

**FRUITA CITY COUNCIL
VIRTUAL MEETING
JANUARY 18, 2022
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present: Mayor Joel Kincaid
Mayor Pro Tem Lori Buck
City Councilor Karen Leonhart (virtually)
City Councilor Kyle Harvey
City Councilor Heather O'Brien
City Councilor Matthew Breman

Excused Absent: City Councilor Ken Kreie
City Manager Mike Bennett

City staff present: Planning and Development Director/Acting City Manager Dan Caris
Assistant to the City Manager Shannon Vassen
City Clerk/Finance Director Margaret Sell
Deputy City Clerk Deb Woods
City Planner Henry Hemphill
City Attorney Mary Elizabeth Geiger (virtually)

Also present: Fruita Middle School Principal Jeremiah Johnston
Fruita Area Chamber of Commerce Director Kayla Brown
Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

3. AGENDA – ADOPT/AMEND

Planning and Development Director Dan Caris advised that staff had received a letter that morning withdrawing the Dwell Planned Unit Development (PUD) Plan and Second Reading of an Ordinance that was part of the Council packet under the Quasi-Judicial public hearings section of the agenda. City Attorney Mary Elizabeth Geiger added that this meant that there would be no public hearing on the issue and that the application was deemed finished and withdrawn.

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

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATIONS – FRUITA TEACHERS/STUDENTS OF THE MONTH FOR JANUARY 2022: FRUITA MIDDLE SCHOOL

Mayor Kincaid recognized two students and three teachers from Fruita Middle School as Teachers and Students of the month. 6th grader Kolton Johnson, 7th grader Payton Stephens, and teachers Abby Morgan, Jesse Beynon and Pete Ray each received a certificate, day pass to the Fruita Community Center and an “I-heart-Fruita” pin.

5. PUBLIC PARTICIPATION

Andrea Barber, 334 Crystal Court, thanked the Council for deciding to allow for a moment of silence before Council meetings and voiced her support for prayer at public meetings. She delivered a prayer for the City and everyone involved in making decisions.

6. CONSENT AGENDA

- A. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER AND WINE LIQUOR LICENSE FOR THE HOT TOMATO PIZZERIA, LLC LOCATED AT 124 N. MULBERRY STREET**
- B. ASSOCIATE MUNICIPAL COURT JUDGE MUELLER ONE YEAR CONTRACT RENEWAL**
- C. ANNUAL REVIEW OF RED FLAG POLICY (IDENTITY THEFT PREVENTION PROGRAM)**
- D. RESOLUTION 2022-01 – DESIGNATING THE PLACE FOR POSTING OF NOTICES OF MEETINGS OF THE FRUITA CITY COUNCIL AND ALL BOARDS AND COMMISSIONS OF THE CITY OF FRUITA**
- E. FINANCIAL REPORTS – A REQUEST TO APPROVE THE PRELIMINARY DECEMBER 2021 FINANCIAL REPORTS**
- F. ORDINANCE 2022-08 – 1ST READING – AN ORDINANCE 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 FOR PUBLICATION OF PUBLIC HEARING ON FEBRUARY 15, 2022**
- G. ORDINANCE 2022-09 – 1ST READING – AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 17.47 OF THE FRUITA LAND USE CODE CONCERNING THE TIMING OF PAYMENT OF IMPACT FEES AND AMENDING THE DRAINAGE IMPACT FEE BASE VALUE FOR PUBLICATION OF PUBLIC HEARING ON FEBRUARY 15, 2022**

H. ORDINANCE 2022-10 – 1ST READING – AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 17 OF THE FRUITA MUNICIPAL CODE CONCERNING MOBILE FOOD VENDORS AND MOBILE VENDOR COURTS FOR PUBLICATION OF PUBLIC HEARING ON FEBRUARY 15, 2022

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

7. ADMINISTRATIVE AGENDA

There were no administrative agenda items.

8. CITY MANAGER'S REPORT

Acting City Manager and Planning and Development Director Dan Caris had nothing to report.

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR KAREN LEONHART

Karen reported that the Fruita Youth Initiative would be given the Council an update at a meeting in February and that the Police Commission and Museums of Western Colorado (MWC) meetings would be held the following week.

No other City Councilors had anything to report.

MAYOR JOEL KINCAID

Joel reported that the Fruita Chamber Annual Awards Banquet was still scheduled for February 5th and that the board was just waiting on the Mesa County Health Department to advise whether it should be canceled or not due to COVID case numbers. He added that his other meetings were coming up later in the month.

10. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE AN APPLICATION FROM THE FRUITA AREA CHAMBER OF COMMERCE TO SELL ALCOHOLIC BEVERAGES (MALT, VINOUS AND SPIRITUOUS) AT THE FRUITA CHAMBER ANNUAL AWARDS BANQUET**

**TO BE HELD ON SATURDAY, FEBRUARY 5, 2022 FROM 5:00 TO 11:00 PM
AT THE FRUITA COMMUNITY CENTER**

Deputy City Clerk Deb Woods gave staff's presentation, which consisted of listing the items in the Council packet including Police Chief Krouse's memorandum stating that there was nothing which would prohibit the issuance of the license requested. It was staff's recommendation that the Council approve the Special Event Liquor Permit under the following conditions:

1. Applicant will discontinue serving alcoholic beverages at 10:30 p.m. to allow guests 30 minutes to finish their beverages and leave the area.
2. That all alcohol will be secured and removed by 11:00 p.m.
3. That the licensee (the Fruita Chamber) is solely responsible for control of the licensed premises in regards to alcohol possession, consumption and adherence to state and municipal laws.

Ms. Woods noted that Executive Director for the Fruita Chamber Kayla Brown was present in the audience to answer any questions that the Council might have.

Mrs. Brown stated that the Chamber had hired Fisher's Liquor Mart to control the bar, as they have in previous years and that Chamber staff and volunteers would be helping with the tickets required in order to purchase a drink at the bar. The Chamber will also have Citadel Security on site to make sure no alcohol comes into or out of the licensed premises.

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

- **COUNCILOR BREMAN MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SERVE ALCOHOL BEVERAGES DURING THE FRUITA CHAMBER ANNUAL EVENT ON FEBRUARY 5TH FROM 5:00 TO 11:00 P.M. WITH THE CONDITIONS THAT WERE PREVIOUSLY MENTIONED. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

- 2) **DWELL PLANNED UNIT DEVELOPMENT - A REQUEST FOR APPROVAL OF THE DWELL FINAL PUD PLAN AND APPROVAL OF ORDINANCE 2022-06 – A 2ND READING, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 5.09 ACRES OF PROPERTY LOCATED AT 1136 17 ½ ROAD TO A PLANNED UNIT DEVELOPMENT (PUD) (APPLICATION WITHDRAWN BY APPLICANT THE MORNING OF JANUARY 18, 2022)**

Planning and Development Director Dan Caris noted that the actual letter that withdrew the application would become a part of the packet and will live with the record going forward. He added that as the City Attorney, Mary Elizabeth Geiger stated earlier, no action was required of the Council and the public hearing item was concluded.

Councilor O'Brien referred to a statement in Mr. Maves' letter that said, "maybe at some point, we could look back at the process and hopefully learn how this all could have been handled differently." She asked Mr. Caris for any of his or Mr. Maves' insight on that. Mr. Caris responded that he wasn't sure what the statement meant. City Attorney Mary Elizabeth Geiger advised that without the applicant present, she didn't think there should be any discussion about what their intentions or statements might mean.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 7:16 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita