

**8 FRUITA CITY COUNCIL  
IN PERSON AND VIRTUAL MEETING  
MARCH 15, 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 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

**Present:** Mayor Joel Kincaid  
Mayor Pro Tem Lori Buck  
City Councilor Karen Leonhart (virtually)  
City Councilor Kyle Harvey  
City Councilor Ken Kreie  
City Councilor Heather O'Brien  
City Councilor Matthew Breman

**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  
Public Works Director Kimberly Bullen  
Planning and Development Director Dan Caris  
City Attorney Mary Elizabeth Geiger

**Also present:** Manager of the Mesa County Regulatory Program Carrie Gudorf  
Members of the public (in-person and virtually)

**2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

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

**3. AGENDA – ADOPT/AMEND**

- **COUNCILOR O'BRIEN MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

Clerk's Note: Councilor Leonhart was attempting to appear virtually but was having technical issues with her audio at the very beginning of the meeting. These issues were resolved by the time the Council took a vote on approving the Consent Agenda.

**4. PROCLAMATIONS AND PRESENTATIONS**

**A. PRESENTATION – MESA COUNTY PRESENTATION – TOTAL MAXIMUM DAILY LOAD (TMDL) UPDATE – PUBLIC WORKS DIRECTOR KIMBERLY BULLEN**

Ms. Bullen introduced Mesa County Regulatory Programs Manager Carrie Gudorf, who provided a PowerPoint presentation on the Total Maximum Daily Loads (TMDL) for the Colorado River tributaries in the Grand Valley developed under Section 303(d) of the Clean Water Act. Ms. Gudorf has been spearheading the effort on behalf of all the stakeholders in Mesa County.

Ms. Gudorf's recalled that the first TMDL in Mesa County was issued by the Colorado Department of Public Health & Environment (CDPHE) in August of 2021. The Mesa County Regulatory Programs office submitted an appeal in September of 2021, but it was placed on an administrative hold in October because the Division wanted to go back to see if they could reallocate the selenium load by coming up with some new analysis and new ways to go about doing that analysis.

A review was completed by the CDPHE in January of 2022 and they issued a technical memorandum regarding the review on the data analysis. They did some geospatial data sets for unlined ditches and determined land uses with that. Ms. Gudorf said the CDPHE thought it was a good method to do a 200-foot buffer for any unlined canals for the leaching from the groundwater.

Ms. Gudorf noted that the United States Geological Survey (USGS) demonstrated that there is a significant driver for unlined ditches and the moving of selenium through the soils and shale layer in the Grand Valley. The CDPHE looked at the load in the waste load allocations and found that the end result was an MS4 reduction; however, that was only during the irrigation season; the loads for the irrigation season went down, but the loads for non-irrigation season skyrocketed.

Ms. Gudorf stated that the CDPHE wants to meet with Mesa County again before they issue another draft of the TMDL, but Mesa County thinks it isn't going to be worth their while. She said that CDPHE issued Draft #2 of TMDL in February and comments are due in two days.

Ms. Gudorf said Mesa County has three important players on their team:

- NSW, the county's legal counsel who will be submitting a petition and comments
- SGM (Angie Fowler), an engineering group that has a lot of background on groundwater and is assisting with TMDL comments
- Winfield Wright ("Win") with Southwest Hydro-logic who is also working on the TMDL comments for groundwater and seepage

Ms. Gudorf noted that the overall comments in Draft #1 of the TMDL weren't addressed; selenium loadings were estimated without any scientific background and the percent reductions are not going to work for the MS4 drain in irrigation season because they are not really obtainable for Mesa County. Ms. Gudorf added that not all of the ditches were included in CDPHE's analysis.

Ms. Gudorf said that Mesa County has some major issues with the new way that the CDPHE said they were going to help because in reality, they are *not* going to help.

Ms. Gudorf provided an overview of the TMDL costs that will be invoiced by NSW, SGM and Winfield (Southwest Hydrology) and shared between Mesa County, the Cities of Grand Junction and Fruita, the Grand Valley Water Users Association, School District 51 and the Chamber/AMGD/WCCA with percentages of cost-sharing based on populations and MS4 boundaries.

Palisade is not required to participate because they do not have a TMDL. Ms. Gudorf stated that there are two that are well outside their city limits (Rapid Creek and Cottonwood Creek), but Mesa County doesn't think it would be fair to require them to participate since those two don't hit Palisade city limits. Fruita's cost breakdown is as follows:

- NSW           \$6,000
- SGM           \$3,508.97
- Winfield      \$1,600

Invoices already paid by the City of Fruita in 2021:

- NSW           \$1,235.72

Ms. Gudorf explained that the Memorandum of Understanding (MOU) that Mesa County has with the City of Fruita for running its MS4 program does not include costs associated with TMDLs.

Final TMDL update highlights included:

- Comments due to the Division March 17<sup>th</sup>
- Water Quality Control Division (WQCD) will address any comments and then publish a Final Draft
- Final draft published – no additional comments can be made
- If comments are not addressed – Appeal will need to be made within 30 days
- If no Appeal is filed within 30 days of publication date – WQCD will submit final TMDL to the Environmental Protection Agency (EPA)

Councilor Breman asked if there was any possibility that the CDPHE would be changing their minds. Ms. Gudorf responded that she hopes so and added that CDPHE will be coming to the Valley in April and provided with a tour to show that all the outfalls for the MS4 are dry. She added that she has run up and down many drainages in the last couple of days taking pictures.

Ms. Gudorf concluded by saying that if CDPHE doesn't change their minds, Mesa County will need to appeal the TMDL until they can make sure to get it right.

Councilor Buck asked how the responsibilities could be differentiated since the property in the valley of county and city jurisdictions are surrounded by so much federal land, especially since that is where the problems originate. Ms. Gudorf responded that they were given a pie chart showing waste load allocation, background and margin of safety and then it is divided up between point source and non-point source. The non-point source is agriculture and the point source are things like the airport, industrial permits, MS4, Mack airport, Fed-Ex and a couple of different others. Ms. Gudorf added that

CDPHE stopped it right at the government Highline Canal and have run it south but haven't looked at anything north of it.

## **5. PUBLIC PARTICIPATION**

There were no comments from the public.

## **6. CONSENT AGENDA**

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE FEBRUARY 1, 2022 REGULAR COUNCIL MEETING**
- B. FINANCIAL REPORTS – A REQUEST TO APPROVE THE FEBRUARY 2022 FINANCIAL REPORTS**

Mayor Kincaid opened the Consent Agenda to public comments. Hearing none, he closed the public hearing and referred the Consent Agenda to the Council.

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

## **7. PUBLIC HEARINGS**

### **A. QUASI-JUDICIAL HEARINGS**

There were no Quasi-Judicial public hearings on the agenda.

### **B. LEGISLATIVE HEARINGS**

- 1) RESOLUTION 2022-10 – PUBLIC HEARING – A REQUEST TO APPROVE AN AMENDMENT TO THE 2022 ANNUAL BUDGET WITH A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR COMPLETION OF A SPECIAL PROJECT AND CAPITAL PROJECT INITIALLY BUDGETED FOR IN THE 2021 ANNUAL BUDGET, AND A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR THE 2022 CHIP SEAL PROJECT - ASSISTANT TO THE CITY MANAGER SHANNON VASSEN**

Shannon Vassen, Assistant to the City Manager, explained that the Resolution would change three things in the 2022 Budget. Two of them are rollover projects that were budgeted in 2021 but will not be completed until 2022: 1) the Housing Needs Assessment (that EPS is working on) and 2) the Fremont Street Design. The third Budget Amendment is for an additional \$54,000 for chip seal fees to be used for the 2022 Chip Seal and Patching project. With the additional \$54,000, the City will be able to cover three additional streets:

- Applewood Drive from Mesa Street to Maple Street
- Sunset Court

- Aquarius Avenue from the subdivision change to Fremont Street

Mr. Vassen gave staff's recommendation of approval on the Supplemental Budget Amendment.

Mayor Kincaid opened the public hearing on Resolution 2022-10. Hearing no comments, he closed the public hearing and referred the matter to the City Council.

- **COUNCILOR BREMAN MOVED TO APPROVE RESOLUTION 2022-10 – AN AMENDING THE 2022 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND AND CAPITAL PROJECTS FUND FOR HE COMPLETION OF SPECIAL AND CAPITAL PROJECTS ORIGINALLY INCLUDED IN THE 2021 ANNUAL BUDGET AND APPROVE A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR THE 2022 CHIP SEAL PROJECT. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**2) ORDINANCE 2022-11 – SECOND READING – PUBLIC HEARING – AMENDING CHAPTER 2.20 OF THE FRUITA MUNICIPAL CODE AND CREATING THE ENGINEERING DEPARTMENT FOR THE CITY OF FRUITA – FINANCE DIRECTOR/CITY CLERK MARGARET SELL**

Finance Director/Margaret Sell explained that the Ordinance formally creates the Engineering Department. Previously, Engineering staff was underneath and reported to the Public Works Director, but beginning with the 2022 Budget, those departments have been separated into two. The Ordinance essentially creates the Engineering Department and also makes some minor amendments to the Public Works Department by removing the Engineering duties from the description of the Public Works Department in the Fruita Municipal Code.

Mrs. Sell stated that it was staff's recommendation that the Council approve the Ordinance.

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

Councilor Buck asked if the Director of the Engineering Department would remain a Department Head. City Manager Mike Bennett responded that the City Engineer's title would remain the same and the employee would still be the head of that department.

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2022-11 – AMENDING CHAPTER 2.20 OF THE FRUITA MUNICIPAL CODE AND CREATING THE ENGINEERING DEPARTMENT FOR THE CITY OF FRUITA. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **8. ADMINISTRATIVE AGENDA**

### **A. EXECUTIVE SESSION – DISCUSSION AND MOTION TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE**

**FROM THE CITY’S ATTORNEY, PURSUANT TO § 24-6-402(4)(b), C.R.S. REGARDING RESPONDING TO CHFA QUESTIONNAIRES FOR THE “FRUITA MEWS” AND “RESIDENCES AT FRUITA” DEVELOPMENTS**

Mayor Kincaid explained that the Regular Council meeting would remain open while the City Council convened into Executive Session in the City Manager’s office to have a meeting with the City Attorney to receive legal advice and then they would return to the meeting.

- **COUNCILOR KREIE MOVED TO MEET IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY’S ATTORNEY, PURSUANT TO § 24-6-402(4)(b), C.R.S. REGARDING RESPONDING TO CHFA QUESTIONNAIRES FOR THE “FRUITA MEWS” AND “RESIDENCES AT FRUITA” DEVELOPMENTS. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

*The City Council left the Council Chambers at 7:18 p.m. to meet in Executive Session in the City Manager’s office. They returned to the meeting at 7:59 p.m.*

**B. COLORADO HOUSING FINANCE AUTHORITY – JURISDICTION LETTER/QUESTIONNAIRE – PLANNING AND DEVELOPMENT DIRECTOR DAN CARIS**

Planning and Development Director Dan Caris stated that before the Council were two questionnaires that are typically done by the Colorado Housing Finance Authority (CHFA) that have three questions concerning two (2) 2022 Round 1 tax credit applications (aka the 9% Housing Credit Program). He said it was an opportunity for the City to comment on applications that are pursuing the financing and is also a “check in” to make sure that what is being proposed aligns with the community’s strategy for attainable housing.

**COUNCIL AND STAFF DISCUSSION**

Councilor Buck recalled how City Manager Mike Bennett and Planning and Development Director Dan Caris started trying to come up with ideas to help Fruita’s housing crisis and two great ideas (down payment assistance and accessory dwelling unit (ADU) programs) surfaced to the top. At the same time, unbeknownst to the City Council, there were two Low-Income Housing Tax Credit (LIHTC) projects going on within the City; one that the City Council didn’t know anything about and one that everybody knew about. She pointed out that the City did not solicit LIHTC and knows nothing about it. Councilor Buck stated that it was her opinion that the City of Fruita was not in a position to enter into any commitments involving millions of dollars and decades of a working partnership. She asked why anyone thought that LIHTC projects were a good fit for Fruita.

Councilor O’Brien admitted to “getting wrapped up in the occasion” and rushing into judgment on the “Fruita Mews” project, noting that when it was presented, there was a very strict timeline, so it felt like an opportunity could be missed if action wasn’t taken right away. She said she hopes the Council will be able to look at projects that will reach various price points, but that it was going to take some time before the Council knows enough to do more.

Councilor Kreie said that “Fruita Mews” project did produce a bit of a knee-jerk reaction and agreed that it did not fit the strategies (down payment assistance and accessory dwelling unit (ADU) programs) that staff and Council had previously discussed.

City Attorney Mary Elizabeth Geiger said that this was exactly the kind of feedback staff needed in order to answer the first question on the questionnaires. She also reminded the Council that for the “Fruita Mews,” all that had been approved to date was the rezone; there was no approval of a “project,” and the applicant didn’t even know yet if they had the LIHTC funding, so they could potentially be coming back to the City requesting other assistance or partnerships.

Mr. Caris pointed out that for the second question on the questionnaires, staff does make mention of the fact that the City is bringing additional units onto the market that are for rent; there are roughly 40 apartment units in two separate developments that are likely going to garner rents that are akin to the strategies that the City has been pursuing with 80% to 120% of Annual Median Income (AMI). He said at the very least, the City has signaled that additional density was supported in an area that would spearhead more commercial speculation and create more jobs with walkability, which seem to be supported by the community at large and the City Council.

Mr. Caris also pointed out that Fruita has a Housing Authority that doesn’t have bylaws or appointed board members yet, but the City has spent the last 36 months updating just about every single long-range plan that the City has to offer and a lot of that is land use related. He said the City has addressed the things that apply to zoning and also some of the purpose statements about developing partnerships that are present in the Valley today such as Habitat for Humanity, Housing Resources of Colorado and the Grand Junction Housing Authority.

Mayor Kincaid said he thought that the City’s “Housing Plan” was to do the ADUs and down payment assistance programs. He said that he also thought there were a lot of assumptions being made on the two LIHTC projects such as tax incentives and tax breaks and that the Housing Authority doesn’t have to allow those.

Attorney Geiger agreed and added that while those are certainly the things that these types of projects ask for, the Housing Authority does not have to become a “Special Limited Partner,” nor does it have to go to the City and advocate for those tax abatements. She said a request for waiver of the Impact Fees would have to go to the City Council and that while those are kind of things that these types of projects typically ask for, nothing says that the Council has to say, “yes” because it was the City’s prerogative one way or the other.

Mayor Kincaid said it felt like the LIHTC projects were kind of taking over the conversation and were distracting the Council from what the primary plan was.

The Council and staff discussed how the Fruita Housing Authority’s strategy, guidelines and bylaws have not yet been set and until that happens, the answer to the question about whether each of the projects align or “fit” with the City’s housing goals was essentially “no.” Many Council members expressed frustration about the “Fruita Mews” (rezone request) public hearing. Councilor Harvey said he felt unprepared, manipulated and even taken advantage of.

Councilor Breman suggested language to the effect of, “the City is working on two other concepts that are a better fit for the Fruita community.”

Attorney Geiger said she thought that was a totally fine thing to say and that the draft responses to the questionnaires provided in the Council packet were only a starting point.

Councilor Harvey stated that he didn’t know if he was in support of LIHTC housing or not and that the Council never even really talked about it at length.

Councilor Harvey also commented that more quasi-judicial training was something that could be really valuable for the new Council members (and even the existing ones). He expressed regret for not asking when the letters of support for the “Fruita Mews” project were written by the School District because the project did change over the course of a year.

Attorney Geiger said she was hearing that the Council wanted to beef up and be more specific on both of the questionnaires and respond to the first question with the statement that the City is still working on its housing strategies and is going in a different direction as far as what fits with the Fruita community and leave it at that.

She added that the two strategies that the City has been focusing on (down payment assistance and ADUs) were really looking at more of the 80% to 120% of AMI while the “Residences at Fruita” was focusing on 30% to 60% of AMI and “Fruita Mews” has even a more varied range of 30% to 120% of AMI. Attorney Geiger surmised that the two projects would, at some point, fit a niche somewhere in accordance with how the Comprehensive Plan calls for more variety of housing options.

Councilor Kreie said that he did not want the City’s responses to sound like “Fruita does not want LIHTC housing;” it was just that they do not fit in with the strategies that have been discussed so far. Councilor O’Brien agreed and said it was an honest answer to say that at this point in time, Fruita has not decided what it was going to do about LIHTC projects.

Mayor Kincaid asked for each of the Councilors’ input to try to find some consensus on the direction to staff on responding to the questionnaires.

### **COUNCILOR MATTHEW BREMAN**

Councilor Breman said the City is still developing the plan and right now is looking at two different strategies which are not in alignment with the two projects being discussed. He added that it should also be noted that the overall strategy and end goal is to assist people in having the ability to live in Fruita but not just in one area or one socio-economic group over another; that the goal was to have it mixed throughout and that is what needed to be made clear. He reiterated that the City is currently only looking at the two housing strategies (down payment assistance and ADUs).

### **COUNCILOR LORI BUCK**

Councilor Buck said she is not opposed to LIHTC housing projects but that in answering the first question on the questionnaires, the proposed projects were not *at this time* “consistent with the

development and preservation of the housing plan in our community.” She said a shorter answer was her preference.

### **MAYOR JOEL KINCAID**

Mayor Kincaid agreed that his preference would be to keep the first answer on the questionnaire(s) direct and to the point by saying something to the effect of “the current housing plan does not fit with the project(s) at this point in time.”

### **COUNCILOR MATTHEW BREMAN**

Councilor Breman maintained that the City of Fruita does not yet have a finalized plan.

Attorney Geiger said she thought that the Council does have somewhat of a (housing) plan and that it didn’t have to be formally codified; it was what the City is doing *now* to address the housing issue.

Councilor Breman disagreed and said that right now, the City only has *ideas*. He said he didn’t think the City has a plan until it is codified. He added that there will be three new Council members coming on (after the municipal election) and that could potentially change things.

### **COUNCILOR KEN KREIE**

Councilor Kreie said he thought the City could state that it is in the middle of developing the “Plan” for housing strategies and that based on the direction the Council is headed, the projects do not meet the criteria for the “Plan.”

City Manager Mike Bennett said he thought he was hearing a consensus that on Question #1, the answer is, “no” and for Question #2, staff could explain in detail where the City is at with its Housing Strategies Plan. He noted that the Comprehensive Plan calls for dealing with a “variety of housing,” and seeking to work with agencies like Housing Resources, Grand Junction Housing Authority or other resources to change the Code to develop more of a variety of housing and densities and that this was codified when the Comprehensive Plan was adopted.

Mr. Bennett concluded that there were pieces of the plan that are complete and pieces of the plan that are not complete and essentially, the City could say it has been working on these strategies, but when it comes to these projects and what they are asking for, staff cannot say whether the City or Housing Authority is going to be a Special Limited Partner because the Authority really hasn’t been developed yet. He also said the City has also not yet set strategies or policies related specifically to the two projects being discussed.

### **COUNCILOR KAREN LEONHART**

Councilor Leonhart said she liked what Mike said and agreed with Matthew that the City is just *not there yet*. She added that she supports diversity and housing for all different income levels and obviously, the priorities are narrower than she would like, but she understands that the Council has to take their time.

**COUNCILOR KYLE HARVEY**

Councilor Kyle Harvey said he didn't disagree with anything that had been said by the other Council members but wanted to add that he felt like he wasn't prepared for the pressure at the public hearing; he felt like he was manipulated and even taken advantage of.

Attorney Geiger responded that at the end of the day, the Council has to base its decision on whether a request meets the criteria in the Code for a rezone or not, so there will always be information heard in a quasi-judicial hearing that may or may not be relevant to the decision being made.

Mr. Caris thought Councilor Harvey was saying that that type of application probably needs to go through a different process than the one that it went through and that it felt like there was a lot more being requested than what the City could base its decision upon.

Councilor Harvey said that was certainly part of it but that also, the compromises that the City made were specifically because of what the developer was proposing as a project. He said he thinks that maybe it was confusing because the Council was commenting on whether or not the entire project fits Fruita's Plan while the hearing was separate and was for the zoning only.

**GENERAL DISCUSSION**

Attorney Geiger stated that maybe it would be worth it if the Colorado Housing Finance Authority (CHFA) came to Fruita to give the Council a presentation on the LIHTC program. She added that it might make more sense for her to draft a separate letter concerning how the City doesn't feel like it was given all the information on the "Fruita Mews" project prior to the public hearing.

Councilor O'Brien pointed out that the information that was missing didn't have anything to do with zoning and that what happened after the fact with the "Fruita Mews" project is separate from the zoning decision that was made, so it made more sense that the letter come from the City Attorney.

Mayor Kincaid stated that the only reason the Council voted as they did (to approve "Fruita Mews") was because it was an "affordable housing" project.

Attorney Geiger also suggested that her letter be attached to the "Fruita Mews" questionnaire as a part of the "Other Comments" section of the questionnaire.

The Mayor pointed out that the project being discussed was the "Fruita Mews." The Council members said that they didn't know anything about the "Residences at Fruita" project.

Mr. Bennett reviewed the direction from the Council and understood by staff as follows:

1. Be specific and direct on the answer of "no" for the first question
2. Detail where the City truly is right now in regards to a Housing Strategies "Plan" (which would be the reason for the "no" answer to the first question)
3. The letter from the City Attorney would be attached to the "Fruita Mews" questionnaire

- **COUNCILOR BUCK MOVED TO DIRECT STAFF TO WORK WITH THE CITY ATTORNEY TO REVISE THE RESPONSES TO THE COLORADO HOUSING AND FINANCE AUTHORITY (CHFA) QUESTIONNAIRE FOR THE “RESIDENCES AT FRUITA” PURSUANT TO THE DIRECTION GIVEN AS FOLLOWS:**

1. AN ANSWER OF “NO” ON QUESTION #1
2. FOR QUESTION #2, PROVIDE AN EXPLANATION OF HOW THE CITY’S HOUSING STRATEGIES PLAN IS A WORK IN PROGRESS
3. HOW THE PROJECT DOES NOT FIT BECAUSE THE PLAN IS STILL A WORK IN PROGRESS

**COUNCILOR BUCK MOVED TO AMEND THE MOTION TO ALSO INCLUDE:**

4. AUTHORIZE THE MAYOR TO APPROVE AND SIGN THE QUESTIONNAIRE

**COUNCILOR KREIE SECONDED THE MOTION AS AMENDED. THE MOTION PASSED WITH SIX YES VOTES.**

- **COUNCILOR BUCK MOVED TO DIRECT STAFF TO WORK WITH THE CITY ATTORNEY TO REVISE THE RESPONSES TO THE COLORADO HOUSING AND FINANCE AUTHORITY (CHFA) QUESTIONNAIRE FOR THE “FRUITA MEWS” PURSUANT TO THE DIRECTION GIVEN AS FOLLOWS:**

1. AN ANSWER OF “NO” ON QUESTION #1
2. FOR QUESTION #2, PROVIDE AN EXPLANATION OF HOW THE CITY’S HOUSING STRATEGIES PLAN IS A WORK IN PROGRESS
3. INCLUDE AN ATTACHMENT LETTER FROM CITY ATTORNEY MARY ELIZABETH GEIGER OUTLINING SOME OF THE ISSUES THAT COUNCIL HAS RAISED AND DISCUSSED AT A WORKSHOP MEETING WITH REGARD TO MISCHARACTERIZATIONS AND A LACK OF SHARING OF INFORMATION ON THE PROJECT
4. AUTHORIZE THE MAYOR TO APPROVE AND SIGN THE QUESTIONNAIRE

**COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **9. CITY MANAGER’S REPORT**

City Manager Mike Bennett reported on the following:

1. Mr. Bennett introduced Ciara DePinto, the City’s new Communications and Engagement Specialist, which is a new position that was approved in this year’s budget. He said the hiring process was very competitive, but that Ciara was the clear choice. Ciara is taking a lot of time to meet with groups internally and then will start meeting with groups externally. She will be

working on a number of the City's current communication efforts and looking to develop and enhance those communication efforts as well. Ciara stated that her prior position was with the City of Grand Junction's Parks and Recreation Department doing all their marketing, social media, activity guide, website and newsletter. She also helped a lot with ribbon cuttings and public engagements. Ciara said she was excited to help with all the communication and engagement efforts in Fruita. She got her degree at Colorado Mesa University in Business Administration and did a lot of event coordinating for the university's ballroom and meeting rooms.

2. Mike provided an update on the Mulberry Street outdoor space stakeholder meetings. He said there has been a little bit of confusion in the public, so Kelli McLean in the Planning Department sent out some clarifying reminders to all the groups that were invited to those stakeholder meetings to hopefully help with some of that confusion. Mike noted that the City was fortunate enough to receive a grant that would help pay for engagement with the public on whether or not to make the outdoor space permanent and if it did become permanent in that location or perhaps another location, it would help pay for the ability to design a permanent plaza-type space. Currently, the space is made of temporary materials that were funded with COVID relief dollars and were required to be temporary in nature. Mike stated that the City has opportunities in the budget to actually initiate a potential design of what that may be, but the confusion in the public is that Mulberry Street is being closed for sure, which isn't true. It may very well be an outcome, but the City is just starting the engagement process with a stakeholders meeting on March 17<sup>th</sup>, which will be followed by community meetings and surveys that will go out. Mike made note of the following meetings that had been scheduled:
  - a) A joint Planning Commission and City Council meeting – All the downtown businesses received an email inviting them to the joint meeting and if staff did not have an email address, the invitations were hand-delivered.
  - b) Multiple sessions with various groupings of boards and commissions such as the Downtown Advisory Board with the Livability Commission and the Arts and Culture Board with the Parks and Recreation Advisory Board.

Mike said there was some miscommunication where some were wondering if they should even come to a meeting because it sounded like the outdoor space is already going to happen for sure. Staff did their best to reassure everyone that this is the beginning of the engagement and that there will more opportunities for people to participate. Mike added that the City now has a great consulting group that was selected after a formal bid process. It is the same group that worked with the City on the Fruita Land Use Code update, so they are familiar with the City.

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

### **MAYOR PRO TEM LORI BUCK**

Lori said she appreciated the other Council members and staff for not giving her too hard of a time for missing as many meetings as she has. She said she knows there have been some pretty heavy discussions on heavy topics and thanked everyone for the work they put in.

COUNCILOR KYLE HARVEY

Kyle reported that the Historic Preservation Board met the previous Monday and discussed the Fruita History Coloring Books that the board has been doing for years that are usually given to all the elementary school kids. There are only around 60 to 100 copies left and the Historic Preservation Board would like to figure out a way to reprint the book by doing some kind of fundraising campaign. The Historic Preservation Board wanted to first get the approval of the City Council for doing so and Mayor Kincaid said that in the past, the board just came to the Council and asked for the money. Councilor Leonhart stated that in the past, the Rotary Club donated money to the board and she talked to Steve and Denise Hight, who said that they would be more than willing to assist again with the cost for reprinting of the coloring books. Kyle noted that he thought the board had received some estimates for the cost a year or two ago, so they will have to go back out and request estimates again.

City Manager Mike Bennett provided a few options. He said that as advisory boards, Boards and Commissions can fundraise, but only with the approval of the City Council. He added that the board could come to a Council meeting and give a presentation or, if Kyle wanted to, he could simply request that the Council approve the board to fund raise.

- **COUNCILOR BUCK MOVED TO GRANT PERMISSION TO THE HISTORIC PRESERVATION BOARD TO CONDUCT FUNDRAISING FOR THE PRINTING OF FRUITA HISTORIC COLORING BOOKS. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Kyle also reported that the Arts and Culture Board met the previous Wednesday and asked him to ask the Council if they could have a workshop discussion about the music park idea that they presented before the holiday season. He noted that it sounded like the Council workshop for March had a full agenda, but that the Board was a little concerned about the discussion not happening until after the Municipal Election, when he would no longer be on the Council.

Mike noted that a music park was not included in the Parks, Health, Recreation, Open Space and Trails (PHROST) Master Plan and there were more questions that will need to be evaluated such as potential options for locations, whether there are other projects in the PHROST Plan that would have room to do something like a music park and whether it is something that would attract people.

Kyle said that the Arts and Culture Board wants to get a meeting scheduled as soon as possible to determine whether or not to pursue the idea.

Mike asked if there were fundraising opportunities that involved deadlines and Kyle responded that he thinks the board just has a lot of questions and wants to see if the Council has an appetite for it, whether the City has a good location for it and other questions.

Councilor O'Brien said she thought the piece of property that was originally proposed did not make any sense to her and so, she would want to know what other locations are possible.

Mike suggested that staff, the Parks and Recreation Advisory Board and the Arts and Culture Board have a joint board meeting so that the Arts and Culture Board might have a few more things figured out before bringing it to the Council for consideration.

Mike said he would give direction to the staff Liaison of both boards to get the groups together so that it might be a more productive meeting with the City Council when that time comes.

Kyle requested that Mike relate what had just been discussed to Marc Mancuso, the City's Parks and Recreation Director and Mike said he would.

#### COUNCILOR HEATHER O'BRIEN

Heather said that the great news that came out of the Parks and Recreation Advisory Board meeting was that the bids for the pool filter came in and all were under budget. Not only that, but the contractor won't need to cut out the wall. The Sweetheart Run had about 500 people in it, which Heather said was great, and the Parks and Recreation Board is looking at the fee schedules for all of the various park rental options to bring some of them up-to-date and ensure that for-profit organizations are paying a different amount than non-profit ones and private residents.

#### COUNCILOR KEN KREIE

Ken reported that the Associated Governments of Northwestern Colorado (AGNC) would be meeting the following day (March 16, 2022) in the Hospitality Suite at Stocker Stadium and he previously planned on attending and had RSVPd, but something came up and he couldn't, so if any of the other Council members wanted to go in his place, they could. City of Palisade Trustee Bill Carlson is going to be his alternate. Ken said he would update the Council if anything of note comes out of the meeting.

Ken also reported that the Downtown Advisory Board canceled their March meeting so that everyone could attend the Candidate Forum.

#### MAYOR JOEL KINCAID

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:21 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita