Center Memorial Park would be encompassed with orange snow fencing that will have labeled and monitored entrances/exits, that professional security had been hired for the event and that there would be signage posted warning that no alcohol could leave or enter the licensed area.

Chief of Police Dave Krouse reviewed the application and provided his memorandum that there was nothing to prohibit the issuance of the license being requested. Ms. Woods concluded by saying that it was staff's recommendation that the Council approve the Special Event Liquor Permit application subject to the following conditions:

- Applicant will discontinue serving beer at 8:30 pm to allow patrons 30 minutes to finish their beverage and leave the permitted area.
- All alcohol will be secured and removed by 9:00 pm.
- The licensee needs to be aware that they are solely responsible for control of the licensed premises regarding alcohol possession, consumption, and adherence to state and municipal liquor laws.

Kyla Claudell, Operations Coordinator with Gemini Adventures, was present virtually as the applicant's representative. Ms. Claudell stated that the event is not-for-profit and will be attended by participants and their families and friends. She further described the event and said its purpose is to celebrate the beginning of the trail season in Fruita.

Mayor Kincaid opened the public hearing on the Special Event liquor permit. Hearing no comments from the public, he directed the matter to the City Council.

- **COUNCILOR PURSER MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR GEMINI ADVENTURES TO PROVIDE BEER FOR THE ATTENDEES OF THE DESERT RATS TRAIL RUNNING FESTIVAL AT CIVIC CENTER MEMORIAL PARK ON SATURDAY, APRIL 13, 2024 FROM 5:00 TO 9:00 PM SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

- 2) **MODIFICATION OF LICENSED PREMISES – A REQUEST TO APPROVE A MODIFICATION OF LICENSED PREMISES ON A HOTEL & RESTAURANT LIQUOR LICENSE – MALT, VINOUS & SPIRITUOUS FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICAN RESTAURANT & BAR LOCATED AT 439 E HIGHWAY 6 & 50 – ASSISTANT CITY MANAGER SHANNON VASSEN**

Deputy City Clerk Deb Woods provided staff's presentation, which consisted of an explanation of the modification to the licensed premises for El Mescal Family Mexican Restaurant & Bar. The license premises were being proposed to extend to a contiguous back patio.

Chief of Police Dave Krouse reviewed the application and issued his statement that there was nothing that would prohibit the changes in the licensing as requested. Fire Marshal with the Lower Valley Fire District (LVFD) Travis Holder also reviewed the application and issued his comments that the fire department would require an egress in the patio area equipped with panic hardware so that patrons would not be locked in the patio area with no except the one going back into the restaurant.

Co-owner of El Mescal Pablo Munoz-Beas spoke personally with Fire Marshal Holder and has agreed to install a gate with panic hardware as required by the LVFD prior to opening the patio. Mr. Munoz Beas was present in the audience as the applicant's representative to answer any questions that the Council may have.

Ms. Woods provided staff's recommendation of approval of the application for the Modification of Licensed Premises subject to the following conditions:

1. The patio shall be enclosed with a fence except for one egress/exit that is equipped with panic hardware.
2. The patio area shall be monitored to ensure that alcohol is controlled within the area and there are no violations of the Liquor Code.
3. The outside patio shall be kept clean and clear of all glass and other dangerous or unsightly items at all times.

Mr. Munoz Beas has nothing to add.

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

- **COUNCILOR KREIE MOVED TO APPROVE THE REQUEST FOR A MODIFICATION OF PREMISES APPLICATION FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICAN RESTAURANT & BAR SUBJECT TO THE FOLLOWING CONDITIONS:**
 1. **PATIO SHALL BE ENCLOSED WITH A FENCE EXCEPT FOR ONE EGRESS/EXIT THAT IS EQUIPPED WITH PANIC HARDWARE.**
 2. **THE PATIO AREA SHALL BE MONITORED TO ENSURE THAT ALCOHOL IS CONTROLLED WITHIN THE AREA AND THERE ARE NO VIOLATIONS OF THE LIQUOR CODE.**
 3. **THE OUTSIDE PATIO SHALL BE KEPT CLEAN AND CLEAR OF GLASS AND OTHER DANGEROUS OR UNSIGHTLY ITEMS AT ALL TIMES.**

COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

B. LEGISLATIVE HEARINGS

- 1) **ORDINANCE 2024-10 – SECOND READING – AN ORDINANCE AMENDING THE FRUITA MUNICIPAL CODE AND CREATING A NEW TITLE IX CHAPTER TO REGULATE UNMANNED AIRCRAFT SYSTEMS – *FRUITA POLICE DEPARTMENT LIEUTENANT NICK PECK***

Lieutenant Nick Peck with the Fruita Police Department provided staff's presentation. He explained that the Ordinance would create a new Title 9 Chapter to regulate Unmanned Aircraft Systems (UASes). The matter was first brought before Council by a concerned resident who had an experience with a UAS (commonly referred to as "drones") and was frustrated with the Police Department's inability to enforce or take any action against the person operating the drone. Subsequently, staff began the process of creating an Ordinance that would give Fruita's Officers local control over the issue.

Lt. Peck pointed out that several components of the original draft Ordinance had been removed such as the requirement of getting consent from the City Manager (or their designee) to fly a drone and not creating drone parks. The revised Ordinance mainly focuses on giving drone operators the ability to enjoy the use of their UASes while making sure that people's actions are safe and that drones are not used to harass or annoy any person or animals. The Ordinance also protects private property rights when hobby drone operators don't have permission to fly over another's property.

Lt. Peck noted that he and Neighborhood Services Coordinator Matt Carson went to an FAA training and met with several drone enthusiasts in the City of Fruita to listen to their concerns. The two also reached out to cities that have enacted Ordinances and Lt. Peck stated that he spoke with a Commander from Windsor who said they have not any issues with the Ordinance they passed except for one small one at their local airport, which was turned over to the FAA.

Lt. Peck stated that it was staff's recommendation that the Council adopt Ordinance 2024-10 on Second Reading.

Mayor Kincaid opened the public hearing on Ordinance 2024-10. Hearing no comments from the public, he directed the matter to the City Council.

Councilors Pursers and Kreie expressed concerns that a UAS operator could say they were using a drone for commercial purposes (allowed) when they really weren't. Lt. Peck pointed out that any use of a drone outside of it being a hobby falls under the FAA's 107 requirements and that Fruita's Ordinance was also designed to make sure that the City is not stepping on people's toes if they are trying to use a UAS for necessary business purposes. Councilor Hancey stated that residents would still have privacy and property rights that cannot be infringed upon that should inhibit an overzealous business use. Lt. Peck agreed, saying that trespassing violations could potentially be applied.

Lt. Peck noted that he was waiting for Council's decision on the Ordinance before he reaches out to the resident who brought the matter to the Council's attention to begin with. He also stated that he was aware of at least two other complaints that have since been received by Fruita PD, so he is certain that UASes involving private property is just going to become more and more of an increasing issue.

The City Council thanked Lt. Peck and Mr. Carson for all their hard work.

- **COUNCILOR HANCEY MADE A MOTION TO APPROVE ORDINANCE 2024-10 – AMENDING THE FRUITA MUNICIPAL CODE AND CREATING A NEW CHAPTER IN TITLE 9 TO REGULATE UNMANNED AIRCRAFT SYSTEMS. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

8. ADMINISTRATIVE AGENDA

There were no Administrative Agenda items.

9. CITY MANAGER'S REPORT

Assistant City Manager Shannon Vassen provided the following updates:

- The agenda for the March Workshop meeting is quite full and will contain the following:
 - Update on Short Term Rental Software and Granicus Compliance Software that staff is using
 - Discussion about the Localism Committee (duties, responsibilities, timeline, mechanic structure, etc.)
 - Discussion on the pre-owned second-hand sales tax exemption on which Grand Junction City Councilor Cody Kennedy presented to the Council earlier this month
 - Discussion on how to reappropriate for public use the proceeds from the sale of Enoch's Lake
 - Consideration of a couple of Proclamation requests
- Fruita's Municipal Election ballots were received this week and must be submitted to the Clerk's Office by 7:00 p.m. on Tuesday, April 2, 2024. He explained where ballots can be dropped off (in the lobby and in the parking lot of the Civic Center) and said that only a handful of ballots have been received back by the City so far. Shannon also provided

instructions for anyone who didn't receive a ballot or needed to register to vote (come to the City Clerk's Office).

- The state legislature is a little over halfway through their session. They are working on a number of bills including multiple, statewide preemptions on land use provisions and land use code changes throughout the state. Just like last year, the Colorado Municipal League (CML) is asking local Council members and their organizations to take a stance in some of these proposed land use bills. Specifically, CML is asking if cities and towns will sign petitions or pass Resolutions opposing these bills because the bills will remove municipalities' abilities as governing bodies to legislate their own local land use policies and replaces them with statewide policies.

Shannon explained that an email was sent to the Mayor and Council containing links whereupon they can sign as either a City Council member or individually. He reminded the Council that last year, the City Council adopted a Resolution opposing the statewide bill and added that this year, the City could adopt more Resolutions for these current proposed bills. Shannon further explained that if these bills pass, cities will face stiff consequences if they don't comply with some of the goals that are outlined inside the bills. One of them, for example, states that if a city doesn't meet certain housing goals, the state can withhold that city's Highway User Tax Fund dollars, which is several hundred thousand dollars per year. There is also a bill that prohibits any sort of parking requirements in downtown zones and other zones.

Shannon advised that while the City of Fruita does not lobby, it is part of organizations that do such as the CML, whose members include every municipality in Colorado except two. All are in opposition of these bills, as is the Associated Governments of Northwestern Colorado (AGNC), to which the City of Fruita also belongs.

The Fruita City Council was in favor of having staff bring forward Resolutions in opposition of the bills that will remove the City's authority to make its own land use decisions.

Shannon affirmed that staff would bring the Resolutions before the Council and if they are adopted, will forward them on to Representative Matt Soper and Senator Janice Rich with the hopes that they will seriously consider the City's feedback in their decision making.

10. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken said he didn't have anything to report, but asked if the results of the Municipal Election will be posted in the lobby of the Civic Center on Election night (April 2, 2024) and Deputy City Clerk Deb Woods confirmed that the Unofficial Results will be. She added that the Official Results would come later (April 12, 2024) and that there is usually not a lot of difference between the two.

COUNCILOR AARON HANCEY

Aaron announced that the Parks and Recreation Advisory Board meeting was rescheduled for one week later on April 8th.

MAYOR PRO TEM BREMAN

Matthew reported that the Fruita Chamber would be meeting the following day and that the Western Colorado Economic Summit will be held on April 16th. He asked staff if the City will have a table for the event. Shannon said staff has been registering people separately and that so far, Amy and Ken were registered. He added that staff could continue doing that or could move ahead with reserving a table, whichever the Council preferred. Matthew noted that he was a panelist on one of the topics at the event. Joel requested that staff register him as well.

Matthew also reported that he was at the Fruita Community Center pool where they have started construction on the new slide. Plywood was put down that was painted and someone commented to Matthew that it was nice that the contractor cares about the aesthetics as they are doing work.

Matthew said as he was coming to the meeting, there was a gentleman with a Rivian that was charging his vehicle outside. The man told Matthew that the last time he was in Fruita, he stayed the night because he was so impressed that he could get a pizza and eat it while sitting on his tailgate and charging his vehicle, which is what he was doing.

COUNCILOR JEANNINE PURSER

Jeannine asked if the City has a table for the Fruita Chamber Annual Banquet and if the Councilors needed to RSVP with Jennifer. Shannon was pretty sure the City has a table, but said he would look into it and get back with the Council.

Jeannine reported that the Coco Vino event was fantastic; the Arts and Culture Board did a really great job and the live auction was super successful. She said she asked several people for expense and revenue comparisons of Coco Vino and the Art Stroll event that in the past was held at the Community Center. Coco Vino wound up making more money than the Art Stroll even though the venue is smaller and the number of participants is less.

Jeannine also reported that many people have pled with her about moving the location of the Fruita Farmers' Market back to Civic Center Memorial Park. She said she knows it's not a City event and the only reason she was bringing it up was because every time she's asked the Chamber, she was told that the City is the one who wanted the Market moved to Reed Park because staff doesn't want activity happening on the grass at Civic Center. Jeannine pointed out that there are all sorts of events that occur all the time at Civic Center Memorial Park.

Joel said the reason was actually the *amount* of the use of the grass at the Civic Center with the Thursday Night Concerts and all the other events that take place there. Matthew stated that Kayla approached the City about moving the Farmers' Market back to the Civic Center this year, but it is a challenge because there are two Saturdays on which other events are already scheduled and now there's concern about consistency in where it will be held.

Jeannine reiterated that there is considerable public interest in moving the Market back to the Civic Center and if the Chamber is interested in that also, she knows the people that she's talked to would

like to see continued conversation about it. She added that she would not have brought it up on her own; it's just that there's been so many people who have come to her about the issue.

Matthew noted that he had a Chamber meeting the following morning at 7:00 a.m. and offered to bring it up to get a feel for where the Chamber is at before potentially talking to the City about it.

Shannon pointed out that the City has a small team that meets with the Chamber often and he's even talked to Kayla about potentially moving the Market back to the Civic Center. He said she has brought it up at the Fruita Tourism Advisory Council meetings, so he thinks the Chamber is still trying to figure out if that's what they want. The Chamber did talk about Reed Park as being a great option because as the number of vendors has increased and the event has grown, they've had a lot more space than what was available previously at the Civic Center. Shannon continued that the Chamber has also added elements such as the "Family Fun Days" and the kids' bounce houses, but he didn't think the City would necessarily decline them from using Civic Center Park if that is really what the Chamber wants to do. He added that he would follow up with the Chamber on it.

Communications and Engagement Specialist Ciara Amann added that other events had already been scheduled for either two or four Saturdays at the Civic Center, so the Farmers' Market would have to be moved for those dates. She also said that because the Market has grown so much, if it were to be held at the Civic Center, the parking lot would have to be used in addition to the grassy area.

Jeannine mentioned that the North Mulberry Plaza has been nominated for an award. Ciara further explained that Fruita is a finalist for the "Downtown Excellence Award," by Downtown Colorado, Inc., who will announce the winner at a conference happening in Durango on April 4th. Design Workshop, the consultant that worked with the City on the Mulberry Plaza, applied for the award on behalf of the City for the design of the space. Parks and Recreation Director Marc Mancuso and Ciara are planning to go to Durango to attend the dinner so that Fruita will have representation and in case the City does win.

COUNCILOR JAMES WILLIAMS

James asked staff to make sure the dog park's water is on schedule for getting turned back on.

MAYOR JOEL KINCAID

Joel referred to an email that was sent to all the Council members from former Mayor Lori Buck. He said Lori talked to Shannon and had a lot of positive things to say about recycling, but he (Joel) still needs to figure out the best way to respond to the email. He asked how many complaints staff is currently receiving each day regarding the new trash cans or the limit on the amount of trash that people can put out.

Shannon said he had a great conversation with Lori and definitely understands her irritation. He added that there has been a lot of frustration over the transition period to move everyone from unlimited trash to the automated trash collection services, although he did not know the number of calls received by administrative staff. Shannon reviewed the history of the City's approval of the contract with Waste Management in 2019 after going out to bid, which is when the City got bids from two companies: Waste Management and Monumental Waste. There was a pretty significant cost difference between the two and Shannon recalled that Monumental Waste was \$10 more per month than Waste Management. City staff then made the decision to continue with Waste Management

because Fruita's goal has always been to keep things as affordable as possible. Shannon also pointed out that Fruita actually has the lowest rates for trash collection services in the Vally when compared to Grand Junction, Palisade and unincorporated areas as well.

Shannon continued that by-hand trash pickup is not the norm anymore and there are several reasons why the City's contract with Waste Management should be renewed for another three years:

- It's becoming more and more difficult to find CDL drivers, especially those that want to work on the back of a trash truck and continually lift trash into the truck.
- There are two size options: 64-gal can and 96-gal can.
- Waste Management is also providing free single stream recycling (which cuts down on landfill costs).
- Waste Management will be offering a leaf pick up for three weeks in the fall.
- Waste Management will offer a holiday dumpster for a couple of weeks.
- Residents can purchase a second trash can for \$4 per month.
- If a Waste Management can is lost or damaged, Waste Management pays for it, not the resident.

Shannon noted that he's also received some positive feedback from residents, as well. The single-stream recycling is very popular. The City's recycling total has gone up 10 tons per month since the rollout of the new cans, which means that 10 tons less is going to the landfill.

Shannon concluded that even if the City were to go with a different waste collection company, it wouldn't be much different because automated trucks have become the norm in the industry. He also pointed out that because Waste Management didn't limit the amount they picked up in the past when they were supposed to be limited to three (3) 32 gal. cans, that made it that much harder for people to switch to the new service.

Joel stated that he would reply to Lori Buck.

Shannon related information from Marc Mancuso, Parks and Recreation Director, that the water will be turned on shortly at the dog park. Ciara noted that the Parks Department waits until the water won't freeze before turning it on, which is typically right after April 1st.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:39 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk
City of Fruita