

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
AUGUST 16, 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 7:02 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 Heather O'Brien

Excused Absent: City Councilor Ken Kreie
City Councilor Amy Miller

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

Also present: Mesa County Commissioner Cody Davis
Mesa County Commissioner Scott McInnis
Mesa County Commissioner Janet Rowland
Apex Consulting Engineers' owner and operator Eric Marquez, P.E.
River City Consultants Project Coordinator Courtney Patch
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

Deputy City Clerk Deb Woods noted for the record that there was a minor change to Consent Agenda Item J – A Memorandum of Agreement for the “Safe Streets and Roads for All” (SS4A) Action Plan grant. Hard copies of the change were provided to the Council prior to the start of the meeting and Ms. Woods explained that the Council packet had been updated at about 4:00 p.m. earlier in the day.

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

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – MESA COUNTY COMMISSIONERS' TOWN HALL

The Fruita City Council hosted the Mesa County Commissioners for a Town Hall as one item of this Council agenda. The Town Hall was opened by Fruita Mayor Joel Kincaid. It then began with a brief presentation by the Mesa County Commissioners, followed by questions from the City Council of the Commissioners and concluding with questions from the audience (limited to three (3) minutes each) of the Commissioners on topics specific to the Fruita area. Approximately 30 minutes was devoted to this item before the Fruita City Council proceeded with the remaining Council agenda.

Commissioner Cody Davis recognized the following who were in attendance in the audience:

- Colorado House Republicans Representative Matt Soper
- Assessor Ken Brownlee
- Treasurer Shelia Reiner
- Scott May with Public Works
- County Attorney Todd Starr
- County Administrator Pete Baier

Commissioner Scott McInnis spoke about:

- The federal government's announcement concerning the Colorado River cutbacks to come from Arizona and Nevada. He said the Commissioners' concern was that under the scope of "equity" or some other type of theory, they would ignore how much water California and Arizona (and Nevada on a smaller scale) have taken that they are not entitled to and have yet to account for. The Colorado River will continue to be litigated.
- The River Conservation District, which is headquartered in Glenwood Springs and is comprised of a board of 15 members. Commissioner McInnis represents Mesa County on the board, which he said is by far the most populous county, has the most senior water rights, best quality of water and largest quantity of water; however, Mesa County only has one equal vote to the other 14 counties represented on the board.

Wendy Wood, 1891 J 6/10 Road in Fruita, thanked the Commissioners for serving and offered a prayer for the meeting and all public servants who are committed to bettering the community. She asked for healing, wisdom and discernment for all to continue making good decisions.

Rickie Howie, resident of Grand Junction, recalled that earlier in the day, the Mesa County Commissioners sent a letter about gray wolves and asked the Commissioners to explain the basis for the letter.

Commissioner Davis explained that:

- The Commissioners sent a letter to the US Fish and Wildlife Service requesting a 10(j) exception to wolves. He provided the background that because wolves are an endangered species, there's no lethal forms of management for them. The 10(j) Rule would allow Mesa County to operate with an exception so that if the population does become unmanageable, authorities can move to lethal forms of management like they do with elk, bear and other forms of wildlife populations. Commissioner Davis said the gray wolves did not manage well in Wyoming and Montana; the wolf population blew up and was out of control enough to cause the populations of moose, deer and elk to be diminished greatly. Therefore, the Mesa County Commissioners were asking the federal government to approve a 10(j) exception so that the County will have more flexibility to manage the wolf population moving forward. **Commissioner McInnis** said he was told by the former Regional Director at the Division of Wildlife that if a wolf pack is brought in, the moose population on the Mesa would be totally eliminated within two years.

Councilor Breman asked the County Commissioners for an update on the Total Maximum Daily Loads (TMDLs) for water quality in the valley.

- Commissioner Davis said that nothing had happened since the last update the Fruita City Council received and that Mesa County is gathering more information on TMDLs and water quality. He explained how the Colorado Department of Public Health (CDPHE) has been trying to set a standard of water quality that cannot possibly be met in the valley and that could cost upwards of 100s of millions of dollars in mitigation.
- Mesa County has asked the CDPHE to slow down and consider the actual data before they just set an arbitrary number.
- Scott May with the Mesa County Public Works Department stated that his office had submitted comments to the CDPHE and are still waiting for a response (the CDPHE has a 30-day period to respond to submitted comments). Mr. May pointed out that it has been more than 30 days. He added that Mesa County is also working (through its attorney's office) to get some staff and outside help in dealing with the issue.

Commissioner Janet Rowland gave an update on the Commissioners' vote to include a TABOR question on the ballot. She said:

- TABOR limits the revenue that the County can bring in and anything over the limit of revenue that year has to be refunded to the voters. The problem is 55% of the revenue that came in that put the County over the limit came from the County's General Fund, but the County will have to refund 100% of the overage from the General Fund because they can't take it out of their Capital Fund, which comes from the \$0.01 of the \$0.02 sales tax that was earmarked for Capital Funds when the voters voted in 1982. Mesa County will now include on the ballot the question of whether voters are okay with refunds coming from both the General and the Capital Funds, which will give the County a little more flexibility. She provided assurances that it is not a tax increase. Commissioner Rowland also explained that it is easier to put off paving a particular

road for twelve months than it is to lay off 17 Deputies but added that it will be up to the voters to decide.

Commissioner Davis added that the County put a lot of thought and effort into the question of whether to refund checks to the voters or do a mill levy “holiday,” and they felt that checks to the people would be the best way because there are 50,000 property owners in Mesa County while there are approximately 104,000 voters. He used Clifton as an example, saying that the majority of people who live in Clifton actually rent their home, so they wouldn’t see a tax decrease (holiday); it would instead go to the property owners, who might not even live in Mesa County. The refund checks are expected to go out sometime in October and all registered voters will receive approximately \$122.00.

There were no other comments or questions from the public.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE JULY 19, 2022 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE JULY 26, 2022 CITY COUNCIL WORKSHOP MEETING**
- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER AND WINE – MALT AND VINOUS LIQUOR LICENSE FOR BESTSLOPE COFFEE CO. LOCATED AT 129 N. PEACH STREET**
- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) LIQUOR STORE LICENSE FOR DILLON COMPANIES, LLC DBA CITY MARKET #13 LOCATED AT 135 S. PLUM STREET**
- E. LIQUOR LICENSE TRANSFER OF OWNERSHIP – A REQUEST TO APPROVE A TRANSFER OF OWNERSHIP ON A HOTEL & RESTAURANT – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FROM STRAYHORN GRILL, LLC DBA STRAYHORN GRILL TO 4K ENTERPRISES, LLC DBA STRAYHORN GRILL LOCATED AT 456 KOKOPELLI BLVD. #10**
- F. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF ALLIE DANIEL TO THE ARTS AND CULTURE BOARD TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN OCTOBER OF 2025**

- G. RESOLUTION 2022-21 – SUPPORTING A GRANT APPLICATION TO THE MESA COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE PURCHASE OF TWO (2) VARIABLE MESSAGE SIGNS**
- H. RESOLUTION 2022-22 – SUPPORTING AN APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) FOR THE CONSTRUCTION OF THE REMOVABLE OXIDATION DITCH AERATION SYSTEM AT THE CITY OF FRUITA WASTEWATER RECLAMATION FACILITY (WWRF)**
- I. ORDINANCE 2022-21 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE FRUITA MUNICIPAL CODE TO ALLOW FOR SPIRITUOUS TASTINGS FOR PUBLICATION OF PUBLIC HEARING ON SEPTEMBER 20, 2022**
- J. RESOLUTION 2022-24 – A REQUEST TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CITY OF FRUITA, CITY OF GRAND JUNCTION, TOWN OF PALISADE AND MESA COUNTY, COLORADO FOR A FY 2022 “SAFE STREETS AND ROADS FOR ALL (SS4A)” ACTION PLAN GRANT**
- K. FINANCIAL REPORTS – A REQUEST TO APPROVE THE JULY 2022 FINANCIAL REPORTS**

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

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

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL FERMENTED MALT BEVERAGES AT THE “FRUITA FOOD & BREWS” EVENT TO BE HELD AT CIVIC CENTER MEMORIAL PARK ON FRIDAY, AUGUST 26, 2022 FROM 4:00 TO 10:00 PM – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation. She noted that the diagram included in the Council packet illustrated the proposed licensed premises for a beer garden and that it encompassed Civic Center Memorial Park with fencing. Ms. Woods stated that Chamber board members, employees and volunteers will be monitoring the licensed area to ensure that no alcohol leaves or enters the area and that patrons will be monitored for signs of being noticeably intoxicated. The Chamber also

proposed to check IDs, issue wristbands to those who are 21 or over and post signage at each entrance and exit prohibiting alcohol beyond those points. Servers of the event will be trained in intervention procedures concerning the sale and service of alcoholic beverages.

Ms. Woods stated that Fruita Chief of Police Dave Krouse reviewed the Chamber's application and issued his statement that there was nothing that would prevent the issuance of the license. She provided staff's recommendation as such:

- That the application for the Special Event Liquor Permit be approved subject to the following conditions:
 1. The entrance and exit shall be monitored closely and continuously by event staff in order to prevent alcohol beverages from going into or out of the licensed area
 2. The licensee needs to be aware that they are solely responsible for control of the licensed premises
 3. All other procedures that were presented by the Fruita Chamber will be followed.

Ms. Woods noted that Mike Ritter with the Fruita Chamber was present remotely as the applicant's representative. Mr. Ritter confirmed that the licensed area would be fenced and added that Chamber board and staff members would be selling beer tickets while Suds Brothers Brewery and Copper Club Brewing Company will be serving the beer.

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

- **COUNCILOR WILLIAMS MOVED TO APPROVE THE SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AT THE "FRUITA FOOD & BREWS" EVENT TO BE HELD AT CIVIC CENTER MEMORIAL PARK ON FRIDAY, AUGUST 26, 2022 FROM 4:00 TO 10:00 PM. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**
- 2) **ORDINANCE 2022-17 – SECOND READING – AN ORDINANCE ANNEXING APPROXIMATELY 4.99 ACRES OF PROPERTY LOCATED AT 1834 J ROAD INTO THE CITY OF FRUITA (LATIGO ANNEXATION) – CITY PLANNER HENRY HEMPHILL**
- 3) **ORDINANCE 2022-18 – SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.99 ACRES OF PROPERTY TO A COMMUNITY RESIDENTIAL ZONE (LATIGO ZONING) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's presentation on Ordinance 2022-17 and 2022-18 together as they were applications to annex and zone the same property at 1834 J Road. The presentation included:

- Project descriptions (annexation and zoning to Community Residential (CR))

- Legal notice schedule of publication dates and methods of noticing
- Map depicting the 350-foot radius to which postcard notices (of the public hearing) were mailed
- Zoning Map (to show surrounding land uses)
- Aerial photograph of the subject property
- Future Land Use Map (showing subject property is within the Urban Growth Boundary)
- List of nine (9) approval criteria for annexations pursuant to Section 17.17.050(A) of the Fruita Land Use Code (either all can or have been met)
- List of five (5) Review Criteria for amending the Official Zoning Map pursuant to Section 17.09.070(B) of the Fruita Land Use Code (minimum of two Review Criteria were met)
- Public comments (no written comments received by staff for annexation or zoning)
- Review comments (no reviewer expressed any concerns for annexation or zoning)
- Staff recommendation of approval of the annexation Ordinance (subject to the condition that there will be a dedication of additional right-of-way (35 feet from the center line) on J Road and a 14-foot multipurpose easement adjacent to the right-of-way)
- Staff recommendation of approval of the zoning Ordinance (to a Community Residential Zone)

Mr. Hemphill stated that while staff was able to confirm that the property owner has seven irrigation shares, staff still needs to receive a headgate report that shows the allocation of those seven shares to the correct place in order to get irrigation water to the subject property.

Eric Marquez with Apex Consulting Engineers was present as the applicant's representative and property owner. He stated that the intent with the parcel is to come up with 18 to 20 dwelling units that utilize a mix of single-family homes and duplexes, the latter being Type A or Type B-ADA compliant so that they will either be accessible immediately or will be adaptable.

Mr. Marquez also said he wanted to clarify that this project was put on hold in 2008-2009 due to the economic downturn (the "Great Recession"). He also explained that a "latigo" is piece of a saddle.

Mayor Kincaid opened the public hearing on Ordinance 2022-17 (Latigo annexation Ordinance). Hearing none, he closed the public hearing and referred the matter to the City Council.

Councilor O'Brien said she was excited to see something other than a single-family dwelling being built.

- **COUNCILOR PURSER MOVED TO ADOPT ORDINANCE 2022-17 – ANNEXING APPROXIMATELY 4.99 ACRES OF PROPERTY LOCATED AT 1834 J ROAD. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**
- **COUNCILOR O'BRIEN MOVED TO APPROVE ORDINANCE 2022-18 – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.99 ACRES OF PROPERTY LOCATED AT 1834 J ROAD TO A COMMUNITY RESIDENTIAL ZONE. COUNCILOR**

PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.

- 4) ORDINANCE 2022-19 – SECOND READING – AN ORDINANCE ANNEXING APPROXIMATELY 15.05 ACRES OF PROPERTY LOCATED AT 1024 19 ROAD INTO THE CITY OF FRUITA (ADELES ANNEXATION) – CITY PLANNER HENRY HEMPHILL**
- 5) ORDINANCE 2022-20 – SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.05 ACRES OF PROPERTY TO A COMMUNITY RESIDENTIAL ZONE (ADELES ZONING) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's presentation on Ordinance 2022-19 and 2022-20 together as they were applications to annex and zone the same property at 1024 19 Road. The presentation included:

- Project descriptions (annexation and zoning to Community Residential (CR))
- Legal notice schedule of publication dates and methods of noticing
- Map depicting the 350-foot radius to which postcard notices (of the public hearing) were mailed
- Zoning Map (to show surrounding land uses)
- Aerial photograph of the subject property
- Future Land Use Map (showing subject property is within the Urban Growth Boundary)
- List of nine (9) approval criteria for annexations pursuant to Section 17.17.050(A) of the Fruita Land Use Code (either all can or have been met)
- List of (5) Review Criteria for amending the Official Zoning Map pursuant to Section 17.09.070(B) of the Fruita Land Use Code (minimum of two Review Criteria were met)
- Public comments (no written comments received by staff for annexation or zoning)
- Review comments (no reviewer expressed any concerns for annexation or zoning)
- Staff recommendation of approval of the annexation Ordinance (subject to the condition that there will be a dedication of additional right-of-way (35 feet from the center line) along J.2 and 19 Roads and a 14-foot multipurpose easement adjacent to the rights-of-way)
- Staff recommendation of approval of the zoning Ordinance (to a Community Residential Zone)

Mr. Hemphill noted that Courtney Patch with River City Consultants was present as the applicant's representative. She confirmed the requests for annexation and zoning and said she would try to answer any questions the Council may have.

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

Councilor O'Brien asked who "Adele" was and the property owner, Darrell Cordova, responded that she is his mother.

Councilor Purser asked what keeps the City from continuing to push outward to annex properties into the City. Mr. Hemphill explained that the subject property is within the City's Urban Growth Boundary and that anything north of it was not suggested to be annexed moving forward. He said when developing this boundary, the City considered infrastructure needs such as sewer, for example.

City Manager Mike Bennett added that development does not change the City's Urban Growth Boundary; it is only amended when the Council adopts a change to the Future Land Use Map, like they did with the adoption of the Comprehensive Plan update – *Plan Like a Local*.

Mr. Hemphill added that there was also a recapture area for the Highway 6 Interceptor Project that was completed a little while ago and connects to 19 Road down by Iron Wheel Subdivision and then up north.

- **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2022-19 – ANNEXING APPROXIMATELY 15.05 ACRES OF PROPERTY LOCATED AT 1024 19 ROAD INTO THE CITY OF FRUITA. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**
- **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2022-20 – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.05 ACRES OF PROPERTY LOCATED AT 1024 19 ROAD TO A COMMUNITY RESIDENTIAL ZONE. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

B. LEGISLATIVE HEARINGS

There were no legislative hearings on the agenda.

8. ADMINISTRATIVE AGENDA

There were no administrative items on the agenda.

9. CITY MANAGER'S REPORT

Mike reported the following:

1. WASTE MANAGEMENT SERVICE CHANGE

There has been communication to the public (and an email sent to the City Council) regarding Waste Management's pilot program for 96-gallon "tote" trash containers that affects about 2,100 residences who will be receiving the new containers. The City's contract with Waste Management allows for "unlimited" household trash as long as it is put into a container (previously referred to as "not to exceed 32 gallons"). Staff has been able to work with Waste Management so that for the duration of the contract, if residents have more trash than will fit

into the new 96-gallon container, they may put out an additional container of their own for the additional trash as long as the contents are bagged. Bagged trash or waste left alongside the trash containers will no longer be collected. The residents that live at the Village at Country Creek Subdivision were more interested in having and will receive a 64-gallon trash container unless they request a 96-gallon one. Mike said the trash rate for these residents will not go up. He noted that there are quite a few other customers outside of the Pilot Program area who previously requested and received a 96-gallon container at a higher rate than the “unlimited household trash” rate, but Waste Management has agreed to only charge the same lower rate for all customers regardless of whether or not they have a 96-gallon container.

Councilor O’Brien asked if Waste Management was running the trucks with the automated side-load feature only in the Pilot Program route or if those trucks go everywhere in the City. City Clerk Margaret Sell stated that since the City has had the contract with Waste Management, people have had the option to have a 96-gallon container throughout the City, so those trucks are already running throughout and that the Pilot Program will just make it more efficient for Waste Management to pick up trash in a concentrated area while also introducing the option to residents of Fruita. Mrs. Sell clarified that if anyone outside of the Pilot Program in Fruita wants a 96-gallon container, they do need to call the City of Fruita to sign up for it.

Councilor Purser asked when the contract with Waste Management will be up. Assistant to the City Manager Shannon Vassen explained that it is a four-year contract that will be up in 2023, but the City does have the option to renew the contract for a two-year term up to two times.

Councilor Breman asked what people should do with their trash cans if they have really nice, rolling ones. Mike explained that in the notification sent by Waste Management, there were stickers that can be placed on people’s trash cans if they want to get rid of them; otherwise, it is up to people to decide what to do with them. He added that it might be a good idea to keep them because if someone has additional trash that doesn’t fit in the 96-gallon, they put their own trash can out with the one provided by Waste Management and it will also be picked up for the remainder of the term of the contract.

Councilor Williams asked if the contract with Waste Management could be renewed with the “unlimited household trash” conditions, rate and terms. Mike responded that both parties would have to agree on the terms of a proposed contract renewal. He added that it was a big surprise when the City went out to bid the last time that there was even an option for a 96-gallon container supplied by trash collection companies. He also said that Republic is another large provider that has purchased multiple, smaller providers in the area, so staff anticipates having at least the two large providers bid on the next round. Staff does not anticipate the likelihood of bids being similar to what the City has had in the past.

Councilor O’Brien said the other concern she had was that smaller and/or elderly people would have difficulty trying to manage a 96-gallon container. She asked if either the City or HOAs have done enough to reach out to Fruita’s senior population. City Clerk/Finance Director Margaret Sell responded that the Village at Country Creek (which has only senior and elderly residents) was included in the Pilot Program, so staff sent a letter to everyone in the HOA for that explained that by default, everyone was to be delivered a 64-gallon container, but if they wanted a 96-gallon, they may have one, but they need to request it. She added that it sounded

like from the contact person at the HOA, the majority of Village at Country Creek residents wanted the smaller containers; however, Waste Management is having a bit of a supply issue with the smaller containers, so the Pilot Program is not going to be implemented there for about two to three months and then the 64-gallon containers will be delivered all at once. Mrs. Sell further explained that for anyone else in the City who wants the smaller container, Waste Management does have a limited supply of them right now, but they may have to wait for the other ones to come in also.

2. ANONYMOUS LETTER TO THE COUNCIL CONCERNING WEEDS

Mike stated that staff had just received a letter that was addressed to both the Council and himself that he was going to scan and email to the Council members concerning an anonymous resident who identified 17 locations throughout the City (including private properties) where the weeds have grown too high. He said staff is already working on making contact with all the property owners, and he pointed out that the City does not have a Code Compliance Officer at the moment because Jesse Hess took another job in the community, so staff will be recruiting for that position very soon. Mike said the entire Planning staff is doing their best to keep up with the weed complaints during this busy season for weeds on top of their normal duties.

3. BOARDS AND COMMISSIONS APPRECIATION NIGHT

Mike reminded the Council that the Boards and Commissions Appreciation Night was coming up on August 25th and that because the City has a public/private partnership with Imondi Wake Zone (the Imodis lease the lake that the City owns), the contract allows the City to hold up to two (2) events like this one at no charge to the City. Dinner will be provided for all Boards and Commissions members and their families as a thank you to the members for serving throughout the year. City Council and staff Liaisons to all the boards are also invited and Mike asked everyone to RSVP to the email invitation that went out so that staff could get an accurate head count prior to the event. There will be a variety of activities for people or they can just mingle, if they like.

4. COUNCIL UPCOMING WORKSHOP MEETINGS

Mike stated that Attorney Dee Wisor of Butler, Snow, LLP and representatives from EPS were available to attend a workshop meeting in person on Tuesday, August 30, 2022 to discuss housing, which meant that the normal workshop scheduled for August 23, 2022 would be shorter, allowing for the potential of having an Executive Session scheduled as a separate meeting prior to the workshop meeting.

Mike also stated that for the September workshop, staff will have more of a final draft of the Strategic Plan resulting from the recent Council Retreat, as well as a budget overview.

Mike said that one of the follow-up items from the Retreat was to discuss the purpose of Boards and Commissions and suggested that it be added to the agenda for the September 27th workshop meeting when it could be tied to the final review of the Strategic Plan and the budget.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS**COUNCILOR HEATHER O'BRIEN**

Heather asked if staff had heard whether the City was awarded the grant for the Reed Park renovation project. Mike said staff anticipated that it would be announced the following day (August 17th). Heather said that at the Farmers Market the previous Saturday, she met the granddaughter of Mr. Reed, the gentleman who sold the Reed Park property to the City of Fruita, and so she explained how the City was waiting on the grant and what some of the improvements would be. She wondered if the City could invite her and her family to the grand opening when the project is done.

Heather also reported that she was unable to attend the Arts and Culture Board meeting due to a family emergency.

COUNCILOR JEANNINE PURSER

Jeannine reported that at the Downtown Advisory Board meeting the previous week, all the members were in attendance and it was very productive. Ciara DePinto joined the meeting as the new staff Liaison and Jeannine said she did a great job helping to show the board the illustrations of the North Mulberry Street Concept Design and discuss the Council's tweaks to it. Jeannine said the board is very excited about the project. They also have a new board President, Jared Prochnow. Jeannine recalled the board having a great conversation about working with all the businesses concerning an idea to deem one particular night per week as "Fruita locals' night." Depending on the businesses' responses, the Council may be seeing the event in the near future. Councilor O'Brien asked if the Downtown Advisory Board members had any other suggestions about the North Mulberry Street Concept Design and Jeannine said they really didn't; they liked it as it was proposed.

COUNCILOR MATTHEW BREMAN

Matthew reported that the Fruita Chamber Board of Directors met the previous week and had similar discussions about the North Mulberry Street Concept Design; everyone was generally very excited. Regarding events, August 26th is the Final Fourth Friday/Food Truck Friday and September 23rd and 24th is Fruita Fall Festival. Year-to-date membership with the Fruita Chamber is up by 46 members. Matthew said the Chamber is beginning to look at locations to hold their Annual Banquet. Space is going to be an issue because of the growth the Chamber has seen.

MAYOR JOEL KINCAID

Joel stated that when Lori Buck was on the City Council, she brought up an idea for the City to have an award for Fruita citizens or businesses that really portray uniqueness and/or what makes Fruita what it is. For example, Lori presented one to Coloramo for how nice the building looks. Joel said he and Mike talked about it a little bit about doing one for a local artist and what they have contributed to the community and Mike was going to look into a date for doing that. Likely, a Proclamation will be issued at the same time and Joel said he wanted the Council members to keep the idea in mind in case they think of someone or some business that really goes above and beyond.

Joel also noted that he and Mike were scheduled to go to Monument Ridge Elementary School in two weeks to talk to the kids about local government. Mike added that they would be talking to 3rd graders.

COUNCILOR JEANNINE PURSER

Jeannine said she forgot to mention that the Fruita Fourth Friday last Friday would be held on August 26th beginning at 5:00 p.m. and it will be held at Civic Center Memorial Park instead of at the North Mulberry outdoor space.

Jeannine also said that she and Mike got to do a community engagement earlier right before the meeting at Wave Drinks and it was fun.

B. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE CITY MANAGER’S ANNUAL INFORMAL REVIEW

- **COUNCILOR O’BRIEN MOVED TO MEET IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE CITY MANAGER’S ANNUAL INFORMAL REVIEW AND NOT INVOLVING ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION, ANY MEMBER OF THIS BODY OR ELECTED OFFICIAL, THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN ELECTED OFFICIAL OR PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

At 8:15 p.m., the City Council convened in Executive Session. The Regular Meeting of the City Council reconvened at 9:05 p.m.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita