

**FRUITA CITY COUNCIL  
VIRTUAL MEETING  
AUGUST 17, 2021  
7:00 P.M.**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Joel Kincaid called the regular meeting of the Fruita City Council to order at 7:01 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 Heather O'Brien  
City Councilor Matthew Breman

**Excused Absent:** City Councilor Ken Kreie  
Mayor Pro Tem Lori Buck

**Also present:** City Manager Mike Bennett  
Assistant to the City Manager Shannon Vassen  
Deputy City Clerk Deb Woods  
City Planner Henry Hemphill  
Kim Kerk Land Consulting & Development owner Kim Kerk  
Planning & Development Director Dan Caris  
Members of the public (remotely and in person)

**2. PLEDGE OF ALLEGIANCE**

Mayor Kincaid led in the recital of the Pledge of Allegiance.

**3. AGENDA – ADOPT/AMEND**

Mayor Kincaid asked if there were any changes to the agenda. Deputy City Clerk Deb Woods noted that staff made a correction earlier in the afternoon to Consent Agenda Item 6.D, which was incorrectly labeled as “One Riverfront Commission Appointment,” but was amended to read the “Board and Commission reappointment of Mel Mulder to the Planning Commission” for another three-year term. There were no other amendments to the agenda.

- **COUNCILOR BREMAN MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

**A. PROCLAMATION – PROCLAIMING AUGUST 21, 2021 AS “ELLEN ROBERTS DAY” IN THE CITY OF FRUITA IN CELEBRATION OF HER 100<sup>TH</sup> BIRTHDAY TO BE ACCEPTED BY ELLEN ROBERTS**

Councilor Leonhart read the Proclamation, which was accepted by Ellen Roberts. Ellen made it known that she still volunteers her time.

**5. PUBLIC PARTICIPATION**

Archie Lopez, 1681 Ruby Lee Drive, prayed for the Council, thanked them and asked for the Lord’s blessing.

Richard Haase stated that he lives in the River Rock Subdivision, which is just adjacent to the new development that the Council would be voting on later in the meeting. He asked if anything had changed regarding what staff would be presenting and what the applicant wants to get approved. He said that he was still against the more dense subdivision theme and that he would like to see larger lots of 10,000 square feet size in Fruita, just like what was originally planned for the area. Mr. Haase added that it was his opinion that having small lots with more density is nothing more than having a “glorified trailer park,” of which he said Fruita seems to have plenty.

Hearing no further comments from the public, Mayor Kincaid closed the Public Participation section of the agenda.

**6. CONSENT AGENDA**

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 3, 2021 REGULAR CITY COUNCIL MEETING**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR MI RANCHITO LOCATED AT 439 HIGHWAY 6 & 50**
- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER AND WINE – MALT AND VINOUS LIQUOR LICENSE FOR MUNCHIES PIZZA AND DELI LOCATED AT 550 KOKOPELLI BLVD.**
- D. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF MEL MULDER TO THE PLANNING COMMISSION FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN AUGUST OF 2024**
- E. ORDINANCE 2021-17 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON SEPTEMBER 21, 2021 SUBJECT TO APPROVAL OF**

**RESOLUTION 2021-19 – FINDING PROPERTY ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (*1930 HIGHWAY 6 & 50 ANNEXATION*)**

- F. ORDINANCE 2021-18 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 TO A COMMERCIAL-1 (C-1) ZONING DESIGNATION FOR PUBLIC HEARING ON SEPTEMBER 21, 2021 SUBJECT TO APPROVAL OF RESOLUTION 2021-19 – FINDING PROPERTY ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (*1930 HIGHWAY 6 & 50 ZONING*)**
- G. ORDINANCE 2021-19 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON SEPTEMBER 21, 2021 SUBJECT TO APPROVAL OF RESOLUTION 2021-20 – FINDING PROPERTY ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (*FRUITA COPPER CREEK ANNEXATION*)**
- H. ORDINANCE 2021-20 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD TO A COMMUNITY RESIDENTIAL ZONE FOR PUBLIC HEARING ON SEPTEMBER 21, 2021 SUBJECT TO APPROVAL OF RESOLUTION 2021-20 – FINDING PROPERTY ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (*FRUITA COPPER CREEK ZONING*)**
- I. FINANCIAL REPORTS – A REQUEST TO APPROVE THE JULY 2021 FINANCIAL REPORTS**

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

**7. PUBLIC HEARINGS**

**A. QUASI-JUDICIAL HEARINGS**

- 1) ORDINANCE 2021-16 – SECOND READING – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.25 ACRES OF PROPERTY LOCATED AT 960 STONE MOUNTAIN DRIVE TO A SOUTH FRUITA RESIDENTIAL ZONE (*CIDER MILLS ZONING*) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's PowerPoint presentation, which consisted of the project description, zoning map, future Land Use Map, planning guidance according to the City's Comprehensive Master Plan, Fruita Land Use Code requirements that must be considered by the Council, gross density comparisons with nearby subdivisions, Land Use Table and legal notice methods and dates.

Staff received both written and verbal (at the Planning Commission public hearing) comments from the public which were included in the Council packet with the Staff Report. The Planning Commission recommended approval of the rezone request by a vote of 6 to 0 at their June 22, 2021 public hearing.

Mr. Hemphill pointed out that the subject property was previously zoned Large Lot Residential because at that time, it was owned by School District 51, who was tentatively going to propose a future school on the site. The School District later made the decision to construct an elementary school (Monument Ridge Elementary) in a different location in Fruita that has more density surrounding it, so the School District sold the subject property.

Mr. Hemphill provided staff's recommendation of approval and suggested motion to approve the Ordinance amending the Land Use Map because the application meets all the required review criteria for a rezone to South Fruita Residential.

Kim Kerk Land Consulting & Development owner Kim Kerk and Ty Johnson with Vortex Engineering were in attendance as the applicant's representatives. The property owner and applicant for the project is Synergy Builders.

Ms. Kerk provided a very brief overview of the request for the rezone from Large Lot Residential to South Fruita Residential and pointed out that they were not asking for any special requests or allowances for the rezone because she said it is very compatible with what the Fruita Comprehensive Plan suggests for the area.

Mayor Kincaid opened the public hearing.

Mr. Mike Robinson, 686 Beech Avenue, stated that he lives right next door to the Cedar Mills property. He expressed concern about the property being zoned South Fruita Residential, the decrease in lot size and the increase in density. He argued that Fruita just barely has the infrastructure now (such as grocery stores) to support what it has.

Mr. Robinson stated that just to the south of the subject property off South Maple is the Red Cliffs Subdivision where 40 new mobile home lots will go in with a plan for even more in Phase 3. He said people will have to enter the new development via Stone Mountain Drive and that he had previously received conflicting information concerning the traffic study that was done.

Mr. Robinson contended that if the traffic study was done during the pandemic, then it would be useless because people were staying home and cars were not on the road. He said he would like to request that a new traffic study be done now that people are starting to go back to work because the proposed Santa Ana Avenue would be adding a lot of traffic and that South Fruita is already crowded as it is.

An unidentified woman in the audience said she wanted to clarify that when Mr. Haase spoke earlier in the meeting (during Public Participation), he was doing so in reference to this agenda item.

There were no further comments from the public, so Mayor Kincaid closed the public hearing. He asked what the results of the traffic study were.

Ms. Kerk noted that the traffic study does not affect the rezone request. She said that the process actually started well before the pandemic with the Garden Estates Subdivision, which is directly to the east of Cider Mills.

Ms. Kerk concluded that it was a very comprehensive traffic study that had to be submitted to the Colorado Department of Transportation (CDOT) for review to ensure it met all of their minimum requirements.

Mr. Hemphill concurred that the traffic study was done with Garden Estates but added that if and when there were to be a land development application for the subject property, staff would request a more updated version of the traffic study based on the subdivision being proposed at the Preliminary Plan stage. This is always conveyed by staff to the applicant at the preapplication meeting.

Mayor Kincaid noted that the difference in density between Large Lot Residential and South Fruita Residential is that it is one to four dwelling units per acre for Large Lot Residential while it is two to five for South Fruita Residential. He asked for confirmation that for mobile homes to be developed on the subject property, an applicant would have to apply for a Conditional Use Permit and Mr. Hemphill explained that a mobile home park or subdivision is not an allowed use in the South Fruita Residential zone district.

- **COUNCILOR LEONHART MOVED TO APPROVE ORDINANCE 2021-16 - AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.25 ACRES OF PROPERTY LOCATED AT 960 STONE MOUNTAIN DRIVE TO A SOUTH FRUITA RESIDENTIAL ZONE. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

**2) RESOLUTION 2021-19 – FINDING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA AND TO CONSIDER INITIATION OF ANNEXATION PROCEDURES (1930 HIGHWAY 6 & 50 ANNEXATION) - CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's PowerPoint presentation. The public hearing date of August 17<sup>th</sup> for this annexation project was set with Resolution 2021-16, adopted by the City Council on July 6, 2021.

Mr. Hemphill explained that the subject property is eligible for annexation as the requirement for a 1/6 contiguity of the perimeter with existing City limits (pursuant to state statute) had been met. He pointed out this fact by showing where the property is located on an annexation map (Exhibit A) and stated

that because the contiguity requirement had been met, staff was recommending approval of the request for annexation. Mr. Hemphill noted that the applicant was not in attendance at the meeting.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he directed the matter to the Council.

- **COUNCILOR LEONHART MOVED TO APPROVE RESOLUTION 2021-19 – FINDING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA AND TO CONSIDER INITIATION OF ANNEXATION PROCEDURES. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

**3) RESOLUTION 2021-20 – FINDING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA AND TO CONSIDER THE INITIATION OF ANNEXATION PROCEDURES (*FRUITA COPPER CREEK ANNEXATION*) - CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's PowerPoint presentation, again noting that annexations are set by state statute, which sets forth a requirement of property having at least a 1/6 contiguity with existing City limits. He referred to Exhibit A to Resolution 2021-20 (annexation map) and pointed out where the subject property is contiguous by about 35% (well over 1/6) of the total property with existing Fruita city limits.

Mr. Hemphill also explained that the subject property is within the City's urban growth boundary that is called out in the Future Land Use Map contained in the Comprehensive Plan.

Because of the two above factors, Mr. Hemphill said it was staff's recommendation that the Council adopt the Resolution finding the Fruita Copper Creek property eligible for annexation into the City.

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

- **COUNCILOR BREMAN MOVED TO ADOPT RESOLUTION 2021-20 – FINDING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

## **8. ADMINISTRATIVE AGENDA**

There were no administrative agenda items on the agenda.

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

City Manager Mike Bennett reported on the following:

1. In the 2021 Annual Budget, the City budgeted \$225,000 in the Wastewater Fund for H<sub>2</sub>S gas mitigation. The process is taking longer than anticipated to get to the root cause and determine a resolution. A consulting group has been hired by the City to work on identifying how to mitigate the H<sub>2</sub>S and what the exact costs will be. It is now being realized that this will likely be a project for next year (2022) by the time everything is figured out, so staff would like to move \$51,798 of those funds towards three other projects:
  - a) Needs Assessment update for the Wastewater Treatment Facility
  - b) Preliminary design for an aeration system
  - c) Main switch gear preventative maintenance (typically scheduled every five to seven years, but the City has now gone ten years without it)

Mike said the reason he put this in as an update is that staff doesn't normally get a budget approved (especially for such large items) and then do something different with the funds when the project that was originally budgeted for will still have to be completed at some point in the future.

2. The previous day, staff had their first meeting with experts in the valley to further discuss the concept of affordable/attainable/workforce housing in Fruita. The group of people invited to and/or attended the meeting are:
  - a) Rebekah Skarrow, Realtor
  - b) Ron Abeloe, local developer and representative of AMGD
  - c) JP Nisley, Planning Commissioner and appraiser
  - d) James Pulsipher, Bay Equity Home Loans Regional Manager
  - e) Lori Chesnick, local Realtor
  - f) Robert Jones, Engineer with Vortex Engineering
  - g) Jesse Mease, local business owner in construction industry
  - h) Kevin Bray, local developer (unable to attend this first meeting)
  - i) Silas Coleman, local developer (unable to attend this first meeting)

Mike said these individuals are willing to meet on a monthly basis to advise and work with staff on developing proposals to go to the Fruita Planning Commission and City Council for affordable/attainable housing processes. Mike said there were a lot of great ideas that came out of the meeting, as well as an appreciation that staff had approached them at the "concept" stage. He asked the Council if they wanted to consider formally appointing the individuals to a committee at a future meeting or if they would prefer the group to be more informal. There was consensus among the Council members to formalize the group in order to give it more weight and credibility.

Councilor Breman stated that he had one or two names of people he wanted to add to the member list before it gets formalized in order to fill a few gaps. Councilor Harvey echoed that statement and wondered if it would be possible to find people that represent the workforce for whom the City is trying to meet housing needs, even if it is just to ask them questions.

Mike suggested that staff provide the Council with an update at a workshop meeting to discuss gaps and potential ideas for the committee and then staff could reach out to the group of people to confirm whether or not they want to be formally appointed to a committee.

## **10. COUNCIL REPORTS AND ACTIONS**

### **COUNCILOR KAREN LEONHART**

Karen said the new Code Compliance Officer is doing a really great job. She showed everyone the weeds violation warning she received from him and said she spoke to him on the phone and the matter will be resolved soon.

Karen also reported that the Fruita Youth Action Council had a retreat the previous Sunday and the group is working on getting some good things going. They have moved their meetings to the second Monday of the month and Karen said she looks forward to hearing more about their plans for the future.

### **COUNCILOR KYLE HARVEY**

Kyle reported the Arts and Culture Board met and since they have now mostly wrapped up the Wellspring project and fundraising for the roundabouts, the group is now in discussions about what their next goals will be. He said they have a ton of exciting ideas and that the group is very vibrant with creative ideas to engage the community in exciting ways.

Kyle also reported that on Friday, August 20, the rest of the sculptures will be installed in the roundabouts starting at about 9:00 a.m. (weather permitting). He added that he was able to check out the sculptures at Jeff Bates' workshop and they are amazing.

Kyle pointed out that the Council members should have received an email invitation to the ribbon cutting ceremony for the roundabouts to be held on Friday, August 27<sup>th</sup> at 5:00 p.m. at the Civic Center Memorial Park pavilion. He said it would be amazing if the other Council members could be there because the Arts and Culture Board is pretty excited about it.

### **COUNCILOR HEATHER O'BRIEN**

Heather had nothing to report.

### **COUNCILOR MATTHEW BREMAN**

Matthew noted that Robin Brown has resigned from the Grand Junction Economic Partnership (GJEP) and is heading over to Colorado Mesa University.

Matthew also noted that he and Mike would be spending the entire following day at the GJEP Board Retreat.

### **MAYOR JOEL KINCAID**



Joel reported that the Fruita Area Chamber of Commerce Board of Directors had their meeting the previous week and Executive Director Kayla Brown inquired about presenting the Chamber's budget to the City Council. Kayla will be contacting Mike to schedule that.

Joel also said that he and Mike talked about having the Museums of Western Colorado (MWC) present to the Council with their budget as they have not done that in over one year due to the pandemic. He added that everything else is going well with the MWC.

Joel reported that he would be attending the Tourism Advisory Council (FTAC) the following week.

Councilor O'Brien reminded everyone that the new members on the City Council have still not been through any kind of security or safety training.

Mike stated that it was slated for the August workshop session, which has been rescheduled from August 24<sup>th</sup> to August 31<sup>st</sup>.

Mike recalled that the Mesa County Commissioners would be holding their public Town Hall event on August 24<sup>th</sup> beginning at 6:00 p.m. in the Council Chambers at the Fruita Civic Center. He noted that he would not be able to attend but that Assistant to the City Manager Shannon Vassen will be attending and providing any tech support the Commissioners might need. Mike explained that it wasn't a Council meeting but that the Commissioners hope to see as many Fruita City Councilors as possible.

Mike reiterated that the City Council workshop meeting would be held on August 31<sup>st</sup> and that one of the agenda items will be to have the Fruita Police Department provide the Council with safety training.

Karen suggested that the City establish a goal of including a Spanish version of the City's website online, noting that she has several non-English speaking students in her class at school. She added that she knew that would be a big project but that it would be good for the community.

Mike responded that the group that helped to create the City's website is backed up at the moment, but staff will make sure to have multiple language versions built in if not before the end of the year, then at the beginning of next year in next year's budget.

Kyle suggested that the City forms that are available at the counter also be translated into Spanish and added that he was sure someone could be hired to do it. Matthew stated that he uses a group out of Utah that is great at that, but he'd rather use someone local.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita