

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
FEBRUARY 7, 2023
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
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

Excused Absent:

(None)

City staff present:

City Manager Mike Bennett
Assistant to the City Manager Shannon Vassen
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Public Works Director Kimberly Bullen
Planning and Development Director Dan Caris
City Attorney Mary Elizabeth Geiger

Also present:

Monument Ridge Elementary School teachers and students and families
Chair of the Downtown Advisory Board Jared Prochnow
Pastor Travis Schroeder
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

City Attorney Mary Elizabeth Geiger stated that there had been an addition to the Executive Session (last item on the agenda) for convening into the Executive Session for the purpose of receiving legal advice from herself to include economic development.

- **COUNCILOR PURSER MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – FRUITA STUDENTS AND TEACHERS OF THE MONTH FOR FEBRUARY 2023: MONUMENT RIDGE ELEMENTARY SCHOOL

Mayor Kincaid presented certificates one at a time to students and teachers that were chosen by the Principal of Monument Ridge Elementary School to be recognized as February 2023's Students and Teachers of the Month. Each student also received a day pass to the Fruita Community Center and an "I-Heart-Fruita" button. Afterwards, audience and family members took photos of the students and teachers with the Fruita City Council members.

B. PROCLAMATION – AFFIRMING A COMMITMENT TO COUNTERING ANTISEMITISM

Councilor Purser read the Proclamation, which was accepted by several members of the Jewish community in Grand Junction, including Leslie Gollub, who thanked the Fruita City Council for supporting and caring about them. Photos were taken of them with the Council members.

C. PRESENTATION – DOWNTOWN ADVISORY BOARD

Downtown Advisory Board (DAB) Chair Jared Prochnow noted that pursuant to the board's by-laws, the DAB shall, no later than one (1) year from its creation and as necessary thereafter, submit a report to the Fruita City Council and community on the status of Fruita's downtown.

Mr. Prochnow's presentation consisted of the following:

- Goals for the DAB
- Powers and duties of the DAB
- Update on the board itself, specifically its composition and current activities (including recruitment for additional members)
- A request for input from the City Councilors on what they'd like to see the DAB accomplish in the coming year

Mr. Prochnow emphasized the DAB's interest in how the board can better connect with the City Council, not only to provide updates on Fruita's downtown, but also to serve in an advisory capacity to the Council and fulfill the original intent of the board. He also requested the Council's feedback on the prospect of the DAB becoming an independent entity, separate and distinct from City government, either after his presentation or later via email.

Mr. Prochnow noted that the DAB would like to take over the Trick-or-Treat Street event for the Fruita Chamber. The board discussed how they would prefer to separate it from the City-sponsored Truck 'n Treat event because everyone agreed that it was too chaotic last year when the two events were combined.

Mr. Prochnow pointed out that there are some costs with doing the event; mainly for marketing and some candy to hand out to kids. He explained that typically, the cost of marketing is donated by a sponsor, but if the DAB is unable to get a sponsor, the DAB would likely need to petition the City Council to help out in order to keep the event going. Mr. Prochnow stated that he will connect with Council Liaison Jeannine Purser when it is closer to the event to make sure that the Council is on board with supporting it.

Mr. Prochnow also urged the Council members to give his contact information to any individuals who may be interested in serving on the DAB.

Councilor Purser clarified that the Chamber's costs for candy for Trick-or-Treat Street does not include providing candy for the downtown businesses; each business provides their own candy to hand out to the kids.

Councilor Kreie recalled how the original trajectory of the DAB occurred at a time when the City was trying to decide whether or not to participate in the Colorado Main Street Program and the decision was made not to participate in it. It was at that time when the DAB's goals included the board eventually becoming its own independent organization apart from the City. As a member of the DAB for a number of years himself, Councilor Kreie said it was always hard to figure out what the board should be doing. He suggested that the Council discuss it at an upcoming workshop meeting.

Mr. Prochnow added that the DAB's by-laws include a statement that if ultimately, the board is no longer needed, it can be dissolved. He said he didn't feel like it was time for that yet; that the current members of the board have wonderful talents, so if there are some ways the DAB can support the City and City Council in different ways than what was originally intended, then he thinks that is what the board should do now.

Mayor Kincaid asked if the downtown businesses have ever discussed setting up their own Downtown Development Authority (DDA), which he noted would require some kind of funding mechanism. City Manager Mike Bennett explained that in order to establish a DDA, a municipality must take it to a vote of the people through a pretty big process. City Attorney Mary Elizabeth Geiger further clarified that DDAs are governed by statute and can be structured a couple of different ways, and if that were something that the City Council wanted to explore at a different time, they certainly could. Mr. Prochnow stated that rather than going down the path of separating from the City; the DAB's discussions have centered around staying connected with the City Council and steering residents towards downtown businesses.

Mayor Kincaid asked Mr. Prochnow if the DAB had considered updating its by-laws with some new goals. Mr. Prochnow said that once the board gets feedback from the City Council and figures out the direction in which it would like to go, the best thing would be to update those by-laws of the DAB following that. Council Liaison Purser noted that one of the main reasons for Mr. Prochnow's presentation was so that the DAB could get some direction from the City Council about where the

board should go from here. Councilor Breman agreed with Councilor Kreie that the Council should discuss it further at an upcoming workshop meeting.

Councilor Hancey suggested that the DAB gather together (and keep current) a communications list of all the downtown businesses because that would be a very valuable asset to staff and other City boards and commissions. Mr. Prochnow said that was a great idea that would give the board something to do while awaiting more direction from the Council.

Mayor Kincaid told Mr. Prochnow that the Council would get with the City Manager to schedule a date for further discussion about the DAB and Council's goals for the board, and either staff or Council Liaison Purser would get back with him.

5. PUBLIC PARTICIPATION

Pastor Travis Schroeder, 226 Narrow Leaf Drive, stated that he is the Pastor at Bethel Assembly of God Church in Grand Junction after having moved here just over a year and half ago from Arizona, where he served on many boards across the state. Pastor Schroeder said he hasn't really participated much in community involvement since he got here, but was approached by Wendy Wood, one of the Pastors at the Beit Lechem Church in Fruita and she suggested that he introduce himself at a Fruita City Council meeting. The Pastor prayed for the Council members, schools, businesses and citizens in the community.

Karen Leonhart, 460 N. Mesa Street and **McKenzie Kimball**, 177 N. Apple Street, stated that they came to the meeting to provide the Council with an update about "community belonging." Mrs. Leonhart stated that the group, "Fruita for Equality," meets every second Wednesday of the month at Lithic Bookstore and Gallery from 5:00 to 6:00 p.m. when they hold a community conversation in alignment with Mesa County Public Libraries. She also provided the group's Mission Statement, which is, *"Promoting and supporting equality, inclusivity and diversity through meaningful conversations and action in our community."*

Ms. Kimball announced that the group's facilitator for the following evening (March 8, 2023) would be Director of Mesa County Public Libraries Michelle Boisvenue-Fox. She handed out invitations to attend to the Mayor and Council members.

There were no further comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE DECEMBER 6, 2022 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE DECEMBER 20, 2022 REGULAR CITY COUNCIL MEETING**
- C. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE JANUARY 3, 2022 REGULAR CITY COUNCIL MEETING**

- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR IMONDI WAKE ZONE, LLC LOCATED AT 1583 CIPOLLA RD.**
- E. SUPPLEMENTAL GRANT FUNDING REQUEST – A REQUEST TO APPROVE A LETTER TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) REQUESTING SUPPLEMENTAL GRANT FUNDING IN THE AMOUNT OF \$300,000 FOR THE H2S MITIGATION PROJECT**
- F. MINI GRANT AWARD – A REQUEST TO APPROVE A RECOMMENDATION FROM THE FRUITA TOURISM ADVISORY COUNCIL FOR A MINI GRANT AWARD FOR ROAM FEST FRUITA**
- G. MINI GRANT AWARD – A REQUEST TO APPROVE A RECOMMENDATION FROM THE FRUITA TOURISM ADVISORY COUNCIL FOR A MINI GRANT AWARD FOR TO THE FRUITA AREA CHAMBER OF COMMERCE FOR PRODUCTION OF A FRUITA GUIDEBOOK**
- H. ORDINANCE 2023-01 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 9.1 ACRES OF PROPERTY LOCATED AT PARCEL #2697-162-21-001 TO A COMMUNITY RESIDENTIAL ZONE FOR PUBLIC HEARING ON MARCH 7, 2023 (*18 & K ROADS REZONE*)**
- I. RESOLUTION 2023-03 – A REQUEST TO ADOPT A RESOLUTION NAMING THE FRUITA BIKE PARK LOCATED NEAR THE DINOSAUR JOURNEY MUSEUM**
- J. RESOLUTION 2023-04 – APPROVING THE LEASE OF THE FRUITA MUSEUM PROPERTY LOCATED AT 432 E. ASPEN AVENUE TO THE FRUITA AREA CHAMBER OF COMMERCE**
- K. RESOLUTION 2023-05 – SETTING A HEARING DATE FOR APRIL 18, 2023 TO DETERMINE THE ELIGIBILITY OF ANNEXATION OF APPROXIMATELY 3.46 ACRES OF PROPERTY LOCATED AT 1806 J 3/10 ROAD TO BE ANNEXED INTO THE CITY LIMITS AND CONSIDER INITIATION OF ANNEXATION PROCEDURES**

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.**

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

There were no quasi-judicial public hearing items on the agenda.

B. LEGISLATIVE HEARINGS

There were no legislative public hearing items on the agenda.

8. ADMINISTRATIVE AGENDA

There were no administrative items on the agenda.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett recognized two students from his Public Administration Class at Colorado Mesa University, London and Taylor, who were present in the audience to observe the Council meeting.

Mr. Bennett reported on the following:

- Staff gave Mesa County an official request for \$2.5 million in funding for the Maple Street Bridge project through some additional funding Mesa County received that is somewhat tied to American Rescue Plan Act (ARPA). It was originally anticipated that the City wouldn't be able to start the project until fall of 2024.
- Colorado Parks and Wildlife awarded \$250,000 to expand the Fruita Trails Initiative to double the number of miles of trail at the North Fruita Desert Trail System.

10. COUNCIL REPORTS AND ACTIONS**A. COUNCIL REPORTS AND ACTIONS****COUNCILOR JEANNINE PURSER**

Jeannine noted that the Council had heard the update from the Downtown Advisory Board Chairman Jared Prochnow earlier in the meeting.

Jeannine reported that at the last Livability Commission meeting, Dave Karisny was elected the new Chair. The main topic of conversation for the board was a review of what they have accomplished and what they want to continue working toward, but it is still an ongoing discussion.

Jeannine noted that she would be attending the Arts and Culture Board the following day and reminded everyone of the Coco Vino fundraising event would be held the evening of March 10, 2023. Tickets will be \$35.

Councilor Amy Miller asked Jeannine if the board got the rest of their sponsorships. Jeannine said they definitely have the band in place but she hasn't yet heard whether the band would be paid or if the

music would be donated. She added that the Arts and Culture Board would be discussing all of those details at their meeting tomorrow, February 8th. Jeannine recommended that City Councilors get their tickets right way if they wanted to attend because space is limited at the venue.

COUNCILOR MATTHEW BREMAN

Matthew reported that he, City Manager Mike Bennett, Planning and Development Director Dan Caris, Mayor Kincaid, Garrett Davis and Ron Abeloe had a long meeting at the request of Garrett for the purpose of discussing the City's new Building Department going forward. There were nine (9) points of concern that were brought up, which included:

- Fee structure (keeping it the same as it currently is)
- Not adopting Building Codes every Code cycle, but every other Code cycle
- Transportation Impact Fees
- City subsidizing the Building Department (staff explained that the Division is not an Enterprise Fund)
- Future communications
- Community involvement (it was suggested that Fruita participate in the quarterly Associated Members for Growth and Development (AMGD) Meetings to open up the dialogue and Mike said that either he or Dan would attend those meetings)
- Concerns about how the Building Division came about and the appearance of it
- Need for a process for resolving conflicts between builders and the Building Department
- Timing of grading inspections (will go away with Fruita's new process)

Mayor (Joel) Kincaid commended Matthew for emphasizing at the meeting that everyone needs to talk about moving forward and not hash out the past, which still occurred, but he thought it went well, overall. Matthew said he felt there were good points on both sides and that many of the concerns were addressed moving forward.

Matthew also reported that the Grand Junction Economic Partnership (GJEP) held its workshop meeting, at which a few 2022 highlights included:

- 83 actual jobs were created within the Grand Valley
- \$4 million in capital expenditures
- \$15.5 million in total economic impact

Matthew noted that more information is available at gjep.org.

Matthew added that he would be attending the Fruita Area Chamber of Commerce Board of Directors in the morning at 7:00 a.m.

COUNCILOR KEN KREIE

Ken reported that the big thing that came out of the Grand Valley Regional Transportation Committee (GVRTC) meeting was that the board suspended the free bus service (The Dash) that goes from

Horizon Drive to Main Street by way of CMU. Ridership on that service has been down since the COVID pandemic.

Ken also noted that the City of Fruita was awarded a \$160,000 Multi-Modal and Mitigation Options Fund (MMOF) grant to help with the design of the Highway 340 Riverfront Trail Connection project.

COUNCILOR AMY MILLER

Amy said she appreciated the quick response from City staff to the report of old furniture that was dumped on the road.

Amy reported that the Historic Preservation Board met the previous day and their big focus right now is getting some new plaques made for historic buildings in Fruita.

COUNCILOR AARON HANCEY

Aaron said he had not yet been to a Museums of Western Colorado (MWC) Board of Directors meeting. Joel asked staff if they had kept up with scheduling the MWC to provide the Council with their annual update. Mike said that an MWC update was scheduled for either the fall or end of 2022, but that Council meeting was canceled and staff was unable to get it rescheduled. He further explained that the MWC has to submit an annual report to the City that includes their goals for the (Dinosaur Journey) building and staff does an inspection of the building, typically in February or March, after which staff plans to schedule them to give the Council an update.

Aaron continued that concerning the Great Outdoors Colorado (GOCO) grant for Reed Park, the Parks and Recreation Advisory Board is about three weeks out from hearing whether it was awarded or not. Parks and Rec Director Marc Mancuso feels comfortable that the “third time will be the charm.” The board has received very positive feedback about the skate park and Aaron thinks Fruita will be a destination for those type of activities. He said the lighting for that part of the park is estimated at \$300,000.

Aaron added that a grant through Mesa County Public Libraries has been approved in some fashion for the City to put in a “story walk” around the Fruita Community Center (FCC), which will consist of plaques on posts along a walk path around the FCC that will combine visual and physical aspects to help young kids learn how to read and go from place to place. The story walk will be managed by the library and Shanachie is very excited about it.

Aaron asked to have a discussion about the gas leak that happened during the construction of the North Mulberry outdoor space. He asked why it happened and what the outcome and liability were. Mike explained that Xcel Energy does the locates for gas lines before a contractor can dig and unfortunately, Xcel was wrong in this case, resulting in the contractor hitting the gas line. He added that this is something that happens occasionally. Matthew noted that a webinar on the subject was scheduled for February 22nd at 1:00 and if Aaron wanted, he could get him an invitation to it. Aaron affirmed that he would like the invite.

Aaron also said he had a concern about non-profit organizations not being allowed to participate as vendors at City-sponsored events such as Mike the Headless Chicken Festival. He said he feels that a non-profits could act as sponsors of City events as a work-around, but he still has a big concern with

disallowing all of them outright because as a few examples, that will mean churches and girl or boy scout troops would not be allowed as vendors and he would like to understand more about why that is. City Attorney Mary Elizabeth Geiger noted that her office has been working with staff on this and advised that part of it stems from recent case law that states that selections cannot be made on the basis of content. She explained that in order to circumvent this, the requirement was narrowed down to vendors who are selling something. Ms. Geiger said there may be another way around it, such as having the non-profits sell something. Aaron stated that while it is valuable to manage risk, he didn't think it was appropriate to try to get rid of all risk because there are non-profits that are part of the Fruita community. He said the Parks and Recreation Advisory Board is trying to find three people to form a small committee to assist City staff in reviewing vendor applications and he wanted to make sure there is good communication with them that non-profits need to have some sort of good or item to sell. Mr. Bennett assured Aaron that staff would make sure it is clear to everyone who will reviewing the applications.

MAYOR JOEL KINCAID

Joel thanked all the City Council members who attended the Municipalities Dinner the previous week. He said it was good to make those connections on a regular basis.

Joel also noted that the Deputy City Clerk had sent all Council members a list of all the City's Boards and Commissions vacancies and he thought that staff and Council may want to be more proactive about recruiting for applicants. Amy noted that Denise Hight has begun to feature blurbs about the City needing volunteers in the *Fruita Living* magazine. Aaron wondered if the time commitments should be made more clear so that people know that they would usually only be meeting once per month. Jeannine pointed out that having the term limits in the new Boards and Commissions Policy may make it even harder to keep boards full.

Mike suggested that the Council have broader discussions about Boards and Commissions at workshop meetings about not only the Downtown Advisory Board, but some of the other boards as well to review their original purposes, whether they have accomplished those, should continue with current efforts or now need direction from Council going forward. He proposed that staff prepare the information for those discussions to include how certain boards were established and why and what their by-laws say, keeping in mind during the discussions that the intent of Boards and Commissions should tie into the goals of the City's Strategic Plan.

There was consensus among the Council to direct staff to compile the information so that each Council member has it and then certain boards could be selected as those that the Council should discuss either one or two at a time in upcoming workshop meetings.

Matthew thanked Joel, Mike and Dan for their calm and professional focus in the meeting held with Garrett because it had the potential to get rather heated, but instead, everyone stuck to a forward-looking discussion and he commended them for a job well done.

B. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION WITH THE CITY ATTORNEY

- **COUNCILOR HANCEY MOVED TO MEET IN EXECUTIVE SESSION WITH THE CITY ATTORNEY FOR THE FOLLOWING PURPOSES:**
 - **TO DISCUSS THE CONSIDERATION OF POSSIBLE PURCHASE OF REAL PROPERTY PURSUANT TO C.R.S. SECTION 24-6-402(4)(A); AND**
 - **TO DISCUSS THE CONSIDERATION OF AND THE PROCESS OF A POSSIBLE SALE OF REAL ESTATE OWNED BY THE CITY, SPECIFICALLY ENOCHS LAKE AND ITS WATER RIGHTS PURSUANT TO C.R.S. SECTION 24-6-402(4)(A) ; AND**
 - **TO DISCUSS THE CONSIDERATION OF AND THE PROCESS OF A POSSIBLE SALE OF REAL PROPERTY OWNED BY THE CITY, SPECIFICALLY PROPERTY LOCATED AT THE LAGOON PROPERTIES PURSUANT TO C.R.S. SECTION 24-6-402(4)(A); AND**
 - **TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING SPECIFIC LEGAL QUESTIONS CONCERNING WATER RIGHTS AND THE LAGOON PROPERTIES PURSUANT TO C.R.S. SECTION 24-6-402(4)(B); AND**
 - **TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING ECONOMIC DEVELOPMENT PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) (ADDED TO THE AGENDA AT THE BEGINNING OF THE MEETING)**
- **COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

The City Council took a five-minute break at 8:18 p.m. and then convened in Executive Session at 8:23 p.m. The regular meeting of the City Council reconvened at 9:38 p.m.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:38 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita