

**FRUITA CITY COUNCIL MEETING  
AUGUST 1, 2023  
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 in person and with virtual access provided through Zoom.

**Present:**

Mayor Joel Kincaid  
Mayor Pro Tem Matthew Breman  
City Councilor Jeannine Purser  
City Councilor James Williams  
City Councilor Ken Kreie  
City Councilor Amy Miller  
City Councilor Aaron Hancey

**Excused Absent:**

(None)

**City staff present:**

City Manager Mike Bennett  
Communications and Engagement Specialist Ciara DePinto  
City Clerk/Finance Director Margaret Sell  
Deputy City Clerk Deb Woods  
Planning and Development Director Dan Caris  
City Planner Henry Hemphill  
City Engineer Sam Atkins  
Public Works Director Kimberly Bullen  
Planning Commission Appointee Michael Handley

**Also present:**

Grand Junction Fire Chief Ken Watkins  
Lower Valley Fire Protection District Chief Frank Cavaliere  
Lower Valley Fire Protection District Marshal Travis Holder  
Lower Valley Fire Protection District Deputy Chief Gus Hendricks  
River City Consultants Project Coordinator Tracy States  
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 and then led in the Pledge of Allegiance.

**3. AGENDA – ADOPT/AMEND**

Deputy City Clerk Deb Woods noted for the record that there was an error in the name of a Special Event Liquor Permit application that went out in the Council packet the previous Friday with the name “From Farm to Table,” which should have been “From Soil to Supper.” She added that it was corrected and reuploaded to the website.

- **COUNCILOR BREMAN MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

#### **4. PROCLAMATIONS AND PRESENTATIONS**

##### **A. PRESENTATION – RECOGNITION OF THREE INDIVIDUALS WHOSE ACTIONS SAVED THE LIFE OF A CITY EMPLOYEE**

Public Works Director Kimberly Bullen stated that she was present at the meeting to recognize three individuals whose quick thinking and actions saved the life of a City employee.

A City of Fruita Public Works employee collapsed while unloading equipment at United Rentals. Two Service Technicians at United Rentals and a City of Fruita Seasonal employee initiated CPR in the field and used an automated external defibrillator (AED) recently purchased by United Rentals. Doctors explained to the collapsed employee's family that without the actions of the three men, he would not be with us today. Ms. Bullen said that she and the City of Fruita were honored to have the three gentlemen in attendance at the Council meeting so they could be recognized for their heroic actions.

Grand Junction Fire Chief Ken Watkins, Lower Valley Fire Protection District (LVFPD) Chief Frank Cavaliere, LVFPD Marshal Travis Holder and LVFPD Deputy Chief Gus Hendricks were also in attendance. Chiefs Watkins and Cavaliere spoke a little about the incident, the importance of learning CPR and having AEDs available in City buildings. Chief Cavaliere stated that the LVFPD and City staff are being progressive in finding grants and alternative sources of funding to acquire more AEDs throughout all City buildings. He noted that the Civic Center should have a minimum of two (2) of them.

The two United Rentals service techs and the City's seasonal employee received certificates of appreciation and a few other small gifts from the City as well as "Challenge Coins" from the LVFPD. The employee who collapsed and was saved was also in attendance and all received a warm round of applause.

Photos of all those mentioned above were taken with the City Council.

##### **B. PRESENTATION – MUSEUMS OF WESTERN COLORADO**

Executive Director of Museums of Western Colorado (MWC) Kaia Michaelis gave the City Council an update of Dinosaur Journey's news and activities over the past year. Items of note from the presentation include:

- Brand new Ceratosaurus exhibit: the MWC was able to get a cast made of the entire skeleton and its fossils that were found locally are now part of Dinosaur Journey's collection.
- The next big exhibit will be of a "tiny" tyrannosaurus-rex and some Hell Creek formation fossils from Montana.

- The MWC is currently working on a new exhibition that will deal with the cretaceous period but with local fossils and will be completed later this year or potentially into early next year.
- The Devil's Canyon Center (Dinosaur Journey) is an aging building in which everything needs work including:
  - Continuing to work on some HVAC repairs (replacements, upgrades); basically, the entire HVAC system needs to be rotated out piece by piece.
  - Plumbing repairs are also a constant thing as the Dinosaur Journey building has settled over time.
  - Repairs have been made to skylights.
  - The MWC is super excited that fiber internet is coming to Fruita later this year.
  - The MWC is continuing to work on lighting upgrades because Dinosaur Journey has reached the point where ballasts are going out on old fluorescent lights and either the ballast can be replaced or the fluorescent lights can be replaced with a more efficient light. The MWC has been gradually replacing those light fixtures with new and much more energy efficient ones that should last a good, long time after getting replaced.
  - Replacing some dock doors
  - Adding electrical improvements
  - Adding more cameras
  - Getting fire-rated doors where they don't exist currently
  - Reorganizing some storage spaces
  - Replacing carpet

Ms. Michaelis stated that there are a lot more facility issues that the MWC will ultimately need to be doing with Dinosaur Journey to keep it in good repair. She added that the items she listed above are expected by the MWC to be completed in the next five-to-ten years. Ms. Michaelis stated that the MWC has had a fairly successful process in recent years with getting a better handle on what they have coming down the road as far as planning for Capital Improvements needs and prioritizing those projects.

Ms. Michaelis repeated the MWC's Mission Statement: *"To inspire and connect our community by championing the scientific and cultural heritage of the Colorado Plateau."* Ms. Michaelis stated that with Dinosaur Journey, the MWC's focus is on the fossils and natural history of the area. She concluded by saying that the MWC appreciates the City of Fruita by allowing them to have usage of the Dinosaur Journey building so that they can provide a great museum right here in Fruita.

Mayor Kincaid asked how Dinosaur Journey's visitor count looks after dealing with COVID. Ms. Michaelis responded that it has been looking really good and that what is fascinating in the museum world is that everybody tried to make predictions about what would happen, but everybody was wrong; in 2022, Dinosaur Journey had a bigger than normal year last year. She added that it is consistent with what museums across the nation saw. She also said that so far this year, the MWC is seeing numbers that are more consistent with how they would be if there had been no pandemic and were on a normal trajectory all along. At the moment, Dinosaur Journey is slightly down over last year, but is still right on track with what pre-COVID projections for 2023 would have been.

Councilor Miller asked what kind of marketing and engagement the MWC will be doing for the new exhibit. Ms. Michaelis responded that the MWC hasn't actually refined the whole marketing plan quite yet because they don't have enough information on when some of the pieces are going to come into place and don't have the content quite solidified yet. She said the MWC will definitely be doing some pushes out with Facebook, news, television and radio and that if the City wanted to include something in the City Link newsletter about it, it could.

Councilor Purser inquired about the status of the older displays and how that is being addressed. Ms. Michaelis said that is part of what the MWC is doing with the Cretaceous and Ceratosaurus exhibits: over the next ten years, all current exhibits will be turned over at a slow and steady pace. There are some issues with staffing and finances, so the MWC has been focusing its funds and energies on replacing an older exhibit so that it's still a nice, new exhibit, but also one the MWC will have over the next five to ten years. She concluded that all of the older exhibits are in the process of getting replaced.

## **5. PUBLIC PARTICIPATION**

There were no comments from the public concerning any item that did not otherwise already appear on the agenda.

## **6. CONSENT AGENDA**

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE JULY 11, 2023 JOINT CITY COUNCIL AND PLANNING COMMISSION WORKSHOP**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE AND WINE – MALT AND VINOUS LIQUOR LICENSE (CITY) (OFF-PREMISES) FOR DILLON COMPANIES, LLC DBA CITY MARKET #13 LOCATED AT 135 S. PLUM ST.**
- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER AND WINE LIQUOR LICENSE – MALT AND VINOUS (CITY) FOR MUNCHIES PIZZA & DELI LOCATED AT 550 KOKOPELLI BLVD.**
- D. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF MICHAEL HANDLEY TO THE PLANNING COMMISSION AS A REGULAR MEMBER TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN APRIL OF 2024**
- E. RESOLUTION 2023-23 – AMENDING THE 2023 ANNUAL FEES AND CHARGES RESOLUTION FOR DEVELOPMENT IMPACT FEES FOR PARKS, OPEN SPACE AND TRAILS AND TRANSPORTATION**
- F. RESOLUTION 2023-25 – A REQUEST TO AUTHORIZE THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT FOR FINANCE AND ACCOUNTING SOFTWARE WITH SPRINGBROOK HOLDING COMPANY, LLC**

Mayor Kincaid asked if there were any requests from the public to remove any item(s) removed from the Consent agenda for further discussion. There were no such requests.

Mayor Kincaid asked the City Council if they had any item(s) they would like removed from the Consent agenda for further discussion. There were no such requests.

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

## **7. ACKNOWLEDGEMENT OF NEWLY APPOINTED AND REAPPOINTED BOARDS AND COMMISSIONS MEMBERS**

Mayor Kincaid noted that Michael Handley was present in the audience and was just appointed to the Fruita Planning Commission. The Mayor thanked him for serving in the Fruita community.

## **8. PUBLIC HEARINGS**

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

- 1) SPECIAL EVENT LIQUOR PERMIT – A REQUEST TO APPROVE AN APPLICATION FROM THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER/WINE/ALCOHOL AT THE “FROM SOIL TO SUPPER” EVENT TO BE HELD ON SATURDAY, AUGUST 26, 2023, FROM 5:30 TO 8:00 PM AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation, which was an overview of the Fruita Area Chamber of Commerce's application to sell and serve alcohol at the final "From Soil to Supper" Dinner on August 26<sup>th</sup>. She noted that the Fruita Area Chamber of Commerce would be selling tickets for alcohol at the event and would be monitoring entrances/exits for the consumption of alcohol to ensure that no alcohol enters or leaves the licensed area and monitoring patrons for signs of anyone becoming noticeably intoxicated, in which case, if there are any issues, the Chamber will call the Fruita Police Department.

Ms. Woods stated that Fruita Chief of Police Dave Krouse reviewed the Chamber's application and issued his statement that there was nothing that would prohibit the issuance of the license being requested.

It was staff's recommendation that the City Council approve the application for the Special Event Liquor Permit subject to the following three conditions:

1. Applicant will discontinue serving alcohol at 5:00 p.m. to allow patrons 30 minutes to finish their beverages and leave the licensed area.
2. All alcohol will be secured and removed by 8:00 p.m.
3. 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.

Ms. Woods explained that Hillary Daniels with the Fruita Area Chamber of Commerce was present virtually as the applicant's representative and turned it over to her for any additional comments she may have.

Ms. Daniels requested approval from the City Council to have alcohol at the "From Soil to Supper" Dinner on August 26, 2023.

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

- **COUNCILOR WILLIAMS MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER/WINE/ALCOHOL AT THE "FROM SOIL TO SUPPER" EVENT ON SATURDAY, AUGUST 26, 2023, FROM 5:30 TO 8:00 PM AT CIVIC CENTER MEMORIAL PARK SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 2) **SPECIAL EVENT LIQUOR PERMIT – A REQUEST TO APPROVE AN APPLICATION FROM THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER/WINE/ALCOHOL AT "FRUITA FOURTH FRIDAY" TO BE HELD ON FRIDAY, AUGUST 25, 2023, FROM 5:00 TO 8:00 PM AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave staff's presentation, which was an overview of the Fruita Area Chamber of Commerce's application to sell and serve beer at "Fruita Fourth Friday" on August 25<sup>th</sup>. She noted that the Copper Club Brewing Co. would be providing beer for purchase by attendees.

Ms. Woods pointed out that the diagram of the proposed event would be enclosed with the same fencing to was proposed to be used at the "From Soil to Supper" Dinner and that proper signage at the two entrances/exits will indicate that no alcohol is permitted outside the fenced area.

She also noted that Chamber staff and volunteers (along with Suds Brothers Brewery employees, who will be providing the beer) would be monitoring the licensed area for the consumption of alcohol to ensure that no alcohol enters or leaves the licensed area and monitoring patrons for signs of anyone becoming noticeably intoxicated, in which case, if there are any issues, the Chamber will call the Fruita Police Department for assistance.

Ms. Woods stated that Fruita Chief of Police Dave Krouse reviewed the Chamber's application and issued his statement that there was nothing that would prohibit the issuance of the license being requested.

It was staff's recommendation that the City Council approve the application for the Special Event Liquor Permit subject to the following three conditions:

1. Applicant will discontinue serving alcohol at 5:00 p.m. to allow patrons 30 minutes to finish their beverages and leave the licensed area.
2. All alcohol will be secured and removed by 8:00 p.m.
3. 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.

Ms. Woods explained that Hillary Daniels with the Fruita Area Chamber of Commerce was still present virtually as the applicant's representative and turned it over to her for any additional comments she may have.

Ms. Daniels requested approval from the City Council to have beer at the "Fruita Fourth Friday" event on August 25, 2023.

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

- **COUNCILOR MILLER MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER/WINE/ALCOHOL DURING "FRUITA FOURTH FRIDAY" ON FRIDAY, AUGUST 25, 2023, FROM 5:00 TO 8:00 PM AT CIVIC CENTER MEMORIAL PARK SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

- 3) **SPECIAL EVENT LIQUOR PERMIT – A REQUEST TO APPROVE AN APPLICATION FROM THE COLORADO CANYONS ASSOCIATION TO SERVE WINE AT "A YEAR IN THE CANYONS ART SHOW" TO BE HELD ON FRIDAY, AUGUST 11, 2023, FROM 5:00 TO 8:00 PM AT OUR LADY OF PERPETUAL MOTION LOCATED AT 503 E. ASPEN AVE. – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave staff's presentation, which was an overview of the Colorado Canyon Association's application to sell and serve wine at the "A Year in the Canyons" art show on Friday, August 11<sup>th</sup> from 5:00 to 8:00 p.m. at the "Our Lady of Perpetual Motion" located at 503 E. Aspen Avenue.

Ms. Woods stated the event will feature artist and resident Andrea Stolarczyk. IDs will be checked upon entry into the "adult-only" event and participants would be limited to two glasses of wine each.

She said that the diagram that was included in the Council packet illustrates the area on the main floor where the wine will only be served. Event volunteers will monitor the crowd to ensure that no alcohol enters or leaves the building and patrons will be monitored for signs of becoming noticeably intoxicated. Signage will be posted at the Aspen Avenue and alley entrance and exit that states that no alcohol may be taken outside of the building.

Ms. Woods stated that Fruita Chief of Police Dave Krouse reviewed the Colorado Canyons Association's application and issued his statement that there was nothing that would prohibit the issuance of the license being requested.

It was staff's recommendation that the City Council approve the application for the Special Event Liquor Permit subject to the following three conditions:

1. Applicant will discontinue serving alcohol at 7:30 p.m. to allow patrons 30 minutes to finish their beverages and leave the licensed area.
2. All alcohol will be secured and removed by 8:00 p.m.
3. 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.

Ms. Woods explained that Sarah Brooker, Associate Director of the Colorado Canyons Association was present in person as the applicant's representative and turned it over to her for any additional comments she may have.

Ms. Brooker explained that the Colorado Canyons Association is a local non-profit organization that fosters education, stewardship and awareness of Colorado's three National Conservation Areas (McInnis Canyons, Dominguez-Escalante and Gunnison Gorge). Over the past year, they have been working with a local Fruita artist, Andrea Stolarczyk, who has been out in the conservation areas creating amazing pieces of art, which the Colorado Canyons Association chose to showcase.

Ms. Brooker requested approval from the City Council to serve wine at the "A Year in the Canyons" art show.

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

- **COUNCILOR HANCEY MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE COLORADO CANYONS ASSOCIATION TO SERVE WINE DURING "A YEAR IN THE CANYONS" ART SHOW ON FRIDAY, AUGUST 11, 2023, FROM 5:00 TO 8:00 PM AT OUR LADY OF PERPETUAL MOTION LOCATED AT 503 E. ASPEN AVE. SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**4) PRELIMINARY PLAN APPROVAL – ADELE'S ACRES SUBDIVISION – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill noted that Communications and Engagement Specialist Ciara DePinto handed the Mayor and Council members a revised Site Plan that erroneously didn't make it into the Council packet the previous Friday. Feedback that was received at the Planning Commission meeting did recommend approval with the condition that the applicant work on a revised layout to include meeting the density requirements within the City's Comprehensive Plan (four (4) to six(6) dwelling units/acre) and a mix of housing types. Mr. Hemphill also noted that the application was being heard



as a continuance from the June 6, 2023 Council meeting to give the applicant a little more time to respond to Planning Commission comments and staff.

He gave staff's (PowerPoint) presentation, which included the following information:

- Application details – Preliminary Plan at 1024 19 Rd. (southeast of 19 and J 2/10 Roads) consisting of an original Site Plan of 48 lots and a *revised* Site Plan of 65 lots
- Legal notice dates and methods
- Aerial photo of subject property showing an existing house in the southwest corner
- Zoning Map showing subject property is zoned Community Residential
- Future Land Use Map
- Original Site Plan layout
- Revised Site Plan layout showing both attached and detached dwelling units
- Density Bonus Request to decrease minimum lot size
- Overall density = 4.3 dwelling units/acre
- 5 Review Criteria in Section 17.21.040(A) for Council to consider
- Planning Commission recommendation of approval by a vote of 5 – 0.
- Key takeaways from the Planning Commission meeting were density and housing diversity/mix of housing types in accordance with the City's Comprehensive Plan.
- Neighborhood meeting was held on December 7, 2022.
- Review comments and public comments received by staff = no major concerns and none, respectively
- Suggested motion of approval with the condition that all review comments and issues identified in the staff report be resolved with the Final Plat application

River City Consultants Project Coordinator Tracy States was present in person as the applicant's representative and she noted that the applicant and property owner were also present in the audience.

Ms. States said River City Consultants feels that they listened to the Planning Commission's recommendations regarding housing mix and types and the increase in density. She said her firm revised the Preliminary Plan to address both of those concerns without any major changes to the water or sewer lines and the street layout remains the same.

Ms. States provided a PowerPoint presentation that was modified after River City Consultants received feedback from the Fruita Planning Commission and that contained the following information:

- Property was annexed in the City of Fruita in 2022.
- Property is 15.01 acres located at 1024 19 Road.
- Zoning is Community Residential.
- Revised Preliminary Plan illustrating 65 new lots with a minimum density between 4 to 6 dwelling units per acre
- Will be designing the required half-street road improvements to J 2/10 Road
- River City Consultant's Traffic Engineer will be included in responding to review comments and any required changes to the plan before they submit for Final Plat.

- Changes to water/runoff (overall, less peak water will be used, less peak runoff will be generated and the historical 100-year storm runoff will be significantly less when developed due to a large detention pond that will pump out at a low flow rate)
- 20 Irrigation shares available, which River City Consultants says will be plenty to share on a rotating schedule for irrigation of the lots and detention pond area
- Other miscellaneous responses to review comments

Mayor Kincaid opened the public hearing on the Adele's Acres Subdivision Preliminary Plan.

Alan Emsley, Fruita resident (address not given), asked about the possibility of allocating recreation space, whether green space or some other space within the Plan.

Hearing no further public comment, Mayor Kincaid closed the public hearing and referred the matter to the City Council.

Councilor Kreie asked if the sidewalk along 19 Road currently exists or if the City will be putting it in.

City Engineer Sam Atkins responded that there is no sidewalk being proposed. In the City's 19 Road plans, staff is proposing to have a detached path along the east side of 19 Road. Staff required improvements to J 2/10 Road, but not to 19 Road because of the City's overall project that would result in conflicts.

Councilor Hancey asked if the Impact Fees would go towards finishing off 19 Road. Mr. Atkins said he hasn't done the calculations and didn't have the cost estimate, but the Impact Fees will be credited towards the improvements that the developer makes to J 2/10 Road and any additional remaining Impact Fees would be utilized towards 19 Road.

In regards to Mr. Emsley's comment, Councilor Kreie said he has seen detention basins that do act as green space because most of the time, they don't have water in them and if there were to be rain sufficient enough for it to get crazy, nobody would be hanging outside playing anyway. He asked if developers still build detention basins that way and Mr. Atkins said that the Iron Wheel Subdivision did it, but it was more of a deep "v" at the bottom of it and then it actually spreads out into the area to the north. He continued that the City can't have standing water in order to comply with Environmental Protection Agency standards and the only way to migrate away from that is if the development is less than an acre.

Councilor Breman said he thought Councilor Kreie's question was whether the detention basin counts as green space. Mr. Atkins said he thinks the trend that staff has had is to take the Parks, Health, Recreation, Open Space and Trails (PHROST) Impact Fees and use them against a much larger facility because the City started to get all these little pocket parks, some of them didn't really function and the developer still gets credit for it. Therefore, the trend over the last ten to twelve years has been to take the fees and do something much larger like a regional park.

Councilor Miller said she was very excited to see what the developer came up with in response to the Planning Commission feedback. She liked how they mixed the housing types in because that can be such a challenge and she thought the developer did a very good job with it. She said it will be a very appealing neighborhood.

Councilor Hancey asked if the City's Land Use Code says the minimum density standard is four (4) to six (6) dwelling units per acre. Mr. Hemphill confirmed that the original proposal was for 48 dwelling units over 15 acres, which calculates into 3.2 dwelling units per acre and Council Hancey said that was great that the developer revised the plan because he was going to ask for more density.

Councilor Hancey said he likes the idea of mixed housing types because the City needs all different styles of housing.

Councilor Hancey asked staff to speak to the value of the Density Bonus and getting the density increased. Mr. Hemphill responded that the value of having Density Bonus is that it allows a project to build at a higher density with something in return, whether it be more alley-loaded garages with closer front porches to the right-of-way, a mix of housing types, more open space or longer linear feet of trail. He said all of those are of value; they are incorporated into Fruita's Comprehensive Plan and it allows a property owner or developer to build at more of an appropriate density for the area and decrease the lot sizes to get the mix of housing types. He said Copper Creek is a great example of this; they asked for Density Bonus and the result is there's plenty of park space and numerous linear feet of trail with a mix of housing types.

Councilor Hancey asked what the Land Use Code says about access into the subdivision because for this development, he could see that there's one that comes off of J 2/10 Road and one that will be stubbed into the lot to the south that currently has a county zoning designation. City Engineer Sam Atkins stated that these are included in Design Standards for engineering and he knows it doesn't look like it, but 19 Road is slated for a five-lane section and arterial designation in the future. In order to get the spacing correct on accesses, technically, staff wants all the accesses to come off the minor roads, which run east to west. In the City's standards, it specifies that intersections should be on arterials spaced at 1/4 – mile spacing, which is J to J 2/10 Roads. Given the fact that the developer is keeping the existing house, if someone tried to create an access, they would be getting way too close to that intersection. Mr. Atkins stated that he would rather inconvenience someone than put them in danger and that if the points of connection to that road were minimized, that is that many less conflicts. He said he expects that 19 Road will be an arterial at 40 miles per hour in the future.

Councilor Hancey asked what the Land Use Code says about access into the neighborhoods. Mr. Atkins said it basically says that you want to have connectivity with the adjoining properties, but unfortunately, the adjoining property to the east was developed in the county and while they did connect from J 2/10 to J in their plan, it would have been really nice if there would have been a stub from the east into the subject property so there could be another connection. Mr. Atkins added that a stubbed road coming off the south will happen at some point because that whole area is going to develop over time. Mr. Hemphill noted that the developer has proposed an emergency access into the subdivision. He said the property to the south is within Fruita's Urban Growth Boundary, so Fruita does have land use Comprehensive Plan control of how that will develop and staff fully anticipates that street stub working in the near future.

Councilor Hancey recalled how the City Council recently passed an Ordinance that will allow more projects to be administratively reviewed and approved and asked if this project was one that would fall into that criteria. Mr. Hemphill responded that if the Adele's Acres development were to be submitted in two months from now when the Ordinance will actually go into effect, it would have been

administratively reviewed and approved with a callup to the City Council so that staff can communicate with the Council without having to have a public hearing.

Councilor Hancey asked if J 2/10 Road would have the same half-road improvements as Monument Ridge Elementary. Mr. Atkins confirmed this to be the case.

Councilor Breman said he would have discussions and questions about the Urban Growth Boundary outside of this public hearing and likely in a workshop setting.

Councilor Williams asked if there was a trail coming out of the cul-de-sac underneath Tract A because he knows the City tries to include bike paths, but he wasn't seeing any that are connecting. Mr. Hemphill responded that the buildout of trails within certain subdivisions can be subject to zoning regulations such as Planned Unit Development (PUD), so they are allowed to do certain things to provide for more connectivity. He added that he thinks it is a great idea within neighborhoods to have connecting trails for more of a community feel, but it is not required in the Fruita Land Use Code. Mr. Hemphill also noted that the trails that are connections at the end of cul-de-sacs are meant to avoid forcing pedestrians to go all the way around just to get to somewhere where they could just cut through, which has been a staple in Fruita's subdivisions plans for years.

- **COUNCILOR KREIE MOVED TO APPROVE ADELE'S ACRES PRELIMINARY PLAN APPLICATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE RESOLVED WITH THE FINAL PLAT APPLICATION. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Mr. Hemphill clarified that staff's recommendation and therefore, Council's action, was for the revised Site Plan that was entered into the record tonight. Councilor Kreie clarified that that is what he meant.

## **B. LEGISLATIVE HEARINGS**

There were no Legislative Hearings on the agenda.

## **9. ADMINISTRATIVE AGENDA**

### **A. CITY OF FRUITA STRATEGIC PLAN UPDATE – *CITY MANAGER MIKE BENNETT***

The Strategic Plan was adopted by the Council last year and it is staff's intent to try to provide the Council with an update twice per year. Following the update that's done at a City Council meeting, staff updates the pdf of the Strategic Plan on the City's website at <https://www.fruita.org/citycouncil/page/city-fruita-strategic-plan>.

City Manager Mike Bennett gave staff's presentation of the updated Strategic Plan, which can be found on the City's website at:

[https://www.fruita.org/sites/default/files/fileattachments/city\\_council/page/32576/fruita\\_strategic\\_plan\\_-\\_updated\\_7.25.23.pdf](https://www.fruita.org/sites/default/files/fileattachments/city_council/page/32576/fruita_strategic_plan_-_updated_7.25.23.pdf).

He explained that the Strategic Plan contains the top priorities City Council directs staff to focus on every two years, organized by the City's priority areas (goals) of *Quality of Place, Economic Health, and Lifestyle*.

The City also has a Comprehensive Plan that is done every ten plus years concerning how and where the City grows and what the City's values are to set forth the policies that the City should be striving to achieve. This was completed following a year of engagement with over 4,000 citizens in the community, who went through hands-on exercises to help the staff and the Council develop those values and policies. This led into updates of each of the following Master Plans and other guiding documents:

- Circulation Master Plan (pedestrian, bicycle and motorized transportation)
- Parks, Health, Recreation, Open Space and Trails Master Plan
- Sewer Plan
- Citizen Survey (every four years)
- Update to the Strategic Plan (every two years)

Mr. Bennett noted that these plans also help to guide staff and the City Council through the Five-Year Capital Improvement Plan and annual budget process every year that takes place over the course of several meetings between September and December.

Mr. Bennett reviewed all the Sections of the Strategic Plan, noting that the plan contains the top priorities upon which City Council directs staff to focus that are organized by the values of *Quality of Place, Economic Health, and Lifestyle* within the Strategic Plan. He also reviewed the status of each of the City's many various efforts and/or projects through year 2025 that were broken down by those three values within the Strategic Plan. In addition, Mr. Bennett reviewed future priorities beyond 2025. He explained that he would be giving another review of the Strategic Plan next January and then twice per year following that.

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

City Manager Mike Bennett did not have any other updates for the Mayor and City Council.

## **11. COUNCIL REPORTS AND ACTIONS**

### **A. BOARDS AND COMMISSIONS APPOINTMENTS – A REQUEST TO APPROVE THE APPOINTMENT OF APPLICANTS TO THE TABOR CITIZEN REVIEW COMMITTEE**

Mayor Kincaid pointed out that there were some applications in the Council packet for the City of Fruita TABOR Citizen Review Committee. He noted that he and Councilor Miller had interviewed three of the applicants that they were not familiar with and they felt that all three applicants would be a good fit and would create a nice, diverse board. The City also received three other applications from citizens that are known by the Mayor and Council members and Mayor Kincaid recommended that these applicants be appointed as well as the three applicants that were interviewed.

The names of the individuals the City Council wished to appoint to the TABOR Review Committee are as follows:

- Lori Buck
- Heather O'Brien
- Karen Leonhart
- Robin Dague
- Melissa Anchondo
- Karen Shackelford

Mayor Kincaid wanted to know the timeline for the TABOR Review Committee to present its findings to the City Council. Mr. Bennett explained that staff needs to submit the text for the 2024 Municipal Election ballot towards the end of this year and that typically, the committee holds about three meetings before submitting its final report to the City Council. He added that staff anticipates the recommendation going before the Council by October of 2023. The City Attorney will then draft the ballot language for the TABOR question on the 2024 ballot.

- **COUNCILOR PURSER MOVED TO ACCEPT THE MAYOR'S RECOMMENDATION ON THE APPOINTMENTS OF MEMBERS TO THE TABOR CITIZEN REVIEW COMMITTEE. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **B. COUNCIL REPORTS AND ACTIONS**

### COUNCILOR KEN KREIE

Ken reported that the Grand Valley Regional Transportation Committee (GVRTC) met the previous week and the board received a presentation from the Deputy Director of the Colorado Department of Transportation (CDOT) concerning their plan to redo the boundaries for the Metropolitan Planning Organizations (MPOs) around the state. He said it didn't sound like the GVRTC was much interested in doing that in Mesa County because it is working out well as it is.

### COUNCILOR AMY MILLER

Amy reported that she attended the Fruita Area Chamber of Commerce's Coffee and Community Connections event, which she said was really great. She added that Fruita was very well represented by City Manager Mike Bennett and Chief of Police Dave Krouse, who did a really good job of presenting. Amy said she learned a few things about Chief Krouse that she didn't know and is now even more impressed with him and is thrilled that he is serving the Fruita community.

### COUNCILOR JEANNINE PURSER

Jeannine reported that several Council members attended the Fruita Mews Groundbreaking Ceremony and it was really good to hear all the other comments and perspectives, which really reiterated to her that Fruita's decision to approve the development was well-made.

Jeannine asked about traffic, four-way stops and the studies that are required to put four-way stops in place. She said that with the on-street parking for both set of the new apartments and the intersection of Peach Street and Pabor Avenue, it causes great difficulty to see around the cars on the street and she has heard several comments that it doesn't seem safe.

Jeannine continued that she would not be opposed to having more four-way stops and wonders if the Council could make those decisions even if certain requirements of traffic studies are not met. Mike responded that sometimes four-way stops are not allowed because if there is too short of a distance between them, it can cause backups into intersections. He noted that he is gearing up to revamp the City's Traffic Committee to spur a little more innovation and creativity because the people in the group are already so busy with many other things. He added that he would have staff and the Traffic Committee look into Jeannine's specific examples to see how they may be addressed.

#### COUNCILOR AARON HANCEY

Aaron stated that he has had conversations with IndiBuild's Kim Pardoe (developer of the Fruita Mews project) and he thinks she appreciates the challenging discussions that have been held and understands the City's processes.

Aaron also thanked the Council members for their patience concerning the number of questions he had during Quasi-Judicial Public Hearings, adding that he wanted to make sure there were certain things on record for the public to review.

#### MAYOR PRO TEM MATTHEW BREMAN

Matthew noted that had just learned that he is now part of the Workforce Development Committee for the Fruita Area Chamber of Commerce at their board meeting the previous day. The board also discussed the "Spring Forward Springboard for Business;" the different grants that are out there for interns, how that process works, some of the challenges and how to streamline the process. They talked about the partnership with the Town of Palisade in terms of how to pull that together and working with the City of Grand Junction to apply for larger pools of (grant) money.

Matthew recalled from the conversation concerning the internship program that there is \$10,000 per intern available; however, after board members looked at the application and spent an hour working on it, they gave up. The board talked about how to streamline that process for businesses to make it easier for them to get those dollars and about how the Chamber can let students know what the process is through communication with schools. Matthew said a part of the process could be to utilize "Handshake," which is a program involving both high schools and colleges where businesses and students can come together for internships and job openings. He added that this program is not necessarily "user friendly" on either side and the Chamber Board has heard from a lot of people that they have tried "Handshake" numerous times without success, so the conversation will be ongoing. Mike noted that the City's Communications Intern had just started with the City and they went through the Workforce Program.

Matthew reported that on Thursday, he, Mike, Shannon and Joel would be meeting with Lauren Boebert to talk about what is going on in Fruita and that it had been alluded to that the Senate has approved some Congressional Appropriations money.

Matthew also reported that he had a meeting during the week with Cassie, the new head of Hope West (hospice) and they talked about their “Pace” program, which helps keep seniors in their homes during hospice. He if the Council wanted to receive a presentation from Hope West concerning some of the highly beneficial programs that are out there. Joel said he thought it would be a good presentation for either the Livability Commission alone at one of their meetings or jointly with the City Council at a workshop meeting. Matthew said he would help coordinate that with Mike.

Matthew asked if staff had resolved the issues with the email addresses for the Fruita Housing Authority. Shannon said he believes all the Commissioners now have access and that they should have received a one-time password. He explained that a licensed account was purchased so that the Commissioners could still use the mail app. Matthew said he would reach out to Shannon later about his and Amy said she needed assistance as well. Shannon invited all of the Commissioners/Councilors who were having trouble to stop by anytime his office at the Civic Center and he would help them get their email going. Matthew noted that the purpose of these email addresses is to keep Housing Authority business separate from City Council business.

Matthew recalled how some of the City Council members had a conversation while listening to James’ band play during the Thursday Night Concert concerning how there is so much less live music in Fruita in the winter. Ideas were kicked around such as an “Ice-o-saurus Festival” where there could be (for example) a Guinness Book of World Records attempt for the biggest s’mores that would incorporate music and he thinks the Council and staff need to keep going with the idea that was thrown out there. James noted that some friends of his run festivals in the winter called “Winter Wondergrass” and they are hugely successful. He said if Fruita wanted to do something like that, it could be done and that the North Mulberry Street space with its firepit would be a good venue. Matthew asked staff to put it on a future workshop agenda for discussion.

#### MAYOR JOEL KINCAID

Joel thanked the Council members who attended the Groundbreaking Ceremony for the Fruita Mews project, saying he thought it was a good showing and said a lot about how the City cares about the Fruita community.

Joel asked staff if they were doing anything for retiring employee Ken Binam, who has worked for the City for over 20 years. Mike noted that staff does not yet have the date on which Ken will retire. Joel asked staff to keep an eye on it.

#### **C. EXECUTIVE SESSION – DISCUSSION AND POTENTIAL ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE CITY MANAGER’S ANNUAL INFORMAL REVIEW**

- **COUNCILOR KREIE MOVED TO MEET IN EXECUTIVE SESSION FOR DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F) AND NOT INVOLVING ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION, ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL, THE**



**APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR AN ELECTED OFFICIAL, OR PERSONNEL POLICIES THAT DO NOT REQUIRE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES (THE CITY MANAGER'S ANNUAL INFORMAL REVIEW). COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

*The City Council went into Executive Session at 9:48 p.m. They reconvened the regular meeting at 10:21 p.m.*

## **12. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at p.m. 10:21 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita