

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
MARCH 1, 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
City Councilor Karen Leonhart
City Councilor Kyle Harvey
City Councilor Ken Kreie
City Councilor Heather O'Brien
City Councilor Matthew Breman

Excused Absent: Mayor Pro Tem Lori Buck

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
Planning and Development Director Dan Caris
City Engineer Sam Atkins
City Attorney Mary Elizabeth Geiger

Also present: Fruita Monument High School 2021 Scholastic Art Show Winners
(FMHS Students of the Month)
Fruita Monument High School Teachers of the Month
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 LEONHART MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATIONS – FRUITA TEACHERS AND STUDENTS OF THE MONTH FOR MARCH 2022: FRUITA MONUMENT HIGH SCHOOL

Mayor Kincaid stood in front of the dais and recognized the FMHS students who were chosen as FMHS 2021 Scholastic Art Show Winners for outstanding artwork (various mediums) in the Scholastic Art Show. Mayor Kincaid also acknowledged art teachers Tammie Widhammer and Nicole Sturrock as Fruita Teachers of the Month.

The Mayor gave each student and teacher a certificate from the City of Fruita, a day pass to the Fruita Community Center and an “I-heart-Fruita” pin. Photos were taken of them with the Council members.

5. PUBLIC PARTICIPATION

Michael Day, 1676 Fowler, brought to the Council’s attention a proposed Xcel Energy powerline project, about which he did reach out to City Manager Mike Bennett. Mr. Day stated that Xcel held a neighborhood meeting about a proposal for power poles that they want to put through a residential area. Mr. Day was unable to attend that meeting, but he said he and his neighbors have quite a few concerns. He noted that the City Manager had said he would reach out to the City’s liaison for Xcel Energy.

Mr. Day continued that in his experience, these kinds of things are installed underground, but Xcel’s position is that it would be too costly to do that. He added that it was important for the City be aware of the project and see that the lines get put underground for the safety of future generations.

There were no other comments from the public.

6. CONSENT AGENDA

- A. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR TMPTF8 DEUX, INC. DBA RIB CITY GRILL LOCATED AT 455 KOKOPELLI BLVD.**
- B. RESOLUTION 2022-09 – A RESOLUTION SUPPORTING A GRANT APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) FOR THE FRUITA MIDDLE-MILE BROADBAND INFRASTRUCTURE PROJECT**
- C. ORDINANCE 2022-13 – FIRST READING – AN ORDINANCE AMENDING SECTION 17.09.060(I) OF THE FRUITA LAND USE CODE CONCERNING THE LIMITATION ON ISSUANCES OF SHORT-TERM RENTAL PERMITS FOR PUBLICATION OF PUBLIC HEARING ON APRIL 5, 2022**
- D. A REQUEST TO APPROVE THE MAYOR TO SIGN A LETTER OF COMMITMENT TO COMMIT FUNDS FOR A GRANT APPLICATION TO THE COLORADO DEPARTMENT OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE (OEDIT) FOR THE TOURISM MANAGEMENT GRANT PROGRAM**
- E. ORDINANCE 2022-12 – FIRST READING – AMENDING SECTION 1.28.020(A) OF THE FRUITA MUNICIPAL CODE CONCERNING THE MAXIMUM PENALTY FOR VIOLATIONS OF THE FRUITA MUNICIPAL CODE**

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 HARVEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

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

B. LEGISLATIVE HEARINGS

There were no Legislative public hearings on the agenda.

8. ADMINISTRATIVE AGENDA

A. PRESENTATION FROM REGION 10 ON BROADBAND EFFORTS, PARTNERSHIP WITH THE CITY OF FRUITA

Mr. Bennett introduced Corey Bryndal with Region 10, who was present to give the Council an update on the project that the City and Region 10 are partnering on to complete the “middle-mile” network connection for internet in Fruita.

Mr. Bennett noted that the Council has just approved a Resolution (on the Consent Agenda) for an adjustment to the 2022 Budget in order for staff to apply to the Department of Local Affairs for funding to match ARPA (American Rescue Plan Act) funds to complete the middle-mile network.

Mr. Bryndal presented informative and conceptual PowerPoint slides to explain what a middle-mile connection is and how it works, as well as other aspects of rural broadband such as a “*Carrier Neutral Location*” (CNL). He noted that he is currently working with 14 other communities in Colorado, including the Town of Palisade and that presently, four separate internet service providers (ISPs) are beginning to look at and review both Fruita and Palisade for opportunities to provide proposals.

Councilor Breman asked for a timeline for getting high-speed internet out into the community and Mr. Bryndal said it varies depending on access to capital, availability issues with fiber cabling, labor issues or other encumbrances. He hesitated to pin down an exact timeframe but did say it would be a multi-year project; for full build-out, he estimated two summers at a minimum.

9. CITY MANAGER’S REPORT

City Manager Mike Bennett reported on the following:

1. The Glade Park Water Users Association (GPWUA) met and discussed the goal of reaching out and developing partnerships in order to maintain public access of the water properties while looking for more effective ways to manage them. Mike said that there were about 30 people in attendance who represented various public entities including Mesa County, Colorado Parks & Wildlife, US Forest Service, Bureau of Land Management (BLM), private landowners on Glade Park that also have call rights to the water, some of the owners who have funded projects in the past that the City owes shares of water to on an annual basis and inspectors. Everyone participated in brainstorming opportunities and challenges and subcommittees were developed to look into specific challenges that were brought up. Mike noted that usage on the mountain water properties has quadrupled and while a lot of the issues are not necessarily occurring on City of Fruita land, it is City land that has the amenities that bring many people to the area. Vandalism, impairments and other damage to these amenities and property have been a challenge and Mike said there is a subcommittee that will work on the flow of water and how all the partners are utilizing it. Every six years, the City has to justify its water usage to maintain the water rights and although it is not used in the City anymore, it is what provides non-potable water to about 50 users on Glade Park. Mike said the meeting was a great kickoff to more discussions and that he would keep the Council updated on it.
2. Mike stated that Fruita is working with all its partners in Mesa County related to coordination for the “last-mile” internet connection. It has been a moving target because each community is at a different stage for “middle-mile,” but Mike said each group is working with Region 10 and communication and coordination is good. He said that Fruita is being more aggressive than ever before because of a lot of funding that is available for “last-mile” and that he is being contacted regularly by private providers that are interested in building it out for Fruita. The challenge that the City has to keep in mind is making sure that there is kind of an even “playing field” for the “last-mile” and the negotiating power to enter into agreements for “last-mile” that first focus on the more difficult areas to serve rather than just rolling out to the easy areas to serve.

Mike continued that staff recently had a meeting with the other municipalities in the area and Mesa County to hear a proposal from a company that is not an ISP but actually builds “last-mile” networks in communities and then leases out to multiple ISPs. He said they have some unique strategies for deploying that. The City’s Public Works and Engineering Departments will be meeting on it as well. Mike concluded by saying a lot of research and coordination on the best way to begin the project is ongoing.

10. COUNCIL REPORTS AND ACTIONS

A. CANCELLATION OF REGULAR MARCH CITY COUNCIL WORKSHOP

Mayor Kincaid pointed out that the Council held a Special Workshop for the last week in March, so the recommendation from staff was to cancel the regular fourth Tuesday workshop of March.

- **COUNCILOR BREMAN MOVED TO CANCEL THE TUESDAY, MARCH 22ND WORKSHOP MEETING FOR THE CITY OF FRUITA CITY COUNCIL.**

COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

COUNCILOR KEN KREIE

Ken reported that the Associated Governments of Northwestern Colorado (AGNC) met the previous week and received an update from the Workforce Centers from around the region. Both the Economic Development District Director and AGNC Director are retiring, so AGNC is hiring to fill both positions. Ken said that the next AGNC meeting will be held in Grand Junction on March 16th in case any of the other Council members wanted to attend.

Ken also reported that the Colorado National Monument Association is having their annual Plein Air event where artists from all over come to the Monument and paint. This year, there will be a special art show at the Art Center where artists are invited to do larger studio pieces based on their inspiration. The opening will be Friday, March 4th at 7:00 p.m.

COUNCILOR MATTHEW BREMAN

Matthew reported that he went on the Grand Junction Chamber Legislative trip and one thing of note is that it was fairly obvious that they truly do not understand the Western Slope. There were comments made that people in Denver should move out to Grand Junction and the Western Slope area where there is "plenty of affordable housing."

MAYOR JOEL KINCAID

Joel reported that he was at the Chamber's Coffee and Community event the previous week where groups were combined together and he was put in with Ute Water, which was interesting because they had several conversations with community members about Ute Water's reservoir and its history. He asked that after the new Council is seated that another tour be scheduled.

Joel also reported that the Fruita Tourism Advisory Council (FTAC) met the previous week. Colvita Creative (the City's new marketing firm) did a survey and is in the process of putting the results together to present to the board. They are also working on what it will take to rebuild the City's tourism website; what the best route would be and how much it will cost. \$10,000 has been budgeted for the website project and the Council may be getting a presentation about it at an upcoming meeting.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 7:38 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita