

**FRUITA CITY COUNCIL
IN PERSON AND VIRTUAL MEETING
JANUARY 17, 2023
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 Matthew Breman
City Councilor Jeannine Purser
City Councilor Ken Kreie (virtually)
City Councilor Amy Miller
City Councilor Aaron Hancey

Excused Absent: City Councilor James Williams
Deputy City Clerk Deb Woods

City staff present: City Manager Mike Bennett
Assistant to the City Manager Shannon Vassen
City Clerk/Finance Director Margaret Sell
Communications and Engagement Specialist Ciara DePinto
City Engineer Sam Atkins

Also present: External Affairs Manager with Ute Water Andrea Lopez
Executive Director of the Grand Junction Economic Partnership (GJEP)
Curtis Englehart
Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

3. AGENDA – ADOPT/AMEND

- **COUNCILOR PURSER MOVED TO APPROVE THE AGENDA AS WRITTEN. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

- A. UPDATE FROM UTE WATER CONSERVANCY DISTRICT (*ANDREA LOPEZ, EXTERNAL AFFAIRS MANAGER*)**

Ms. Lopez noted that a few years ago, she had given a presentation to the Fruita Livability Commission, who had requested information on outdoor watering schedules and direction for Fruita residents regarding how they can be a part of water conservation.

Ms. Lopez provided a brief history and overview of Ute Water, as well as a snowpack update.

Currently, Ute Water's Park Reservoir is at 197% of the median with 97 inches of snow, which will equate to roughly 23.7 inches of snow water equivalency. Mesa Lakes is at 142% of the median with 62 inches of snow, which equates to roughly 11.8 inches of snow water equivalency. Ms. Lopez said things are looking encouraging, but it is very early in the water year. Ute Water's biggest concern at this point is temperatures increasing early and rapidly where all the snow runs off at once and the reservoirs aren't able to capture it as quickly as they can.

Ms. Lopez stated that Ute Water always encourages water conservation and hopes people will embrace a suggested outdoor watering schedule, which can be found at dripinfo.com. The schedule was tailored specifically to Mesa County and is based off the type of vegetation that is found here. Mayor Kincaid asked if a link to dripinfo.com is on the City of Fruita's website and Communications and Engagement Specialist Ciara DePinto responded that she would check and if the link isn't there, she will include it on a "Community" page that she plans on creating that will have a lot of resources like that one for everyone to use.

Ms. Lopez answered a few other questions from the Mayor and Council. Mayor Kincaid requested that if there was any additional information that Fruita residents might be able to use, that Ms. Lopez send it to Ms. DePinto for inclusion in the Weekly Information Update or some other educational outreach avenues.

**B. UPDATE FROM THE GRAND JUNCTION ECONOMIC PARTNERSHIP (GJEP)
(CURTIS ENGLEHART, EXECUTIVE DIRECTOR)**

Curtis Englehart, Executive Director of the Grand Junction Economic Partnership (GJEP), presented the Mayor and Council with an update about GJEP that included who they are as an organization, what they do, how they do it (specifically, how they collaborate with the City of Fruita) and what GJEP's focus will be in 2023. He also covered 2022 highlights for GJEP as follows:

- Seven (7) wins (an expansion or relocation to our area)
- Nine (9) local assists (helped in some form or fashion with their expansion or relocation)
- 83 actual jobs created
- 333 potential jobs created
- Average salary is over \$56,000 annually (primary jobs)
- Total capital expenditures of a little over \$4 million
- Economic impact from job creation is a little over \$8.9 million
- Economic impact for capital expenditures is \$6.7 million
- Total economic impact is \$15,690,242
- GJEP confidently says that for every dollar invested in GJEP in 2022, they generated about \$20 in economic impact.

Additional highlights of Mr. Englehart's presentation were as follows:

- GJEP approved their 26 Rural Jump Start Company. Rural Jump Start is an economic tool or incentive that gives businesses a tax holiday for up to eight years if they relocate to Mesa County.
- GJEP's annual Western Colorado Economic Summit will be held on April 27, 2023 at Colorado Mesa University. Last year, GJEP had 500 attendees and they are expecting another large turnout this year.
- Marketing and communication outreach achieved a historic high. People are interested and engaged in what GJEP is doing with their different initiatives and stories they are putting out there.
- GJEP's Welcome Wagon is a retention strategy that helps create roots and opportunities for the workforce.
- Hosted the 4th Annual Westslope Start-Up Week, which brings entrepreneurs and start-up companies to Mesa County for a week-long training series, which has also been a really good recruitment tool for GJEP as of late.
- Mr. Englehart presented a list of events, committees and trade shows that GJEP has been a part of including:
 - Fruita Economic Development Forums
 - Sitting on a panel
 - Most recently, a radio show on KAFM was highlighted
 - Trade shows: Outdoor trade shows included City of Fruita representation. GJEP was at the Outdoor Retailer Show in Salt Lake City the previous week and crowds are getting back to the pre-pandemic attendance from a business/vendor standpoint. Mr. Englehart stated that GJEP would love to continue to collaborate with Fruita on those.
- Recent wins for the City of Fruita include:
 - Canfield Bikes relocated to Fruita (GJEP gave them about \$24,000 for their Strategic Fund based off new hires they brought on as well as the employees they were able to retain as outlined through the Strategic Fund proposal)
 - FHE expansion of new frac lock Division
 - Relocation of Score, which is an app company that scores businesses based off a number of different categories and allows consumers to research businesses before purchasing through them.
 - 13 new jobs with an average wage of a little bit over \$47,000 annually with the potential of 53 new jobs
 - Capital investment of just under \$580,000 in savings to Fruita businesses
 - Just under \$70,000 in tax credits
 - \$162,500 in grant dollars either through the OEDIT or GJEP
 - 13 different site visits to show potential businesses different properties, make connections for them and talking through incentives
 - Showcased Fruita properties in 75 different proposals (a step prior to site visits when GJEP puts a proposal together)

- Currently, GJEP has one prospect that will be meeting with OEDIT in the upcoming week that is very interested in the Fruita area.

In looking at 2023, Mr. Englehart stated that GJEP will:

- Utilize proactive recruitment through marketing strategies, cultivating relationships, meaningful trade shows
- Want to increase funding efforts so that GJEP can continue to increase its impact in the valley
- Develop economic impact and Return On Investment (ROI) data, which will go in the City of Fruita's year-end report
- Continue to lead a strong Economic Summit
- Strengthen and build relationships with the OEDIT, who holds the keys to a lot of prospects

Councilor Hancey asked Mr. Englehart asked what incentives GJEP uses to support Fruita. Mr. Englehart said that when GJEP showcased the Fruita Business Park, Kodi Imondi went to GJEP for an interview to talk about why people should take a look at the property. Mr. Englehart stated that if there are businesses that are incentive hunting, GJEP tries to weed them out because they only want to look at businesses who have really “bought in” to what the valley has to offer.

Councilor Purser asked how the 13 site visits and 75 proposals compares to Grand Junction's and Palisade's numbers of the same. Mr. Englehart said he didn't have those exact numbers, but that he would say that Fruita's are much higher than Palisade's and probably much lower than the City of Grand Junction's, mainly due to inventories of properties. He added that when a proposal comes in, prospects will look for 15,000 to 20,000 square feet of warehouse space or a certain amount of acreage, possibly by a rail spur. Once GJEP has all the qualities that a prospect needs, they canvas their brokers to get the properties. GJEP uses Proteus, which is a recruitment tool that doesn't just blast prospects with a ton of emails and pdfs; Proteus creates their own, unique website or URL to which documents can be uploaded.

Councilor Purser also asked if GJEP's proactive recruitment involves engaging with City staff and even Councilors and leaders of cities to talk about what kind of businesses they would like to see. Mr. Englehart stated that GJEP absolutely has good and very open communication with all of the valley's City leaders and that it is used often.

Councilor Breman noted that GJEP stands for “Grand Junction Economic Partnership,” yet they represent the entire western slope. He asked if there was any appetite for changing GJEP's name to be more inclusive of the western slope. Mr. Englehart noted that GJEP was working on Strategic Planning the following day at their meeting, but that this was the first time that question had been asked. He said he would absolutely be open to a conversation around it and added that what GJEP found is that nobody really knows where the “Grand Valley” is except the people who live here. Mr. Englehart added that the City of Grand Junction is GJEP's biggest investor, so obviously, it would need to be a broader conversation.

Councilor Breman noted that when the Northstar report was first being developed, a name change was looked at but it just kind of “stalled out.” He asked for the name of the program with land “IDI”

properties in Fruita. Mr. Englehart explained that IDI is “Industrial Development Incorporation,” which is an incentive given by individuals or municipalities to offer land for businesses, but there is not a lot of inventory left and they are eager to acquire more. Councilor Breman asked City Manager Mike Bennett if this was something the City of Fruita has ever looked at as a possibility. Mr. Bennett said Fruita looked at it in 2016 when there were conversations about potential with some property but it didn’t seem to make sense at the time. He added that it has been mainly a Grand Junction Chamber of Commerce effort in the past.

Mayor Kincaid asked Mr. Englehart what he was looking for when he said that Fruita “needs to be proactive.” Mr. Englehart recalled that there was an economic group that was Fruita-focused that met on a monthly basis when he was the Director of the Mesa County Workforce Center and that is something that he would love to see brought back because it was a good way to communicate and stay apprised of all the happenings in Fruita concerning development. He said this would be one way to be proactive, as would going back to attending trade shows.

Councilor Miller commented that she attended her first GJEP Economic Summit last year and it was fantastic because she learned so much, so she is really looking forward to it again this year. Mr. Englehart said GJEP would be sending out a “save the date” postcard towards the end of the month.

Councilor Purser asked Mr. Englehart if there was anything he’d like to see on the City of Fruita’s part in regards to partnering. Mr. Englehart said being a champion of GJEP helps not just from a recruitment standpoint, but also from an expansion one and he thinks many businesses do not realize that GJEP can help with those, too.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) (OFF-PREMISES) LIQUOR LICENSE FOR MAVERIK, INC. #400 LOCATED AT 1103 E HIGHWAY 6 & 50**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR TMPTF8 DEUX, INC. DBA RIB CITY GRILL LOCATED AT 455 KOKOPELLI BLVD**
- C. ASSOCIATE MUNICIPAL JUDGE ONE-YEAR CONTRACT RENEWAL – A REQUEST TO APPROVE A ONE-YEAR PERSONAL SERVICE AGREEMENT WITH GREG MUELLER AS ASSOCIATE MUNICIPAL COURT JUDGE FOR THE CITY OF FRUITA**
- D. ANNUAL REVIEW OF RED FLAG POLICY (IDENTITY THEFT PREVENTION PROGRAM)**

E. FINANCIAL REPORTS – A REQUEST TO APPROVE THE PRELIMINARY DECEMBER 2022 FINANCIAL REPORTS

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

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

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

There were no quasi-judicial public hearing items on the agenda.

B. LEGISLATIVE HEARINGS

- 1) **RESOLUTION 2023-02 – AMENDING THE 2022 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS FOR BUILDING REPAIRS AND MAINTENANCE AT THE FRUITA COMMUNITY CENTER – ASSISTANT CITY MANAGER SHANNON VASSEN**

Mr. Vassen explained that Resolution 2023-02 appropriates \$39,150 to the Fruita Community Center (FCC) in insurance payments received for the water damage to the gym floor. He said the timing of the incident at the FCC was difficult because it was the Friday night before the last City Council meeting and City crews worked really hard try to work with the water to reduce as much damage as possible. Throughout the following week, City staff did not yet have the cost of the demolition until towards the end of December. Since then, all the expenses for the repair to the gym floor have been paid by the City for year 2022 (because the work was done in 2022). Those expenses caused staff to have to do a Supplemental Budget amendment to cover the expenses.

Mr. Vassen also explained that he does anticipate another Supplemental Budget amendment coming for insurance payments in 2023 that will cover the cost of installation and materials for the new gym flooring, which is expected to be shipped by the end of March 2023.

That concluded Mr. Vassen's presentation of the agenda item to amend the 2022 Budget. Mayor Kincaid opened the public hearing for any comments the public wanted to make. Hearing no public input, Mayor Kincaid closed the public hearing and referred the matter to the City Council.

Councilor Hancey asked for clarification that Resolution 2023-02 was strictly for 2022 expenses. Mr. Vassen explained that the amount of money in the Resolution was only for the demolition work that took place in 2022. He stated that the total cost for the mold mediation/prevention and subsequent demolition was approximately \$44,000 but that there will be more expenses in 2023 for the actual materials and labor to install the new wood floor.

Councilor Hancey asked if staff figured out how much the City was out and Mr. Vassen said he thought it was the amount of the deductible, which was \$5,000. The City opted to be reimbursed by its insurance carrier, CIRSA, towards the end of the process so staff will be able to determine exactly what will be covered, which Mr. Vassen thought would be everything except the deductible. He added that CIRSA is also covering a few other things such as a portable volleyball net and potentially some lost revenues as well.

City Manager Mike Bennett stated that the only other expenses will be the addition of some new things that staff was planning to do this year with new line arrangements that won't be fully covered, but it will still be far less than what staff had originally planned to pay for the refinishing of the floor this year. Mr. Vassen confirmed that in the 2023 Budget, \$35,000 was budgeted for the resurfacing of the floor, so the City would definitely be paying less than that even with the additional things for the floor such as some new lines.

Councilor Hancey asked how the insurance claim would impact the City's situation with its carrier. City Clerk/Finance Director Margaret Sell explained that typically, CIRSA would take a look at loss history, but in this particular instance, CIRSA would likely subrogate it to the custodial company's insurance carrier. Therefore, it wouldn't go against the City's claim history as long as CIRSA is able to recover the sums from the custodial company's insurance carrier. Mrs. Sell added that the process could get drawn out for a year or two and Mr. Bennett noted that it would be CIRSA who deals with all the insurance and not City staff.

- **COUNCILOR PURSER MOVED TO ADOPT RESOLUTION 2023-02 – AMENDING THE 2022 BUDGET TO APPROPRIATE FUNDS IN THE FRUITA COMMUNITY CENTER FUND FOR BUILDING REPAIRS AND MAINTENANCE. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

8. ADMINISTRATIVE AGENDA

A. SCHEDULE FOR 2023 CAPITAL PROJECTS – *CITY ENGINEER SAM ATKINS*

Mr. Atkins noted that he wasn't going to cover each of the projects listed in the Council packet; only the ones that needed further clarification and/or had "TBD" listed instead of project begin and end dates.

EV CHARGING STATIONS

Staff is still waiting on Xcel Energy to provide the power for the EV charging stations, but the stations themselves were being shipped out this week. Further updates will be available in the Weekly Information Update.

MESA STREET IMPROVEMENTS

The City received a grant through the Colorado Department of Transportation (CDOT), but still has no contract with CDOT. This will determine how the schedule plays out for the Mesa Street Improvements

and it is likely that the project will have to go through CDOT's design review process (even though it was designed previously) to ensure it meets CDOT standards.

Mr. Bennett clarified that the City received grants for the Concept Plan years ago, then a grant that paid for the design of the project was also received, but CDOT has its own design review process that can sometimes take up to one year. He noted that the City of Fruita is not alone on that; many other communities are still waiting on their contracts as well. The funding for this project has federal components to it, which adds more requirements in the construction phase and could mean the project won't begin construction until next year.

Mr. Atkins added that he thinks the City will also need to go through some easement acquisitions such as Temporary Easements for constructing on someone else's property to make the grades work and tie into existing facilities that are outside of the right-of-way.

BUSINESS PARK – 16 ROAD RAIL CROSSING

This is another project that has been on hold for awhile because staff is still waiting on the Railroad's permission to proceed.

CIVIC CENTER IMPROVEMENTS

These improvements are slated to begin at the end of January 2023 and consist of the northern and southern ends on the first floor of the building being converted into office space.

FRUITA COMMUNITY CENTER POOL SLIDE

This project is being run through the Recreation Department of the City, who has the design of the slide that was created when the pool was originally installed. The design will need to be reviewed and refreshed to ensure it is up to current Code. Further information will be disseminated when it becomes available.

Councilor Miller asked whether the Reed Park Design project had a typographical error for the begin date where it showed September 2023. Mr. Atkins confirmed that should have read, "September 2022" (through March 2023).

Councilor Hancey asked where the broadband "Carrier Neutral Location" (CNL) will be physically located. Mr. Atkins said it will be located at the City shops at 900 E. Kiefer in the northeast corner.

Councilor Hancey also asked if the City has to work with CDOT on the Mesa Street Improvements project because it intersects with Highway 6 & 50. Mr. Bennett explained that the City was awarded federal funding for the project that flowed through CDOT. Mr. Atkins added that the City will have a permit through CDOT for the work that is being done in their right-of-way because the City will enter their right-of-way at Highway 6 & 50.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett reported on the following:

- At the January 24, 2023 Council workshop meeting, there will be two agenda items. The first is the Parks, Open Space and Trails (P.O.S.T.) Impact fee options of rollout and second, The Residences at Fruita representatives will be in attendance along with the Fruita Planning Commission to present the first step of a Concept Plan to get general feedback and to see if the project is worth moving forward on. The Residences at Fruita will be a market-rate apartment complex next to the La Quinta.
- At the February 28, 2023 Council workshop meeting, there will be an overview with United Way of general social services available throughout the valley including the 211 program as was requested by Councilor Breman. There will also be a discussion on the City's mountain water rights and property pertaining to one of the Strategic Plan goals.

10. COUNCIL REPORTS AND ACTIONS

A. PROCLAMATIONS – ANNUAL REVIEW OF PROCLAMATIONS APPROVED FOR ISSUANCE

Mayor Kincaid recalled how in the recent past, the Council had discussed how they would like to approve on an annual basis (in January) which Proclamations to issue instead of approving them one at a time at workshop meetings. He wondered if it wouldn't be better to move that to the end of December so that the January Proclamations do not get overlooked. He asked for feedback from the Council members on that, the individual Proclamations listed in the Council packet and the guidelines concerning things like combining multiple Proclamations into one. Mayor Kincaid noted that the Council has also discussed the preference for having a local representative attend a Council meeting to accept a Proclamation.

Councilor Hancey agreed that it would be a good idea to have the annual approval of Proclamations occur in December rather than January. Councilor Purser agreed as well.

Councilor Breman said there is a Proclamation that he would like to put before the Council concerning antisemitism and that he would like it to go on the February 7th Council agenda. The Mayor and Council were fine with having the Proclamation sent to them by Mr. Bennett for their review prior to the February 7th Council meeting.

There was general discussion about Proclamations have been handled by staff in the past and how there have been issues with timing. The Council also discussed:

- The current process
- How staff should not be expected to come up with the language for Proclamations
- The possibility of staff automatically issuing certain Proclamations every year without requiring the Council to discuss them first
- Part of the problem is when staff has to try to coordinate with someone to come the Council meeting to accept a Proclamation
- The Proclamation Policy that was put in place would need to be changed if the Council wants Proclamations automatically issued
- Staff will add new Proclamations to the list and will bring them all to the Council in December

The Council came to a consensus to direct staff to send previous requestors of Proclamations a reminder letter and any new ones would go through the normal process of requesting a Proclamation on the website. Those Proclamations would then go to a workshop meeting for the Council's review to decide whether they want to proceed with it or not.

B. DISCUSSION AND POSSIBLE ACTION TO CANCEL THE TUESDAY, JULY 4, 2023 REGULAR CITY COUNCIL MEETING

Neither the Mayor nor the City Council members had any objections to cancelling the July 4th regular City Council meeting.

- **COUNCILOR MILLER MOVED TO CANCEL THE TUESDAY, JULY 4, 2023 REGULAR CITY COUNCIL MEETING. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

C. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken relayed that the Fruita Youth Action Council (FYAC) met the previous Monday and there wasn't a lot to report about it except that they are trying to figure out how to recruit more members for their next session coming up in the spring. They made some cards to hand out to the elderly that have acts of kindness on them.

Ken also reported that his other board meeting was forthcoming.

COUNCILOR MATTHEW BREMAN

Matthew reported that at the last Fruita Area Chamber of Commerce meeting, the board had a big budget review that included discussion about their deficit last year and how to reverse that this year, which is clearly a combination of looking at the dollars being spent and new revenue opportunities. The new board of the Chamber was elected and Karen Martsolf is the new Chair. They also discussed the Chamber's Annual Banquet and Matthew said he was relieved to learn that the new gym floor will be ready by April 15th.

Matthew said he was asked by someone on the state Legislature to be part of the state's Judicial Performance Commission to review judges in Mesa County. He asked if this would be a conflict of interest with his seat on the City Council since the City has its own Municipal Judge. City Attorney Mary Elizabeth Geiger advised that Municipal Judges are not part of that same review and retention process and that the board is only reviewing Mesa County judges at the County Court and state court levels.

Matthew reported that he would be attending a Grand Junction Economic Partnership retreat the following morning.

COUNCILOR JEANNINE PURSER

Jeannine said she and Councilor Amy Miller were both at the Arts and Culture Board meeting the previous week and the board is working away on their “Coco Vino” fundraising event for the revolving art on the streets project that was previously presented to the City Council that will be held on Friday, March 10th at the old Catholic Church. Tickets are \$35 to attend.

Jeannine also reported that her two other meetings were forthcoming.

COUNCILOR AMY MILLER

Amy explained that the reason she was at the Arts and Culture Board meeting was because the board had asked the Historic Preservation Board for some contributions to their backpack program on which they are partnering with Mesa County Libraries. There are three separate focuses that include an outdoor activity, art projects and agriculture. Amy presented the two items the Historic Preservation Board donated for the backpacks: the coloring book and the Walking Tour brochure.

Amy noted that this was also the focus of the Historic Preservation Board meeting, who discussed which board member would get the items out to the community and with whom to engage. The board plans to focus heavily on the local elementary schools going into the 2023-2024 school year as those schools have historically placed focus on Fruita’s history with their students and the Historic Preservation Board hopes to get that going again.

Amy also reported that she was contacted by Cindy Silvine from Highline Internet, who reached out to her after the Fruita Business After Hours event about starting conversations with the City about the broadband connectivity that will be coming to Fruita once the “middle-mile” is completed. Highline is a company who provides the “last-mile” internet service and Amy said she gave the Highline employee Mike’s phone number. Mike said staff has already met with them and has another meeting scheduled the following week. He explained that Highline will have to go through the permit process for rolling out the service in Fruita. Mike added that Highline wanted to have locates done in Fruita at an alarmingly fast rate that is not possible when making sure everything is located, so staff has been honest with Highline about that. There is another company that is also trying to attach on to Fruita’s Carrier Neutral Location (CNL), but it is looking like Highline will be the quickest to get high-speed internet service going in Fruita.

Mayor Kincaid asked if the internet service was something that is put out to bid or whether it was open for anybody to run fiber as long as they want to put it in each home. Mike said it is kind of like an open source and that Region 10 manages that for the City of Fruita. He reiterated that a provider will have to go through the permit process with the City concerning where they are going to put their fiber through the City since they can’t just dig anywhere.

Matthew noted that he had been asked to review some potential legislation on micro-trenching as it relates to 2-inch or less conduit, specifically concerning fiber. He asked staff to be aware that there are potential new regulations about micro-trenching coming forth and that his firm finished a case study with the City of Boulder in terms of some of the challenges they had in rolling out fiber cable and the amount of damage that was caused. Mike said staff has been following that. One year ago Fruita City joined with Mesa County and the City of Grand Junction and all three jurisdictions’ engineering and

public works staff met with a group that was proposing micro-trenching, but after reviewing it, all three entities declined as a region because there are too many issues that arising in other communities.

Mike further explained that right now, the City of Fruita is waiting on Region 10's approval of the City's Request for Proposals for the CNL and once that goes out and staff has reviewed proposals received and is ready to go into the selection process will be a good time for staff to give the Council another update.

Amy stated that Cindy Silvine with Highline asked if her company could host educational fairs at (for example) Reed Park; whether there were any restrictions on that. Mr. Bennett explained that the City has an application process online for anyone looking to rent a park for an event and apply for a Special Event Permit. He offered to point it out to Highline at the meeting with them scheduled for the following week.

COUNCILOR AARON HANCEY

Aaron said he had a couple of action items for the City Council. He asked if the other Council members wanted to instruct staff to hold onto the old merry-go-round from Reed Park and perhaps have a workshop discussion at a later date concerning how to utilize it. He said he was in favor of not getting rid of it if there may be some other use(s) for it. Mr. Bennett said that was already the plan and that staff is going to try to get some ideas for it from local artists. Aaron said he would let the Parks and Recreation Advisory Board know that. Mr. Bennett noted that all the good artistic things Fruita has have come from a call for artists who present proposals, after which a selection is made. He added that he and Parks and Recreation Director Marc Mancuso have talked about getting those kind of proposals and incorporating the artwork at a park somewhere.

Aaron also wondered if the City should have the community vote on a name for the new dog park. Mayor Kincaid said he has sat through so many of those kind of processes and that they are very time consuming and usually not very effective. Aaron noted that the dog park is supposed to be done by early March and perhaps the vote could be taken by a smaller group within the community such as the elementary schools. There was discussion among the Council members and most agreed with the Mayor that the process of having the community (or even part of it) vote on something like that can have some unintended negative consequences.

Matthew threw out the name the "Fruita Bark Park." The Mayor and Council loved it.

- **COUNCILOR BREMAN MOVED TO CALL THE FRUITA DOG PARK THE "FRUITA BARK PARK." COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

Aaron continued with his Council Report. He stated that Parks and Recreation Director Marc Mancuso made the comment that he hopes that the Reed Park project "stays in the budget" and he asked if that was a true statement. Mike responded that the City had Concept plans and price estimates and is working through the design of the project. Some of the components of the project will go to bid and staff is hoping that all of it can fit within the budget because during the design, there was some creativity that has come across that would add some parking. Staff feels that the parking is a very important piece of the park since it is essentially all on-street parking with a small parking lot on the

end. Mike explained that staff has a goal of getting as much parking as possible and if there are real cost issues, staff will bring it back to the Council.

Aaron asked if the other Council members wanted to discuss the email that he sent at 4:03 p.m. Mayor Kincaid said it is a public record and he thanked Aaron for putting it together. They had spoken earlier and Aaron had explained that he would have a really long report at this section of the agenda and that's when Joel requested that he put it in writing. Joel also encouraged the other Council members to do the same if they ever have a really long report in order to keep everyone on task.

MAYOR JOEL KINCAID

Joel reported that the Fruita Area Chamber of Commerce had their Business After Hours hosted by the City of Fruita and there was a good turnout, including from the Fruita City Council. He mentioned that he hasn't been seeing a lot of active participation by Council members in a lot of events in the City and thought there should be a discussion about it. Aaron said he supported that. Joel said he was not opposed to paying registration fees for events because it gets the Fruita City Council more involved. He recalled in the past when the City has had events and nobody from the Council showed up. He said community engagement is very important and wondered if there could be incentives to get more Council members to attend events. Joel added that sometimes he is not super excited about going to events, but if they are something that helps to show that the City is involved, he will do it.

Amy thought the Council members should be supporting events that Boards and Commissions put on for sure.

Aaron wondered if the Council should discuss upcoming events at workshop meetings. Joel said that was a possibility. He noted that the Fruita Chamber has monthly events and said he tries to go to those as much as possible because they involve the business community. He added that there is usually no charge to the City for attending those kind of events.

Mike said that in addition to being included in the Weekly Information Update, he thought events could be mentioned during Council Reports and Actions at regular Council meetings. He said this would be a big help in trying to figure out if there is going to be City of Fruita representation or not. He added that all City events are posted on the monthly calendar on the website at fruita.org so City Councilors don't have to worry about any issues with Colorado's Open Meetings laws if three or more City Councilors show up.

Joel said he doesn't want Councilors' involvement in the community to be cost prohibitive. Amy noted that she is a Chamber member and pays to support their events. Matthew said that for events like those held by the Business Incubator and Grand Junction Economic Partnership (GJEP) (who are partners with the Fruita City Council in the community), if there were opportunities for the City Council to attend, they should. He added that he feels that events such as galas held by entities like St. Mary's or Community Hospital were outside the scope of the Council. Joel agreed and said that the GJEP Economic Summit was one where the City pays the registration fees for Council members and staff. He continued that he would like to see Council members be more representative at events in the next year, pointing out that the City of Grand Junction has much higher numbers of businesses that have been recruited to their area. Joel thinks the Council being more involved in the community would help with that.

Matthew suggested that upcoming events be included on Council agendas.

Mike reiterated the point that if a Fruita City Councilor is going to an event to represent the City, staff will register them and ensure it is paid for and if anyone has questions about an event, they can bring it up during Council Reports and Actions at a regular Council meeting.

Matthew said he is working on an initiative that is similar to what was put on after racist remarks were made to the Colorado Mesa University football team where people signed on. He asked if it was appropriate for him to email each individual Council member to ask if they are willing to put their name on a Proclamation that would be in the newspaper. If so, he also wanted to know if they could include their titles with their names.

Joel said that in the past, if a City Councilor puts their name on something as an individual, that is fine, but if the title of City Councilor, Mayor or Mayor Pro Tem were to be used, then that would require approval from the entire Council.

City Attorney Mary Elizabeth Geiger advised that what Joel said was accurate. She asked Matthew if he was working on the initiative as an individual and not a Council member. Matthew said that was correct. Mary Elizabeth recommended that Matthew contact the other Council members as *individuals* outside of the City's email server and they would only sign on as individuals if they wished to do so and not as representatives of the City of Fruita.

Joel added that if Matthew thought it was something that was important and on which he wanted the Council's titles, then it could be discussed at a workshop meeting or during Council Reports and Actions at a regular meeting. Matthew stated that he wasn't going down that path and just wanted to make sure he wasn't doing things improperly.

D. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402 (4)(F) FOR REVIEW OF THE RESTATEMENT OF THE CITY MANAGER'S CONTRACT AND RECEIVE LEGAL ADVICE REGARDING THE SAME PURSUANT TO C.R.S. SECTION 24-6-402(4)(B)

- **COUNCILOR HANCEY MOVED TO MEET IN EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES UNDERSTANDING THAT DISCUSSION OF SUCH ISSUES IN EXECUTIVE ARE SPECIFICALLY PERMITTED UNDER STATE'S OPEN MEETING LAWS C.R.S. SECTION 24-6-402(4)(F) FOR THE PURPOSE OF REVIEWING THE RESTATED CITY MANAGER AGREEMENT AND TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO C.R.S. SECTION 24-6-402(4)(B). COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

The City Council took a five-minute break before convening in Executive Session at 8:52 p.m. The regular meeting of the City Council reconvened at 10:52 p.m.

- **COUNCILOR PURSER MOVED TO UPDATE CITY MANAGER MIKE BENNETT'S CONTRACT INTO ONE DOCUMENT, RAISE HIS SALARY TO \$175,220 PER YEAR AND AMEND THE SEVERANCE PAY FROM SIX (6) MONTHS TO ONE (1) ADDITIONAL MONTH PER YEAR STARTING IN JANUARY OF 2024 WITH A CAP AT ONE (1) YEAR OF SEVERANCE PAY. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 11:05 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita