

**FRUITA CITY COUNCIL
WORKSHOP
NOVEMBER 28, 2023
6:30 P.M.**

CALL TO ORDER AND ROLL CALL

The workshop of the Fruita City Council was called to order at 6:34 p.m. by Mayor Joel Kincaid. City Council members present were Mayor Pro Tem Matthew Breman and Councilors Jeannine Purser, James Williams, Ken Kreie and Amy Miller. Councilor Aaron Hancey was excused absent.

City Staff present were City Manager Mike Bennett, Assistant City Manager Shannon Vassen, Communications and Engagement Specialist Ciara DePinto, Deputy City Clerk Deb Woods, Planning and Development Director Dan Caris, Neighborhood Services Coordinator Matt Carson, City Engineer Sam Atkins, Chief of Police Dave Krouse and Police Lieutenant Nick Peck.

AGENDA ITEMS

1. DISCUSSION ON THE 2024 BUDGET (6:30 – 7:00 PM)

City Manager Mike Bennett noted that the Council had been provided with a handout containing information on tables and chairs for the Council Chambers from ProSpace furniture. Existing tables can still be used for outside and other purposes. There are three options for chairs included in the handout and one is highlighted. Chairs for other than the dais feature seats that flip up and can be stacked. Colors go with architectural design. Audience chairs are on the last page and will not have arms. Seats are padded. New furniture will also include 8 to 9 tables.

All Council members approve of the choices presented by City Manager Mike Bennett and directed staff to move forward.

In 2020, there was a big upgrade to audio/visual equipment including television screens, cameras and microphones. \$30,000 was spent at that time. The mixer will have to be upgraded because it is at capacity for the number of inputs. Back television screen can be replaced. If we add microphones, inputs will have to be installed.

Councilor Williams offered to take a look at the equipment and said he thinks that a couple of thousand dollars is all that is needed for two more wireless microphones and a different mixing board. Councilor Purser believes it is closer to \$5,000 for a mixing board.

The Council came to a consensus to add \$10,000 in the 2024 Budget for audio/visual equipment including podium mount and up to four wireless microphones in the Council Chambers.

Mr. Vassen has requested updated pricing.

Mr. Vassen explained that staff will draft an Ordinance to implement an additional \$50 for Council pay for four new Council members only because the City Charter will not allow Council to amend its own pay. First Reading of the Ordinance will go to City Council on December 19, 2023 and Second Reading at the second meeting in January. There will be a Consumer Price Index (CPI) increase after

that every two years for all Council members. New pay will be \$525 per month for the Mayor, \$400 per month for the Mayor Pro Tem and \$350 per month for City Council members.

Assistant City Manager Shannon Vassen noted that the other purpose of this agenda item was to provide the Council with an opportunity to answer questions on the proposed 2024 Budget.

Mayor Pro Tem Matthew Breman inquired about the property tax Bill that will reduce assessed values on property tax and Mr. Vassen said staff feels they have close projections.

City Manager Mike Bennett noted that the cost for the breach of Reservoir #2 will be included in the final draft of next year's Budget. Staff first needs to be sure the quote from SGM is still valid.

2. COUNCIL LIAISON SEATS ON CITY BOARDS AND COMMISSIONS AND OUTSIDE AGENCY BOARDS DISCUSSION (7:00 – 8:00 PM)

City Manager Mike Bennett summarized the chart included in the Council packet. He noted that Council has been discussing the desire to remove Council Liaisons as voting members on the City's Boards and Commissions and having Council Liaison seats not count towards the maximum number of members a board may have.

The Council discussed how the Council Liaison position was completely removed from the Fruita Planning Commission in order to avoid any conflicts of interest and how the same reasoning should apply to the Board of Adjustment.

All Council members were in favor of the changes to the Boards and Commissions except Councilor Williams, who said it feels like if Council members are spending the time on an additional board, they should have a voice. Councilor Kreie pointed out that ultimately, the City Council makes all final decisions after boards make recommendations to the City Council.

There was also some discussion about Quasi-Judicial public hearings and how Council members cannot legally discuss those with the public. Mr. Bennett advised that if a citizen tries to have those type of discussions with a Council member, the Council member should tell the citizen to attend the Council meeting when it will be addressed or refer them to the Council minutes available after the meeting or in the Weekly Information Update.

Councilor Purser wanted to discuss the policy about having relatives of Council members on the City's boards. She said she was interested in which family members are not allowed to serve on Boards and Commissions; for example, whether her adult daughter or son-in-law would be allowed to serve.

Mayor Kincaid said it was a matter of public perception that there is some kind of nepotism. Councilor Purser said she could see the thought process behind that, but still struggles with limiting someone who has a lot of good ideas and who has a love of the community.

Mr. Bennett read the section concerning membership from the Boards and Commissions Policy. There was consensus among the Council members to leave that section as is concerning family members of Council members being prohibited from serving on the City's other Boards and Commissions and not making any changes to the policy at this time.

3. DISCUSSION ON UPDATING ORDINANCE LANGUAGE CREATING A NEW TITLE 9 CHAPTER IN THE FRUITA MUNICIPAL TO REGULATE UNMANNED AIRCRAFT SYSTEMS (8:00 – 8:45 PM)

City Manager Mike Bennett noted that at a previous Council meeting during Council Reports and Actions, the Council gave staff direction to narrow down the language in the draft of the Ordinance regulating Unmanned Aircraft Systems (UASs). He stated that staff had made those changes, but wanted to discuss some hypotheticals to ensure that the Council doesn't have incorrect expectations.

Mr. Bennett recalled that this matter came up after a member of the public complained at a previous Council meeting during Public Participation that the person's HOA President was looking into people's backyards using a drone (UAS).

Fruita Police Lieutenant Nick Peck stated that without the Ordinance, the City has no way of enforcing any action on someone who might be violating people's privacy with a drone. He said that the Ordinance would give police officers the opportunity to explain to a potential offender what the rules are and that this education would be implemented first. If the person still refuses to comply, they could be cited with a Class B offense, which can result in a fine of \$2,650 maximum and six months in prison if it is an ongoing problem. Lt. Peck pointed out that this would be an issue that is complaint driven.

There was also discussion concerning the fact that the Police Department must have evidence before someone can be cited such as a witness that would be willing to testify or video evidence.

The Council came to a consensus that the draft Ordinance will give the Police Department a good starting point and if in a few years changes are needed, officers could come back to the City Council to request them. Many Council members said they felt that the language in the draft Ordinance is exactly what the City needs right now, but also acknowledged that the technology is still evolving and therefore, the City would likely need to update the Municipal Code to address those issues in the future.

The Council directed staff to move forward with the First and Second Readings of the Ordinance concerning UASs.

OTHER ITEMS (8:45 PM)

- Mike announced that staff is working on an update of Council handbook including reformatting and information about City email addresses and iPads. He said he will soon email the Council the link to the handbook and requested that they review it and provide feedback. Mike added that staff wants to get the link published on the website in early December for people who might be thinking about running for City Council.
- Concerning the Council's request for recognition of all Downtown Advisory Board (DAB) members past and present, Mike asked the Council what their expectations were. He said staff could invite the DAB members to a Council meeting during the 1st quarter of next year. There are approximately 30 to 40 people that would be recognized. Mike discussed with the Council a couple of ideas for commemorative gifts for the DAB members that could be presented to them at the Council meeting and there could be a presentation of the highlights of the board. Jeannine thought cupcakes and I-Heart-Fruita buttons would be nice.

- Matthew reported that his Housing Authority email stopped working and that all he gets are errors. Mike said staff would look into it.
- Amy said that the downtown Christmas lighting event was awesome and fun.
- Joel asked how many Council members would be attending the City Christmas party and all Council members raised their hands.

With no further business before the Council, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk