

**FRUITA CITY COUNCIL  
IN PERSON AND VIRTUAL MEETING  
APRIL 19, 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 (outgoing)  
City Councilor Karen Leonhart (outgoing)  
City Councilor Kyle Harvey (outgoing)  
City Councilor Ken Kreie  
City Councilor Heather O'Brien  
City Councilor Matthew Breman (virtually)  
  
City Councilor Jeannine Purser (incoming)  
City Councilor James Williams (incoming)  
City Councilor Amy Miller (incoming)

**Excused Absent:**

None

**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

**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 LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

There were no Proclamations or Presentations on the agenda.

## **5. PUBLIC PARTICIPATION**

Wendy Wood, 1891 J.6 Road, Fruita (not in City limits) offered her prayers for the City Council meeting, Mayor and Council members both outgoing and incoming, as well as the Fruita community.

There were no other comments from the public.

## **6. OLD BUSINESS - CONSENT AGENDA**

### **A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE MARCH 1, 2022 REGULAR CITY COUNCIL MEETING**

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 LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **7. PRESENTATIONS TO OUTGOING COUNCIL MEMBERS LORI BUCK, KYLE HARVEY AND KAREN LEONHART**

Mayor Kincaid gave his thanks to Councilors Buck, Harvey and Leonhart for their service. He pointed out that Karen Leonhart had served four years on the City Council, Kyle Harvey served eight and Lori Buck served sixteen. The Mayor presented them each with a custom rock plaque made by a local artist commemorating their years on the Fruita City Council.

Councilors Buck, Leonhart and Harvey each said a few departing words.

## **8. 15-MINUTE RECESS**

*The Mayor called for an approximate 15-minute recess at 7:23 p.m. and refreshments were served. Councilor Kreie reconvened the regular meeting at 7:49 p.m.*

## **9. NEW BUSINESS**

### **A. SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS AND THE MAYOR**

City Clerk/Finance Director Margaret Sell administered the Oath of Office of Mayor to Joel Kincaid. She then administered the Oath of Office of City Council to Jeannine Purser, James Williams and Amy Miller. All took their seats on the dais.

Mayor Kincaid explained that when he took over as Mayor, staff and the Council decided that the seats where Council members sit on the dais should be rotated after every Municipal Election so that City Councilors are not potentially sitting in the same seat for many years.

## **10. NEW BUSINESS – CONSENT AGENDA**

- A. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JARED PROCHNOW TO THE DOWNTOWN ADVISORY BOARD FOR A THREE-YEAR TERM TO EXPIRE IN APRIL OF 2025**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS AND SIDEWALK RESTAURANT PERMIT FOR FIESTA GUADALAJARA LOCATED AT 103 HIGHWAY 6 & 50**
- C. ORDINANCE 2022-14 – FIRST READING – AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, VACATING CERTAIN STREET RIGHT-OF-WAY ALONG WEST PABOR WAY FOR PUBLICATION OF PUBLIC HEARING ON MAY 3, 2022**

Mayor Kincaid opened the public hearing on the New Business Consent Agenda. Hearing no comments, he closed the public hearing and directed the Consent Agenda to the Council.

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

## **11. PUBLIC HEARINGS**

### **A. QUASI-JUDICIAL HEARINGS**

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO PROVIDE BEER GARDEN SERVICE AT THE CO2UT GRAVEL BICYCLE RACE AT CIVIC CENTER MEMORIAL PARK ON SATURDAY, APRIL 23, 2022 FROM 11:00 AM TO 8:00 PM – *DEPUTY CITY CLERK DEB WOODS***

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 Rotary Club will be followed.

Ms. Woods noted that Lou Mudd was present in the audience as the applicant's representative and asked him to provide any additional comments he may have.

Mr. Mudd explained that the Fruita Rotary Club has been providing beer garden service at Fruita's many festivals and special events for a very long time. He recalled two incidents over the many years where the Fruita Police Department had to get involved, but said there have been no other issues outside of those. The Fruita Rotary donates the funds raised by their beer garden services to many good causes in the community such as scholarships.

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

- **COUNCILOR O'BRIEN MOVED TO APPROVE THE SPECIAL EVENTS LIQUOR PERMIT FOR THE FRUITA ROTARY CLUB TO PROVIDE BEER GARDEN SERVICE FOR THE CO2UT GRAVEL BICYCLE RACE ON SATURDAY, APRIL 23, 2022 FROM 11:00 AM TO 8:00 PM SUBJECT TO THE CONDITIONS PRESENTED BY STAFF. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **B. LEGISLATIVE HEARINGS**

There were no Legislative Hearings on the agenda.

## **12. ADMINISTRATIVE AGENDA**

### **1) FINANCIAL REPORTS – A REQUEST TO APPROVE THE MARCH 2022 FINANCIAL REPORTS – CITY CLERK/FINANCE DIRECTOR MARGARET SELL**

City Clerk/Finance Director Margaret Sell gave her presentation on the March 2022 Financial Reports. She explained that with a new Council being seated, staff thought it would be good to go over them in a more detail. Typically, the City's Financial Reports appear under the Consent Agenda at the second regular Council meeting of the month.

Mrs. Sell reviewed all categories of February sales tax and use tax revenues (the City doesn't receive them until April) with percentage comparisons to the previous year and dollar comparisons between actual and budgeted numbers year-to-date, sales and use tax revenues broken down by industry categories, remote sales and Community Center revenues.

Mrs. Sell also provided an overview of Actual versus Budget Report, which is summarized by Fund. The City has 13 Funds; each with their own purpose and some of which are dedicated or designated

for certain expenses and governed by Generally Accepted Accounting Principles and a number of different regulations. This report shows where the City's revenues are as a percentage of the Budget for the year.

Mrs. Sell also supplied a short explanation of many of the City's funds and how they are accounted for and how the Financial Reports are tied to the City's budget process.

- **COUNCILOR KREIE MOVED TO APPROVE THE MARCH 2022 FINANCIAL REPORTS. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

### **13. CITY MANAGER'S REPORT**

City Manager Mike Bennett congratulated the three new City Councilors and thanked them for being willing to serve. He provided the following updates:

1. Reminder that Thursday, April 21<sup>st</sup> is when the Municipalities Dinner is scheduled and will be hosted by Mesa County this time. Mike ran through the list of Councilors who had RVSPd for the dinner.
2. Reminder that next Tuesday, April 26<sup>th</sup> at 6:30 p.m. is the City Council workshop that will be focused on training and discussion related to topics such as liability for elected officials, quasi-judicial hearings, *ex parte* communications, conflicts of interest and other various procedures. Mike requested that all watch a 17-minute online video about liability done by the City's liability insurance carrier. City Attorney Mary Elizabeth Geiger will also be in attendance (in person) at this workshop.
3. For May Council meetings, staff will be including more administrative-type updates on the agendas. These will include updates on Capital Projects and pending grant requests, an overview of growth and development (past and future) and priorities in all the recent Master Plan updates. This will lead into when a good date might be for strategic planning retreat to set the City Council Goals for the next two years. This may be held in place of the June workshop meeting, for example.
4. Reminder that on April 26<sup>th</sup>, the Grand Junction Economic Partnership (GJEP) will hold its Annual Western Colorado Economic Summit. Mike said he would be speaking at two sessions; one in the morning and one in the afternoon. He asked the Council members to let Deb Woods know if any of them were interested in attending because the event requires registration. Sessions are related to growth and economic development and the keynote speaker is the Economist Professor at Colorado Mesa University this year.
5. A review of the upgrade to the Weekly Information Update on the City's website at [www.fruita.org](http://www.fruita.org). Current updates are now much easier to navigate for mobile device users, but the main purpose of the upgrade was for people to be able to quickly scan through bulleted items of various topics to see what is happening in Fruita each week. Some of the bigger topics have their own section at the top such as, "General Updates." There is a link to the City's current

development projects under the “Planning and Development” section and a new section will be added for “Frequently Asked Questions.” Each week in the Weekly Update, there will be a new question and answer that will be added to a list of FAQs on the City’s website.

6. Staff will be rolling out two new social media platforms for general City information: Instagram and Next Door. These are the top two platforms that were requested in the 2021 Community Survey (in addition to what the City already offers).
7. Regarding the quarterly *City Link* newsletter, staff is looking at doing an online version that will likely appear every month (in addition to maintaining the quarterly hard copy). In the next issue coming out in mid-May, topics will include election results, annual weed notice, project updates for the North Fruita Desert Partnership program, a Pine Street Bridge project update, calendar of events and an article about growth in Fruita that will contain the history of growth and areas planned for growth in the future. Mike shared some interesting points about data from the state demographer’s office and the US Census Bureau that essentially show that while it seems that Fruita is growing quickly, it’s not growing as fast as it has in the past. Staff anticipates that Fruita will have between 2% and 2.5% growth rate in the next five years, year-over-year. Best practices typically show that healthy growth in communities can be anywhere from 1.5% to 3.5%. Mike added that all growth happens within the City limits or the Urban Growth Boundary and when the last Comprehensive Plan was completed, the Urban Growth Boundary was actually condensed - not expanded. The City is currently about half capacity with the Wastewater Reclamation Facility, which planned for the Urban Growth Boundary that was set in 2008. When that boundary was condensed, it reduced the developable land in between the City limits and the Urban Growth Boundary from 2,755 acres (2008) to 1,984 acres. Staff will continue covering growth in the City of Fruita in upcoming Weekly Information Updates.

#### **14. COUNCIL REPORTS AND ACTIONS**

##### **A. ELECTION OF A MAYOR PRO TEM**

- **COUNCILOR O’BRIEN MOVED TO NOMINATE MATTHEW BREMAN FOR THE POSITION OF MAYOR PRO TEM. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

##### **B. BOARDS AND COMMISSIONS – DISCUSSION OF VACANCIES AND INTERESTS FOR CITY COUNCIL LIAISON ASSIGNMENTS TO THE CITY’S VARIOUS BOARDS AND COMMISSIONS**

After each Municipal Election every two years and once the new Council members are seated, Council members volunteer to fulfill the roles of Council Liaisons to the City’s various Boards and Commissions as well as a few outside organizations’ boards.

The Mayor and Council members reviewed the list of Boards and their purposes, meeting dates, times and locations. Many of the members had already discussed these prior to the meeting and after more

discussion, all were able to immediately inform staff for which boards they chose to be liaisons. Mike explained that for the City's Boards and Commissions, there is a Staff Liaison who would be contacting the Council Liaison concerning upcoming meetings and their agendas. He added that he or other staff would be emailing about and/or introducing Council Liaisons to the non-City boards on the list.

**C. DISCUSSION AND POSSIBLE ACTION TO RESCHEDULE THE TUESDAY, JUNE 21, 2022 REGULAR CITY COUNCIL MEETING TO MONDAY, JUNE 20, 2022**

City Manager Mike Bennett explained that the reason staff was proposing to reschedule the June 21<sup>st</sup> regular Council meeting was because the Colorado Municipal League's (CML's) Annual Conference was scheduled for that week in Breckenridge, CO and he, Shannon Vassen and four Council members would be traveling to and attending the conference. Councilor O'Brien noted that she would not be able to attend a Council meeting on Monday, June 20<sup>th</sup>.

- **COUNCILOR KREIE MOVED TO RESCHEDULE THE TUESDAY, JUNE 21, 2022 REGULAR MEETING TO MONDAY, JUNE 20, 2022. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES. COUNCILOR O'BRIEN ABSTAINED SINCE SHE WAS UNABLE TO ATTEND.**

**D. COUNCIL REPORTS AND ACTIONS**

**MAYOR JOEL KINCAID**

Joel stated that although he was registered, he would not be able to attend the Grand Junction Economic Partnership (GJEP) Economic Summit. He asked if someone else wanted his ticket. Mike responded that if none of the Council members could attend, he could probably find a staff member who could.

Joel reported that he attended a Fruita Area Chamber of Commerce Board meeting and they are gearing up for Farmers Market and are still in the process of figuring out how to set the Chamber up as a non-profit. They are a 501(c)6, but would be eligible for more grant opportunities if they become a 501(c)3. The Chamber would like to apply for student scholarships and other community events.

**COUNCILOR MATTHEW BREMAN**

Matthew reported that GJEP has extended their search for a new Executive Director. The next GJEP Board meeting will be held in the morning at 7:30 a.m., which would be 4:30 p.m. his time (Matthew had joined the meeting virtually from Israel), but he didn't know if he would be able to attend because he was working on paperwork to return to the U.S. Mike noted that he would be there.

**COUNCILOR KEN KREIE**

Ken noted that he was on the Board of Directors for the Colorado National Monument and they finally have all the funding to reconstruct the Saddlehorn Amphitheatre. He said it will be very cool when it is finished and will be reasonable for people to rent.

Ken also reported that the Downtown Advisory Board (DAB) met and talked about Fruita Fourth Friday starting on April 22<sup>nd</sup>, the Mulberry Street closure and the Municipal Election. Councilor Purser noted that there will be a community potluck that has nothing to do with the DAB.

Ken also reported that the Associated Governments of Northwestern Colorado (AGNC) would be meeting the following day (April 20<sup>th</sup>) and he would not be in attendance.

COUNCILOR JEANNINE PURSER

Jeannine said it was exciting that the DAB has a lot of new members and that Jared Prochnow had also just been appointed on the Consent Agenda at this meeting.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:48 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita