

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
OCTOBER 18, 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 Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Amy Miller
City Councilor Aaron Hancey

City staff present:

City Manager Mike Bennett
Assistant to the City Manager Shannon Vassen
City Clerk/Finance Director Margaret Sell
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Planning and Development Director Dan Caris
City Planner Henry Hemphill
City Engineer Sam Atkins
Public Works Director Kimberly Bullen
City Attorney Mary Elizabeth Geiger

Also present:

Former City Councilor Heather O'Brien
Local Artist Jeff Bates
Sheryl Fisher with Extended Hours
Eric Marquez with Apex Consulting Engineers
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 APPROVE THE AGENDA AS PRESENTED. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. SWEARING IN

A. SWEARING IN OF NEWLY APPOINTED COUNCIL MEMBER AARON HANCEY TO THE FRUITA CITY COUNCIL

City Clerk/Finance Director Margaret Sell administered the Oath of Office to Aaron Hancey as an appointed member of the Fruita City Council. Councilor Hancey took his seat on the dais.

5. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – MAYOR KINCAID AND THE FRUITA CITY COUNCIL WILL PRESENT FORMER CITY COUNCIL MEMBER HEATHER O'BRIEN WITH A GIFT OF APPRECIATION FOR HER TWO YEARS OF SERVICE ON THE CITY COUNCIL AND AS COUNCIL LIAISON TO THE PARKS AND RECREATION ADVISORY BOARD AND PLANNING COMMISSION

Mayor Kincaid recognized former City Councilor Heather O'Brien and presented her with an art piece commemorating her service on the Fruita City Council. He noted that she also served as Council Liaison to the Parks and Recreation Advisory Board and Planning Commission.

B. PROCLAMATION – CELEBRATING AND IN RECOGNITION OF LOCAL ARTIST JEFF BATES BY PROCLAIMING OCTOBER 18, 2022 AS "JEFF BATES DAY" IN THE CITY OF FRUITA TO BE ACCEPTED BY JEFF BATES

Councilor Milller read the Proclamation, which was accepted by Jeff Bates.

C. PROCLAMATION – PROCLAIMING OCTOBER 20, 2022 AS "LIGHTS ON AFTERSCHOOL DAY" IN THE CITY OF FRUITA TO BE ACCEPTED BY SHERYL FISHER ON BEHALF OF EXTENDED HOURS, EUREKA! MCCONNELL SCIENCE MUSEUM AND RIVERSIDE EDUCATIONAL CENTER

Councilor Williams read the Proclamation, which was accepted by Sheryl Fisher.

6. PUBLIC PARTICIPATION

There were no comments from the public.

7. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 30, 2022 CITY COUNCIL WORKSHOP MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 6, 2022 REGULAR CITY COUNCIL MEETING**
- C. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 2022 REGULAR CITY COUNCIL MEETING**

- D. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 27, 2022 SPECIAL MEETING**
- E. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 27, 2022 CITY COUNCIL WORKSHOP MEETING**
- F. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 10, 2022 SPECIAL CITY COUNCIL MEETING**
- G. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A RETAIL LIQUOR STORE – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR CTL FRUITA, LLC DBA CENTER TOWN LIQUORS LOCATED AT 161 N. PARK SQUARE, UNIT B**
- H. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF SHEILA ADAMSON TO THE LIVABILITY COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN OCTOBER OF 2025**
- I. RESOLUTION 2022-18 – INCORPORATING PROPERTY INTO THE CITY OF FRUITA OPERATED AND MAINTAINED IRRIGATION SYSTEM (W. PABOR WAY)**
- J. RESOLUTION 2022-27 – ADOPTING THE CITY COUNCIL NORMS OF CONDUCT**
- K. RESOLUTION 2022-28 – ADOPTING THE CITY COUNCIL 2022 STRATEGIC PLAN**
- L. RESOLUTION 2022-29 – ADOPTING THE CITY COUNCIL RULES OF PROCEDURE**
- M. FINANCIAL REPORTS – A REQUEST TO APPROVE THE SEPTEMBER 2022 FINANCIAL REPORTS**

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

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

1. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) ORDINANCE 2022-22 – SECOND READING – ANNEXING APPROXIMATELY ONE (1) ACRE OF PROPERTY LOCATED AT PARCEL #2697-213-00-078 INTO**

THE CITY OF FRUITA (*DOGLEG 1 ANNEXATION*) - CITY PLANNER HENRY HEMPHILL

- 2) ORDINANCE 2022-24 – SECOND READING – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY ONE (1) ACRE OF PROPERTY LOCATED AT PARCEL #2697-213-00-078 TO A SOUTH FRUITA RESIDENTIAL ZONE (*DOGLEG 1 ZONING*) - CITY PLANNER HENRY HEMPHILL**
- 3) ORDINANCE 2022-23 – SECOND READING – ANNEXING APPROXIMATELY 4.54 ACRES OF PROPERTY LOCATED AT PARCEL #2697-213-00-094 INTO THE CITY OF FRUITA (*DOGLEG 2 ANNEXATION*) - CITY PLANNER HENRY HEMPHILL**
- 4) 4) ORDINANCE 2022-25 – SECOND READING – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.54 ACRES OF PROPERTY LOCATED AT PARCEL #2697-213-00-094 INTO THE CITY OF FRUITA (*DOGLEG 2 ZONING*) - CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill combined his presentation of both the Annexation and Zoning Ordinances for the approximately one-acre Parcel #2697-213-00-078 for Dogleg 1. He explained how the property met state and local requirements for annexations and zonings and added that:

- Staff had not received any written public comments to date
- No reviewer expressed any concerns with the annexation/zoning
- Planning Commission recommended approval by a vote of 6 to 0
- Staff was recommending approval of both the annexation and zoning ordinances
- Separate motions would need to be made for each Ordinance before the Council

Eric Marquez with Apex Consulting Engineers was present in the audience as the applicant's representative and did not have anything further to present except to ask for Council's approval.

Mayor Kincaid opened the public hearing on Ordinances 2022-22 and 2022-24 (Dogleg 1 Annexation and Zoning Ordinances). Hearing no comments from the public, he closed the public hearing and referred the Ordinances to the City Council.

- **COUNCILOR HANCEY MOVED TO APPROVE ORDINANCE 2022-22 – ANNEXING APPROXIMATELY ONE (1) ACRE OF PROPERTY LOCATED AT PARCEL #2697-213-00-078 INTO THE CITY OF FRUITA. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- **COUNCILOR KREIE MOVED TO APPROVE ORDINANCE 2022-24 – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY ONE (1) ACRE OF PROPERTY LOCATED AT PARCEL #2697-213-00-078 TO A SOUTH FRUITA RESIDENTIAL ZONE.**

COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

Like the previous annexation and zoning ordinances above, City Planner Henry Hemphill again combined his presentation of both Ordinances for the approximately 4.54-acre Parcel #2697-213-00-094 for Dogleg 2. He explained how the property met state and local requirements for annexations and zonings and added that:

- Staff had not received any written public comments to date
- No reviewer expressed any concerns with the annexation/zoning
- Planning Commission recommended approval by a vote of 6 to 0
- Staff was recommending approval of both the annexation and zoning ordinances
- Separate motions would need to be made for each Ordinance before the Council

Eric Marquez with Apex Consulting Engineers was present in the audience as the applicant's representative and did not have anything further to present except to ask for Council's approval.

Mayor Kincaid opened the public hearing on Ordinances 2022-23 and 2022-25 (Dogleg 2 Annexation and Zoning Ordinances). Hearing no comments from the public, he closed the public hearing and referred the Ordinances to the City Council.

- **COUNCILOR BREMAN MOVED TO APPROVE ORDINANCE 2022-23 – ANNEXING APPROXIMATELY 4.54 ACRES OF PROPERTY LOCATED AT PARCEL #2697-213-00-094 INTO THE CITY OF FRUITA. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- **COUNCILOR MILLER MOVED TO APPROVE ORDINANCE 2022-25 – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.54 ACRES OF PROPERTY LOCATED AT PARCEL #2697-213-00-094 TO A SOUTH FRUITA RESIDENTIAL ZONE. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

5) COPPER CREEK WEST PRELIMINARY PLAN – *CITY PLANNER HENRY HEMPHILL*

STAFF'S PRESENTATION:

City Planner Henry Hemphill gave staff's PowerPoint presentation, which was a review of the application details, legal notice (of the public hearings) dates and methods, Official Zoning Map and the five (5) Land Use Code criteria that the Council must consider pursuant to Section 17.21.040(A). All criteria for the Copper Creek West Preliminary Plan either have been or can be met and the City's Master Plan supports similar developments along 19 Road.

Mr. Hemphill also reviewed the Density Bonus requested by the applicant of a decrease in lot size minimum from 7,000 to 3,500 square feet due to the Plan meeting the following:

- 20% minimum Open Space
- At least 500 linear feet of bike and trail connections
- Minimum of 20% mix of housing types; single-family attached, duplex or multi-family (the Plan calls for 49 (35%) attached dwelling units and 89 (65%) detached dwelling units)

Mr. Hemphill also noted that all review comments were included with the application materials in the Council packet, that no written public comments were received by staff but there was public testimony at the Planning Commission meeting and that a neighborhood meeting was held on February 1, 2022. The Planning Commission recommended approval of the Preliminary Plan to the City Council by a vote of 5 to 0.

Staff's recommendation to the City Council was for approval of the proposed Copper Creek West Preliminary Plan with the condition that all review comments and issues identified be adequately resolved with the Final Plat application.

Ty Johnson with Kaart Planning & Landscape Architecture was present as the applicant's representative on behalf of property owner and developer Silas Coleman. Before requesting approval of the project from the City Council, Mr. Johnson provided a presentation that included detailed illustrations of all the lots, interior roadways, alley rights-of-way and open space being proposed for the Copper Creek West Subdivision as well as several photos showing what the fully developed subdivision would look like.

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

COUNCIL MOTION:

- **COUNCILOR PURSER MOVED TO APPROVE THE COPPER CREEK WEST PRELIMINARY PLAN APPLICATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. LEGISLATIVE HEARINGS

- 1) **ORDINANCE 2022-21 – SECOND READING – AMENDING THE FRUITA MUNICIPAL CODE TO ALLOW FOR SPIRITUOUS TASTINGS – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods provided staff's presentation. She reviewed the highlights of how Ordinance 2022-21 would amend Fruita Municipal Code Section 5.20 as follows:

- Spirituous alcohol would be allowed in Tastings in Retail Liquor Stores (in addition to beer and wine currently allowed).

- The number of permitted Tastings per year would increase from 104 to 156 days maximum per year per Retail Liquor Store.
- The current restriction of “no more than 4 of the 6 days between Monday and Saturday” would be removed as long as there are no more than 156 Tastings per year per Retail Liquor Store.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the City Council.

- **COUNCILOR WILLIAMS MOVED TO ADOPT ORDINANCE 2022-21 - AMENDING THE FRUITA MUNICIPAL CODE TO ALLOW FOR SPIRITUOUS TASTINGS. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 2) **ORDINANCE 2022-26 – SECOND READING – APPROVING A LONG-TERM LEASE WITH ALL COPY PRODUCTS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA CIVIC CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Deb Woods provided staff’s presentation. She explained that the lease agreement on the Xerox copier/printer/scanner system at the Fruita Civic Center was expiring in October; therefore, she issued a Request for Proposal from three local vendors. After a review of the proposals, staff recommended that the Council approve a long-term lease agreement with All Copy Products, Inc., which was the low bidder in the RFP process. Staff also recommended as part of Ordinance 2022-26 that the City Manager be authorized to execute the new contract for a new copier system.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the City Council.

- **COUNCILOR BREMAN MOVED TO APPROVE A LONG-TERM LEASE WITH ALL COPY PRODUCTS, INC., FOR A COPIER SYSEM AND RELATED SERVICES AT THE FRUITA CIVIC CENTER AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

8. ADMINISTRATIVE AGENDA

A. 2023 BUDGET PRESENTATIONS – INFRASTRUCTURE AND CORE SERVICES PRESENTATION – *ASSISTANT TO THE CITY MANAGER SHANNON VASSEN*

Assistant to the City Manager Shannon Vassen provided staff’s 2023 Budget presentation for Infrastructure and Core Services of the City. The presentation was divided into three parts:

1. 2023 Capital Projects and Reappropriated Projects
2. Core Services Delivery

3. Enterprise Funds:
 - a) Trash Fund
 - b) Irrigation Fund
 - c) Sewer Fund

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

9. CITY MANAGER'S REPORT

City Manager Mike Bennett reported the following:

- A review of the schedule for upcoming Council tours and a photo session
- A short review of upcoming Council agenda items:
 - Housing Authority by-laws and goals
 - Ordinance to adopt the 2018 Energy Code
 - Ordinance to adopt an Ethics Code
- Announcement that Matt Carson has been hired as Neighborhood Services Coordinator (previously referred to as Code Compliance Officer) and that because he will be engaging often with community members, will be receiving an e-bike to carry out duties
- Potential of having a workshop on the 5th Tuesday in November (11/29/22) if needed for Final 2023 Budget presentation

10. COUNCIL REPORTS AND ACTIONS

A. BOARDS AND COMMISSIONS COUNCIL LIAISONS – DISCUSSION OF VACANCIES AND INTEREST FOR CITY COUNCIL LIAISON APPOINTMENTS TO THE CITY'S VARIOUS BOARDS AND COMMISSIONS

The Mayor and Council discussed the two Council Liaison vacancies on the City's Boards and Commissions that were created with the resignation of former City Councilor Heather O'Brien as well as the existing appointments of Council Liaisons to the various boards. Both the Arts and Culture Board and the Parks and Recreation Advisory Board needed to have a Council member appointment and after a brief discussion, Councilor Purser agreed to be appointed to the Arts and Culture Board and Councilor Hancey agreed to be appointed to the Parks and Recreation Advisory Board. There was consensus among the Council that all other existing Liaison appointments would remain the same.

- **COUNCILOR KREIE MOVED TO APPROVE THE APPOINTMENTS OF JEANNINE PURSER TO THE ARTS AND CULTURE BOARD AS COUNCIL LIAISON AND AARON HANCEY TO THE PARKS AND RECREATION ADVISORY BOARD AS COUNCIL LIAISON. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:18 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita