

FRUITA CITY COUNCIL WORKSHOP
JULY 26, 2022
6:30P.M.

CALL TO ORDER

The workshop of the Fruita City Council was called to order at 6:30 p.m. by Mayor Kincaid. City Council members present were Matthew Breman, Jeannine Purser, James Williams, Ken Kreie, Amy Miller and Heather O'Brien. Councilor Miller attended the meeting virtually.

City staff present were City Manager Mike Bennett, Communications and Engagement Specialist Ciara DePinto, Deputy City Clerk Deb Woods, City Engineer Sam Atkins, Planning Technician Kelli McLean and Planning and Development Director Dan Caris.

Marianne Stuck and Jessica Garrow with Design Workshop were in attendance remotely.

AGENDA ITEMS

1. NORTH MULBERRY FINAL CONCEPTUAL DESIGN (6:30 – 7:30 PM)

Marianne Stuck and Jessica Garrow with Design Workshop provided the final design concepts for the North Mulberry Street outdoor gathering space between East Aspen Avenue and the alley just south of the Hot Tomato on North Mulberry Street. Initial Cost Estimates were provided as part of the presentation as follows:

- | | |
|--|------------------|
| • Engineering and Landscaping Estimate of Probable Cost: | \$461,420 |
| • Structural Estimate of Probable Cost: | <u>\$154,294</u> |
| TOTAL COST ESTIMATE: | \$615,714 |

The design team also reviewed the following in their presentation:

- Aerial photo showing the perimeter of the project area
- Meeting goals
- Project inspiration
- Proposed Site Plan including:
 - Paving
 - Seating
 - Interactive kids' element
 - Interactive mural – art
 - Sails to provide shade and shelter
 - Lighting
 - Fire pits
 - Planting
- Birds Eye View Perspectives of Before and After concepts
- Eye Level View Perspectives of Before and After concepts
- Next Steps:

- Council feedback on design direction
- Council direction on cost estimates
- Design development drawings completed

Discussions about the Concept Design resulted in the following feedback from the Council:

- Change the number of parking spaces from six (three on each end) to four (two on each end)
- Keep the number of fire pits at two
- Remove movie screen from design and only have a mural on that side of the building to start with

2. DISCUSSION CONCERNING AMENDING THE FRUITA MUNICIPAL CODE TO ALLOW FOR SPIRITUOUS TASTINGS (7:30 – 8:00 PM)

Deputy City Clerk Deb Woods explained that the owner of a distillery in the valley had approached staff with a request for consideration of amending Fruita's Municipal Code to allow spirituous liquor tastings at Retail Liquor Stores in Fruita.

After discussing what is required by the City to renew a Tastings Permit annually with the City, the Council directed staff to prepare an Ordinance for first reading at an upcoming Council meeting that would amend the Code to allow spirituous liquor, especially since as part of that process, staff checks with the Fruita Police Department to see if there were any issues over the past year when liquor stores have to renew their liquor licenses and Tastings Permits each year.

3. OPERATIONAL UPDATES & RETREAT PREPARATION (8:00 – 8:30 PM)

CITY CLERK/FINANCE DIRECTOR MARGARET SELL: MUSEUMS OF WESTERN COLORADO'S LEASE AGREEMENT DISCUSSION

City Clerk/Finance Director Margaret Sell provided an update to the Council regarding a concern she has with the Museum of Western Colorado (MWC) being in default of the terms of their Lease Agreement with the City for the Dinosaur Journey property. She provided the dates and methods of her (at least) five attempts to reach the Executive Director of the MWC (via both emails and phone calls) since March 15, 2022, all without success. The Museum is currently in default of the terms of the Lease Agreement for the absence of:

1. Payment of the annual rent
2. Filing of the 2021 annual report showing rent offsets
3. Proof of insurance on the property

Mrs. Sell reviewed the provisions of the Lease Agreement that set forth the procedure for Notices of Default as well as the Remedies to the default.

The discussion resulted in a plan to have Mayor Joel Kincaid attend the Museum of Western Colorado's Board of Directors meeting the following evening (July 27, 2022) in place of Councilor Williams, who

was unable to attend the meeting as the Fruita City Council Liaison member on the board. In the meantime, Mrs. Sell was directed by the Council to prepare and send the Notice of Default via certified mail. Mayor Kincaid said that he would inform the MWC Board of Directors that the City was currently in the process of sending the Notice of Default. Mrs. Sell stated that she was also going to look into getting liability insurance coverage on the Dinosaur Journey property in the interim as that was one of her biggest concerns.

Mrs. Sell stated that she would prepare a summary of the issues in a memorandum to email to the Mayor and Council. Councilor Williams said he would email the MWC Board members to let them know the Mayor would be taking his place at the meeting.

CITY MANAGER MIKE BENNETT: OPERATIONAL UPDATES AND RETREAT PREPARATION DISCUSSION

City Manager Mike Bennett informed the Mayor and Council that staff and City Attorney Mary Elizabeth Geiger have been working on the by-laws and setting up a trust for the **Fruita Housing Authority**. The draft by-laws will be emailed to the City Council for review and will subsequently be placed on either the August or September Council workshop agenda.

Mr. Bennett noted that he forwarded a letter from **IndiBuild** (the applicant's representative of the Fruita Mews project) to the City Council that contained an apology for the misunderstanding about the CHFA funding. IndiBuild has met all the Land Use Code requirements for the **Fruita Mews project** and are moving forward with it.

Planning and Development Director Dan Caris advised the City Council that Colorado passed a law establishing a requirement that all county and municipal jurisdictions in the state adopt a building energy code that is no older than the **2018 International Energy Conservation Code** by no later than this time next year. Mesa County is currently operating on the 2009 version but will be adopting the 2021 one. This will result in added development costs for housing by approximately \$7,000 to \$8,000 per house for items such as additional insulation and water saving features.

Mr. Caris stated that the renewal period for the professional services agreement between the City of Fruita and the **Mesa County Building Department** is coming up in September. Mesa County would like Fruita to renew the contract for another five years. Mr. Caris said he would like to hear the Council's thoughts about bringing those services in-house instead of outsourcing it to Mesa County to localize the development and construction processes. He pointed out that another option would be to renew the agreement on a year-to-year basis (which is what the City of Grand Junction has done in the past) and asked the Council if they were okay with doing that. The Council said yes. City Manager Mike Bennett noted that staff would like the autonomy of having building department services in-house. The Council directed staff to look into the City's contract with the Mesa County Building Department to see what the exit clause says, if there is one. Normally, there are provisions for requiring 90 days' notice before termination of a professional services agreement can occur. Mr. Bennett stated we would likely begin discussions of this during the budget cycle. The City will also have to update its Energy Conservation Code to the either the 2018 or the 2021, which will likely increase the cost of new construction. More to come on that.

Mr. Caris reported on the relationship between the City and **Grand Valley Irrigation Company (GVIC)** as it relates to development applications. The City has been experiencing issues obtaining crossing agreements for utility or roadway projects.

City Manager Mike Bennett noted that staff would be scheduling **Executive Sessions** at upcoming Council meetings to discuss the City's strategies on both land acquisition and economic development.

Mr. Bennett also noted that he had scheduled a tour for the Council at the Lower Valley Fire Department station for Tuesday, September 6th from 5:30 to 6:30 p.m. After noting that many Council members completed a tour of the City's Wastewater Treatment Facility, Mr. Bennett stated that staff would also like to provide the Council with **tours** of the City Shops at 900 E. Kiefer and the City reservoirs/mountain water properties. He said he would be looking at a few dates in early September to get those scheduled.

Mr. Bennett laid out a few preparations for the **Council Retreat** scheduled for August 8, 2022 at Highline Lake State Park. Staff will be bringing water and soda and the Council decided on getting Jimmy John's sandwiches for dinner. Council members are to meet staff at the Fruita Civic Center at 5:00 p.m. so that people can carpool to the lake. Mr. Bennett explained that the purpose of the retreat is to set a strategic plan for the next two years based on community survey input received that will help staff and the Council be able to prioritize upcoming projects. At the retreat, everyone will run through some pre-planned exercises and will set goals for a variety of topics to include (but not limited to):

- Mountain water properties
- Review of Boards and Commissions
- Communications

Mr. Bennett said he was going to check with Victor and Kodi Imondi to see if either August 22nd or 25th would work to have an **"Appreciation Night"** for all the members of the City's Boards and Commissions at Imondi Wake Zone from 5:00 to 8:00 p.m. This is an annual event for the City Council to thank the City's volunteers for serving.

Mr. Bennett reminded everyone that tomorrow night (July 27, 2022), Xcel Energy was holding a community meeting at the Fruita Community Center from 5:00 to 7:00 p.m. and that the **Council Ice Cream Social** was scheduled for this week's Thursday Night Concert (July 28, 2022).

4. OTHER (8:30 PM)

ADJOURN

With no further business before the Council, the Mayor adjourned the meeting at 8:11 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk