

**FRUITA CITY COUNCIL  
VIRTUAL MEETING  
SEPTEMBER 21, 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 7:00 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  
City Councilor Kyle Harvey  
City Councilor Ken Kreie  
City Councilor Heather O'Brien

**Absent at Roll Call:** City Councilor Matthew Breman (arrived at 7:25 p.m.)

**Excused Absent:** (None)

**Also present:** City Manager Mike Bennett  
Assistant to the City Manager Shannon Vassen  
City Clerk/Finance Director Margaret Sell  
Deputy City Clerk Deb Woods  
City Planner Henry Hemphill  
Planning & Development Director Dan Caris  
Public Works Director Kimberly Bullen  
City Attorney Mary Elizabeth Geiger  
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 confirmed that there were no changes to the agenda.

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

**4. PROCLAMATIONS AND PRESENTATIONS**

There were no Proclamations or presentations on the agenda.

## **5. PUBLIC PARTICIPATION**

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 31, 2021 CITY COUNCIL WORKSHOP MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 7, 2021 REGULAR CITY COUNCIL MEETING**
- C. CHANGE OF REGISTERED MANAGER – A REQUEST TO APPROVE A CHANGE OF REGISTERED MANAGER ON A HOTEL AND RESTAURANT LIQUOR LICENSE – MALT, VINOUS & SPIRITUOUS FOR EL TAPATIO LOCATED AT 402 JURASSIC AVENUE**
- D. MINI-GRANT AWARD – A REQUEST TO APPROVE A RECOMMENDATION FROM THE FRUITA TOURISM ADVISORY COUNCIL FOR ONE MINI-GRANT AWARD TO COPPER CLUB BREWERY FOR A MURAL**
- E. FINANCIAL REPORTS – A REQUEST TO APPROVE THE AUGUST 2021 FINANCIAL REPORTS**
- F. RESOLUTION 2021-24 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2021 BUDGET AND TRANSFERRING FUNDS FROM THE SEWER FUND CONTINGENCY ACCOUNT FOR SEWER LIFT STATION MAINTENANCE**
- G. ORDINANCE 2021-22 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING TITLE 2 OF THE FRUITA MUNICIPAL CODE CONCERNING POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT, THE PLANNING COMMISSION, THE BOARD OF ADJUSTMENT AND THE HISTORIC PRESERVATION BOARD FOR PUBLIC HEARING ON OCTOBER 19, 2021**
- H. ORDINANCE 2021-21 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE REPEALING AND REENACTING TITLE 17, LAND USE CODE, OF THE FRUITA MUNICIPAL CODE**
- I. MAJOR PUD AMENDMENT – A REQUEST TO APPROVE AN APPLICATION FOR A MAJOR PLANNED UNIT DEVELOPMENT (PUD) GUIDE AMENDMENT FOR FRUITA MEWS (*APPLICATION WITHDRAWN*)**

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

## **7. PUBLIC HEARINGS**

### **A. QUASI-JUDICIAL HEARINGS**

- 1) **SPECIAL EVENT LIQUOR PERMIT – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT FOR COMMUNITY HOSPITAL – COLORADO WEST HEALTHCARE SYSTEM TO SERVE BEER AT THEIR RADIATION ONCOLOGY FUNDRAISING CORNHOLE TOURNAMENT TO BE HELD ON SATURDAY, OCTOBER 2, 2021 FROM 12:00 TO 8:30 PM AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVENUE – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation on a Special Event Liquor Permit application submitted by Community Hospital – Colorado West Healthcare System. She reviewed the contents of this agenda item that were included in the Council packet and related the response contained in Fruita Police Chief Dave Krouse's memorandum which stated that there was nothing in the application that would prohibit the issuance of the Special Event Permit. Staff recommended approval of the application subject to the following conditions:

1. The entrance and exit shall be monitored closely and continuously by event staff in order to prevent alcoholic 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 in regard to alcohol possession, consumption and adherence to state and municipal laws.
3. All other procedures presented by Community Hospital – Colorado West Healthcare System will be followed.

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

- **COUNCILOR LEONHART MOVED TO APPROVE THE SPECIAL EVENT LIQUOR PERMIT FOR COMMUNITY HOSPITAL – COLORADO WEST HEALTHCARE SYSTEM TO SERVE BEER AT THEIR RADIATION ONCOLOGY FUNDRAISING CORNHOLE TOURNAMENT TO BE HELD ON SATURDAY, OCTOBER 2, 2021 FROM 12:00 TO 8:30 PM AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVENUE SUBJECT TO THE**

**CONDITIONS STATED IN THE STAFF REPORT. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**2) ORDINANCE 2021-17 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE ANNEXING 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 (1930 HWY 6 & 50 ANNEXATION) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's presentation including:

- Legal notices to the public: methods and dates (including photos of signs on the subject property)
- Zoning map showing the location of the subject property
- Map of surrounding properties that received a postcard notice of the public hearing (also showing the location of the subject property)
- Future Land Use Map (also showing the location of the subject property)
- Nine (9) approval criteria pursuant to the Fruita Land Use Code that must be considered for annexations and which were met by the applicant (some were non-applicable)
- No written public comments were received
- No reviewer expressed concerns with the application

Mr. Hemphill explained that staff had reviewed this annexation request and found that the property complies with current state statutes for annexation by occupying the required 1/6<sup>th</sup> contiguity with existing City limits. He also pointed out that the property is located within the City's Urban Growth Boundary.

At their July 13, 2021 public meeting, the Planning Commission recommended approval of the annexation petition to the Fruita City Council by a vote of 5-0.

Mr. Hemphill provided staff's recommendation that the 1930 Highway 6 & 50 annexation request be approved with the adoption of Ordinance 2021-17.

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

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2021-17 – SECOND READING – AN ORDINANCE ANNEXING 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 INTO THE CITY OF FRUITA. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**3) ORDINANCE 2021-18 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE ZONING NEWLY ANNEXED PROPERTY CONTAINING 16.21 ACRES AND LOCATED AT 1930 HIGHWAY 6 & 50 TO A COMMERCIAL C-1 ZONING DESIGNATION (1930 HWY 6 & 50 ZONING) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill provided staff's presentation, which included:

- Legal notice methods and dates pursuant to Fruita Land Use Code Section 17.01.130
- Zoning map depicting proposed Commercial 1 (C-1) Zone District along Highway 6 & 50
- Review criteria set forth in Fruita Land Use Code Section 17.13.060 that has been met
- Staff's statement that the proposed zoning is consistent with the City's goals, policies and Master Plan
- Planning Commission recommended approval by a vote of 5 to 0 at their July 13, 2021 public hearing
- No written public comments were received
- No reviewer expressed any concerns with the rezone
- Staff's recommendation of approval of the proposed Commercial 1 (C-1) Zone District

Mayor Kincaid asked if the applicant was present in the audience and noted that for the previous Ordinance for annexation, the applicant was inadvertently not given the opportunity to present the proposal. The applicant's representative, Tracy States with River City Consultants, Inc. stated that she had not prepared anything for the public hearing, that they were in concurrence with staff and that she was present to answer any questions that the Council may have.

Mayor Kincaid opened the public hearing. Hearing no public input, he closed the public hearing and directed the matter to the Council.

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2021-18 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 16.21 ACRES OF PROPERETY LOCATED AT 1930 HIGHWAY 6 & 50 TO A COMMERCIAL 1 OR C-1 ZONE. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**4) ORDINANCE 2021-19 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE ANNEXING 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD INTO THE CITY OF FRUITA (FRUITA COPPER CREEK ANNEXATION) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill gave staff's presentation. Highlights included:

- Property is currently zoned by Mesa County as Urban Residential Reserve.
- Legal notice methods and dates pursuant to state statutes
- Property has the 1/6<sup>th</sup> contiguity with Fruita city limits that is required to be considered for annexation.
- On August 17, 2021, the Council adopted the First Reading of the Ordinance to set the public hearing date.
- Zoning map showing the subject property
- Future Land Use Map showing the Urban Growth Boundary

- Nine (9) approval criteria: the annexation request does meet the required criteria for annexation
- Ordinance and suggested motion contained a clerical error in that staff inadvertently omitted two conditions that were contained in the Staff Report that were supported by the Planning Commission as a recommendation to the City Council.
- The two amendments (conditions) to the Ordinance are as follows:
  1. Additional dedication of right-of-way on 19 Road (50 feet from the section line) that needs to be dedicated either by plat or deed; and
  2. The dedication of a 14-foot multi-purpose easement adjacent to the right-of-way

Mr. Hemphill explained that the above two conditions are standard in annexations with right-of-way so that staff can make sure the City's Circulation Plan and what is actually being incorporated into City limits do correspond with each other.

Other highlights included:

- The Planning Commission recommended (to the City Council) approval of the annexation by a vote of 5 to 0 at their July 13, 2021 public hearing.
- No written public comments were received; however, public comments were made at the Planning Commission meeting.
- No reviewer expressed any concerns.
- Staff's recommendation is for approval of the annexation with the condition that there will be a dedication of additional right-of-way on 19 Road and a 14-foot multi-purpose easement adjacent to the right-of-way

*Councilor Matthew Berman arrived at the meeting at 7:25 p.m.*

Mr. Hemphill reiterated that the Ordinance that was included in the Council packet and the suggested motion did not contain the two above conditions.

Ted Ciavonne with Ciavonne, Roberts and Associates (the applicant's representative) said he wanted to make note that a few months ago, his business was sold and is now Kaart Planning, but that it shouldn't affect the annexation request. The client is Copper Creek Builders, and Mr. Ciavonne said they are some of the best developers his firm has ever worked with.

Mayor Kincaid opened the public hearing.

Mr. Rick Bedow, 966 19 Road, stated that his property is adjacent to the subject property and that he wanted to know why the applicant needs to annex into the City only to tap into the City sewer. He noted that Mesa County had previously approved the property for a subdivision with a fair amount of houses but that the area is Rural America to him and his neighbors on 19 Road. Mr. Biddle referenced the Iron Wheel Subdivision with over 200 homes and stated that Fruita's schools are already overpacked as of this year, so he doesn't understand why the City is packing more people in. He said he thinks the City doesn't have enough support to take care of what it already has.

Mr. Bedow noted that none of his neighbors decided to come to the Council meeting even though he called everybody that received the (public) notice from the City, including the Cowboy Church, but nobody wanted to come because they said it was a “losing battle.”

Mr. Bedow continued that what he doesn’t understand is that the land (subject property) is vacant, it was approved but not subdivided, Iron Wheel Subdivision starts going in and the City puts the sewer line in and now, all of a sudden, someone wants to subdivide the property. He said he did his homework; it was \$1 million for the City to put the sewer in.

Mr. Bedow stated that he owns a dairy farm at 966 19 Road and that he has 250 people that come to his farm and buy milk every day and that he believes 150 of those people are from Fruita. He said a lot of these people don’t know what’s happening (with the annexation).

Mr. Bedow said the investor is going to invest a lot of money into the subject property and he hopes that they are aware that he owns 250 cows and 1,000 pigs and that he has multiple farms. He said he is well off, but lives very modestly and asked if the investor was aware that the smells from his farms are going to come right over the fence (to the subject property).

Mr. Bedow stated that the preacher of the Cowboy Church is concerned about what is happening with the subject property, but he couldn’t come to the Council meeting because he had youth meetings.

Mr. Bedow also said that when you see an aerial of the Iron Wheel Subdivision, it looks like an inner-city development.

There were no further comments from the public, so Mayor Kincaid referred the proposed annexation to the Council.

Councilor Leonhart said she appreciated Mr. Bedow’s comments. Mayor Kincaid stated that Fruita’s Master Plan shows that the property falls within the City’s Urban Growth Area and that the Plan has been in place for twenty years.

Mr. Bedow continued with making comments, but they were inaudible because he was at his seat and no longer at the microphone.

City Attorney Mary Elizabeth Geiger (present virtually) interrupted and stated that she could not hear Mr. Bedow since he was not at the microphone, but also that it probably was not a good idea to enter into a back-and-forth (between Mr. Bedow and the Council/staff).

- **COUNCILOR BUCK MOVED TO ADOPT ORDINANCE 2021-19 – SECOND READING – ANNEXING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD INTO THE CITY OF FRUITA AND TO INCLUDE THE FOLLOWING CONDITIONS AS RECOMMENDED IN THE STAFF REPORT AND BY THE PLANNING COMMISSION:**

- 1) **19 ROAD TO HAVE A TOTAL OF A 50-FOOT (RIGHT-OF-WAY) FROM THE SECTION LINE; AND**

**2) DEDICATION OF A 14-FOOT MULTI-PURPOSE EASEMENT ADJACENT TO THE RIGHT-OF-WAY**

- **COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**5) ORDINANCE 2021-20 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE ZONING NEWLY ANNEXED PROPERTY CONTAINING 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD TO A COMMUNITY RESIDENTIAL (CR) ZONING DESIGNATION (FRUITA COPPER CREEK ZONING) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill provided staff's presentation, which consisted of the following:

- The rezone needs to be accomplished within 90 days of annexation of the property, so it is very common for annexations and zoning to run through the development process concurrently.
- Legal notice methods and dates pursuant to Fruita Land Use Code Section 17.01.130
- Zoning map showing the subject property
- Future Land Use map showing the subject property within the Urban Growth Boundary
- Review criteria pursuant to Fruita Land Use Code Section 17.13.060 (criteria met by applicant)
- Planning Commission recommended approval of the rezone request to the City Council at their July 13, 2021 by a vote of 5 to 0.
- No written public comments were received (voiced concerns were expressed at the Planning Commission meeting, however).
- No reviewer expressed concerns with the annexation.
- Staff's recommendation of approval that the subject property be zoned Community Residential (CR)

The applicant's representative, Ted Ciavonne, did not have anything to add.

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

Councilor O'Brien said she wanted to let Mr. Bedow know that the Council appreciated his coming to the Council meeting and providing his comments. She asked for Mr. Hemphill to again display the Future Land Use map from his presentation and added that she didn't want Mr. Bedow to think that the Council was just dismissing him or not listening to him.

Councilor O'Brien pointed out that the dotted line on the map depicts where the Urban Growth Boundary lies and said that the City has been planning for a long time to grow into those areas. She added that the City does feel that it has the existing infrastructure necessary to support development into these areas. She also commented that everyone is feeling the "growing pains" of Fruita, and



although it would be nice to keep the nice little, small town of 5,000 people that Fruita used to be when she first moved here, there has always been a plan for growth and a plan for being able to sustain it. Councilor Leonhart added that it wasn't the *City Council's* (Master) plan, it was the plan of the people of the Fruita community because that is who provided input for the plan.

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2021-20 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD TO A COMMUNITY RESIDENTIAL (CR) ZONE. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **8. ADMINISTRATIVE AGENDA**

There were no Administrative items on the agenda.

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

Regarding the two previous public hearings on the Fruita Copper Creek annexation and zoning Ordinances, City Manager Mike Bennett said he wanted to add that while not part of the criteria for zoning and annexation decisions, he wanted to note what would be included in possible future land use applications that each house which is built in the Urban Growth Area pays Transportation Impact Fees and Parks, Open Space and Trails Impact Fees and that each house in this particular area has a recapture agreement for the City's sewer extension project so that each house pays the City back for the construction of the new sewer line to that area. He added that the City's Wastewater Reclamation Facility is only near half capacity, so there is infrastructure to sustain the Urban Growth Area, which the plant was built to service.

Mike then reported on the following:

1. Mary Elizabeth Geiger will be taking over providing legal services to the City as Paul Wisor took a job with the Town of Mountain Village effective immediately. Mike noted that the City has been working with Mary Elizabeth pretty heavily on the Land Use Code and other issues that Paul was working on. He suggested that when Council members have the time, that they have an initial discussion with Mary Elizabeth.
2. The City may receive a potential donation of water that is to be distributed to Fruita, Palisade and Grand Junction. The City of Fruita is party to a contract with the Bureau of Reclamation, City of Grand Junction, Town of Palisade that allows for additional releases of water from Green Mountain Reservoir when available and allowed by the Bureau and the historic users' pool for fish recovery purposes in the 15-mile reach above Grand Junction. The Town of Frisco is offering to donate 200-acre feet of excess water to be released pursuant to the contract. City Attorney Mary Elizabeth Geiger reviewed Fruita's existing agreement and along with the City of Grand Junction, has requested one more clarification from the Town of Frisco and the Water Users to confirm two things if Fruita were to accept the donation:

1. That the Bureau confirms that the 200-acre feet of water is actually available to be used in the way that the contract dictates, and
2. That the Historic User's Pool has approved both conditions of the contract for being able to use the water.

Mike reported that the Town of Frisco is under a short timeline, so they are looking for Fruita's support by the end of the month (September) because they have some deadlines at the beginning of October. Instead of losing the rights, the Town of Frisco would have the access to be able to donate the water. City staff is conferring with the City of Grand Junction and the Town of Palisade and their attorneys. Mike said that if the City Council approves, and if the City of Fruita receives clarification that the donation is in compliance with the existing agreement, then staff can approve the donation by the end of the month. If for some reason, the donation does not fall in line with the existing agreement, then the City of Fruita would not proceed with the donation.

City Attorney Mary Elizabeth Geiger noted that the agreement was originally executed in 2015 with the Bureau of Reclamation, Palisade, Grand Junction and Fruita and there is a critical reach of the Colorado River called the "15-Mile Reach." The Bureau is trying to recover fish habitat in this reach of the river that historically drops really low because of big diversions by the Grand Valley Water Users' Association and other irrigation users in the area. She explained that the donation would allow an additional 200-acre feet of water to flow all the way down to add water into the 15-Mile Reach. Ms. Geiger stated that although the purpose is solely for fish habitat, it also provides for more recreational opportunities and is an opportunity to keep some of the water in the Colorado River rather than having it taken out.

Councilor Buck asked if there were any negative consequences to Fruita accepting the donation of water. Ms. Geiger responded that there were not and that is why the agreement was set up in the way that it was. She reviewed the two criteria (that Mike just spoke about) that need to be met to accept the donation and announced that earlier in the day, she did receive confirmation from the Bureau that yes, it meets the first criteria. Ms. Geiger said that the second question was brought up by the City of Grand Junction and Fruita city Staff have reached out again concerning whether or not the Historic Users' Pool is going to be okay with the donation.

Ms. Geiger said she couldn't see why the Users' Pool wouldn't be okay with the arrangement and that there really is no downside as long as the criteria have been met.

Mike recommended that the Council move to:

- 1) Accept the donation from the Town of Frisco with the clarification that the two (2) criteria as detailed by the City of Fruita's attorney are met; and
  - 2) Authorize the City Manager to execute an agreement with the Town of Frisco
- **COUNCILOR BUCK MOVED TO ACCEPT THE DONATION FROM THE TOWN OF FRISCO WITH THE CLARIFICATION THAT THE TWO (2) CRITERIA AS DETAILED BY FRUITA'S CITY ATTORNEY ARE MET.**

City Attorney Mary Elizabeth Geiger reminded Councilor Buck that the Council's motion also needed to include the language about "authorizing the City Manager to execute an agreement."

**COUNCILOR BUCK AMENDED HER MOTION TO INCLUDE: "AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TOWN OF FRISCO FOR THE DONATION OF WATER." COUNCILOR BREMAN SECONDED THE AMENDED MOTION. THE AMENDED MOTION PASSED WITH SIX YES VOTES.**

Mike also reported on the following:

- The discussion concerning housing strategy efforts will be on the agenda for the upcoming September 28<sup>th</sup> Council workshop meeting and will include speakers from the Department of Local Affairs Division of Housing and the Grand Junction Housing Authority.
- Also on the September 28 workshop agenda, there will be an overview of the 2022 proposed Budget that will be fairly short.
- Finally, the September 28<sup>th</sup> workshop agenda may include any requests for Proclamations that have been received by staff between now and then.
- Staff presented an update on housing strategy efforts to the Livability Commission, who is very interested in the topic. Many of those board members plan to come to the September Council workshop meeting to listen in.
- The housing strategy Technical Committee now has confirmation of participation from all prospective members including two individuals that were recommended by Councilor Breman. Planning and Development Director Dan Caris has met with them and the group's next meeting is scheduled for October 13<sup>th</sup>. Staff plans to provide the public and Council with an update at the October 5, 2021 Council meeting when the official appointments of the members will take place. There will be a legal analysis provided by the law firm of Butler Snow that should be ready by early next week.
- Broadband – Staff has done quite a bit of research and has talked to many communities and a number of providers. Mike requested to schedule a Special Workshop Meeting of the Council to discuss the options and get feedback on the issue of getting Broadband Fiber to every Fruita home and business in the community. The date for the meeting that was settled upon was Monday, October 11<sup>th</sup> from 6:30 to 7:30 p.m. Councilors Buck and Harvey advised that they might be a little late.

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

### COUNCILOR MATTHEW BREMAN

Matthew reported that the Grand Junction Economic Partnership (GJEP) pool is open for applicants for the new Executive Director. They have had 19 applicants to date. It was on the Governmental Affairs Committee meeting agenda earlier in the day and Matthew said it is pre-season, so much of it is speculative, but some of the main topics were middle mile broadband funding, transportation dollars on the Western Slope, alternative routes to I-70 and challenges with those.

### COUNCILOR HEATHER O'BRIEN

Heather reported that the Planning Commission met and approved the last of the Land Use Code amendments. She said there was an interesting conversation about some proposals for Density Bonuses and the things that can be done to get them, but the Planning Commission decided that they didn't hit the mark, so they were removed. The proposals then accidentally got included with the Planning Commission meeting materials, and it was quickly noted, but Heather said a good conversation ensued about what the City does really value and what could be done moving forward. She hopes that the conversation will be continued with the Council.

Heather also reported that the Parks and Recreation Advisory Board met. She asked about the status of hiring a new Department Director. Mike responded that staff has conducted a number of first and second interviews and is almost firm on bringing the finalists in on October 6<sup>th</sup> and 7<sup>th</sup> for interviews with the City's Leadership Team. Mike said he will be taking the finalists around town on tours and that Recreation staff will be joining either the tours and/or interviews as well. Staff is preparing to plan a Meet and Greet before a Council meeting where staff, the City Council, Parks and Recreation Advisory Board members and a few partners of the City will be invited in order for Mike to gain the most input before making a decision on whom to hire for the position of Parks and Recreation Director.

#### COUNCILOR KEN KREIE

Ken reported that the Downtown Advisory Board did not meet, but the Associated Governments of Northwestern Colorado did meet and the board talked a lot about wolves and a little bit about broadband. Ken noted that the Banff Film Festival will be taking place the coming weekend and some of the beneficiaries include Colorado Canyons and the Colorado National Monument Association.

#### COUNCILOR KYLE HARVEY

Kyle reported that the Historic Preservation Board will be posting the Fruita History Fair on Saturday, September 25<sup>th</sup> from 11:00 a.m. until 2:00 p.m. at Cavalcade in the Mason's Building.

Kyle also reported that the Arts and Culture Board has an event on Sunday in relation to the Wellspring Project. People will meet at the Fruita Community Center at 10:00 a.m. and will ride bikes or walk to the mural site. There is a gal or a group of gals from a project called "The Water Cycle Project" that are traveling by bike along the Colorado Riverfront Trail and are essentially documenting people's stories to include everything from agriculture to people that enjoy rafting or other forms of recreation on the river. Kyle said the group has reached out to some of the participants of the Wellspring Project.

#### COUNCILOR LORI BUCK

Lori reported that the Grand Valley Regional Transportation Committee (GVRTC) meeting is canceled for the month.

Lori also reported that she did some filming for the School District #51 Bond issue and when they asked her name and title, she responded that she was a Fruita City Councilor before she realized what she had done. She said she reached out to Angela (Christensen) and requested that that part of the video not be shown and wanted everyone to know she did it without thinking.

#### MAYOR JOEL KINCAID

Joel reported that the Fruita Tourism Advisory Council (FTAC) had their interviews with potential marketing agencies because the current contract for marketing is now up. The board has narrowed it down to two candidates and there will be final discussions with them and the FTAC before bringing their recommendation to the City Council. He said he needed to get with City Manager Assistant Shannon Vassen because he is registered to attend the Grand Junction Economic Partnership (GJEP) Annual Economic Summit on the same date and time as the next FTAC meeting.

Joel also noted that Fruita Fall Festival would be happening over the coming weekend, so the Chamber has been very busy getting prepared for that.

Councilor Kreie announced that the Colorado National Monument will be holding its Plein Air Invitational event where 20 to 30 artists will participate to create works of art as they spend time along the canyon rims. He also announced that the Tour of the Moon bike race was scheduled for the coming Sunday.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:06 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita