

**FRUITA CITY COUNCIL  
IN PERSON AND VIRTUAL MEETING  
APRIL 5, 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 7:00 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  
City Councilor Kyle Harvey  
City Councilor Ken Kreie  
City Councilor Heather O'Brien

**Excused Absent:** City Councilor Matthew Breman

**City staff present:** City Manager Mike Bennett  
Assistant to the City Manager Shannon Vassen  
Deputy City Clerk Deb Woods (for Quasi-Judicial public hearing only)  
City Planner Henry Hemphill  
Planning and Development Director Dan Caris

**Also present:** Members of the public (in-person and virtually)

**2. 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.

**3. AGENDA – ADOPT/AMEND**

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

**4. PROCLAMATIONS AND PRESENTATIONS**

- A. PROCLAMATION – PROCLAIMING FRIDAY, APRIL 29, 2022 AS “ARBOR DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY PARKS AND RECREATION DIRECTOR MARC MANCUSO**

Councilor O'Brien read the Proclamation, which was accepted by Parks and Recreation Director Marc Mancuso.

**5. PUBLIC PARTICIPATION**

There were no comments from the public.

**6. CONSENT AGENDA**

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE FEBRUARY 15, 2022 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE FEBRUARY 22, 2022 CITY COUNCIL WORKSHOP MEETING**
- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A RETAIL LIQUOR STORE LICENSE – MALT, VINOUS & SPIRITUOUS FOR FRUITA LIQUOR MART LOCATED AT 423 E. HIGHWAY 6 & 50**
- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL & RESTAURANT - MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR KARMA KITCHEN LOCATED AT 229 E. ASPEN AVE.**
- E. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF AL CONDER TO THE LIVABILITY COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN APRIL OF 2025**
- F. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF DENISE HIGHT TO THE HISTORIC PRESERVATION BOARD FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN APRIL OF 2025**
- G. MINI GRANT AWARD – A REQUEST TO APPROVE A RECOMMENDATION FROM THE FRUITA TOURISM ADVISORY COUNCIL FOR A MINI GRANT AWARD TO THE KIDS ADVENTURE GAMES**

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 KREIE MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**7. PUBLIC HEARINGS****A. QUASI-JUDICIAL HEARINGS**

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM**

**THE MUSEUMS OF WESTERN COLORADO (MWC) TO SERVE ALCOHOLIC BEVERAGES (MALT, VINOUS & SPIRITUOUS) AT THE “AFTER DARK” EVENT TO BE HELD ON SATURDAY, APRIL 9, 2022 FROM 6:00 TO 10:00 PM AT DINOSAUR JOURNEY LOCATED AT 550 JURASSIC COURT**

Deputy City Clerk Deb Woods gave staff’s presentation. She briefly reviewed the documents submitted that were included in the Council packet, as well as a few details about the event and the licensed premises. Ms. Woods stated that Fruita Chief of Police Krause had reviewed the application and had no concerns that would prohibit the issuance of the license. She provided staff’s recommendation of approval subject to the following conditions:

1. The entrance and exit shall be monitored closely and continuously by event staff in order to prevent alcoholic beverages from going into or out of the licensed premises.
2. The licensee needs to be aware that they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence of state and municipal laws.
3. All other procedures presented by the MWC will be followed.

Libbie Early with the Museums of Western Colorado was present in the audience as the applicant’s representative, but she had nothing to add.

Mayor Kincaid opened the public hearing on the Special Event Liquor Permit application. Hearing no comments, he referred the matter to the Council.

- **COUNCILOR LEONHART MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE MUSEUMS OF WESTERN COLORADO TO SERVE ALCOHOLIC BEVERAGES DURING THE “AFTER DARK” EVENT ON SATURDAY, APRIL 9, 2022 FROM 6:00 TO 10:00 PM AT DINOSAUR JOURNEY LOCATED AT 550 JURASSIC COURT SUBJECT TO THE CONDITIONS STATED BY STAFF IN THEIR PRESENTATION. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**B. LEGISLATIVE HEARINGS**

- 1) **ORDINANCE 2022-13 – SECOND READING – AMENDING SECTION 17.09.060(I) OF THE FRUITA LAND USE CODE CONCERNING THE LIMITATION ON ISSUANCES OF SHORT-TERM RENTAL PERMITS**

Planning and Development Director Dan Caris gave staff’s presentation. He entered his PowerPoint presentation into the record.

Mr. Caris noted that on March 16, 2021, the Council adopted Ordinance 2021-11, which defined and codified a temporary restriction of 50 Short-Term Rental (STR) Permits to be licensed within a geographic boundary consisting of northbound on Pine Street, westbound on Ottley and along the

frontage of Highway 6 & 50. As part of the Ordinance, Accessory Dwelling Units (ADUs) and owner-occupied units were not to be included in the maximum limit. Mr. Caris also explained that a prescriptive date of April 1<sup>st</sup> of 2022 was set for action to be taken by the Council, which was achieved by setting a First Reading of Ordinance 2022-13 that called for the public hearing of this meeting of April 5<sup>th</sup>.

Mr. Caris noted that the City had reached the maximum number of 50 STRs in the triangular area, six of which are ADUs or owner-occupied units. Outside of the triangle are 14 STRs for a total of 70 active STR permits within the City boundaries. Staff has eight (8) applications that have been submitted, are on a “waiting list” and which will be addressed on a first come, first serve basis.

Mr. Caris stated that earlier this year, staff received direction from the Council to propose a change to the Code of either staying at 50 STRs or having an increase/decrease of the number of permitted units. He asserted that there was no “magic number” that was going to be achieved in a unilateral consensus amongst people in the community or the City Council, and that mostly, there hasn’t been a defined metric by which other communities across the state of Colorado place restrictions, lotteries or buffers between STRs. As a result, staff stands behind the concept that there needs to be some sort of maximum for STRs that should be evaluated on an annual basis.

Mr. Caris pointed out that Fruita currently has multi-family projects of a total of 37 units that have been approved and are presently under construction that will provide long-term rental opportunities within the triangular area and will be delivered to the housing market by the end of this year.

Mr. Caris stated that it was staff’s belief that the availability of long-term rentals is affected by short-term rentals, but that they are not the sole contributor and that this was the metric that staff used to propose an increase in the limit of STR permits since there are more units that are going to be coming online.

Mr. Caris stated that with Ordinance 2022-13, the proposed number of STR permits was being increased from 50 to 65 active and valid permits in the “triangle” area of downtown Fruita and that applications would be approved or denied in the order received if a spot becomes available.

Mr. Caris also presented a depiction of some of the purpose statements located in the Comprehensive Plan that talk about the relationship to community and tourism. He requested approval of the Ordinance as presented.

Mayor Kincaid opened the public hearing on Ordinance 2022-13.

### **PUBLIC HEARING: PUBLIC INPUT**

1. **Kristi Driver** with Visit Fruita Vacation Rentals stated that she is a business owner in downtown Fruita and is the Chairman for the Fruita Tourism Advisory Council (FTAC). She referred to some information that she provided that was included in the Council packet and was concerning housing affordability versus STRs. She said the information explains that the two are easy to link together but are actually not associated because affordable housing has a lot more to do with the price of real estate as opposed to just STRs.

Mrs. Driver stated that from the point of FTAC and tourism, people have worked very hard to support, encourage and bring tourism to Fruita and unless the City is prepared to build hotels or additional campgrounds, people will go other places such as Grand Junction; therefore, Fruita will lose the lodging and sales tax on those rentals.

Mrs. Driver said she thinks that tourism is here to stay in Fruita and she hopes that the City can get past the limitation by coming up with a better number than just an arbitrary 50 or 65. She also said she doesn't believe that it is a problem but that the City should take a look at it each year to have a basis of a percentage of the whole community.

- 2. Tila Duhaime**, owner of the property at 503 E. Aspen Avenue, appeared virtually and said that she has an STR license at 503 E. Aspen and was calling to give her perspective as someone who had gotten her experience with STRs when she was in Boulder, CO. Mrs. Duhaime said she was calling to encourage the Council to "be bold" in embracing STRs.

Mrs. Duhaime said she was also talking to the Council as a tourist who became a community member that has spent a lot of time and money setting up their STR. She said many people that they know from the Front Range think of Fruita and Grand Junction as basically "fly-over territory" on their way to Moab. Mrs. Duhaime said she and her husband didn't know about Fruita until a few years ago and since then, they have met the most delightful people and have made such deep connections with the community. Mrs. Duhaime said she also wanted to point out that Fruita and the Grand Junction area have such an occasional need for excess housing for people who come in for special events that are putting a lot of pressure on the existing motels and hotels and that as someone who works in the transportation industry, she always urges cities to not build their networks to accommodate mass capacity but rather build flexibility into the systems that are existing. She said she thinks that STRs encourage flexibility and are a great way for a City to grow.

- 3. Mike Driver**, 218 E. Aspen Avenue, stated that he is a Manager at Visit Fruita Vacation Rentals and was present as a Fruita resident and an STR owner. He is in the property management business as well and noted that his wife, Kristi, was also present. Mr. Driver stated that they have been in their industry for almost 30 years, so they have seen a lot of change.

Mr. Driver continued that he wanted to put a face to STRs and what they do, which he said is provide a huge economic stimulus into Fruita. Last year, he said, it was about a \$10 million revenue stream for the less than 2% of the homes that are STRs in the community. Mr. Driver said it also provided 25 to 35 full-time good jobs for people who can afford to buy homes in Fruita. He said that when STRs are encouraged, communities get a net positive result for everybody.

Hearing no further comments, Mayor Kincaid closed the public hearing.

### **COUNCIL DISCUSSION:**

Mayor Kincaid noted that Councilor Matthew Breman had called him earlier in the day to express his thoughts on the matter of STRs, which were that he doesn't think there should be a limit on the number of the permits for them issued by the City mainly due to personal property rights; that people have the right to use their property as they see fit. Mayor Kincaid asked the other Council members for their input.

**COUNCILOR KEN KREIE**

Councilor Kreie stated that he was in “Councilor Breman’s camp” in that if someone owns a home, they should be able to do what they want with it, but he also feels like the zoning in residential areas are for long-term residences and when people turn it into a business, they are paying residential property tax and not commercial property tax, and that thought started to make him feel a little differently. Councilor Kreie said that he thought maybe it was okay for the Council to step in, ask questions, establish limits and perhaps even disallow certain uses that are outside of the zoning for which they were intended.

Councilor Kreie said he thought he recalled previous discussions about raising the STR permit fee, which could help offset the City’s cost of getting an STR study done.

City Manager Mike Bennett confirmed that there had been previous discussions about raising the amount of the fee, but added that staff did not receive any direction for bringing forth any such recommendations to the Council, so it was still ongoing.

Councilor Kreie stated that there was one property in Fruita that he did not want to count as a residence because it used to be a church and therefore, it was not like an STR that was taking a residence off the market. He added that he wouldn’t want to count any other former non-houses that were converted into an STR such as a museum, either.

Councilor Kreie also asked for confirmation that the City doesn’t have any restrictions on the number of STRs outside of the “triangle” as long as the HOAs give their approval and Mr. Bennett responded that this was correct and that STRs would go through the same permitting process subject to the HOA’s authorization.

**COUNCILOR HEATHER O’BRIEN**

Councilor O’Brien said she appreciated what Tila Duhaime had said during public comment about the charm of Fruita and wanting to be in its welcoming neighborhoods, but that this was the very thing that is at risk with allowing houses to be turned into STRs. She added that further implications could include STRs taking homes away from families whose children couldn’t go to Fruita’s schools anymore, which in turn would result in a loss of school staffing positions because those positions are based on student populations within the District.

Councilor O’Brien also stated that the role of the Council is to try to figure out how to balance tourism with the City’s citizens and its Comprehensive Plan. She pointed out that the Comp Plan talks about citizens first and tourism second and added that she has talked with people in the “triangle” area downtown where she lives and there are a lot of people who are concerned that their neighborhood is being turned into a tourist trap with all the STRs. She also pointed out that out of the 70 STRs that the City currently has, 50 of them are located within the “triangle.”

Councilor O’Brien said she was trying to understand why the Council would vote in favor of existing people in the community on one matter (such as Mr. Maves’ previously proposed subdivision that drew a lot of negative public input) but not on others and that to her, it seemed to be about property rights

versus property rights. She said she might be willing to compromise but that she wanted to vote to protect the people who currently live in Fruita and their neighborhoods.

Mayor Kincaid stated that he was in favor of the subdivision project that Councilor O'Brien mentioned because he thinks that people who own property have the right to do what they want to with it. He added that the Council voted in the affirmative for six STRs that are located in a neighborhood outside of the "triangle" even though the neighbors came to the City to oppose them. He stated that the proposed number for the maximum was arbitrary and that he felt that it should be unlimited until the Council has a reason for getting to any certain number. Mayor Kincaid reiterated his position of property owners having property rights, especially in the downtown area where STRs are an allowed use.

Councilor O'Brien stated there was no mechanism or entity such as an HOA to protect property owners downtown and that the role of government is to protect people who aren't being protected.

### **COUNCILOR/MAYOR PRO TEM LORI BUCK**

Councilor Buck stated that the difference with the Dwell PUD project is that it was a zone change and because they were asking to change the rules by zoning to a PUD, she had issues with it, whereas in the "triangle" area downtown, the rules are the same for everyone, so it is an equal playing field. She added that a lot of people in the downtown area because there isn't an HOA telling them what they can and can't have in their yard and what color to paint their house.

### **COUNCILOR KAREN LEONHART**

Councilor Leonhart said that from the beginning, she has wanted to put Fruita's community members first and that knowing that people have an STR on either side of them and losing that "community feel" downtown, that was a big thing for her. She said there has to be a point when the City wants to manage tourism and not let it take over, even though the tourism has been and continues to be appreciated. Councilor Leonhart stated that even though the City has apartments coming in, it still doesn't cover the gap that Fruita has for people who want to buy a home but can't afford to. She also said that the City can't stop people from coming into town and buying up stuff and that the City owes it to its community members to somehow protect the "triangle" area because that is where most of the affordable housing is. Councilor Leonhart asked that everyone not "Moab Fruita" and stated that Vail has over 40% of its housing in STRs and she doesn't want that here. She added that it would be important to reevaluate the issue once per year.

### **COUNCILOR KYLE HARVEY**

Councilor Harvey said the conversation has been going on a long time. He noted that the last time people were waiting for election results, STRs were at the top of the list of things people in Fruita were talking about and that the same conversation is being had everywhere. He said there was no easy answer.

Councilor Harvey stated that he wasn't really in favor of having STRs administratively approved; that there should be public hearings where residents can provide their input one way or the other and he may have been originally, but that sometimes, people have to change their minds.

Councilor Harvey also said that the argument about STRs paying residential property tax versus commercial property tax was probably one of the better arguments for needing to take a closer look at the matter and that the Council and staff had talked a lot about having some kind of fee schedule.

Councilor Harvey mentioned a gentleman that runs a program called, “The Center for Deliberative Democracy,” and he talks about “wicked problems,” which are problems where people get deep into the weeds and it gets hard to figure out how to move forward. What he advocates for is a process where everyone in the community would sit down with staff and the Council and people would be allowed three minutes each to speak. Councilor Harvey said he would love to see it as an opportunity to utilize that type of process rather than having the four or five members of the Council make a decision about something that affects so many. He added that he would feel more comfortable moving forward if there was more community discussion because he didn’t think the discussions had so far were representative of everyone’s thoughts.

Councilor Buck disagreed, saying that she thinks the discussions have been representative of everyone’s thoughts, whether it was people who want zero limitations on STRs or people who don’t want any STRs in Fruita at all. She said the hard part is figuring out the compromise, which is something the Council hasn’t been able to do.

Councilor O’Brien agreed and asked how the Council would even know what the metric should be.

Councilor Buck pointed out that there are 1,300 homes in the “triangle” and that 50 is really nothing comparatively, nor would 65 be. She said she feels like the Council has really gone crazy trying to figure it out that no one could even come to some rational number at this point.

Councilor Harvey pointed out that there would be three new Council members after the municipal election with maybe three new sets of ideas.

Mayor Kincaid agreed with Councilor Buck that a compromise was necessary on the issue and when asked what his idea of a maximum number for STRs would be, he answered, in the 70 to 75 range, which is still way less than five percent of the total homes in the “triangle.” He suggested that the Council set a number that could be reevaluated on an annual basis after which the City would have received more community feedback.

Mayor Kincaid stated that his HOA does not have restrictions on VRBOs and there are lots of HOA neighborhoods that also don’t, so he thought the City should look at the whole community and not only the downtown core.

Councilor Leonhart disagreed and said that the downtown is where the people are that the City needs to talk to and when she and Councilor O’Brien went door-to-door, they were hoping to get input from the people who live there, because they are the ones who are living it. She agreed with Councilor Harvey that the City needs to hear from those people.

Councilor Kreie stated that the downtown “triangle” is desirable and people are focusing on it when they are buying the houses to turn them into STRs. He said he didn’t know if it was because those were more affordable or because that is where the tourists want to be. He said it does, however, take those houses away from the people who need them such as workers who don’t drive and he wondered if the



City were to limit the amount of STRs in the “triangle,” it would make STR owners expand out and not put as much pressure on the “triangle.”

Councilor Buck wondered if one act of down payment assistance per year could result from the City limiting the maximum number to 100 STRs city-wide and charging \$1,000 per permit (annually). She said this would turn the problem into an opportunity to help with the issue that the City has already been working on.

Councilor O’Brien was not opposed to raising the STR permit fee substantially and was in favor of implementing a maximum number.

Mr. Bennett noted that Councilor Breman had just joined the meeting virtually and was able to participate in the discussion. He commented that staff and the Council could continue to analyze the issue of restricting STRs for a long time and there still would be differences of opinion on what the “magical” number (maximum number of STRs allowed in the downtown triangle area) should be and he thought it was evident that the views on the Council were split in that some didn’t feel there should be any limits while others wanted to see a number of 50 or less. Mr. Bennett added that property tax for residential versus businesses was really a matter to be advocated for or argued against at the state level rather than the municipal one.

Mr. Bennett said that staff was recommending a compromise between zero STRs and no limit of STRs (knowing that the current regulations limit STRs to 50) of a change to 15 more STRs for a maximum number of 65.

Mayor Kincaid asked the Council whether they would allow Councilor Breman the right to vote on a motion because he arrived at the meeting late.

- **COUNCILOR O’BRIEN MOVED TO ALLOW COUNCILOR BREMAN TO VOTE ON ANY MOTION RELATED TO THE CURRENT DISCUSSION. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

Councilor Breman stated that he had been in the conversation for about the last ten minutes. He said he did hear the Mayor state his position on the matter and thanked him for that. He asked the Council if they had decided on a percentage of homes in the downtown “triangle” area that would be allowed to get an STR permit. Councilor O’Brien responded that no; the Council had only discussed a limit of 65 STRs in the “triangle.” City Manager Mike Bennett noted that this should equate to just under 5% of the homes in the “triangle” area.

- **COUNCILOR BUCK MOVED TO ADOPT ORDINANCE 2022-13 – SECOND READING – AN ORDINANCE AMENDING SECTION 17.09.060(I) OF THE FRUITA LAND USE CODE CONCERNING A LIMITATION ON THE ISSUANCE OF SHORT TERM RENTAL PERMITS AS PROPOSED. COUNCILOR O’BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES AND ONE NO VOTE (COUNCILOR BREMAN VOTED NO).**

**2) ORDINANCE 2022-12 – SECOND READING – AMENDING SECTION 1.28.020(A) OF THE FRUITA MUNICIPAL CODE CONCERNING THE MAXIMUM PENALTY FOR VIOLATIONS OF THE FRUITA MUNICIPAL CODE**

City Manager Mike Bennett explained that he was presenting Ordinance 2022-12 because City Clerk Margaret Sell was occupied with the 2022 Municipal Election. He noted that the Ordinance was drafted because there was a state statute change consisting of an increase to the maximum penalty for various violations that can be assessed by municipal court judges. The statute also reduced the maximum imprisonment time for violations of municipal ordinances from “up to a year” to 364 days.

The Council discussed the Ordinance at their February workshop meeting prior to the First Reading of the Ordinance, which occurred at the March 1, 2022 Regular Council meeting and set the public hearing for this Council meeting.

Council directed staff to reach out to Municipal Court Judge Dan Robinson to get his viewpoints on how and what he considers when he is assessing penalties for violations of the Municipal Code. The Council packet listed Judge Robinson’s input which Mr. Bennett summarized as being more flexible with a higher fee that the Judge might assess by reducing the fee based on certain factors or things that a person who has committed a violation can do such as other forms of restitution or community service.

Mayor Kincaid opened the public hearing. Hearing no public comment, he closed the public hearing and brought the Ordinance back to Council.

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2022-12 – SECOND READING – AMENDING SECTION 1.28.020(A) OF THE FRUITA MUNICIPAL CODE CONCERNING GENERAL PENALTIES FOR VIOLATIONS OF THE FRUITA MUNICIPAL CODE. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**8. ADMINISTRATIVE AGENDA**

**9. CITY MANAGER’S REPORT**

City Manager Mike Bennett had no updates.

**10. COUNCIL REPORTS AND ACTIONS**

**A. LDS CHURCH LETTER OF SUPPORT – CONSIDERATION OF A LETTER OF SUPPORT FOR THE RECONSTRUCTION OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS CHURCH BUILDING IN FRUITA, WHICH BURNED IN APRIL 2021 AND WAS SUBSEQUENTLY DEMOLISHED AND REMOVED**

Mayor Kincaid noted that he had brought a request before the Council from the LDS Church for the Council’s support of the reconstruction of the church that burned down. He said the Council members had all received a copy of the draft letter and asked whether there was any discussion about it.

Councilor Leonhart stated that she had an issue with the “church” piece of it because she didn’t think it was something that the Council should do.

Councilor Breman stated that he was in agreement with Councilor Leonhart.

Councilor Kreie stated that he might be against it if it were a new organization but he wasn’t because the LDS Church is an institution where so many people in the community have gone for worship. He said he felt it was different than the Council advocating for a religion; the Council was just advocating for the community to be able to continue to worship or do any of the other things they like to do.

Councilor Buck agreed with Councilor Kreie and added that she thought the letter was written pretty basic in that it only expressed a sentiment about a location where many residents got their structure as youth, regardless of the religion because that is where those things happened.

Councilor Leonhart said she didn’t disagree with any of those statements.

Mayor Kincaid said he was concerned because if it were any other building in the community regardless of who owned it, would the Council write a letter of support? He thought if it were a building that served the Fruita community, it wouldn’t matter what was associated with it; the Council would have no problem writing a letter in support of rebuilding it.

Councilor Kreie commented that he respected all other opinions on the issue.

- **COUNCILOR KREIE MOVED TO AUTHORIZE THE MAYOR TO SIGN THE LETTER OF SUPPORT TO THE CHURCH OF LATTER-DAY SAINTS CONCERNING RECONSTRUCTION OF THE LDS CHURCH IN FRUITA. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES AND TWO NO VOTES (COUNCILORS LEONHART AND BREMAN VOTED NO).**

## **B. COUNCIL REPORTS AND ACTIONS**

### COUNCILOR HEATHER O’BRIEN

Heather reported that the Parks and Recreation Advisory Board (PRAB) met the previous evening. They have been trying to get a Great Outdoors Colorado (GOCO) grant for the renovations at Reed Park and very narrowly missed getting an award. The board will reapply in September. Heather wondered if at some point, the City might have to figure out how to fund the project instead of waiting for grant funds because it has been in the works for so many years.

Heather also reported that the PRAB is working on some grant applications for the community garden project along the south side of the Fruita Community Center (FCC) near the Senior Center so that seniors could help with the garden. The FCC will have their new fee structures out before their June budget presentation to the Council.

Heather added that there are apparently, there are some new bikes at the FCC and a hip abductor is coming in soon, which will be nice.

### MAYOR JOEL KINCAID

Joel reported that the Fruita Tourism Advisory Council (FTAC) met and the City's new marketing firm, Colvita Creative is getting up to speed on everything and getting budgets done. A snag that they ran into is that the City budgeted \$10,000 for a tourism website redesign to make it more user-friendly, but Colvita came back with a bid of \$50,000 to \$100,000. The FTAC has decided to put it out for bid and staff is preparing the Requests for Proposal. Joel noted that when the City interviewed Colvita, they said that they could do the website redesign, but ended up coming back with a much higher number than what was imagined. The website redesign was not included in the contract between the City and Colvita.

City Manager Mike Bennett announced that the internet in the building just went down. He said he meant to mention to the Council earlier that staff has been working with Senator Bennett's and Senator Hickenlooper's offices on the Congressional District spending requests as part of the Infrastructure Bill where communities are asked to submit their projects. City staff has been in communication with the Senators' offices in utilizing the City's other projects that have already been vetted through the Council with the adoption of the budget to include road, bridge and sewer projects where the City is seeking grants already or has already begun design phases. Mr. Bennett said that staff just learned that the City also needs to have a letter from the Mayor, so he asked the Council if they would be okay approving a letter that the City is submitting certain projects, which will get Fruita in the running for possible funding. There was consensus among the Council members to direct staff to prepare the letter for the Mayor to sign.

Councilor Buck asked for confirmation that staff would be sending out an email of the Municipal Election results and asked where else the results would be posted. Mr. Bennett responded that the results would be posted on social media, the City's website, sent to local media outlets and emails would be sent to all Council members and candidates. He reminded everyone that the results were unofficial until the eight-day curing period is over, after which the results become official.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:44 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita