

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
SEPTEMBER 6, 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 Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Heather O'Brien

**Absent at roll call,
but arriving late:**

City Councilor Amy Miller

City staff present:

City Manager Mike Bennett
Assistant to the City Manager Shannon Vassen
Deputy City Clerk Deb Woods
Planning and Development Director Dan Caris
City Planner Henry Hemphill
City Engineer Sam Atkins
City Attorney Mary Elizabeth Geiger

Also present:

Founder of Vortex Engineering & Architecture Robert Jones, II
Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Kincaid called for a moment of silence for all faiths and beliefs to have the opportunity for a silent prayer. He then led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

Deputy City Clerk Deb Woods stated that concerning agenda Item 7.A(2) SPECIAL EVENT LIQUOR LICENSE PERMIT APPLICATION under Quasi-Judicial Public Hearings, the applicant (Community Hospital – Colorado West Healthcare System) withdrew their application, so that item needed to be removed from the agenda.

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

1. PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations or Presentations on the agenda.

2. PUBLIC PARTICIPATION

There were no comments from the public.

3. CONSENT AGENDA

- A. AMENDED MINUTES – A REQUEST TO APPROVE THE AMENDED MINUTES OF THE JULY 19, 2022 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 16, 2022 CITY COUNCIL WORKSHOP MEETING**
- C. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 23, 2022 CITY COUNCIL SPECIAL WORKSHOP MEETING**
- D. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 23, 2022 CITY COUNCIL WORKSHOP MEETING**
- E. CONTRACT WITH MESA COUNTY FOR BUILDING DEPARTMENT SERVICES**
- F. ORDINANCE 2022-22 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY ONE (1) ACRE OF PROPERTY LOCATED AT PARCEL #2697-213-00-078 INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON OCTOBER 4, 2022**
- G. ORDINANCE 2022-23 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 4.54 ACRES OF PROPERTY LOCATED AT PARCEL #2697-213-00-094 INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON OCTOBER 4, 2022**
- H. ORDINANCE 2022-24 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY ONE (1) ACRE OF PROPERTY LOCATED AT PARCEL #2697-213-00-078 INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON OCTOBER 4, 2022**
- I. ORDINANCE 2022-25 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.54 ACRES OF PROPERTY LOCATED AT PARCEL #2697-213-00-094 INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON OCTOBER 4, 2022**

Mayor Kincaid opened the Consent Agenda to public comments. Hearing none, he referred the matter to the City Council.

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

4. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SERVE BEER AT FOOD TRUCK FRIDAY ON FRIDAY, SEPTEMBER 9, 2022 FROM 5:30 TO 8:00 PM AT REED PARK LOCATED AT 250 S. ELM STREET – *DEPUTY CITY CLERK DEB WOODS***

STAFF PRESENTATION:

Deputy City Clerk Deb Woods gave staff's presentation. She reviewed the pertinent aspects of the event according to the Chamber's narrative and provided the statement from Fruita Chief of Police Dave Krouse that he saw nothing in the application that would prevent the issuance of the license. Ms. Woods provided staff's recommendation as follows:

- That the application for the Special Event Liquor Permit be approved subject to the following conditions:
 1. The entrance and exit shall be monitored closely and continuously by event staff in order to prevent alcohol beverages from going into or out of the licensed area
 2. The licensee needs to be aware that they are solely responsible for control of the licensed premises.
 3. All other procedures that were presented by the Fruita Chamber will be followed.

Ms. Woods noted that Mike Ritter with the Fruita Chamber was present remotely as the applicant's representative.

APPLICANT PRESENTATION:

Mr. Ritter stated that there was one change to the application in that the Chamber was not able to get any breweries to serve beer, so event staff would be distributing cans of beer such as Bud Light, Coors Light and a few others from local breweries.

PUBLIC HEARING (PUBLIC INPUT):

Mayor Kincaid opened the public hearing. After hearing no comments, he closed the public hearing and referred the matter to the Council.

COUNCIL QUESTIONS/DISCUSSION:

Councilor Williams requested that additional recycling receptacles be supplied for the Food Truck Friday event since the Chamber would be serving cans of beer. Ms. Woods confirmed that she would look into getting some recycling containers at the park for the event.

COUNCIL MOTION:

- **COUNCILOR BREMAN MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AT THE FOOD TRUCK FRIDAY EVENT TO BE HELD ON FRIDAY, SEPTEMBER 9, 2022 FROM 5:30 TO 8:00 PM AT REED PARK LOCATED AT 250 S. ELM STREET. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- 2) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT FOR COMMUNITY HOSPITAL “CORNHOLE FOR CANCER” FUNDRAISER TO BE HELD ON SATURDAY, OCTOBER 8, 2022 FROM 1:30 TO 8:00 PM AT REED PARK LOCATED AT 250 S. ELM STREET – THIS AGENDA ITEM WAS REMOVED AS THE APPLICANT WITHDREW THEIR APPLICATION EARLIER IN THE DAY.**
- 3) **ROSE CREEK PRELIMINARY PLAN – *PLANNING AND DEVELOPMENT DIRECTOR DAN CARIS***

STAFF PRESENTATION:

Planning and Development Director Dan Caris entered staff's PowerPoint presentation into the record. The application was for a Preliminary Plan for the development of 20 single-family detached lots and 110 single-family attached lots over approximately 22.74 acres located in the Community Residential (CR) zone located at the northwest corner of 19 and K Roads. Mr. Caris' presentation included the following:

- Project description
- Legal notice methods and dates
- Zoning map showing subject property and surrounding areas
- Aerial photograph of subject property
- Fruita Elementary School boundary map
- List of five (5) Land Use Code criteria
- Density Bonus Analysis
- Planning Commission's recommendation of approval
- Updated subdivision layout including open space of two (2) parks for an overall total of 15,181 square feet (approximately .35 acres)
- Review comments and public comments
- Staff's recommendation of approval subject to the condition that all review comments and issues identified be adequately resolved with the Final Plat application

Mr. Caris stated that the Preliminary Plan application meets the Land Use Code requirements of conformance with the long-range plans and any applicable Code regulations that are codified within the Fruita Municipal Code and Land Development (Land Use) Code. Other requirements met include the following:

- Compatibility with surrounding land uses
- The ability to serve the site with urban-level services that are not just specific to utilities, but also to fire and police protection
- The preservation of any natural features and adequate environmental protection
- The ability for the applicant to resolve any and all comments that were placed by not only the City, but any review agencies

Mr. Caris stated that the applicant had requested a Density Bonus Criteria. He referred to a slide in the presentation that listed the applicable zone districts and performance metrics such as those that provide:

- 20% open space
- Bike and trail connections
- Alley or shared driveway or
- A mix of housing types

Mr. Caris explained that if an application meets any of the above criteria, it allows for one more dwelling unit per acre in addition to the already prescribed amount of density that is allowed within the zone district. For the Rose Creek Subdivision, the applicant has requested a Density Bonus Criteria for the bike and trail connections. The Land Use Code minimum is 500 linear feet of trail and the applicant has proposed to construct approximately 1,379 linear feet of internal trails within the subdivision, making the application qualify for one additional Density Bonus.

Mr. Caris explained that because a mix of housing was also being proposed, the applicant wanted to apply for Density Bonuses for both the trail connections and the mix of housing types; however, the applicant would only need one additional Bonus Criteria for the density being proposed for the subdivision. He also pointed out that the Code requires that 20% of dwelling units need to be attached, but the applicant was requesting dwelling units of 110 attached (85%) and 20 detached (15%).

Mr. Caris stated that the Planning Commission held a public hearing on August 9, 2022 and recommended approval by a vote of 5 to 1. The conversation focused mainly on open space and most public comments included concerns regarding density, irrigation, traffic and the intersection of 19 and K Roads. As the Planning Commission deliberated, they narrowed it down to a recommendation of approval of the application subject to the conditions that:

- All written and verbal representations made by the applicant be part of the condition of approval
- Open space be added into the project plan

Mr. Caris announced that staff had received a new site layout illustration from the applicant proposing that the developer construct open spaces for two parks of approximately ¼-acre lots each. This was in recognition of the comments that were received by the applicant at the Planning Commission public

hearing. Mr. Caris noted that the adjustments to the plan did not change the numerical count of the lots being proposed.

Mr. Caris noted that all review and written comments were included in the Council packet and added that the applicant completed a neighborhood meeting on August 1, 2022 prior to the Planning Commission meeting. As a result, it was staff's recommendation that the Council approve the proposed Rose Creek Preliminary Plan with the condition that all review comments and issues identified in the staff report are adequately resolved prior to the Final Plat application.

APPLICANT PRESENTATION:

Robert Jones, II with Vortex Engineering at 861 Rood Avenue in Grand Junction provided a PowerPoint presentation as the applicant's representative. He described the proposed development as a subdivision with a mix of detached and attached dwellings on 22.74 acres and proposed density of 5.7 dwelling units per acre. Mr. Jones called the density compatible with existing residential developments adjacent to the property and the City's future land use designations of between four and eight dwelling units per acre.

Mr. Jones stated that after hearing the comments from the adjacent neighbors and others that were at the Planning Commission public hearing, the developer agreed to modify the Plan to provide more green space with the addition of two pocket parks, which would be landscaped and would have playground equipment on them. He pointed to these areas on a map.

Mr. Jones said that based upon how meeting the requirements of the approval criteria of the Fruita Land Use Code (Sections 17.21.040., 17.05.080 and 17.09.040) and how all review comments had been or will be addressed through the Final Plan application process, he was requesting the Council's approval.

PUBLIC HEARING (PUBLIC INPUT):

Mayor Kincaid opened the public hearing and asked that all comments be limited to three minutes.

1. **Alan Elmsley**, 1551 Lola Court in Fruita said he was very pleased to hear the City Engineer report that there is some flexibility on green (open) space and noted that he brought a PowerPoint presentation that he had prepared to the meeting. The slides contained:

- A list of three (3) parks that are within 1.5 miles of the subject property
- Concerns about two (2) additional pocket parks in Rose Creek and how they would affect Brandon Estates HOA's:
 - Annual fee increases
 - Liability/insurance
 - Repairs and maintenance
- Concerns about the amount of open space proposed (Brandon Estates at 667 square feet of open space per residential unit compared to Rose Creek Subdivision's 300 square feet of open space per residential unit)

Councilor Amy Miller arrived at the meeting at approximately 7:30 p.m. but sat in the audience for the remainder of the public hearing and did not vote on the matter before Council because she was absent from staff's and the applicant's presentations.

2. Karen Ford, 1573 Elmont Court in Fruita read her statement as follows:

"In my opinion, the proposed density is too high for the location of this subdivision. It's my understanding that the Rose Creek proposal is for 130 dwelling units: 85% attached, duplex-like townhomes and 15% single-family detached homes. Why not reverse those percentages to 15% attached, duplex-like townhomes and 85% single-family detached houses? I understand that the City of Fruita needs more affordable housing, but this development is on the eastern boundary of the City of Fruita at 19 and K Roads. The other side of 19 Road (the eastern side) is agricultural. This to me is a classic example of sprawl rather than infill. If infill is the goal of the Comprehensive Plan, then infill should occur more at the heart; the downtown core of Fruita, not start at its more rural edges. By the way, I thought that Jeannine and James campaigned on opposing development like this and on keeping the small town, more rural feeling of Fruita. This is like Dwell 2.0 that was proposed off 17 ½ Road a few years ago and that project was rejected largely due to the large-scale, grassroots petitioning effort of the nearby residents. Thank you for hearing my perspective."

3. Joanne Anderson, 1748 Powis Lane in Fruita stated that she had a couple of concerns; mainly about the infrastructure of Fruita. She said it seems as though there's been building "hand over fist" everywhere and she doesn't feel that the infrastructure of Fruita supports the existing population. She said she did get a petition signed for a moratorium on building until the infrastructure is improved to support the current residents of Fruita. She added that there'd been no talk about putting in speed bumps in Rose Creek Subdivision on the roads that will transit through Brandon Estates, which she thinks are crucial to keeping the flow of traffic to a "dull roar." Ms. Anderson also said she spoke to a firefighter/first responder who is a resident of Brandon Estates as well and he made the comment that he would not want to have to go in there (Rose Creek Subdivision) in an emergency because the ingress and egress is so tight that it would cause a difficulty. She also said she didn't know who in the Planning "cycle" looks at that type of situation for ingress/egress of emergency vehicles or even if that had been done.

4. Josh Ison, 1575 Lola Court in Fruita said he has lived in Fruita for three years now and he just wanted to discuss why the 85%/15% Density Bonus couldn't be flipped. He continued that the proposed development would not look the same as Brandon Estates (the buildings would look different) and added that with the access point right in the middle of the subdivision for 24 vehicles to park, there is nowhere else in Fruita that looks like that. He said that people don't want to live all jam-packed together with no room to breathe and that the spirit of the Density Bonus is to allow a mix of housing, but that the proposed development would create a neighborhood of the same type of house only to be bordered by a different type of house.

5. Mark Miller, 1725 Powis Lane in Fruita stated that he and his wife have lived in Fruita for almost five years in the very beautiful community of the City of Fruita. He read a statement he had prepared as follows:

“As a future neighbor residing in close proximity to this proposed development, first, let it be known that we recognize and fully support the owner of this development’s rights to utilize and develop within certain reasonable limits their property as they please and deem fit. This is fundamental and undisputed. Having acknowledged this however, several things come to mind which we hope will be taken into consideration for the sake of all interested parties in our community. Given the proposed density of this new development, these relatively smaller developed properties will necessarily be priced toward lower-value homeowners. This, in of itself, is not an issue; there’s always been and will be strong market demand for lower-priced homes. However, with this type of development, if there’s common access between the existing development of Brandon Estates and Rose Creek Subdivision, the residents of each development may experience undesirable effects from increased road and other traffic from the residents of one development into the other such as noise, greater traffic volume, increased potential for vandalism, theft, etc; however, perhaps the most significant impact of developing Rose Creek Subdivision utilizing the current high density plan would be the negative impacts upon all surrounding property values. The cumulative collective negative effects of this development upon property values for the residents in and around Brandon Estates will most certainly be in the tens of millions of dollars. Preferably, I would like to see the City Council reject outright the plan for development of Rose Creek Subdivision as it currently exists. Our community may perhaps be able to utilize and even welcome a development such as this in our area, but not in such close proximity to existing developments of such dissimilar nature and not to such a profound detriment to neighboring properties and neighborhoods. I urge the City Council to either insist upon a complete redesign for this proposed development in a style and density mirroring that of the existing neighboring properties or refuse to authorize any plans for the development of this property otherwise. Thank you for your consideration.”

Mr. Miller handed the Mayor, Council members and Deputy City Clerk a hard copy of the comments that he just read.

6. **David Lee**, 1894 Hartz Court, Fruita (not in City limits) said he considers himself as having lived in Fruita for 25 years since he lived in Sunflower Estates and Orchard Valley West for a number of years before moving to where he lives now. He said he knows he lives within the Fruita Growth (Boundary) Plan and has always expected that the area at 19 and K Roads would eventually have a subdivision built on it. He continued that the thing that he brought up at the Planning Commission meeting was concerning whether the Fruita City Council needs to look at the City’s Land Use Code regarding density because it always seems to be the argument over the last couple of years. Mr. Lee stated that he could not imagine living in Fruita in such high density with such small lots and that he finds it very interesting that the Planning Commission had originally denied this project. Mr. Lee wondered why the City even has a Planning Commission if land developers can do whatever they want as long as their development meets the requirements of the Land Use Code. He said his big issue is that he sees the constant approval of more subdivisions coming in from 19 and K going all the way down to Highway 6 & 50 and therefore, wants to know what the City is going to do with that traffic. Mr. Lee commented that having a developer pay for a traffic study is almost like “the fox guarding the hen house” and asked why the City of Fruita doesn’t pay for the studies and then charge the

developer. He said the traffic studies do not take into consideration other developments that are already in the planning stages; for example, this particular traffic study didn't take into consideration the Fruita Mews project going in right near the new elementary school and the traffic that will be going down 18 ½ and 19 and K Roads.

Mayor Kincaid advised Mr. Lee that his three-minute time limit was up and asked him to finish his train of thought.

Mr. Lee said he wanted to know what the City's plans are for the traffic on 19 Road and added that his biggest thing he feels like the City needs to do is make 19 and K Roads a four-way stop now, not later, so that city and county people can get used to it and don't continue to have accidents there all the time.

7. **Michael Handley**, 1646 Myers Lane in Fruita noted that he is on the HOA board for Brandon Estates and also serves on the Architectural Approval Committee as a liaison to the board. He said that the residents of Brandon Estates have always assumed that they would have development on that parcel of land and always assumed that it would look a lot like Brandon Estates. He stated that his concern is the density and that the developer was packing families in about as tight as they could be packed in on that amount of acreage. Mr. Handley continued by saying that the thing that the developer wasn't recognizing is that all those families that take their kids to and from school will be coming down Myers Lane to 18 ½ Road and over to the elementary school on K.4 and that it is going to be a lot of extra traffic through Brandon Estates. He said also he wanted to echo what had already been said and then he urged the Council to slow it down, take a look and consider whether this development adjoining Brandon Estates is really an appropriate development. In addition, he agreed that the density should be flipped so that 15% would be attached housing and 85% would be detached.

8. **Tiffany Kinney**, 1575 Lola Court in Fruita read her statement as follows:

"I have lived in Fruita, voted in Fruita and paid Fruita taxes for three years. I am in support of the Fruita Comprehensive Plan, which supports infill over sprawl. I just want to say this infill does not have to take the shape of 85% attached housing; it could take different forms that are more mitigated and consistent with housing developments already existing in the surrounding region. Additionally, the Comprehensive Plan supports a thriving downtown core and as such, I would argue it's more appropriate to build a development like this with higher density closer to downtown. While the developer claims that there is slower development in Fruita, this development should be thoughtful and intentional and as is consistent with the surrounding region. It should not be made hastily to allow this developer to make a quick buck. I'm not against development; I'm against development that is solely about profits and not about providing the opportunity to live as a Fruitian. We want our future neighbors to live as Fruitians, not to be cramped into this neighborhood. When we first moved to the Grand Valley, we had the opportunity to live anywhere in this region and we strategically chose Fruita. Additionally, this developer claims that these houses will help quote "strategic economic development" by adding affordable housing and I do not believe that this is true in that these houses will be priced outside the range of many workers. This has already happened in our neighborhood when they developed more of Lola

Court; they put in six different houses there that were all 300 square feet less than other ones and they sold them for \$400,000 each. So, with that, I just also want to say the compatibility of the Rose Creek neighborhood is not in line with Section 17.07.08. This neighborhood and its design have a disproportionate and severe impact on Brandon Estates, on the traffic that flows throughout the neighborhood and on the overall look and feel of Brandon Estates. The traffic will increase; it doesn't take a team of engineers to figure out that adding 130 attached houses will add more than 260 drivers on the streets of Fruita and Brandon Estates. While the roads will not degrade because of that many drivers, it will certainly increase traffic in that region. We are excited ultimately to welcome new neighbors to Fruita. We have loved living in Fruita and love living in Brandon Estates, but this plan is not the way to do it, to add onto this existing neighborhood. Again, this plan should be rejected. Just because something can technically be done according to City regulations does not mean it should be done. In closing, you should vote no on this Rose Creek Subdivision; it's not the right plan. As our elected representatives, you have the ability to require this developer to come up with the right plan for Fruita and its residents – some sort of compromise; not this travesty. Thank you."

Assistant to the City Manager Shannon Vassen confirmed to Mayor Kincaid that there was no one online requesting to speak, as he had since the beginning of the public hearing between speakers from the in-person audience.

9. **DC Alcantara**, 538 Lois Drive in Fruita said he has been a Fruita resident for eight years and has voted and paid taxes in Fruita. He stated that his concern, as a former EMT first responder, is ingress and egress out of Brandon Estates and this particular subdivision, Rose Creek. He expressed concern with there being any kind of "small disaster," saying that there would be multiple EMS and local law enforcement agencies trying to vie for access into the subdivisions if there was to be only one entrance onto 19 Road. Mr. Alcantara referred to the recent fire in Paradise, CA, where there was one entry and exit, and he thought the proposed development was something that should be seriously considered before being allowed to move forward. He also mentioned high density being another concern because all of his neighbors have children who walk and ride bicycles in the area. Finally, he agreed with all the comments and suggestions of the people who spoke before him.
10. **Robert Rudio**, 1542 Elmont Court in Fruita stated that he had already heard most of his concerns addressed with the exception that he feels the balance between single-family detached and attached is way out of proportion given its proximity to Brandon Estates and how many additional people would be trying to come through his neighborhood to get to and from school. He called it a bit egregious. Mr. Rudio said he felt it was also important to add a condition to whatever gets approved that the barriers that are now at the end of Myers Lane and Powis Lane remain intact until all construction is complete so that construction traffic is not going through Brandon Estates.
11. **Justin Gollob**, 1659 Powis Lane in Fruita said he echoed what his fellow audience members had said. He said he wanted to draw attention to the issue of compatibility; that he is a supporter of the Comprehensive Plan and was part of that process, as well as a supporter of people moving to Fruita because he is not anti-growth, but he still wanted to convey a message of smart growth.

Mr. Gollob continued that his was also a message of understanding that there are already people who live there and that the City needs to think about their positions when thinking about growth. He said he considers compatibility the big issue because like it or not, Rose Creek would be an informal extension of Brandon Estates; there is no delineating factor. Mr. Gollob thanked Vortex Engineering for adding the two park spaces and for “feathering” some of the attached housing with the detached housing around the perimeter that abuts Brandon Estates, but he certainly thought there could be much more to it. He said the minimum for diversity of housing is 20% but the developer chose 85% and that was a choice which he urged them to rethink as well as to think of creative ways to perhaps feather the attached housing further away from the edge of Brandon Estates because the purpose of the Community Residential zone is to “allow for moderate density detached single-family residential neighborhoods with the inclusion of other housing types.” Mr. Gollob said residents of Brandon Estates knew there was going to be a development adjacent to them, but he still thinks there’s a different way to do it while looking at the existing neighbors and their interests. He asked the Council to think about how 2/3 of the roads for the proposed subdivision will go through Brandon Estates and recalled how some of the words concerning growth that were spoken at the Candidate Forum (for the 2022 City Council election) included “growth should be managed slowly, smart growth, listening, compromise.” Mr. Gollob said he supports diversity of housing but that the proposal before the Council was too focused on the people coming in and not enough on the people who live there. He respectfully asked the Council to decline the proposal.

There were no further comments from the comments, so Mayor Kincaid closed the public hearing. He asked for the applicant’s rebuttal.

APPLICANT’S REBUTTAL:

Mr. Robert Jones, II recalled how he had participated in the development of both the Comprehensive Plan and Land Use Code Update in response to the issues that the City of Fruita faces concerning housing. He pointed out that from 2010 to 2018, 97% of all new construction in Fruita was single-family detached homes, which he called a problem. Mr. Jones II added that this is one of the reasons that there is a struggle with housing prices, affordability and even attainability in Fruita. He also recalled that the Comprehensive Plan had over 4,000 participants and said *that* is the Plan that the residents of the City of Fruita wanted; that the community as a whole developed that plan and that it was subsequently approved by the City Council.

Mr. Jones II addressed the comments about reversing the 15% (for detached dwelling units) and 85% (attached dwelling units) by saying that the intention for the percentages were for all the reasons that he just listed. He added that if he were to bring a plan before staff with the percentages reversed, it wouldn’t comport to Fruita’s Comprehensive Plan and would not meet Fruita’s Land Use Code requirements, either.

Mr. Jones II stated that he loves the word compatibility because it can mean so many different things to so many different people, but he thought everyone could agree that compatibility does not mean “exactly the same.” He said he heard comments about access and traffic and added that the proposed development has three public access points just like the adjacent neighborhood, Brandon Estates, does. Mr. Jones II argued that there is no issue with access into the development; that the Lower Valley Fire

District was part of the review process and they had no issues with the access or the internal design of the project for first responders or otherwise.

Mr. Jones II noted that he had asked Traffic Consultant Eric Marquez with Apex Consulting Engineers, LLC, to speak about the Traffic Study he conducted that may help others to better understand what impacts, if any, the proposed development would have on 19 Road and the adjacent development (Brandon Estates).

Mr. Eric Marquez said he wanted to address the validity of the Traffic Study. He said the concerns he heard from the public didn't make any sense to him and that he wanted to educate the people that engineers are reviewed consistently by their peers. He said first of all, getting an engineering degree isn't very easy and getting licensed is even harder. He added that every single document that engineers prepare are peer-reviewed by up to four to ten licensed engineers who all have a duty to their communities for the safety of the population and to look for deficiencies and bring them forward if they saw any.

Mr. Marquez compared it to going to the doctor. He said that if a Council member (for example) was going to the doctor, he/she would feel much better about it if they knew that the doctor's evaluation would be peer-reviewed by four other people and that there is literally the ability to take the doctor's license away if he/she makes an egregious mistake. Mr. Marquez said that he prepared the Traffic Study and that it was peer-reviewed by another Apex employee who was formerly the Transportation Engineer for the City of Grand Junction and also by the City of Fruita Engineer, Mesa County's Transportation Engineer Dan Larkin and Robert Jones II with Vortex Engineering and at no time were there any comments from any of those reviewers saying that something was invalid. Mr. Marquez stated that the Council and members of the public in attendance should have confidence in the engineering documents prepared for the proposed development.

Mr. Marquez said he also wanted to address growth. He noted that one of the comments was about how the Traffic Study engineers don't take into account other developments as part of the Traffic Study. He said growth is actually one of the items listed in the Table of Contents of his report and that Apex Engineering uses data that is supplied by the local Transportation Engineering Regional Group to evaluate and determine what growth rates to apply to different roads throughout Mesa County. He said that Mesa County is lucky to have such a thorough database with constant updates on how to manage and adjust for growth.

Mr. Marquez concluded by saying that most of the traffic is going to go to the east down 19 Road and K Roads. He said he recognizes that some of the traffic is probably going to go through Brandon Estates but added that 10-12% of Brandon Estates traffic is estimated to go through the new project as well. Mr. Marquez explained that this meant that there would be 15 cars in the morning during the peak hour and 17 cars in the evening peak hour and he would not necessarily call that a huge increase in traffic for either subdivision.

In summary, Mr. Jones II stated that the project meets the Comprehensive Plan and Land Use Code and that he has worked with staff to bring a great project to the City Council. He noted that staff and the Fruita Planning Commission were recommending approval to the City Council.

COUNCIL AND STAFF DISCUSSION:

MAYOR KINCAID noted that one of the questions was concerning the two roads from Brandon Estates going into the new subdivision and asked why in some old neighborhoods, stub outs are built for future development.

Fruita City Engineer Sam Atkins explained that there is a piece of property immediately to the southwest of the subject property that is pretty expensive and staff really doesn't see the sense in stubbing a street to that property. He said that any other stub would be to the properties to the north, but that they don't appear to be very developable; they are not agricultural lands and that is why the City did not provide the stub outs to those properties.

Mayor Kincaid asked for further clarification on why the City puts in stubs from older neighborhoods with respect to planning for future growth. Mr. Atkins responded that Brandon Drive is technically stubbed to the north into the Burenheide property. He said that pursuant to the Land Use Code, the City doesn't want everybody to go out and be locked in where they can't get from one neighborhood to the other without going out onto the major roads and that there needs to be interconnectivity between subdivisions.

Mayor Kincaid also asked about construction traffic; whether the City opens up roads after neighborhoods are complete. Mr. Atkins replied that a lot of times, those roads are from stubs from the previous subdivisions, but in this particular case, he thinks the stubs can be kept closed through a certain number of filings until the one, singular access does not make sense anymore.

Mayor Kincaid asked Robert Jones II how that would affect the filings that they would be doing. Mr. Jones II said that the intent is to complete all of the infrastructure at once and then go in and plat by filing. He added that he could certainly work with staff to see what could be accommodated to keep those stub outs closed as long as possible. He stated that obviously, he would have to follow the Land Use Code, which has specific triggers based upon number of units and when additional access points are needed to be brought online.

Mayor Kincaid also asked about the widening of 19 Road. He wanted to know if there would be a turn lane that runs the whole length of the property or if it would only be at the access point. Mr. Jones said that there is a 330-foot transition taper that runs from the south into a 313-foot deceleration lane as well as an additional redirect taper to the north of that so that all together, there will be about 1,400 feet of roadwork that will need to be done on 19 Road. He added that the turn lane design is one of the elements that Vortex is currently working on with the City of Fruita Engineering Department as well as the Mesa County Transportation Engineering Department.

Mayor Kincaid asked if Vortex Engineering had included any traffic-calming features in their Plan between the two subdivisions. Mr. Jones II responded that this was one of the things he discussed with staff upfront; City Engineer Sam Atkins requested it, so on the northern road named Myers, there would be a kind of "jog" in the road, which is actually a traffic-calming measure that he worked on with staff.

COUNCILOR O'BRIEN asked how a "jog" in the road would help calm traffic and Mr. Jones II responded that it has been proven through various studies that the introduction of horizontal misalignments on roads causes people to instinctively slow down versus being on a straightaway. He added that between the two developments, Myers Lane would have the longest straightaway and that is why they put the horizontal jog there.

Mayor Kincaid asked if Vortex was opposed to other elements that would help slow traffic. Mr. Jones stated that he was not.

COUNCILOR KREIE referred to the 19 and K Roads intersection and asked what the process was for putting in a four-way stop sign. Mr. Atkins stated that one of the review comments that staff had was to evaluate the warrant for a four-way stop there. He said the developer's consultant can do that.

Councilor Kreie asked if there would be any privacy fencing around the new subdivision that might cause "fence canyons." Mr. Jones II said there will be fencing around the project. Mr. Atkins added that there is a 50-foot half street right-of-way dedication with an additional 20-foot landscape strip, so the fence will not be right up against the roadway.

COUNCILOR WILLIAMS asked how many units are in Brandon Estates and an audience member answered that there are 112. Mayor Kincaid reminded the audience that the public hearing for comments had been closed. Councilor Williams said that the reason he asked was because the applicant had mentioned something about the amount of open space being tied to the number of units. Mr. Atkins stated that staff would look it up and let the Council know. Councilor Williams expressed appreciation for the addition of the two parks for green space but said that they were still quite minimal and that he thought it should be the same as it was for Brandon Estates. He also asked why the access was such an issue and if Powis Lane could also have an opening to 19 Road. Mr. Atkins explained that the classification for 19 Road was eventually going to be an enhanced travel corridor; it would not be a small road and that the spacing would be too close to the intersection. He also noted that Brandon Estates actually has 121 dwelling units. Mayor Kincaid asked how much open space there is in Brandon Estates and Mr. Atkins said staff would have to get back to the Council on that.

Councilor Williams said he was concerned about the access and that it would be nice if there was another one because of the need for emergency vehicles to get into and out of the proposed subdivision. He pointed to the area on the bottom of the map (south towards K Road) and said he was curious if there was a way for gain another access down to K Road. Mr. Atkins said that was too close as well. Staff did have review comments from Lower Valley Fire District and the Fire Marshal's comment was that the applicant provide more of a looped-type system rather than the two hammerheads that were originally proposed so that the only way the entrance would be blocked was if it was within that one-lot width and then there's other accesses to the west for emergency purposes. He said staff did not receive any comments of concern from review agencies about this access. Councilor Williams said he figured as much and that he just wanted to put the issue out there for discussion.

Planning and Development Director Dan Caris answered an earlier question about the size of the open (green) space in Brandon Estates; that there is 2.95 acres of open space including the public trails. Councilor Williams asked how big the new, proposed development open space will be. Mr. Jones II stated that the project was not designed on a certain percentage point; that one of the options in the Bonus Density section of the Fruita Land Use Code is, in fact, open space which triggers at 20% of the overall project in order for the Bonus point to be allowed. In this instance, the developer chose the Diversity of Housing Types as well as the off-street trails to meet the requirements for Bonus Density points.

Mr. Caris answered a previous question about the size of the open (green) space in the new development, saying that it is 1.73 acres. He said he also wanted to point out for the benefit of the

Council that Brandon Estates is a Planned Unit Development; it's not a straight-zone subdivision so it's not going through the same approval criteria that the current application is going through.

COUNCILOR PURSER thanked all the audience members for their comments and time, noting that even though staff and others had the opportunity to have many several discussions back and forth based on Planning Commission and other meetings, it really was the Council's first time to listen and hear all of the comments and concerns. She stated that she didn't necessarily think that anyone was questioning the validity of the Traffic Study, but she was still curious if after this public hearing there was anything else that staff could offer. Mr. Jones II responded that the various permutations that the Plan has gone through over the last year to year and a half resulted in what was before the Council currently. He called it a good Plan that meets the City's Comprehensive Plan and the requirements of the Land Use Code and that he hadn't heard anything earlier during the public hearing that would really make him pause and cause him to question the Plan before the Council.

Councilor Purser said she also wondered what the usual density of downtown Fruita is and how it compares to the Rose Creek Subdivision. Mr. Jones II pointed out that downtown Fruita has smaller lots with alleys, which is somewhat similar to what was being seen in the Preliminary Plan for Rose Creek Subdivision. He said that is why the Community Residential Zone was modified in the Comprehensive Plan to carry it from four to eight (dwelling units/acre), giving it a base density of six while Rose Creek is at 5.7 dwelling units per acre. Councilor Purser asked if Mr. Jones II was trying to emulate the downtown "feel" with the proposed subdivision. Mr. Jones II confirmed that he was.

COUNCILOR BREMAN asked if there was any methodology to evaluate property value on adjacent neighborhoods. Mr. Caris said it was not a criteria for approval and staff does not do that when they get subdivision applications. Councilor Breman referred to a comment made earlier by someone named "David," saying that he agreed with his statement that perhaps the City needs to look at the Land Use Code to see if it is, indeed, the direction in which it should go, but acknowledged that the developer has met all existing Code requirements.

COUNCILOR O'BRIEN recalled how the Council has spent the last two years revising the Land Use Code. She said that in her opinion, it was time to be brave and bold; that flipping the percentages (85%/15%) just perpetuates the problem of having nothing but single-family detached homes built in Fruita and pricing so many people out of the market. She stated that beginning teachers can't buy homes in Fruita; they are teaching here in Fruita's schools but living elsewhere and she knows this because they are her friends. Councilor O'Brien said concerning compatibility, there's nowhere in Fruita that the proposed development would be compatible because the City is mostly single-family detached housing and the vision that was set forth is that the Council wants the people who work here to be able to live here. She added that if the City does nothing but build single-family detached homes, it is only going to further limit people's access to living in Fruita and that the great thing about its small-town feel is its inclusivity. Councilor O'Brien pointed out that the unfortunate reality is that it is not going to make everyone happy. She said she didn't get elected to make everybody happy because that's impossible; she got elected to try to have a wide, general understanding of how a municipality functions and to try to make decisions for 10, 20, 30 years down the road.

Councilor Breman said that there's room for conversation down the road about whether Fruita has the right Land Use Codes; that it is always open for discussion as it should be. Councilor O'Brien agreed, but said while serving on the Planning Commission for a year and a half when the City was looking at

revising the Land Use Code, there were times when discussions about requirements for Density Bonuses were batted around for hours and hours over the course of many meetings. She said she was really excited about Fruita trying to do something besides just single-family homes because the problem is never going to be solved if that's all that is built.

Councilor Williams said that someone did bring up that originally, the Planning Commission turned the project down and he was just curious if there was more information about that. Mr. Caris responded that it was a failed motion, the vote which was essentially tied and so another vote had to be taken to render a decision. He added that there was a lot of questions being asked back and forth with City Attorney Geiger and staff to contemplate what the approval criteria is saying in relationship to the comments that were made and so the Planning Commission re-voted with the insertion of the Council contemplating whether or not open space would be incorporated into the development. He also said that the old Fruita Town Site Plat had 2,500 square foot lots within the downtown and when the City went through the Comprehensive Plan process, staff looked at the maximum allowed densities within particular zone districts such as Community Residential having four-to-six dwelling units per acre being built out at the observed density of about 3.62 units per acre. At that time, the maximum density that was allowed was about 12 dwelling units per acre with a build out of the downtown at 3.8 buildings per acre since staff has to contemplate that there are commercial land uses that are within that zone district. Part of the reason for some of those changes is that it is widely known that it is an unhealthy land use practice to have a downtown built out at similar densities as a residential zone district. He said when the Comprehensive Plan contemplated this, it led to many of the changes in Fruita's Land Use Code.

Mayor Kincaid noted that staff had just received an email concerning sidewalks from Aaron Hancey, who lives adjacent to the subject property and serves on the City's Planning Commission. Mr. Hancey wanted to know if the sidewalk would go from Brandon Estates all the way down to the subject property or if there would be a break where the private property is located between the subdivisions. Mr. Atkins said there are two properties to the west where the rights-of-way don't exist that will have curb, gutter and sidewalk in front of them, although there will be a break in the sidewalk at the furthest-west property before getting to Brandon Estates. Mayor Kincaid also asked if the proposed development would also have the drainage associated with those properties and Mr. Atkins confirmed that to be true.

COUNCIL'S MOTION:

- **COUNCILOR BREMAN MOVED TO APPROVE THE PROPOSED ROSE CREEK PRELIMINARY PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION.**

City Attorney Mary Elizabeth Geiger requested that the motion be amended to include the revised proposed Plan illustrating the two open spaces because that wasn't part of the original application.

COUNCIL'S AMENDED MOTION:

- **COUNCILOR BREMAN MOVED TO APPROVE THE REVISED PROPOSED ROSE CREEK PRELIMINARY PLAN WITH THE CONDITION THAT ALL**

REVIEW COMMENTS AND ISSUES IDENTIFIED BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES AND ONE NO VOTE (COMMISSIONER WILLIAMS VOTED NO).

Mayor Kincaid instructed Councilor Miller to take her seat on the dais for the rest of meeting. She did not participate in the above public hearing for the Rose Creek Subdivision Preliminary Plan application due to arriving late to the meeting.

B. LEGISLATIVE HEARINGS

- 1) RESOLUTION 2022-23 – AMENDING THE 2022 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS FOR THE WELLSRING PROJECT, TRAIL CONSTRUCTION, BIOSOLID BUILDING REPAIRS AT THE WWRF AND VEHICLE REPAIR AND MAINTENANCE – ASSISTANT TO THE CITY MANAGER SHANNON VASSEN**

STAFF PRESENTATION:

Assistant to the City Manager Shannon Vassen provided staff's request to amend the 2022 Annual Budget and provide supplemental appropriations in the General Fund, the Public Places Fund, the Sewer Fund, and the Fleet Maintenance Fund as follows:

General Fund - \$3,000

- This resolution reappropriates \$3,000 of unspent grant revenues from the Arts and Society Grant, received in 2020. Using these funds, the Fruita Arts and Culture Board is partnering with Riverside West to host another Wellspring Project this year.

Public Places Fund - \$20,000

- Earlier this year, the City of Fruita, on behalf of the Fruita Trails Initiative, applied for and was awarded a Tourism Management Grant through the Colorado Tourism Office for construction of a new trail at the North Fruita Desert Special Recreation Management Area. This resolution appropriates the \$20,000 award received from the Colorado Tourism Office in the Public Places Fund. It is estimated that the construction of the new trail will begin in the fall of this year.

Sewer Fund - \$57,675

- This appropriation is for the repair and replacement of canvas at the Wastewater Water Treatment Facility biosolids building that was damaged due to high winds. Revenues from insurance claims proceeds are available to offset the \$57,675 cost of repairs.

Fleet Maintenance Fund - \$17,250

- This appropriation is for the repairs of vehicles #3106 and #8418, both were damaged in separate automobile accidents. Revenues from insurance claims proceeds are available to offset the \$17,250 cost of repairs.

Mr. Vassen provided staff's recommendation of Council approval of the above 2022 Annual Budget Amendment.

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

Councilor Breman asked why the cost of repairing Chief Krouse's patrol car wasn't coming out of the other driver's insurance and not the City's. Mr. Vassen explained that staff had filed a claim with CIRSA (the City's liability insurance carrier) because the other motorist wasn't insured at the time of the accident.

- **COUNCILOR KREIE MOVED TO ADOPT RESOLUTION 2022-23 – AMENDING THE 2022 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND, THE PUBLIC PLACES FUND, THE SEWER FUND AND THE FLEET MAINTENANCE FUND FOR THE WELLSRING PROJECT, TRAIL CONSTRUCTION, BIOSOLID BUILDING REPAIRS AT THE WASTEWATER TREATMENT FACILITY AND VEHICLE REPAIR AND MAINTENANCE. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 2) **RESOLUTION 2022-25 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY ONE (1) ACRE OF PROPERTY LOCATED AT PARCEL #2697-213-00-078 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA – (DOGLEG 1 ANNEXATION) *PLANNING AND DEVELOPMENT DIRECTOR DAN CARIS***

Planning and Development Director Dan Caris gave staff's presentation. He formally entered his PowerPoint presentation into the record. He explained that the purpose of Resolution 2022-25 was to determine the eligibility of the subject property to be annexed into the City of Fruita. The presentation included:

- Publication dates of the legal notices published in the Daily Sentinel for four consecutive weeks pursuant to state statute
- Statement that the subject property met the requirement of 1/6th contiguity with existing City limits pursuant to Section 31-12-104, C.R.S.
- Annexation survey map
- Staff recommendation of approval of Resolution 2022-25 finding the subject property eligible to be annexed into the City of Fruita

Mr. Caris explained that once the subject property goes through the Ordinance process for annexation, it will have its own set of approval criteria and that the First Reading of Ordinance 2022-22 had just been approved on the Consent Agenda and will set a public hearing date of October 4, 2022.

Mayor opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the council.

- **COUNCILOR O'BRIEN MOVED TO APPROVE RESOLUTION 2022-25 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY ONE ACRE OF PROPERTY LOCATED AT PARCEL #2697-213-00-078 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 3) **RESOLUTION 2022-26 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 4.54 ACRES OF PROPERTY LOCATED AT PARCEL #2697-213-00-094 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (DOGLEG 2 ANNEXATION) – *PLANNING AND DEVELOPMENT DIRECTOR DAN CARIS***

Planning and Development Director Dan Caris gave staff's presentation. He formally entered his PowerPoint presentation into the record. He explained that the purpose of Resolution 2022-26 was to determine the eligibility of the subject property to be annexed into the City of Fruita. The presentation included:

- Publication dates of the legal notices published in the Daily Sentinel for four consecutive weeks pursuant to state statute
- Statement that the subject property met the requirement of 1/6th contiguity with existing City limits pursuant to Section 31-12-104, C.R.S.
- Annexation survey map
- Staff recommendation of approval of Resolution 2022-25 finding the subject property eligible to be annexed into the City of Fruita

Mr. Caris again noted that like the previous Resolution for the Dogleg 1 Annexation, the First Reading of the annexation Ordinance for Dogleg 2 (Ordinance 2022-23) had just been approved on the Consent Agenda and will set a public hearing date of October 4, 2022.

Mayor Kincaid opened the public hearing and after hearing no comments, closed the public hearing and brought the matter before the Council.

- **COUNCILOR PURSER MOVED TO APPROVE RESOLUTION 2022-26 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 4.54 ACRES OF PROPERTY LOCATED AT PARCEL #2697-213-00-094 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

5. ADMINISTRATIVE AGENDA

There were no administrative items on the agenda.

6. CITY MANAGER'S REPORT

Mike reported the following:

- 1) Reminder that the coming Thursday, September 8th, the Chamber Business After Hours will be hosted by Family Health West at 5:30 at the hospital in the Physical Therapy gym at 300 W. Ottley Ave. Mike requested that if any Council members wished to attend to let him know because the City receives free passes as part of the City's very large sponsorship of the Chamber.

7. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

MAYOR JOEL KINCAID

Joel reported that over the last year, the board for the Mesa County Community Development Block Grant (CBDG) program has been working on how to fund education, especially for daycare workers who can get reimbursed to get proper daycare certification. The work on this will continue for the next couple of years. There have also been discussions concerning adopting Mesa County's plan on how the block grant relates to the public improvement of jobs. Joel stated that the board meets quarterly, and members are continually being updated on where the organizations are that were helping with the education piece and how the funding is being spent.

COUNCILOR KEN KREIE

Ken reported that the Fruita Youth Action Council (FYAC) had a retreat a few weeks prior and it sounded to him like it turned out to be a big success (Ken said he was out of town at the time). They will have their next meeting on September 19th and Ken said he would be in attendance.

COUNCILOR AMY MILLER

Amy reported that the Historic Preservation Board had an exciting opportunity to re-print their coloring book after partnering with the Chamber on gaining community support and funding. The board now has enough money to print 5,000 copies although the original goal was for only 1,200. They will also begin to roll out some programs of working with schools to get kids involved in the history of Fruita.

Amy also reported that the Historic Preservation Board will be having their Annual History Fair at Cavalcade during Fruita Fall Festival. One of the features will be oral history recordings of seniors who retell stories of the early days of Fruita.

COUNCILOR HEATHER O'BRIEN

Heather reported that she missed the Arts and Culture Board meeting and noted that since she got on the board in April of 2022, she hadn't attended any meetings because something had always come up. She offered her apologies to the board and said she would send them an email.

Heather announced her resignation from the City Council for the reason that she got her dream job at Grand Junction High School and needed to dedicate herself to that. She said she enormously enjoyed

the learning and her time on the City Council and that she hadn't yet put out any official announcement yet because she wanted to see what the Council's needs were. Heather offered to stay on Council longer if it was necessary.

Joel explained that normally, the City accepts applications for the vacancy for about two weeks and then all Council members conduct interviews which are scheduled on a pre-determined date with the total number of applicants taken into consideration.

Mike explained that the City Charter is very specific; there is a 60-day period in which the City Council must appoint a replacement at a Council meeting that is open to the public. If this is not accomplished, the City must have a Special Election within 90 days, the cost of which is typically around \$15,000 to \$20,000. He said the Charter does not specify the process; it gives the City Council the ability to create the process and the most common process that occurs throughout the state of Colorado is one where the municipality accepts applications and chooses how to conduct the interviews after the Council has had a discussion among themselves concerning the criteria for a successful candidate. Mike explained that staff does not participate in the interviews but does help to post the vacancy, collect the applications and perform other administrative tasks in preparation for the interviews, which are open to the public.

Mike recalled when the Council had a vacancy in the past; a day was selected for a Special Meeting to conduct interviews and subsequently, a discussion was held to decide either to appoint one of the candidates or, if a decision couldn't be reached, continue the discussion at a future meeting. He said once a decision is made to appoint someone, the official appointment is then made at the next regular meeting of the Council with a vote of the Council.

The Council discussed whether to interview all applicants or narrow them down if they were too numerous and the consensus was to wait and see how many applications were received first before deciding that and to have the applications due on September 23rd. They requested that the applications received by staff be emailed to them either on September 22nd or 23rd so they could review them prior to the workshop meeting of September 27th. Mike and the Council reviewed the application form and agreed to a few changes to it.

Mike said staff would post the vacancy the following day (September 7th) and added that staff would bring a list of applicant interview questions that had been used in the past to the September 27th Council workshop meeting for the Council to review and finalize. There was consensus to schedule the interviews for October 10, 2022.

FINAL COUNCIL REPORTS

James requested that the Fruita Youth Action Council be incorporated into the "Movie in the Park" event to be held on October 7th at Civic Center Memorial Park by letting them make popcorn or drinks.

Jeannine reported that she attended the community engagement event with School District 51 Superintendent Dr. Brian Hill and said it was fantastic; it was well-attended and Dr. Hill not only listened but also provided important information. She said she asked Mr. Hill to imagine his dream partnership with the City of Fruita and tell her what that would look like. Mr. Hill said that the City already does a great job partnering with the School District, but suggested that perhaps some of the City Council members could take the time to go to lunch or things like that. Jeannine said she has a

specific idea of City staff or Council members taking one morning each week to greet students with a smile at the Fruita Monument High School. She said the discussion could continue at another meeting.

Mike noted that staff is gearing up for its annual “Teachers and Students of the Month” recognitions, which occur at the first Council meeting of each month now that school is back in session. Councilor Breman suggested that the City recognize other schools besides District 51. Mr. Bennett requested that the Council direct staff to which specific schools they would like to recognize. Councilor Breman suggested Caprock Academy and other Council members agreed that there is a Fruita presence at Caprock. Joel explained that in the past, it has been Fruita schools only and that it has been up to each school to decide which teachers and/or students to recognize. Jeannine said it would make sense to include the Charter schools and that would probably cover the bases. She offered to get a list of them to staff. Ken noted that there are a ton of teachers that work at Central High School in Grand Junction and other schools that live in Fruita. Joel thought it might be a good discussion for a future workshop meeting. Mike said the Council would also need to decide if the Council wanted to have a recognition at every Council meeting considering the number of schools and teachers in the valley.

B. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE CITY ATTORNEY’S ANNUAL FORMAL REVIEW

Councilor O’Brien left the Council Chambers for a short break and did not participate in the following agenda item’s vote. She did return to the Council Chambers very soon after the vote to participate in the Executive Session.

- **COUNCILOR KREIE MOVED TO CONVENE IN EXECUTIVE SESSION FOR DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F) AND NOT INVOLVING:**
 1. **ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION,**
 2. **ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL,**
 3. **THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR**
 4. **AN ELECTED OFFICIAL OR PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES (THE CITY ATTORNEY’S FORMAL REVIEW)**

COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

At 9:35 p.m., the City Council convened in Executive Session. The Regular Meeting of the City Council reconvened at 9:35 p.m.

8. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita