

**FRUITA CITY COUNCIL
VIRTUAL MEETING
OCTOBER 19, 2021
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Joel 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 Lori Buck
City Councilor Karen Leonhart (present virtually)
City Councilor Kyle Harvey
City Councilor Ken Kreie (present virtually)
City Councilor Heather O'Brien
City Councilor Matthew Breman

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
Planning & Development Director Dan Caris
City Planner Henry Hemphill
Public Works Director Kimberly Bullen

Also present:

Fruita Area Chamber of Commerce Executive Director Kayla Brown
Colorado West Land Trust Conservation Director Ilana Moir (virtually)
Co-Chair of One Riverfront Commission Fred Barbero
Grand Valley Pets Alive and Fruita TNR Volunteer Sue Tuffin
Members of the public (remotely and in person)

2. PLEDGE OF ALLEGIANCE

Mayor Kincaid led in the recital of the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

Mayor Kincaid asked if there were any changes to the agenda. Deputy City Clerk Deb Woods confirmed that there were no changes to the agenda but noted that staff had received additional supporting documents for the Council packet from Grand Valley Pets Alive (for the Outside Agency Funding Requests under Item 4.B).

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

4. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAMATION – OCTOBER 20, 2021 AS “SUPPORT YOUR LOCAL CHAMBER OF COMMERCE DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY FRUITA AREA CHAMBER OF COMMERCE DIRECTOR KAYLA BROWN

The Proclamation was read by Mayor Kincaid and accepted by Kayla Brown.

B. PRESENTATIONS – OUTSIDE AGENCY FUNDING REQUESTS

- **FRUITA AREA CHAMBER OF COMMERCE – *KAYLA BROWN, EXECUTIVE DIRECTOR***

Fruita Area Chamber of Commerce Director Kayla Brown provided a PowerPoint presentation that included the Chamber's mission, vision and core values, membership totals, testimonials from Chamber members, highlights of the Chamber's 2020 and 2021 Budgets, Profit and Loss Statements, benefits of the Chamber, 2020 achievements, intern opportunities for CMU students and goals for 2022. The Chamber's 2022 funding request to the City of Fruita is \$25,000.

- **COLORADO WEST LAND TRUST – *ILANA MOIR, CONSERVATION DIRECTOR***

Ms. Moir appeared virtually to give a PowerPoint presentation about Colorado West Land Trust (CWLT) (formerly Mesa Land Trust). She reviewed CWLT's mission, duties and approach to protecting and enhancing agricultural lands and wildlife habitat in Western Colorado, as well as information about CWLT's programs, accomplishments and plans for 2022. The CWLT has a 2022 funding request of \$6,900 for admin costs and \$2,000 for appraisals costs.

- **ONE RIVERFRONT COMMISSION – *CATHERINE VENTLING, CO-CHAIR***

Mr. Fred Barbero, one of the Co-Chairs of the One Riverfront Commission, explained that he was filling in for Catherine Ventling in giving the One Riverfront Commission's presentation. Mr. Barbero gave a brief history of the Commission and its role in the Valley, as well as an overview of the following:

- Funding from the City of Fruita was allocated to the “Save-A-Life-Jacket Program” (free life jacket kiosks from Palisade to the Loma boat ramp) to provide signage for life jacket instructions.
- Funding from Fruita has also been utilized for the Riverfront Concert Series at the James M. Robb – Colorado River State Park during the summer
- Fruita funding has helped to staff aide stations, food and hydration for participants at the Tour of the Moon Bike event.
- The One Riverfront's sister arm, the Riverfront Foundation, provided funding several years ago to help extend the Colorado Riverfront Trail to Loma. Some of that funding was left over and the City asked to keep it to help with a new project on Highway 340

and Raptor Road. City Manager Mike Bennett further explained that the Riverfront Foundation allowed the City to maintain those funds in order to design a better connection across Highway 340, which was one of the top priorities in the City's Parks, Health, Recreation, Open Space and Trails (PHROST) Master Plan. The City is anticipating utilizing those funds in next year's Budget to look into designing the most appropriate connection for the trail.

This concluded Mr. Barbero's presentation.

- **GRAND VALLEY PETS ALIVE – *SUE TUFFIN, FRUITA TNR VOLUNTEER***

Volunteer Sue Tuffin was present to update the Council on the Grand Valley Pets Alive's (GVPA's) efforts to help mitigate the feral cat problem in Fruita. Some highlights consisted of:

- Brief history of GVPA
- The group's mission (to assist in reducing the number of homeless cats and dogs in the county)
- How many and who some of the individuals are that help to trap the cats in Fruita
- Where the feral cats are mainly located (mobile home parks and vacant lots)
- Total number of cats spayed and neutered in 2020 county-wide (534 despite veterinary services being locked down for many months)
- 108 of the 534 total animals spayed and neutered in 2020 were in Fruita
- There is no paid staff; the work is all done by volunteers
- GVPA is funded through grants and donations
- The cost to spay or neuter is roughly \$60 - \$65 per cat
- The funding being requested of the City of Fruita would cover another 35 to 40 spays or neuters

In conclusion, Ms. Tuffin handed out brochures to the Council and Mayor and thanked them for consideration of GVPA's funding request.

Councilor O'Brien stated that she lives in the Reed Park area where there was an enormous cat colony, but a few days ago, she and her neighbors realized that they hadn't seen as many cats. She thanked Ms. Tuffin on behalf of her neighbors and constituents. Ms. Tuffin responded that GVPA has been doing its best in targeting colonies, but they never really know if they had made an impact unless they hear about the results, so she expressed gratitude for Councilor O'Brien's feedback.

4. PUBLIC PARTICIPATION

Stacy Langston, 353 N. Coulson Street, stated that she lives across the street from Colorado Canyons Hospital and right next door to the two lots that make up the corner of Ottley Avenue and Coulson Street. She took a minute to thank everyone at the meeting for all they do and said that it was one of the best board meetings she has ever been to.

Ms. Langston expressed some concern that the two lots on the corner were going to be developed into a gravel parking lot and stated that she would like to make contact with whomever might know what

was going to be done with the property because she loves how beautiful it is now. Mayor Kincaid directed her to the City Manager, Mike Bennett, as the person to talk to about whether there are any potential plans for the property or not.

Hearing no further comments from the public, Mayor Kincaid closed the Public Participation section of the agenda.

5. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 5, 2021 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 11, 2021 CITY COUNCIL SPECIAL WORKSHOP MEETING**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPOINT LIBBIE EARLY TO THE FRUITA TOURISM ADVISORY COUNCIL FOR A THREE-YEAR TERM TO EXPIRE IN OCTOBER OF 2024**
- D. FINANCIAL REPORTS – A REQUEST TO APPROVE THE SEPTEMBER 2021 FINANCIAL REPORTS**
- E. RESOLUTION 2021-30 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2021 BUDGET AND TRANSFERRING FUNDS FROM THE COMMUNITY CENTER FUND CONTINGENCY ACCOUNT FOR BUILDING MAINTENANCE**

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

6. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

There were no quasi-judicial hearings on the agenda.

B. LEGISLATIVE HEARINGS

- 1) ORDINANCE 2021-22 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING TITLE 2 OF THE FRUITA MUNICIPAL CODE CONCERNING POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING COMMISSION, BOARD OF ADJUSTMENT AND HISTORIC PRESERVATION BOARD**

2) ORDINANCE 2021-21 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE REPEALING AND REENACTING TITLE 17, LAND USE CODE, OF THE FRUITA MUNICIPAL CODE

Jessica Garrow, Senior level Planner with Design Workshop, presented (using PowerPoint) the changes to Titles 2 and 17 of the Fruita Municipal Code, upon which Ms. Garrow has been working with Fruita's Community Development Department since March of 2020 to implement the City's new *Fruita in Motion Comprehensive Plan*. This was the final presentation on the proposed changes and Ms. Garrow noted that she was covering the above two Ordinances in one presentation because they go together.

Ms. Garrow identified key project goals of implementing best practices, creating clarity and standardization and focusing on legibility, readability and usability so that anyone can pick up the Land Use Code and understand what they need to do, what their neighborhood might be going through and how to go through a review process.

Ms. Garrow stated that the Code amendments are key in accomplishing the following:

1. Promoting connectivity
2. Promoting quality design
3. Creating clarity in the annexation process
4. Supporting housing diversity

Ms. Garrow also recommended that the Council and staff take a look at Impact Fees concerning when they are collected and whether there should be a change for an administrative process to support the City's goals around housing and connectivity.

Ms. Garrow reviewed the proposed amendments to Title 17 (Land Use Code) and Title 2 (Administration and Personnel) of the Fruita Municipal Code. The proposed Code language was divided into three categories for the presentation:

1. **Recodified** sections of Title 17
2. **New language** in Title 2 concerning Powers and Duties and sections of Title 17
3. **Reformatted** sections of Title 17

Ms. Garrow provided staff's recommendation that the Council adopt Ordinances 2021-21 and 2021-22.

Mayor Kincaid opened the public hearings. Hearing no comments from the public, the Mayor directed the Council to provide their comments, questions or motions.

Councilor O'Brien asked for confirmation that the Planning Commission would be the decision-making body for a Conditional Use Permit because she thought those were going to be decided by the City Council. Ms. Garrow confirmed that the Planning Commission would be the decision-making body for Conditional Use Permits.

Councilor O'Brien also recalled that there was a type of development application that was discussed at the Planning Commission meeting for which Design Workshop had not yet updated the Review Process Chart and Ms. Garrow stated that there was some inconsistency in some of the other Code sections related to right-of-way vacations, but that it had been clarified so that those are handled administratively. She added that Vested Rights would be decided by the City Council.

Councilor Breman asked, if a requested adjustment were to be denied, would it then go to the City Council for a decision? Ms. Garrow explained that there were two possible paths for that situation: 1) it could be appealed to the City Council or 2) if a hardship variance was being requested, it would go to the Board of Adjustment.

Councilor Harvey stated that the Historic Preservation Board (as he had previously mentioned at a prior Council meeting) wanted to increase the membership guidelines from "not more than seven (7)" to "not more than nine (9) members." There were no objections from the City Council.

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2021-22 – SECOND READING – AN ORDINANCE AMENDING TITLE 2 OF THE FRUITA MUNICIPAL CODE CONCERNING POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING COMMISSION, BOARD OF ADJUSTMENT AND HISTORIC PRESERVATION BOARD WITH THE ADJUSTMENT TO SECTION 2.43.010(B) TO ALLOW NO MORE THAN NINE (9) MEMBERS. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- **COUNCILOR BUCK MOVED TO ADOPT ORDINANCE 2021-21 – SECOND READING – AN ORDINANCE REPEALING AND REENACTING TITLE 17, LAND USE CODE, OF THE FRUITA MUNICIPAL CODE, AS AMENDED. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

7. ADMINISTRATIVE AGENDA

A. 2022 BUDGET PRESENTATIONS:

1) PUBLIC WORKS DEPARTMENT PRESENTATION – *KIMBERLY BULLEN, PUBLIC WORKS DIRECTOR*

Public Works Director Kimberly Bullen provided staff's (PowerPoint) presentation for the department's 2022 Budget that included a flow chart of the divisions and positions within the Public Works Department and 2021 accomplishments and goals of each division. She pointed out that in the next one to three years, approximately one-quarter of Public Works staff will be eligible for retirement, so the department will be spending time on developing succession plans and doing some professional development, which will be reflected in her Budget requests.

2022 Budget highlights for the General Fund divisions within the Public Works Department are as follows:

Road Maintenance/Traffic Safety

- Addition of one FTE – Maintenance Worker 1
- \$100,000 to focus on chip sealing and patching for residential streets to improve conditions and PASER score
- Increase Sidewalk Replacement Program to \$100,000, continue 80%/20% cost-share program
- Replacement of (1) 2007 Dump Truck Unit 4015 and (1) 2007 4 X 4 Truck with dump bed
- Increase in Service Contracts to paint all City streets in 2022
- Wireless headsets for the Streets Division (\$15,000)

Building Maintenance

- Service Contracts increased for elevator maintenance/repair
- Building maintenance expenses increased to address needs of aging facilities

Mountain Water

- Water line repair for Enoch pipeline, scheduled to replace 2,000 feet of pipe in 2022
- Reservoir maintenance expenses increased
- Capital Equipment – replace 2 of 5 meters used to record water flows for reporting to state

2) ENTERPRISE FUNDS PRESENTATION – *KIMBERLY BULLEN, PUBLIC WORKS DIRECTOR*

Public Works Director Kimberly Bullen continued with a presentation of Enterprise Funds, which consists of: 1) the Irrigation Fund, and 2) the Sewer Fund. After reviewing the 2021 accomplishments and goals of both funds, she listed 2022 Budget highlights as follows:

Irrigation Fund

- Replacement of (1) 6” water meter
- Pabor Way irrigation system improvements

Sewer Fund

- Transfer of \$300,000 to Capital Projects for continuation of Maple Street project
- Air-powered valve actuator/exerciser (520 valves)
- GPS locating equipment
- Repair and maintenance budget increased due to inflation costs of materials and supply chain issues
- Utility costs are anticipated to increase 9% over the 2021 budgeted amount

- Capital projects planned for Wastewater Reclamation Facility (sewer plant) include the H2S Project and the Granular Sludge Vortex Project

Ms. Bullen also reviewed the 2022 budget highlights for the Fleet Fund, which include:

Fleet Fund

- Budget proposed to increase 17% - parts and fuel prices
- Replacement of fleet diagnostic tool

Councilor Buck asked how likely it is that the Public Works Department will be able to get the two replacement vehicles that are in the Budget and Ms. Bullen noted that it certainly could be a challenge, just knowing about the supply chain issues the country is experiencing now.

B. DISCUSSION AND POSSIBLE ACTION CONCERNING PARTICIPATION IN THE COLORADO OPIOIDS SETTLEMENT – MARGARET SELL, CITY CLERK/FINANCE DIRECTOR

City Clerk/Finance Director Margaret Sell explained that in order to maximize settlement funds within Colorado which resulted from litigation against pharmaceutical companies, it is important that all Colorado counties and municipalities participate in the settlements and the distribution process by signing four documents. Signing these will put Colorado and local governments in a position to maximize a share of the settlements and begin putting the settlement funds to use abating the crisis in Colorado communities. It is anticipated that the Mesa County Region will receive approximately \$11.5 million in settlement funds, which must be used for specific purposes to mitigate the damage caused by opioids as spelled out in the documents.

Mrs. Sell offered staff's recommendation of participating in the Colorado Opioid Settlement by authorizing the Mayor to sign and execute the required documents. City Manager Mike Bennett noted that the Mesa County Commissioners had requested that all the county's municipalities approve the signing of the documents so that they can process the claim.

- **COUNCILOR HARVEY MOVED TO AUTHORIZE THE MAYOR TO SIGN AND EXECUTE THE DOCUMENTS DETAILED IN THE COUNCIL PACKET RELATED TO THE CITY OF FRUITA'S PARTICIPATION IN THE COLORADO OPIOID SETTLEMENT. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

8. CITY MANAGER'S REPORT

City Manager Mike Bennett provided the Council with the following updates:

1. Over the last year and a half, significant amounts of these grease, oils and fats have been accumulating in the City's sewer system, requiring many hours of work per week to remove them. Staff recently concluded a study of best management practices for managing grease in sewer systems and will be publishing an article in the next City Link newsletter that will contain

suggested methods of reducing the amount of grease that goes into the sewer. Mike noted that Fruita is not the only municipality with these concerns. Staff will also be mailing friendly letters to about 50 businesses in the City to gather information from them and then will have in-person communication with them to help everyone understand not only best practices, but also the requirements the City has in place to get all businesses into compliance over time. Mike added that he would keep the Council updated on the matter.

2. A special “cleanup” day in Fruita is in the process of being arranged where people will be able to drive to the City Shops at 900 E. Kiefer to drop off items that are not considered normal household trash at no cost as a test to see whether the City is able to build upon it and make it an annual event. More details will follow.
3. Mike noted that an agenda item for the Council’s upcoming workshop meeting is an overview of the full draft of the Traffic Circulation Plan given by City Engineer Sam Atkins to identify a path forward for adopting the Plan in the future as well as a status update on the Fremont Street Design. In addition, there will be a 2022 Budget check-in to see if the Council has any questions or anything that needs further discussion before the remaining budget presentations.

9. COUNCIL REPORTS AND ACTIONS

A. DISCUSSION AND POSSIBLE ACTION TO RESCHEDULE THE NOVEMBER 23, 2021 COUNCIL WORKSHOP MEETING TO NOVEMBER 30, 2021

Mayor Kincaid asked the Council members if any of them had any issues with rescheduling the November workshop meeting to November 30th. Councilor O’Brien noted that she will be in a Steering Committee meeting for the School District until 7:00 p.m. that night, so the Mayor confirmed with all that moving the meeting time to 7:00 p.m. on November 30th will work for everyone.

- **COUNCILOR BUCK MOVED TO RESCHEDULE THE NOVEMBER 23, 2021 COUNCIL WORKSHOP MEETING TO 7:00 PM ON NOVEMBER 30, 2021. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR LORI BUCK

Lori reported that the Colorado Mesa University Investiture Ceremony would be held on Friday, October 22nd at 2:00 p.m. at the Robinson Center to welcome the new President. Following that, there will be some other fun events on the Plaza. She said if anyone wanted to show support to the Mavs, this would be the time to do it.

COUNCILOR KAREN LEONHART

Karen reported that the Fruita Youth Action Council is in the process of electing officers for leadership roles, which is a new step for them. They will have a movie night on December 17th for grades 6 – 12.

Karen also noted that she would be attending a Police Commission meeting the following day. She asked if anyone knew what the plans were for the Mormon Church's rehabilitation (post-fire). Mike stated that the Church received a demolition permit from the City's Planning Department about six weeks ago and are now going through a process with the state to identify whether asbestos is an issue before the demolition begins.

COUNCILOR KEN KREIE

Ken reported that the Downtown Advisory Board is helping to put on the "Cups" fundraiser on Saturday, October 23rd at the Copper Club. There will be chili and beer and all proceeds will go towards breast cancer research.

Ken also reported that the Associated Governments of Northwestern Colorado would be meeting the following day and that Bill Carlson from Palisade will be filling in for him.

Ken explained that he has opened up the Cavalcade a few times for the Colorado National Monument folks to have meetings in town during the day and asked Mike about them being able to use the City's rooms at no cost in the future. Mike responded that a lot of non-profit partner agencies are at least offered a free room rental at the Civic Center, but that there is a fairly high demand for the rooms at the Fruita Community Center for both programming and other rentals due to the lack of rooms with capacity for 100 persons in the City. Mike added that he had spoken with the National Monument Superintendent, Nathan Souder, and had given him all the information about room rentals at the Civic Center, but at that time, there were date conflicts and capacity issues for Mr. Souder.

COUNCILOR HEATHER O'BRIEN

Heather noted that she missed the last Planning Commission meeting because she had a conflict and that the Parks and Recreation Advisory Board should be meeting soon with the new Director of the Parks and Recreation Department.

COUNCILOR MATTHEW BREMAN

Matthew reported that the Grand Junction Economic Partnership (GJEP) Board of Directors held special meetings the previous week to interview candidates for their Executive Director position and that the following morning at 9:00 a.m., the board is meeting, but may or may not make a decision at that point in time.

Matthew also pointed out that in Sunday's edition of the Daily Sentinel, Senator Chris Hansen from Denver introduced some draft legislation to triple the property tax rate on short-term rentals, even though he had just recently said there was no way the state would ever tackle the issue. Heather requested that Matthew forward the article to her.

MAYOR JOEL KINCAID

Joel reported that the Fruita Tourism Advisory Council had a special meeting the previous week to discuss which marketing firm they would like to contract with. The board decided to pursue a contract with Colvita Creative, LLC, which will need to go before the Council for approval. Assistant to the

City Manager Shannon Vassen noted that the contract will be on the agenda for the December 7th Council meeting.

Joel also reported that the Fruita Area Chamber of Commerce will be holding their annual board retreat on Friday, October 22nd. They will be reviewing their Master Plan and discussing ways to maintain membership growth and continue working with Fruita's business community.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita