

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
SEPTEMBER 20, 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 Amy Miller

City staff present: Planning and Development Director Dan Caris (Acting City Manager)
City Clerk/Finance Director Margaret Sell
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Public Works Director Kimberly Bullen

Also present: Fruita Area Chamber of Commerce Kayla Brown
Fruita Rotary Club Event Manager Lou Mudd
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 there were no changes to the agenda, but that there had been a correction in the Council packet for the Quasi-Judicial public hearing Item 7.A (2) – a Special Event Liquor Permit application from the Fruita Rotary Club. Staff's recommendation to the Council was copied and pasted from the previous public hearing item's staff recommendation, so Ms. Woods stated she corrected it and uploaded the amended packet earlier in the morning.

- **COUNCILOR BREMAN MOVED TO APPROVE THE AGENDA AS PRESENTED. 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. ADMINISTRATIVE GRANT APPLICATION LETTER – A REQUEST TO APPROVE AN ADMINISTRATIVE GRANT APPLICATION LETTER TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) FOR PAVEMENT CONDITION EVALUATION SERVICES**
- B. ART GALLERY PERMIT – A REQUEST TO APPROVE AN ART GALLERY PERMIT APPLICATION FOR GARRETT A. DAY DBA ORBIT ARTSPACE LOCATED AT 138 S. PARK SQUARE, #102**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF PEGGY VERTIZ TO THE HISTORIC PRESERVATION BOARD FOR A THREE-YEAR TERM TO EXPIRE IN SEPTEMBER OF 2025**
- D. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF EDDIE MCCLURE TO THE HISTORIC PRESERVATION BOARD FOR A THREE-YEAR TERM TO EXPIRE IN SEPTEMBER OF 2025**
- E. FINANCIAL REPORTS – A REQUEST TO APPROVE THE AUGUST 2022 FINANCIAL REPORTS**
- 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 18, 2022 (*DOGLEG 1 ANNEXATION*)**
- 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 18, 2022 (*DOGLEG 2 ANNEXATION*)**
- 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 18, 2022 (*DOGLEG 1 ZONING*)**
- 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 18, 2022 (*DOGLEG 2 ZONING*)**

J. ORDINANCE 2022-26 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE APPROVING A LONG-TERM LEASE WITH ALL COPY PRODUCTS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA CIVIC CENTER AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT FOR PUBLIC HEARING ON OCTOBER 18, 2022

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

- **COUNCILOR KREIE MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR MILLER 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 FROM THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AND/OR CIDER AT THE FRUITA FALL FESTIVAL “WHAT THE FEST BEER FEST” TO BE HELD ON FRIDAY, SEPTEMBER 23, 2022 FROM 4:00 TO 10:00 PM AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. – 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 Kayla Brown, Executive Director of the Fruita Chamber was present in the audience as the applicant’s representative.

APPLICANT PRESENTATION:

Ms. Brown stated that the Chamber has hired Citadel Security to help monitor all of the entry points for alcohol and that there will be four entry points to Civic Center Memorial Park that will be monitored at all times. She added that Chamber staff, board members and volunteers will be helping with IDs and that all those that have been IDed will receive a wristband so that the breweries know that they are able to serve the patrons.

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 Purser thanked Kayla for all of her hard work on Fall Festival and noted that the Chamber has limited staff, but they still make a really huge thing (Fall Festival) happen. She also offered her thanks in general.

COUNCIL MOTION:

- **COUNCILOR PURSER MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AND/OR CIDER AT THE FRUITA FALL FESTIVAL “WHAT THE FEST BEER FEST” TO BE HELD ON FRIDAY, SEPTEMBER 23, 2022 FROM 4:00 TO 10:00 PM AT CIVIC CENTER MEMORIAL PARK SUBJECT TO THE CONDITIONS ABOVE AND AS STATED BY STAFF IN THEIR PRESENTATION. COUNCILOR WILLIAMS 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 THE FRUITA ROTARY CLUB TO SELL AND SERVE BEER AT FRUITA FALL FESTIVAL ON SATURDAY, SEPTEMBER 24, 2022 FROM 10:00 AM TO 10:00 PM AT CIVIC CENTER MEMORIAL PARK AND CIRCLE PARK – *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 Rotary Club’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 pointed out that the Fruita Chamber’s last Farmer’s Market would be held in Circle Park on Saturday and that games such as cornhole will be set up. The Chamber asked the Rotary Club to provide beer garden service at Circle Park from 10:30 a.m. to 3:30 p.m. or until the Market and games

are over, whichever comes first. At Civic Center Memorial Park there will be many events such as a parade, outhouse race, music, contests and vendors of all sorts. The Rotary Club was asked by the Chamber to provide a beer garden there as well from 10:00 a.m. to 10:00 p.m. 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 Rotary Club will be followed.

Ms. Woods noted that Lou Mudd, Event Manager for the Fruita Rotary Club was present in the audience as the applicant's representative.

APPLICANT PRESENTATION:

Mr. Mudd stated that he has been providing beer garden service for about 15 years in Fruita and because he lives very close to downtown Fruita, it makes it easy for him to attend events and make sure things are running smoothly where serving beer is concerned. He added that doing this helps the Rotary Club give back to the community in a huge way, so he appreciates the Council's approval of all the Special Events Liquor Permits over the years.

PUBLIC HEARING (PUBLIC INPUT):

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

COUNCIL QUESTIONS/DISCUSSION:

Councilor Purser said she was interested in knowing why the beer garden opens at 10:00 a.m. Mr. Mudd said he lists 10:00 a.m. on the application, but he actually doesn't begin to serve beer until 10:30 after getting everything up and running. He said he does it this way in case somebody does show up and wants a beer, but added that typically, the Rotary doesn't get much business before 11:00 a.m. after the parade is over.

COUNCIL MOTION:

- **COUNCILOR KREIE MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE FRUITA ROTARY CLUB TO SELL AND SERVE BEER AT FRUITA FALL FESTIVAL TO BE HELD ON SATURDAY, SEPTEMBER 24, 2022 FROM 10:00 AM TO 10:00 PM AT CIVIC**

CENTER MEMORIAL PARK AND CIRCLE PARK SUBJECT TO THE CONDITIONS ABOVE AND AS STATED BY STAFF IN THEIR PRESENTATION. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

5. ADMINISTRATIVE AGENDA

There were no administrative items on the agenda.

6. CITY MANAGER'S REPORT

Acting City Manager/Planning and Development Director Dan Caris reported the following:

- 1) Staff extended an offer earlier in the day to a candidate for the City's Code Enforcement position and if is successful in onboarding them, it will be listed in the City Manager's Weekly Information Update for the week ending September 23rd.
- 2) Staff conducted a final walk-through of Base Camp Provisions and the owners have called for their final inspections with the Mesa County Building Department which will likely take place tomorrow, September 21st. Mr. Caris said Base Camp Provisions will likely start scheduling soft openings and potentially a Grand Opening and staff will include that information in the Weekly Information Update as well.
- 3) There is a kick-off event at Moon Farm called "Thirsty Thursday" on September 22nd from 40 to 7:30 p.m. and Richard Kinney with the Grand Valley Equine Assisted Learning Center invited the Mayor and City Council to attend the event. Staff emailed the flyer with more information to the Mayor and Council earlier in the day.
- 4) Staff is working on scheduling a walk-through of the 111 S. Mesa St. Apartments for the Mayor and City Council, if they are interested. It looks like they are going to be leased pretty quickly, so between now and the next six weeks will be a good opportunity to for the Council to visit. Hard hats and other safety apparel will be required.
- 5) Staff began the recruitment process for a Building Official, which is a position with an anticipated start date of January 1, 2023. The initial recruitment process typically takes 45 days and then could potentially involve some industry panel interviews in addition to internal (City staff) interviews.
- 6) Staff received word earlier in the day that Dick Pippenger, Fire Marshal for Lower Valley Fire Protection District (LVFPD), had passed away. Mr. Caris noted that Dick had served in various capacities as a part of fire service for many decades. A service will be held on Saturday, September 24th at 10:00 a.m. at Redlands United Methodist Church at 527 Village Way. This information was sent to all City employees earlier in the day, many of whom have had a close relationship with Fire Marshal Pippenger and will be attending the service. Mr. Caris said staff could more formally get that information to the Council if any want to attend the service as well.

7. COUNCIL REPORTS AND ACTIONS

A. CHANGES TO DATES OF CERTAIN UPCOMING COUNCIL MEETINGS – DISCUSSION AN POSSIBLE ACTION TO CANCEL AND SCHEDULE UPCOMING COUNCIL MEETINGS

Mayor Kincaid reminded the Council members that with the resignation of Heather O'Brien, the Council going forward can only have one person absent at Council meetings; otherwise, the Council cannot conduct a meeting due to a lack of quorum. He pointed out that this is why the October 4, 2022 Regular City Council meeting had to be cancelled. Mayor Kincaid also suggested that Council members join Council meetings remotely if they had to go out of town.

Mayor Kincaid asked the Council members if the meeting times and dates proposed by staff would work with everyone's schedules. There were no objections.

- **COUNCILOR BREMAN MOVED TO APPROVE THE CHANGES PROPOSED BY STAFF TO THE DATES OF THE AFOREMENTIONED REGULAR SPECIAL AND/OR WORKSHOP MEETINGS OF THE FRUITA CITY COUNCIL. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR MATTHEW BREMAN

Matthew reported that the main topic at the Fruita Area Chamber of Commerce Board of Directors meeting was Fruita Fall Festival and said he hoped everyone on the Council will be able to attend. He also stated that next Thursday (September 22, 2022), there will be an event at Colorado Mesa University (CMU) to welcome the new Executive Director of the Grand Junction Economic Partnership (GJEP).

COUNCILOR JEANNINE PURSER

Jeannine reported that she had to miss the Livability Commission meeting and that the Downtown Advisory Board meeting had been postponed from the previous week to tomorrow, September 21st.

COUNCILOR KEN KREIE

Ken reported that he was scheduled to have lunch with Aaron Hart, President of the Church of Latter-day Saints (LDS) for Western Colorado/Grand Valley. He heard that they also reached out to the Grand Junction City Council and that in addition, a luncheon invitation would be sent to all the other Fruita City Council members. Ken said he thought perhaps this was because the Fruita City Council provided a letter of support to rebuild the church that was burned down in Fruita.

Ken also reported that he attended the Fruita Youth Action Council (FYAC) meeting the previous day and they didn't have a full group, but he at least got to meet some of the members.

Ken noted that he is also on the Colorado National Monument Association Board (CNMA) and their annual Plein Air event will be coming up the week of October 2 – 9, 2022, which will culminate in an art opening on Friday, October 7th at Carlson Vinyards on Main Street in Grand Junction that is open for members only. He said that those interested could sign up to be a member at the Plein Air event for \$35 and that members get first dibs of all the wonderful art that is painted on the Colorado National Monument during the week. The art exhibition that will be open to the public will be held all day on Saturday, October 8 and Sunday, October 9th.

COUNCILOR AMY MILLER

Amy reported that the Historic Preservation Board is finalizing their display at Cavalcade for Fall Festival and urged the other Council members to stop by. She welcomed Peggy Vertiz (who was in the audience) to the Historic Preservation Board and who is one of the two newest appointees that the Council had just approved on the Consent Agenda. Eddie McClure is the other appointee.

Amy also reported that she attended the Colorado Municipal League (CML) District 11 Fall Meeting that was held in the Town of Meeker and that it was really cool. She got to tour their brand-new fire station (where the initial meeting was held) and afterwards had incredible tacos at the smokehouse down the road. Amy said each of the municipalities provided an update and it was neat because there was at least one person from every municipality in attendance and it sounded like everyone is dealing with pretty much the same things.

MAYOR JOEL KINCAID

Joel reported that he didn't have any other board meetings but noted that he and City Manager Mike Bennett would be meeting with Shelledy Elementary students to give them an update on what the City does and how the City works in the community.

Joel also said that if any of the other Council members wanted to join him on the carriage ride in the Fall Festival parade, to let him know because there was still plenty of room for more people.

FINAL REPORTS/DISCUSSION

Ken also reported that former Council member Kyle Harvey is doing a really cool art exhibit during Fall Festival.

Matthew asked staff how many people had applied for the Council vacancy to date and Deputy City Clerk Deb Woods responded that there were four applications from other candidates that ran in the 2022 Election but were not elected. Matthew said he has talked to a couple of other people who are thinking about applying.

There was also discussion about what time the Council wanted the interviews to start on October 10th. It was decided that the times could be scheduled after waiting to see how many applications are received by the deadline of September 22nd and then the Council will discuss timeframes at the September 27th workshop meeting. There was general consensus to start the interviews around 9:00 or 9:30 a.m. on October 10th.

8. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita