

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
FEBRUARY 15, 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
City Councilor Karen Leonhart
City Councilor Kyle Harvey
City Councilor Ken Kreie
City Councilor Heather O'Brien
City Councilor Matthew Breman

Excused Absent: Mayor Pro Tem Lori Buck

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 Attorney Mary Elizabeth Geiger

Also present: Fruita 8/9 School students
Fruita Monument High School students
Fruita Monument Ridge Elementary School students
Members of the public (in-person and virtually)
Dinosaur Holdings Representative Kevin Bray

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

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION – PROCLAIMING FEBRUARY 14 – 19, 2022 AS “KINDNESS IS CONTAGIOUS (KIC) WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY**

STUDENTS FROM FRUITA 8/9 SCHOOL AND FRUITA MONUMENT HIGH SCHOOL

Councilor O'Brien read the Proclamation, which was accepted by students from the Fruita 8/9 School and FMHS, who stated that they have spent a lot of time learning how to spread kindness throughout the community. Councilor O'Brien asked the students to come back to the City Council in a couple of weeks to report on what some of those "Acts of Kindness" were that the Council challenged them to do as part of an international week of kindness.

B. PRESENTATION – FRUITA TEACHERS AND STUDENTS OF THE MONTH FOR DECEMBER 2021: MONUMENT RIDGE ELEMENTARY SCHOOL (RESCHEDULED FROM THE DECEMBER 7, 2021 REGULAR CITY COUNCIL MEETING)

Mayor Kincaid noted that this presentation was originally planned for the first Council meeting in December of 2021 but had to be rescheduled. He also pointed out that this student and teacher presentation was a little different in that Principal Larsen of Monument Ridge Elementary chose to recognize the entire staff at the school.

The Mayor called the names of the students of the month (also chosen by Principal Larsen) to come up and receive a certificate issued by the City, a day pass to the Fruita Community Center and an "I-heart-Fruita" button. Principal Larsen accepted a certificate for the staff and stated that there was no way she could pick one staff member or a couple of them because, as the newest school in Fruita, it took the entire team to get the school open and running.

Photos of the students, teachers and school staff were taken with the members of the City Council.

5. PUBLIC PARTICIPATION

Archie Lopez, 1681 Ruby Lee Drive, offered his prayers for the meeting and Council members.

Michael Day, 1676 Fowler Drive, stated that he was inspired by something that was said at the last Council meeting and he wanted to share some thoughts. He said that he is not a lawyer, but he has been all the way to the Colorado Supreme Court on everybody's behalf only to have the door shut on him.

Mr. Day gave the City Council his advice about considering quasi-judicial matters. He told them to pay attention to only the facts and to relax and breathe.

Daniel (Shellabarger) Suelo, 413 Forty-Niner Drive, Mr. Suelo said he and some friends came up with the concept of potentially moving the currently homeless community garden to a City park, so they presented it the Downtown Advisory Board (DAB), who thought it was a great idea.

Mr. Suelo handed out a document to the Council members and explained that it was a tentative proposal that includes a total gardening space of approximately 45 feet x 26 feet, or 1,200 square feet, not including a tool shed and possibly fruit trees surrounding it. Daniel continued that there could be ten plots for individuals or families and one larger communal plot where everybody could work together on it. He said the garden crops could be donated to good causes such as the Food Bank and there would

be no fee required of anyone except for putting in manhours on the communal plot plus their own individual plots.

Because the three-minute time period limit for public comment had been reached, Mayor Kincaid suggested that the discussion be placed on a future Council workshop agenda. He asked Mr. Suelo to finish addressing the Council.

Mr. Suelo stated that the location that he and the others were considering is the grassy area behind the Fruita Community Center (FCC) and he thought Chairperson to the DAB Jeannine Purser was going to look into the possibility. He requested that the Council look over his proposal and think about it.

Councilor Kreie (Council liaison to the DAB) noted that he told Mr. Suelo that he should also talk to the Parks and Recreation Advisory Board (PRAB) to get them on board and agreed with Mayor Kincaid that the idea should be placed on a workshop agenda.

City Manager Mike Bennett stated that it was good timing because the Parks and Recreation Department is currently looking into a grant for creating a Community Garden at the FCC.

Councilor O'Brien suggested that Mr. Suelo talk to the City Manager to get the contact information for the Parks and Recreation Director Marc Mancuso, who could get his proposal placed on the agenda for the next PRAB meeting.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE JANUARY 18, 2022 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE JANUARY 24, 2022 SPECIAL CITY COUNCIL MEETING**
- C. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE JANUARY 24, 2022 CITY COUNCIL WORKSHOP MEETING**
- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A TAVERN – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR KOKO'S LOCATED AT 152 S. MESA STREET**
- E. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL & RESTAURANT – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR COLORADO SUMMIT, LLC DBA ASPEN STREET COFFEE CO. LOCATED AT 136 E. ASPEN AVE.**
- F. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF ETHAN NOAH TO THE DOWNTOWN ADVISORY BOARD TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN NOVEMBER OF 2025**

- G. ORDINANCE 2022-11 – FIRST READING – AMENDING CHAPTER 2.20 OF THE FRUITA MUNICIPAL CODE AND CREATING THE ENGINEERING DEPARTMENT FOR THE CITY OF FRUITA**
- H. RESOLUTION 2022-05 – A RESOLUTION SUPPORTING A GRANT APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR THE CONSTRUCTION OF THE HYDROGEN SULFIDE MITIGATION SYSTEM PROJECT**
- I. FINANCIAL REPORTS – A REQUEST TO APPROVE THE JANUARY 2022 FINANCIAL REPORTS**
- J. RESOLUTION 2022-02A – CORRECTING TYPOGRAPHICAL ERROR IN FIRST TWO RECITALS OF RESOLUTION 2022-02**
- K. RESOLUTION 2022-07 – APPROVING THE LEASE OF THE FRUITA MUSEUM PROPERTY LOCATED AT 432 E. ASPEN AVENUE TO THE FRUITA AREA CHAMBER OF COMMERCE**
- L. RESOLUTION 2022-08 – ADOPTING THE JANUARY 2022 FRUITA CIRCULATION PLAN**

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 Breman asked for clarification that Consent Agenda Item J. (Resolution 2022-02a) did not supercede the vote that was taken on January 24th on Ordinance 2022-02, which created the Fruita Housing Authority. City Attorney Mary Elizabeth Geiger verified that Resolution 2022-02a does not trump Resolution 2022-02 at all; it was simply a correction to a typographical error.

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

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) RED CLIFFS 3 PLANNED UNIT DEVELOPMENT - *CITY PLANNER HENRY HEMPHILL***
 - A) ORDINANCE 2022-08 – SECOND READING – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 1.18 ACRES OF PROPERTY LOCATED AT 280 CLEMENTS WAY TO A PLANNED UNIT DEVELOPMENT (PUD) ZONE**

B) A REQUEST FOR APPROVAL OF THE RED CLIFFS III FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN

City Planner Henry Hemphill explained that he would be combining the presentation of the Ordinance to zone the subject property to a Planned Unit Development (PUD) and the PUD Plan itself for the Red Cliffs III development into one presentation, although they would require two separate motions.

Mr. Hemphill's PowerPoint presentation included a landscaping plan showing the layout of the subdivision made up of eight (8) lots with a common parking area and landscape buffering on nearly all sides. The presentation also included a zoning map, aerial photo, legal notice methods and dates and fifteen (15) approval criteria contained in Section 17.17.030 of the Fruita Land Use Code.

Mr. Hemphill stated that the review comments provided by all review agencies resulted in staff's determination that the project meets or can meet all applicable criteria that must be considered for approval for a rezone and Planned Unit Development (Chapter 9 of Title 17) and the PUD Plan (Chapter 17 of Title 17).

All review comments for the Red Cliffs III development were included in the staff report and staff sees no issues or red flags with those. No written public comments were received by staff, but Mr. Hemphill noted that verbal comments were received at the January 11, 2022 Planning Commission meeting. The Planning Commission did recommend approval of both the rezone and the PUD to the Fruita City Council at that meeting.

Mr. Hemphill stated that staff was recommending approval of Final PUD Plan with the resolution of all review comments and issues identified in the staff report and adoption of Ordinance 2022-08, which amends the official Zoning Map and establishes the PUD zoning.

Kevin Bray, representative for Dinosaur Holdings (owner and applicant) thanked the Council for their consideration and staff for working with him on the project throughout the land use development process.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and referred the agenda item to the City Council.

Councilor Leonhart asked for clarification on a requested variance that was signed by homeowners and/or the Red Cliffs HOA and had something to do with short-term rentals. Planner Henry Hemphill responded that mainly, the plan was to have flexibility in order to keep the short-term rental option open.

Councilor Leonhart said that in the PUD Guide, it sounded like the HOA would manage any short-term rentals. Mr. Hemphill stated that all the units of the development were intended for single ownership, but once a property is bought, an owner would have the ability to turn it into short-term rental if they wanted to. He added that for the subject property, there will be a separate HOA that operates under the Master Red Cliffs HOA and will be responsible for the maintenance of the parking and common landscaping areas for the eight new units being proposed.

- **COUNCILOR KREIE MOVED TO APPROVE THE RED CLIFFS III FINAL PUD PLAN WITH THE CONDITION THAT ALL REVIEW AGENCY COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE MET. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2022-08 – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 1.18 ACRES OF PROPERTY LOCATED AT 280 CLEMENTS WAY TO A PLANNED UNIT DEVELOPMENT ZONE. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. LEGISLATIVE HEARINGS

- 1) **RESOLUTION 2022-06 – A REQUEST TO APPROVE AN AMENDMENT TO THE 2022 ANNUAL BUDGET WITH A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR COMPLETION OF CAPITAL PROJECTS AND SPECIAL PROJECTS INITIALLY BUDGETED FOR IN THE 2021 ANNUAL BUDGET AND A REDUCTED OF APPROPRIATION FOR THE PINE STREET BRIDGE REPLACEMENT PROJECT – ASSISTANT TO THE CITY MANAGER SHANNON VASSEN**

Assistant to the City Manager Shannon Vassen explained how each year, the City Council has to approve a rollover Budget Amendment for projects that were budgeted for in the prior year's Budget but then not completed until the following year. Resolution 2022-06 reappropriates funds from the 2021 Budget to the 2022 Budget for the following projects:

- SH 6 Sewer project
- 16 Road rail crossing
- Fruita Traffic Circulation Plan
- Wayfinding Project
- Arts/Scholarship/Mini-grant program
- Fireworks
- POST Impact Fee Study

Mr. Vassen noted that there was also a reduction appropriation for expenses that were paid in 2021 after the 2022 Budget was approved. Resolution 2022-06 reduces the appropriation for the Pine Street Bridge Replacement by \$92,000.

Mr. Vassen noted that the Council packet documents included a quick summary of the projects he listed above. This concluded his presentation.

Mayor Kincaid opened the public hearing on Resolution 2022-06. Hearing no comments from the public, he closed the public hearing and referred the matter to the Council.

- **COUNCILOR BREMAN MOVED TO ADOPT RESOLUTION 2022-06 – AMENDING THE 2022 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND CAPITAL PROJECTS FUND AND SEWER FUND FOR COMPLETION OF SPECIAL AND CAPITAL PROJECTS ORIGINALLY INCLUDED IN THE 2021 ANNUAL BUDGET AND A REDUCTION IN APPROPRIATION FOR THE PINE STREET BRIDGE PROJECT. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- 2) **RESOLUTION 2022-04 – APPROVING AN AMENDMENT TO THE 2022 ANNUAL BUDGET WITH A SUPPLEMENTAL APPROPRIATION OF FUNDS FROM THE CAPITAL EQUIPMENT REPLACEMENT FUND (CERF) RESERVE FOR THE PURCHASE OF A DUMP TRUCK - ASSISTANT TO THE CITY MANAGER SHANNON VASSEN**

Mr. Vassen gave staff's presentation concerning a supplemental Budget Amendment to replace one of the Public Works vehicles for which the City budgeted around \$90,000 in last year's budget, but in going through the process of purchasing the vehicle, staff learned that the amount was for only the vehicle itself and not some of the equipment that is used on it. The vehicle is used for de-icing, sanding and applying mag chloride when it snows. Resolution 2022-04 amends the Capital Equipment Replacement Fund (CERF) Budget in 2022 an additional \$162,200 to accommodate the purchase of the vehicle with the equipment that will be used for snowplowing operations. Mr. Vassen noted that the truck itself is roughly around \$150,000 on its own, but through an RFP that the City and County of Denver put out, City staff was able to purchase that same truck for only \$93,2000. The additional \$162,200 is for the plow, bed, spreader, controls and installation.

In conclusion, Mr. Vassen requested approval of the Budget Amendment.

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

- **COUNCILOR KREIE MOVED TO ADOPT RESOLUTION 2022-04 – AMENDING THE 2022 BUDGET TO APPROPRIATE AN ADDITIONAL \$162,200 FROM THE CAPITAL EQUIPMENT REPLACEMENT FUND (CERF) DESIGNATED FUND BALANCE IN THE GENERAL FUND FOR REPLACEMENT OF THE 2007 DUMP TRUCK. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- 3) **ORDINANCE 2022-09 – SECOND READING – AN ORDINANCE AMENDING CHAPTER 17.47 OF THE FRUITA LAND USE CODE CONCERNING THE TIMING OF PAYMENT OF IMPACT FEES AND AMENDING THE DRAINAGE IMPACT FEE BASE VALUE – PLANNING AND DEVELOPMENT DIRECTOR DAN CARIS**

Planning and Development Director Dan Caris gave staff's presentation. He recalled that at the November 30, 2021 Council workshop meeting, staff and the Council discussed two pertinent Code Amendments that were specific to the timing in which the City would collect Impact Fees for both

residential and commercial construction. He explained that they were relatively easy and simple Code Amendments in that there are only a couple of “tweaks” to the Code that were illustrated in the staff report and coversheet that were included in the Council packet.

Mr. Caris explained how staff currently collects its residential Planning Clearances at Plat but was proposing was to transition to a process (that the City had previously) where those fees are to be paid at Planning Clearance. Mr. Caris said for commercial construction (where Impact Fees are collected at the time the impact occurs, which is at Planning Clearance), the proposal was to collect those at the issuance of a Certificate of Occupancy.

Mr. Caris further explained that part of the impetus for the Code amendments is the supply chain issues that are occurring and are specific to the construction of new homes and commercial construction. He said that it seems like the carrying costs and the length at which those projects are under construction has been magnified due to the pandemic and staff certainly believes that the Code amendment is a good way to show a gesture that the City doesn’t want those carrying costs compounded in the form of interest for development loans or construction loans for new residential to be passed on to the end user (homeowner/businessowner), who doesn’t have a material relevance to what they are getting out of the cost of construction.

Mr. Caris pointed out that houses before 2020 took five or so months to construct and now they are taking seven, eight and nine months to complete. He said the carrying costs alone are not solely taken up by the individual that is either building the house and so it seemed like the relief is really just on that material interest difference that might not make its way into a project. Mr. Caris said it was the same thing for commercial construction on a larger scale.

Mr. Caris said that it seemed like this Code Amendment was a good step to take after staff and Council had their discussion at the November 30th workshop meeting considering the fact that since the City originally took the matter up as a Code Amendment, some pretty significant things have changed to the economy and the construction space in 2021 – 2022. He stated that the change on Drainage Impact Fee is really just a change to the base level fee from \$17,058 to \$18,815. The base rate in the Land Use Code has not been updated since 2019 but was actually supposed to be adjusted annually for inflation based on the Consumer Price Index (CPI). Mr. Caris noted that staff is considering simplifying that by taking the base rate out of the Land Use Code in the future.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and directed the Council to provide their comments, questions or a motion.

Councilor Kreie recalled a discussion in 2020 when the Council amended the Code so that the Impact Fees were to be collected all at once and he also remembered that the City has a certain amount of time to hold onto Transportation Impact Fees without using them. Mr. Caris said he thought that was seven (7) years. Councilor Kreie asked for confirmation that those fees have to be used only for the area that were actually impacted by the development. Mr. Caris confirmed that Transportation Impact Fees for both residential and commercial are levied upon projects that precipitate adding capacity to those roadways or any impacts that the development itself causes or ones that they are burdened with. He gave the example of a developer needing a widening for a turn lane that is warranted by a Traffic Study.

Councilor Kreie said he guessed at some point it may make sense to revert back to collecting all of the impact fees if the supply chain issues get figured out. Mr. Caris agreed and said that when staff brought the issue to the Council at a workshop meeting, that was the impetus of it and he wanted to make sure that the City doesn't keep with a policy that didn't recognize things that have changed in the marketplace.

Deputy City Clerk Deb Woods noted for the record that the staff report for both Ordinance 2022-09 and 2022-10 were inadvertently left out of the Council packet so copies were provided to the Council before the meeting on the dais.

- **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2022-09 – 2ND READING –AMENDING CERTAIN SECTIONS OF CHAPTER 17.47 OF THE FRUITA LAND USE CODE CONCERNING THE TIMING OF PAYMENT OF IMPACT FEES AND AMENDING THE DRAINAGE IMPACT FEE BASE VALUE. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- 4) **ORDINANCE 2022-10 – SECOND READING – AN ORDINANCE AMENDING CHAPTERS 17.07 AND 17.09 OF THE FRUITA LAND USE CODE CONCERNING MOBILE FOOD VENDORS AND MOBILE VENDOR COURTS – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's PowerPoint presentation. He stated that at the November 2021 Council workshop, staff received direction from the Council to move forward with Land Use Code amendment proposals concerning mobile food vendors and putting them before the Planning Commission for feedback to bring to the Council.

Mr. Hemphill reviewed the proposed amendments. His presentation also included photos of Food Truck Court examples in other communities and the recommendation from the Planning Commission, which was for approval by a vote of 6 to 0 at their January 11, 2022 public hearing.

The Planning Commission also recommended to widen the definition of Mobile Vendor Courts to include retail vendors to allow for flexibility in the types of vendors that occupy a permitted Mobile Vendor Court. Another element of the amendment will allow mobile food vendors to operate as a secondary use to a permanent use. Two examples of this can be found at the Wave Drinks concrete pad site and the Copper Club Brewing Company outdoor area. Mobile vendors can set up in these areas without having to apply with the Planning Department for a temporary use permit. Staff's aim was to remove hindrances for these uses and Mr. Hemphill explained that staff has not seen any related issues.

Mr. Hemphill also explained that for a Mobile Vendor Court, an application would be reviewed similar to a Site Design Review, which are almost always administratively reviewed as long as they meet the Land Use Code requirements and Site Design design standards for certain areas. The review procedures will ensure that review agencies will have the opportunity to comment and landscaping, parking, sanitary facilities, utilities, wastewater discharges and access and circulation are all elements that will be reviewed.

Mr. Hemphill provided staff's recommendation of approval of Ordinance 2022-10.

Mayor Kincaid opened the public. After hearing no comments from the public, he referred this agenda item to the City Council.

Councilor Kreie asked if the proposed amendments to the Code change the length of a time a permit is valid for any longer periods than six months. Mr. Hemphill explained that Temporary Use Permits will still apply for certain uses in other areas such as the vacant lot next to the Post Office and various locations around town where produce stands set up, and that those permits are still valid for 90 days at a time only (they can be renewed for a second 90-day period per year).

Councilor Kreie also asked if there were still county regulations for mobile vendors for the health and fire departments and Mr. Hemphill said that those are still required. Planning and Development Director Dan Caris added that mobile units (irrespective of permanent or temporary status) must still pass an inspection pursuant to the Fuel Gas Code and Fire Code, but they are not inspected by the Mesa County Building Department. The hookups are, however, subject to inspection and Mr. Caris stated that part of the reason for the nuance between the temporary and permanent accessory to a principal use is that by law, the City cannot license operators to be in spaces that do not provide accessible sanitary facilities. This requires a mobile vendor to correspond his/her hours to those of the primary use's hours.

There was discussion about whether mobile vendors would cover vendors of non-food retail and Mr. Caris said it was staff's determination that both would be covered in Chapter Nine of Title 17, Land Use Code. He added that there still could be scenarios where a mobile vendor might not be able to locate because they would not be able to meet a building code or even house some of the things that would be there for retail sales and that it was very difficult to "thread the needle" for allowed uses. Mr. Caris said he was trying to keep the Code as flexible as possible knowing that not every single use would be able to operate as a mobile vendor. He said the reality is that staff cannot list out the various things that might or might not happen.

Mayor Kincaid asked for (and received from staff) confirmation that mobile vendors are still required to obtain a business license.

- **COUNCILOR LEONHART MOVED TO ADOPT ORDINANCE 2022-10 – AMENDING CERTAIN SECTION OF TITLE 17 OF THE FRUITA MUNICIPAL CODE CONCERNING MOBILE FOOD VENDORS AND MOBILE VENDOR COURTS TO INCLUDE RETAIL SALES AND PERSONAL SERVICES. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

8. ADMINISTRATIVE AGENDA

There were no Administrative Agenda items.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett announced that Ciara DePinto had been hired as the new Communications and Engagement Specialist, whose first day will be March 7, 2022. Ms. DePinto was previously employed by the City of Grand Junction Parks and Recreation Department. Mike said staff was overwhelmed with the many amazing applicants for the position, but Ms. DePinto stood out for her in-depth skill sets in technical aspects, communication and writing. She will meet the Council at their second meeting in March.

10. COUNCIL REPORTS AND ACTIONS

A) ELECTION COMMISSION APPOINTMENTS – A REQUEST TO RATIFY THE APPOINTMENT OF EMMA-LEIGH LARSEN AND STEPHEN RYKEN TO THE ELECTION COMMISSION

Mayor Kincaid stated that he had asked Principal of Monument Ridge Elementary School Emma-Leigh Larsen and President of Ute Water Stephen Ryken to serve on the City of Fruita's Election Commission. He noted that this is something that is spelled out in Fruita's Charter but is outdated, so he had spoken with Mike (Bennett) about whether the new Council, once seated after the April 5, 2022 Election, wants to take a look at updating the Charter, which can only be done by a vote of the citizens. One of the main purposes of an Election Commission is to determine by lot the person who shall be elected in the event of a tie vote.

Mayor Kincaid noted that every six years, the City must review its Charter and that next year (2023) will be the year to do it again as it was last reviewed in 2016. City Manager Mike Bennett stated that at that time, the Council did not find the need for changes, but now staff has a few items such as the Election Commission that need updated. He explained that some of the Election Commission duties called out in the Charter are no longer needed due to Fruita having mail ballot elections as opposed to polling place elections and there are also some grammar issues elsewhere in the Charter that need corrected as well. Mayor Kincaid noted that the Election Commission's function of determining a tie vote by lot will remain in the Charter and asked if the Council had any questions.

- **COUNCILOR LEONHART MOVED TO APPOINT EMMA-LEIGH LARSEN AND STEPHEN RYKEN TO THE ELECTION COMMISSION FOR A TWO-YEAR TERM (EACH) OF FEBRUARY 15, 2022 THROUGH FEBRUARY 15, 2024. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B) COUNCIL REPORTS AND ACTIONS

COUNCILOR KYLE HARVEY

Kyle reported that the Arts and Culture Board met and had a really cool presentation from Farm Fruita about the Fruita Arts and Recreation Marketplace, which will be located in the old True Value (and later Fruita Health Club) building. Grand Jun Fermentation will be located there as an anchor business and there will be multiple bays that are larger spaces that will house anything from retail to restaurants. They are planning to design it as an art gallery with the hopes that somebody will manage it and many

professional and studio art spaces will be available for businesses such as graphic arts studios, for example.

Kyle also reported that the Arts and Culture Board will soon begin filming short videos of Fruita artists and each one will be popping up on the City's website on a monthly basis.

COUNCILOR KEN KREIE

Ken reported that the Associated Governments of Northwestern Colorado (AGNC) would be meeting the following week and Bonnie Peterson (who runs AGNC) is retiring, so her position as well as an Economic Development Coordinator position will be open until February 18, 2022. He asked that if anyone knew of someone good for those positions, to send them to AGNC.

Ken also reported that the Downtown Advisory Board (DAB) met and talked to Daniel (Shellabarger) Suelo quite a bit about the Community Garden and potential locations for it. The board also discussed Fruita Fourth Fridays (to start in April), Pabor Day (which they will try to do again next year) and the North Mulberry Street space to brainstorm before meeting with the consultant who will be designing the Concept Plan for the space.

COUNCILOR HEATHER O'BRIEN

Heather noted that she missed the Parks and Recreation Advisory Board meeting the previous week.

COUNCILOR MATTHEW BREMAN

Matthew reported that the Grand Junction Government Affairs Committee met at 7:00 a.m. where they heard from all the state Legislators about two bills that are of interest:

1. Regarding Colorado Department of Transportation's (CDOT's) maintenance fees for grants: CDOT can charge up to 24%, so if a \$1 million CDOT grant is awarded, they can take up to 24% of it. The bill will cap that percentage and reduce what CDOT can charge. This means that as jurisdictions are awarded grants, the jurisdiction will get more of the actual money.
2. There are about 110 new air quality regulations that are set to go into effect.

Matthew also reported that he and Mike also attended the event at Robinson Theatre at Colorado Mesa University about what their plans are for their \$50 million expansion.

Matthew continued that the Grand Junction Economic Partnership (GJEP) would be meeting the following morning when they will get an update on their search for a new Executive Director.

Matthew concluded his reports by saying that on February 24th and 25th, he and about 65 others would be in Denver with the Grand Junction Chamber on their legislative trip to visit the State Capitol

MAYOR JOEL KINCAID

Joel reported that at the Fruita Area Chamber of Commerce Board meeting the previous week, they discussed the Annual Banquet, which went well and was one of the more attended ones.

The Fruita Chamber has begun planning for the Farmers Market and Fruita Fall Festival, which will be a two-day event again this year. They think they will likely not close the Circle again because it has always been such a big traffic flow issue in the past.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:21 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita