

**FRUITA CITY COUNCIL
VIRTUAL MEETING
DECEMBER 21, 2021
7:00 P.M.**

1. 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.

2. 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 Joel Kincaid
Mayor Pro Tem Lori Buck
City Councilor Karen Leonhart (virtually)
City Councilor Ken Kreie
City Councilor Heather O'Brien (virtually)
City Councilor Matthew Breman

Excused Absent:

City Councilor Kyle Harvey

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
City Planner Henry Hemphill
Planning and Development Director Dan Caris
Parks and Recreation Director Marc Mancuso
City Attorney Mary Elizabeth Geiger (virtually)

Also present:

Economic Planning Systems (EPS) Executive Vice President Brian Duffany
Economic Planning Systems (EPS) Research Analyst Carson Bryant
Members of the Fruita Arts and Culture Board
Members of the public (in-person and virtually)

3. AGENDA – ADOPT/AMEND

Deputy City Clerk Deb Woods noted that there was an addition of the City Council minutes from the December 7th, 2021 regular meeting that she had emailed to the Mayor and Council members the previous day and that she had uploaded the change to the Council packet on the City's website at 9:30 a.m. There were no other changes to the agenda.

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

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – ARTS AND CULTURE BOARD GOALS FOR 2022

Arts and Culture Board Chairperson Nancy Patterson outlined three main goals for the board in the upcoming year, which include:

1. Create a scholarship program that could be used for musical instruments, classes, special projects or cultural events. The board currently has about \$2,500 available for 2022 from the Art Stroll held two years ago.
2. Create a short video interview of creative people in Fruita to feature on the board's social media platform and at www.fruita.org. A possible outcome of the short videos could be a short film to submit to film festivals.
3. Create a music park made up of percussion instruments. Ms. Patterson requested the opportunity to talk to the Council further about this idea after the beginning of the new year.

Mayor Kincaid suggested that the Arts and Culture come to a City Council workshop meeting to discuss the music park idea. Ms. Patterson noted that they do have some rough pricing for the instruments themselves and they would love to tackle this as their next endeavor.

Councilor Buck pointed out that there is a musical art piece downtown that nearby businesses would love to have moved to another location. The property the board is looking at potentially for a music park is a narrow piece of City-owned land next to Dinosaur Journey.

5. PUBLIC PARTICIPATION

1. Archie Lopez, 1681 Ruby Lee Drive, prayed for the Council members and the meeting.
2. Kim Hoyt, 1039 19 ½ Road, said she came to the meeting to ask the City to put in a dog park because the only off-leash park is 20 miles from Fruita. She said she has two dogs and there are no sidewalks where she lives, so she has to walk them on the road.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 16, 2021 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 30, 2021 CITY COUNCIL WORKSHOP MEETING**

- C. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE DECEMBER 7, 2021 REGULAR CITY COUNCIL MEETING (*ADDED TO THE AGENDA BY DEPUTY CITY CLERK DEB WOODS*)**
- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) LIQUOR LICENSE (OFF-PREMISES) FOR CF ALTITUDE, LLC DBA ALTA #6317 LOCATED AT 555 W. RAPTOR RD.**
- E. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A RETAIL LIQUOR STORE LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FOR CTLFRUITA, LLC DBA CENTER TOWN LIQUORS LOCATED AT 161 N. PARK SQUARE, UNIT B**
- F. FINANCIAL REPORTS – A REQUEST TO APPROVE THE NOVEMBER 2021 FINANCIAL REPORTS**
- G. RESOLUTION 2021-44 – APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) FOR THE OAK CREEK ESTATES SUBDIVISION**
- H. ORDINANCE 2022-07 – 1ST READING – AN INTRODUCTION OF AN ORDINANCE GRANTING A MAJOR AMENDMENT TO THE BURENHEIDE PLANNED UNIT DEVELOPMENT (PUD) GUIDE TO INCREASE RESIDENTIAL DENSITY AND ALLOWED RESIDENTIAL LAND USES IN A PORTION THEREOF FOR PUBLICATION OF PUBLIC HEARING ON FEBRUARY 1, 2022**
- I. RESOLUTION 2021-43 – A REQUEST TO APPROVE ADOPTION AGREEMENTS FOR 401 PLAN NO. 108503 AND PLAN NO. 106027 AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS**

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 BUCK 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. ECONOMIC PLANNING SYSTEMS (EPS) PHASE 1 HOUSING PRESENTATION – *PLANNING & DEVELOPMENT DIRECTOR DAN CARIS*

City Manager Mike Bennett explained that the City contracted with EPS to do a Housing Needs Assessment with a specific focus on how Fruita's workforce is cost-burdened (paying more than 30% of income) towards housing. One purpose of the study is to complete an economic analysis to support a proposed regulatory fee on housing transactions.

Brian Duffany, Andrew Knutson and Carson Bryant with EPS presented the results of Phase 1 of their Housing Funding and Program Study with a PowerPoint presentation, sections of which included (but were not limited to):

- Recap of Fruita's Comprehensive Plan *Fruita in Motion* policies
- Context and different housing tools
- Data and analysis on Fruita's economy, wages, home prices and incomes (initial input was received from key employers and service providers in the community)

Phase II of the study will be presented to the Council in either February or March of 2022 and will look more specifically at the types of programs that EPS is going to recommend for Fruita, how much funding will be required and what the "fee" will need to be to support those programs.

Other major components of the study being considered by EPS are as follows:

- Supply focus (housing production, rehab projects, preserving existing housing stock)
- Programs for both ownership housing and rental housing
- Homeowner assistance programs (like down payment assistance)
- Gap closure/financing (providing funding to help close the feasibility gap for building housing that is collecting below-market rent or charging below-market sales prices)
- Stewardship and organization tools to maintain long-term affordability
- Community Land Trusts
- Land banking (community buys land and "banks" it for future development for affordable or workforce-attainable housing)
- Forming a Housing Authority within the City of Fruita

Mr. Bennett requested direction from the Council on the following:

1. Bringing Council recommendations on how to address the gap from both a rental and home ownership standpoint
2. Bringing Council recommendations and scheduling times for discussion about creating a Housing Authority and what the roles and duties of that Housing Authority would be
3. Moving forward with getting the data out to the public in every way as soon as possible in the new year
4. Getting the second Phase of the study (by EPS) moving forward

All City Councilors present said they were in favor of moving forward with all of the above.

Planning and Development Director Dan Caris asserted that the members of the original Technical Advisory Group were the ones who expeditiously made the data for Phase I of the study available to EPS and that their reliable and invaluable expertise was still going to be a huge part of the equation going forward. He added a thank you to them.

Mr. Bennett said that staff would regroup with EPS and the TAC to look at giving some form of an update at the first meeting in January of 2022 that will likely include recommendations for a Special Council meeting to be added in January, at which time further meeting dates will be discussed. He noted that the month of March has five Tuesdays, so it is likely that another Special meeting will be scheduled on the fifth Tuesday and there is the potential for a Special meeting in February as well.

9. CITY MANAGER'S REPORT

Mike provided the following updates:

- Reminder of the temporary limit of 50 short-term rentals in the “triangle” area of downtown that will expire April 1, 2022. There are currently four (4) short-term rental applications pending in the queue after the maximum number of 50 was reached. Mike said that a potential “mitigation-type fee” (in addition to the already established processing fee) and a potential change to the maximum number of allowed STRs were the types of things that needed further discussion, so staff would propose scheduling additional meetings early next year to have more discussions on both housing strategies and short-term rentals.
- Update on the Highway 6 & 50 sewer line repair: a contractor has been lined up to begin work in January. Staff went to each of the businesses along the corridor to provide them with a written overview of what is going to happen. The goal is to try and keep updating the businesses on a weekly basis even if there isn't much of an update to give because access to and from the businesses will have to be adjusted throughout the different stages of the work and staff hopes to mitigate the impacts of the project as much as possible. The City will be borrowing two electronic signs from the City of Grand Junction to help provide advance notice of closures and detours.
- Staff is working with the Office of Economic Development and International Trade (OEDIT) on completing a questionnaire about larger projects in Colorado communities on which the state can utilize American Rescue Plan (ARPA) funds. There have been extensive conversations with OEDIT about expanding Fruita's H2S gas project beyond what is included in the 2022 Budget for it so that not only will manholes be replaced, but also non-pvc sewer lines. Staff's contact at OEDIT has pitched the project to their leadership, who would like to present it to the state legislature for funding. CMU's Dr. Perry is also with the questionnaire concerning the economic impacts of such a large sewer project.

- Reminder that City Offices are closed on Friday, December 24th and Friday, December 31st for the Christmas and New Year's holidays.
- Mike presented the Council with the "Leading the Way" award the City received from ETC Institute, the consultant that completed Fruita's last several Community Surveys. The award is for landing in the top 10% of communities nationwide for positivity from residents related to services provided, what residents receive in turn for taxes/fees they pay and the perception residents have of the community's quality of place. The Council passed the award around and Mike noted that staff will get it on display somewhere.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken noted that "Mike's Famous Chicken" opened over the weekend and Cavalcade had a successful variety show downtown in the outdoor space on Mulberry Street. He said it was a great place to have events.

COUNCILOR MATTHEW BREMAN

Matthew reported that the Grand Junction Economic Partnership (GJEP) met the previous week and Community Hospital has loaned them some of their Human Resources team to do a new search for Executive Director candidates. The process will take approximately six months to complete. GJEP may be looking at updating the Memorandum of Understanding (MOU) between the Economic Development Partners to include the Latina Chamber.

COUNCILOR HEATHER O'BRIEN

Heather stated that the Planning Commission met, but that Council would be seeing those applications soon.

Heather noted that Council members received an email from the family of Lyle Baldwin, who had served in Fruita as a Police Officer and as Mayor and was also the Mesa County Sheriff. She wondered if there was some way to recognize Mr. Baldwin for his widow and family and if the Council was on board with that. Joel said he thought it would be a good idea. Mike stated that staff would begin working on it if Heather would forward the email to him.

MAYOR JOEL KINCAID

Joel said the "Parade of Lights" turned out well.

Joel reported that the Tourism Advisory Council (FTAC) had canceled their meeting for December but would be having a Special Workshop meeting the first week in January to meet with the City's new marketing firm, Colvita Creative.

Mike recalled that the City will be co-hosting the Fruita Chamber's Business After Hours with the Business Incubator on January 13, 2022 from 5:30 to 7:00 p.m. in the Council Chambers and FWorks.

Ken asked for a status update on the Department of Motor Vehicle's satellite office in Fruita. Mike responded that Mesa County told City Clerk/Finance Director Margaret Sell that they would be reopening soon, but they did not provide any dates yet.

B. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) (CITY MANAGER FORMAL REVIEW)

- **COUNCILOR BUCK MOVED TO MEET IN EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES UNDERSTANDING THAT DISCUSSIONS OF SUCH ISSUES IN EXECUTIVE SESSION ARE SPECIFICALLY PERMITTED BY THE STATE'S OPEN MEETING LAW CRS 24-6-402(4)(F) IN ORDER TO DISCUSS THE CITY MANAGER'S FORMAL REVIEW. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

The City Council convened in Executive Session at 8:40 p.m. The Regular Meeting of the City Council was reconvened at 9:00 p.m.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita