

**FRUITA CITY COUNCIL
WORKSHOP
MARCH 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 Kincaid. City Council members present were Mayor Pro Tem Matthew Breman and City Councilors Jeannine Purser, James Williams, Ken Kreie, Amy Miller and Aaron Hancey.

City Staff present were City Manager Mike Bennett, Assistant City Manager Shannon Vassen, Deputy City Clerk Deb Woods, Communications and Engagement Specialist Ciara DePinto, Planning and Development Director Dan Caris, Police Chief Dave Krouse and Parks and Recreation Director Marc Mancuso.

Also in attendance were Chair of the Downtown Advisory Board (DAB) Jared Prochnow and fellow board members Ethan Noah and Justin Weaver.

AGENDA ITEMS

1. DOWNTOWN ADVISORY BOARD DISCUSSION (6:30 – 7:30 PM)

City Manager Mike Bennett briefly reviewed the history of the Downtown Advisory Board (DAB) and spoke of the City's need to revisit what the Council's strategies and goals are for this board, as well as some of the City's other Boards and Commissions.

Current Council Liaison to the DAB Jeannine Purser and former Council Liaison Ken Kreie spoke about the board's background. The DAB was originally established by Resolution of the Fruita City Council as part of an effort to see whether the City wanted to participate in the Department of Local Affairs' Main Street Program, which offers support for community-led downtown revitalization.

After an in-depth review, the City decided against becoming a part of the Main Street Program because at the time, many of the things that were a part of the program had already been accomplished in Fruita with the promotion of the Cavalcade and a few downtown improvements the City was able to make with grant funds such as bulb outs on Peach and Mulberry to create a more pedestrian feel and expanded outdoor dining.

There was discussion about how the downtown started to become much more vibrant than it used to be, although some of the southside businesses were feeling left out. Councilor Purser listed accomplishments of the DAB as follows:

- 81521 Thursdays for locals (downtown businesses choose how they want to participate)
- Fruita Fourth Fridays initiated by former City Councilor Kyle Harvey and whose purpose was for downtown businesses to stay open later and show off art (Arts and Culture Board/Allie Daniels is organizing now)
- Came up with the City's F-gear logo and submitted it to City
- Worked with Historic Preservation Board on Pabor Day, informational plaques downtown
- Cups for a Cure chili contest (Fruita Chamber is doing it now)

- Partnered with the Fruita Chamber last year on the start of the Parade of Lights

Points of discussion included:

- The DAB is not working to become independent of the City of Fruita at this time.
- One of the most urgent and current goals of the DAB is to recruit more members.
- The point of the 81521 Thursdays events is not to get businesses to give discounts to locals, it is to highlight those businesses and help people become aware of what is downtown.
- The DAB would like to help the Fruita Chamber with Trick or Treat Street and will look for sponsorships to fund the marketing of it.
- Because the downtown is the “heartbeat” of Fruita, the board should focus on downtown businesses for now while looking out for ways expand to southside businesses in the future.
- Some areas of focus for the DAB should include the continued promotion of a strong downtown that begins to be more oriented toward locals within the community (localism) than with tourism (marketing to outsiders) and should align with the goals and strategies of the Fruita Comprehensive Plan.
- Some of the ideas brought up were micro-events and more things for kids to do.
- Another goal for the DAB could be to find out the best way the board can communicate with the downtown businesses.
- Fruita is not yet large enough to be looking at forming a Downtown Development Authority (DDA), which is a complicated process.
- The DAB will look for opportunities to partner with other Boards and Commissions of the City.
- The DAB should mainly come up with its own ideas for events and programs and the City Council’s role is to provide whatever support it can.
- The DAB could propose a budget and ask the City Council for funding. This could extend to other City boards as well.
- Staff Liaison to the DAB Ciara DePinto will work with the DAB members to draft a new Resolution to restate the board’s new vision/goals since the original intent of the board has been met.
- The DAB can then begin to focus on whether there are updates needed to the board’s by-laws.

2. GAMING ESTABLISHMENTS DISCUSSION (7:30 – 8:00 PM)

So that the Council is aware, Fruita Chief of Police Dave Krouse described a recent trend of “gaming establishments,” which are gaming businesses that are popping up throughout the state that claim they are not illegal gambling and for which many municipalities are rushing to institute moratoriums. He further explained that these businesses are not regulated and the Colorado Gaming Commission must be able to prove they are gambling, which can be difficult. There is one line of code in the gaming machines that try to make it look like it isn’t gambling when actually, the business is operating like a traditional casino.

Chief Krouse further detailed how these gaming establishments are a public safety issue due to their clientele, which bring more of a criminal element (including drug dealing) to neighborhoods. Oftentimes, the gaming establishments are discovered by law enforcement strictly due to complaints filed by neighbors.

Mesa County and the City of Grand Junction have instituted moratoriums on gaming establishments and are exploring avenues like criminal ordinances against their owners. City Manager Mike Bennett

explained how the City of Fruita is positioned a lot better to deal with these businesses because of provisions in its Municipal Code, which require that all businesses within City limits obtain a City business license (this requirement doesn't exist in the other jurisdictions). The Fruita Land Use Code (contained within the Municipal Code) also gives Planning and Development Director Dan Caris the authority to interpret land use applications when applied to specific provisions in the Code and to render his professional opinion on them. The City would have the ability to shut down a gaming establishment based on them operating without a license and the license does serve as a means to communicate with the owner; however, the City can't just outright disallow businesses; there has to be something in the Municipal Code to point to such as a "nuisance ordinance" (bothering neighbors).

Mr. Bennett also explained that moratoriums are good for 180 days, at which time, they can be extended once and can only be applied to new businesses (not existing ones). City staff does not feel that a moratorium is necessary in the City of Fruita because of the business license requirement and other provisions in the Municipal Code.

Staff plans look at the ordinance language that Mesa County and the City of Grand Junction come up with in the event Fruita decides to adopt something similar in the future. Staff is also looking into a possibility of looking at requiring background checks on business owners. Chief Krouse stated that although the Chiefs' Association has lobbied against gaming establishments, it is as if the state just really doesn't care.

Councilor Breman asked about SB23-213 Land Use, which attempts to remove local controls and home rule authority from elected leaders and planning staff and puts those decisions into the hands of developer interests and unelected third parties. Mr. Bennett stated that the Colorado Municipal League (CML) is fighting hard on the bill and that he would keep the City Council updated on the issue.

3. CITY'S PARKS, OPEN SPACE AND TRAILS NAMING AND RENAMING PROCEDURE (8:00 – 8:30 PM)

Councilor Breman was contacted by a resident of Fruita who is requesting the City consider receiving a donation for Fruita's new dog park with an "in Memoriam" naming tied to the request.

City Manager Mike Bennett pointed out that the City has a clearly defined process for naming Fruita's parks, trails, open space areas and associated structures or facilities with the Council's adoption of Resolution 2011-03, a copy of which was included in the Council packet.

Highlights of the discussion include:

- It is not uncommon for alternative options for donations to be made available.
- Remaining expenses (not including signage) for the dog park include fencing, benches, water features, maintenance and supplies (e.g., dog waste bags)
- Strategy for moving forward is for Councilor Breman to give the donor two options:
 - 1) Have donor complete renaming request process that is outlined in Resolution 2011-03 for the entire park, which requires many steps and is time consuming and lengthy; or
 - 2) Offer donor an "in memoriam" naming on features/amenities/sections of the park (instead of for the entire park)
- Parks and Recreation Director Marc Mancuso brought several photo examples of dog park features (such as water features)
- The City does not want to set a precedent that a monetary donation can buy the name of a park.

- The dog park will be keeping its native trees, but staff will be using a skid loader to remove weeds and brush (dead bushes).
- There is no money in the project's budget for a sign.
- Total expenses to date total \$49,444.68.
- The City will likely work with Jeff Bates on a bench(es) if it is determined that the donation funds will be used for them.

4. PROCLAMATION REQUEST: 50TH ANNIVERSARY OF THE MESA COUNTY RETIRED & SENIOR VOLUNTEER PROGRAM (RSVP) AND THE VOLUNTEERS OF THE GRAND VALLEY (8:30 – 8:45 PM)

The City Council was in favor of issuing the Proclamation.

5. PROCLAMATION REQUEST: PROCLAIMING APRIL 29, 2023 AS “HIGH SCHOOL MILITARY COMMITMENT RECOGNITION DAY”

The City Council was in favor of issuing the Proclamation.

6. PROCLAMATION REQUEST: “DAYS OF REMEMBRANCE” IN MEMORY OF VICTIMS OF THE HOLOCAUST APRIL 16 THRU APRIL 23, 2023

The City Council was in favor of issuing the Proclamation.

BOARDS AND COMMISSIONS DISCUSSION

Mr. Bennett made a suggestion that each of the applicable City's Boards and Commissions meet with the City Council in a luncheon-type or retreat-style setting where the boards can present on a semi-regular basis the things they are working on, similar to the Fruita Area Chamber of Commerce's Coffee Club Network.

Discussion points and ideas were as follows:

- The City's boards could meet with the City Council on an annual basis (unless something special comes up) and have their budget requests for the following year. It would be best to schedule these before staff and Council begin the City's Annual Budget process.
- The boards could also present accomplishments, current projects and goals.
- The City's Annual Budget has a Boards and Commissions line item of approximately \$3,000 that is usually spent on appreciation gifts for boards and commissions.
- Because the City has so many Boards and Commissions, a possibility could be to have more than one board at time give their presentations to the Council.
- It will be important that the Council knows what any funding granted to boards is for.
- Council members should be careful in their board Liaison roles that they do not lead discussions or provide direction or opinions on behalf of the entire City Council if the Council does not know anything about it.
- The City Council can decide not to have Council Liaison positions; it is their choice.
- City Attorney Mary Elizabeth Geiger has concerns with having a Council member as a Planning Commission member, but she will look further into it.

Councilor Hancey had the following points he wanted to make:

- There is benefit to providing board members with some training
- Would be nice to have a guidebook to give members that includes establishing powers of each board
- Annual report to City Council during the year
- What culture are we trying to establish? Don't want members to fizzle out.
- Supports idea that some boards have Liaisons, some don't
- Feels like the Parks and Recreation Department Director (Marc Mancuso) has it handled and that Aaron should just get out of the board's way and only participate when it's necessary.
- If the City has a culture of empowered boards, perhaps Council Liaison positions are not necessary, but the Council might need to evaluate some boards.
- Board members do need to understand that they can't just do something on their own.

Mayor Kincaid requested annual training for Council members that are sitting on non-City boards. He also noted that some boards seem to have had vacancies for a long time and maybe some direction from the Council to those boards will help.

Councilor Breman thought it would be important to identify boards' impacts for people to rally behind.

Councilor Miller said it feels awkward to her when applicants that are getting appointed to a board or commission attend the City Council meeting and the appointment is on the Consent Agenda (Staff does send applicants an email prior to the appointment explaining how the Consent Agenda works). She requested that staff ask applicants if they plan on attending and if they are, the appointment should be pulled off the Consent Agenda.

OTHER DISCUSSION

Councilor Breman mentioned that Council members still need their passwords for their Housing Authority email addresses.

Councilor Breman also recalled how he had previously brought up the fact that there have been no pay increases in City Council payroll since 1986. He asked if the Council wanted to discuss it or if they were fine leaving it as is.

Mr. Bennett stated that it was brought up with the previous Council and at the time, they didn't want to make any changes. He explained that any pay increase would only affect future elected officials and that it would be a part of the budgeting process for the following year. Mr. Bennett said he would pull the information from the Colorado Municipal League (CML) concerning Council/Trustee pay plans for other municipalities in the state and would report back to the Fruita City Council.

Mr. Bennett noted that he would be sending the Council the list of agenda items for a Joint Housing Authority and City Council meeting of April 4, 2023 as well as the regular City Council meeting that will follow on that same night. The Housing Authority will first meet to approve the March 7, 2023 minutes and the 2023 Housing Authority Budget. Then, the Housing Authority will open the Joint Board meeting with the Fruita City Council. He also noted that after receiving a presentation from Indibuild, LLC, the Fruita Housing Authority/Fruita City Council will meet in a joint Executive Session to get some legal advice. The Joint meeting will need to wrap up by 7:30 for the regular Council meeting's Call to Order.

Mr. Bennett stated that there are some things that are outdated in the City of Fruita's Charter and that a Committee will be appointed to work on it.

Assistant City Manager Shannon Vassen noted that there will be a TABOR issue on the ballot for next year's Municipal Election. Every six years, the City asks voters if they want to authorize the City to receive and expend all grants and to collect, retain and expend all revenues generated in excess of the revenue and expenditure limitations established under the TABOR Amendment to the Colorado Constitution for the purpose of implementing the City's capital improvement plan (including the maintenance of capital improvements).

There was a short discussion about food trucks participating in the Thursday Night Concerts hosted by the City. Mr. Bennett explained that a previous Council had a conversation about it and didn't want to include food trucks because it is the one event in Fruita that doesn't have vendors and the Council wanted to keep it that way.

Councilor Williams said that the lineup for the Thursday Night Concerts is amazing, but that he couldn't announce it yet.

ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:53 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk