

**FRUITA CITY COUNCIL MEETING
APRIL 2, 2024
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 7:01 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 James Williams
City Councilor Ken Kreie
City Councilor Amy Miller
City Councilor Aaron Hancey

Excused Absent: Finance Director/City Clerk Margaret Sell
Deputy City Clerk Deb Woods

City staff present: City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Communications and Engagement Specialist Ciara DePinto
Public Works Director Kimberly Bullen
Fruita Police Lieutenant Nick Peck

Also present: 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 HANCEY MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations or Presentations on the agenda.

5. PUBLIC PARTICIPATION

McKenzie Kimball, 177 N. Apple Street, stated that she was present to talk about Fruita for Equality and that she and Fruita resident Karen Leonhart have made a plan to give the Council a quarterly

update. She described the group as one who promotes and supports equality, inclusivity and diversity through meaningful conversation and action in the Fruita community.

McKenzie announced that Fruita for Equality currently has a poster project and urged the Council to go check out the really cute art from the kids at Rim Rock Elementary School. Close to 400 students participated (which was almost the entire school) and it took 44 businesses in south Fruita and downtown to host all of the posters. The theme of the project is “what makes me smile in Fruita.” The kids all received “I love Fruita” stickers designed and donated by artist Andrea Stolarczyk.

McKenzie also announced that Fruita for Equality finally has a website at fruitaforequality.org where the group’s second Wednesday of the month meetings and photos are posted. She asked that the Council refer any interested parties to the website, which contains a “Contact Us” page as well.

McKenzie added that Fruita for Equality hopes for a partnership with the City of Fruita for a conversation about the local community.

Mayor Kincaid asked if McKenzie had gotten information about Fruita for Equality to the City’s Communications and Engagement Specialist, Ciara Amann and McKenzie said she had and that the City actually posted on its Instagram some of the posters the kids had done.

There were no further comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE FEBRUARY 6, 2024 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE FEBRUARY 20, 2024 REGULAR CITY COUNCIL MEETING**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF HAYDEN JANSSEN TO THE FRUITA TOURISM ADVISORY COUNCIL (FTAC) FOR A THREE-YEAR TERM TO EXPIRE IN APRIL OF 2027**
- D. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF MICHAEL HANDLEY TO THE FRUITA PLANNING COMMISSION AS A REGULAR MEMBER FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN APRIL OF 2027**
- E. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF ANTHONY FARINACCI TO THE PLANNING COMMISSION AS A REGULAR MEMBER FOR A THREE-YEAR TERM TO EXPIRE IN APRIL OF 2027**
- F. BOARDS AND COMMISSIONS APPOINTMENTS – A REQUEST TO APPROVE THE APPOINTMENTS OF JAMES JEFFERY AND MICKIE ROGERS (FISHER) TO THE HISTORIC PRESERVATION BOARD FOR THREE-YEAR TERMS EACH TO EXPIRE IN APRIL OF 2027**

- G. RESOLUTION 2024-10 – A RESOLUTION OF THE CITY OF FRUITA IN OPPOSITION TO STATEWIDE LAND USE PREEMPTIONS IN HOUSE BILL 24-1152.**
- H. RESOLUTION 2024-11 – A RESOLUTION OF THE CITY OF FRUITA IN OPPOSITION TO LAND USE PREEMPTIONS AND BURDENS PLACED ON LOCAL GOVERNMENTS IN HOUSE BILLS 24-1313 AND 24-1304.**
- I. RESOLUTION 2024-13 – A RESOLUTION OF THE CITY OF FRUITA TO ASSIGN PROCEEDS FROM THREE MOUNTAIN PROPERTY SALES FOR PUBLIC RECREATIONAL AMENITIES WITHIN THE CITY LIMITS.**
- J. RESOLUTION 2024-14 - A REQUEST TO APPROVE A RESOLUTION DISSOLVING THE FRUITA DOWNTOWN ADVISORY BOARD**
- K. LETTERS OF SUPPORT FOR HOUSING RESOURCES OF WESTERN COLORADO - A REQUEST TO AUTHORIZE THE MAYOR TO A LETTER OF SUPPORT FOR HOUSING RESOURCES OF WESTERN COLORADO CONGRESSIONAL DIRECTED SPENDING REQUEST.**
- L. GUIDING PRINCIPLES – A REQUEST TO APPROVE THE GUIDING PRINCIPLES FOR “THE LAUNCH” RIVERFRONT DEVELOPMENT AND AUTHORIZE THE CITY MANAGER TO SIGN THE GUIDING PRINCIPLES**

Mayor Kincaid opened the public hearing on the Consent Agenda. Hearing no comments from the public, he directed it to the City Council.

Councilor Hancey expressed his gratitude for Resolutions 2024-10 and 2024-11 reflecting the City’s opposition to the House Bills concerning land use preemptions.

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

7. ACKNOWLEDGMENT OF NEWLY APPOINTED AND REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

Mayor Kincaid acknowledged the applicants for the City’s Boards and Commissions vacancies that were appointed or reappointed on the Consent Agenda, saying the City appreciates the willingness of the appointees to serve because it helps the Council with gaining community feedback and involvement.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

There were no Quasi-Judicial hearings on the agenda.

B. LEGISLATIVE HEARINGS

1) ORDINANCE 2024-11 – SECOND READING – AMENDING SECTION 3.18.240 OF THE FRUITA MUNICIPAL CODE CONCERNING MEMBERSHIP REQUIREMENTS FOR THE TOURISM ADVISORY COUNCIL - MARGARET SELL, FINANCE DIRECTOR/CITY CLERK

City Manager Mike Bennett provided staff's presentation in Margaret Sell's place because she and Deputy City Clerk Deb Woods were busy processing ballots for the City's April 2, 2024 Regular Municipal Election.

Mr. Bennett explained that the purpose of the Ordinance was to remove the City Council member's seat from the total number of required voting members, just as the Council has been doing with all its Boards and Commissions. To clarify, the City's boards will retain Council Liaisons, but Council Liaisons will not vote and their seats do not count against the total maximum number of members on each of the boards.

Mayor Kincaid opened the hearing to public comment. Hearing none, he closed public comment and referred the matter to the City Council.

- **COUNCILOR KREIE MOVED TO APPROVE ORDINANCE 2024-11 – AN ORDINANCE AMENDING SECTION 3.18.240 OF THE FRUITA MUNICIPAL CODE BY THE REMOVAL OF THE CITY COUNCIL REPRESENTATIVE FROM THE MEMBERSHIP OF THE ADVISORY COUNCIL AND ADDING A CITY COUNCIL REPRESENTATIVE TO SERVE AS LIAISON TO THE ADVISORY COUNCIL. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES. COUNCILOR WILLIAMS VOTED NO.**

- 2) RESOLUTION 2024-12 – PUBLIC HEARING – AMENDING THE 2024 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR CAPITAL PROJECTS, PURCHASED PROFESSIONAL SERVICES AND SPECIAL PROJECTS – SHANNON VASSEN, ASSISTANT CITY MANAGER**

Assistant City Manager Shannon Vassen gave staff's presentation. He explained that the aim of the Resolution is for a supplemental appropriation of funds in the General Fund, the Marketing and Promotion Fund and the Sewer Fund for three specific purposes as outlined in the coversheet and Resolution. As with any Supplemental Budget Amendment, Mr. Vassen had added a graph at the end of the coversheet to show what the funds will be used for. These include:

1. General Fund – Staff is requesting \$100,000 to have some on-call design and engineering services on the City's Strategic Plan and Five-Year Capital Improvement Plan to get them more shovel ready and competitive for grant funds. Examples of this include:
 - a. ADA ramp on the north side of the Civic Center
 - b. Crosswalk on Cherry Street by the Family Health West hospital/Fruita Community Center

2. Marketing and Promotion Fund – staff is requesting \$5,000 for the Fruita Tourism Advisory Council (FTAC) to fund the 2024 Mini-grant program. Council reapproved the Mini-grant program in 2019 and each year has funded it at \$4,000 per year. The program allows

businesses and community members to apply for up to \$1,000 of funding for either events in Fruita or marketing/promotions in Fruita.

Through March 2024, the Fruita Tourism Advisory Council (FTAC) has received five applications for mini-grant funding in the amount of \$4,500, exceeding the budgeted amount of \$4,000. The FTAC has recommended to staff and the City Council that all five projects be awarded grant funding, and that additional funding be made available for any other requests received throughout 2024. This budget amendment appropriates an additional \$5,000 in one-time funding for the mini-grant program using fund balance in the Marketing and Promotion Fund.

Mr. Vassen explained that the final budget request item is for \$200,000 to replace and install new computer equipment at the Wastewater Reclamation Facility (WWRF) to provide Supervisory Control and Data Acquisition (SCADA) for visualization and cloud connectivity with remote connections and support. This includes installation of equipment at the WWRF, software and licensing, and will provide cybersecurity best practices, alarming/notification for SCADA alarms, quarterly and annual maintenance on premise and a service agreement. With savings from the Aeration project due to a grant the city received, ARPA funds are available to complete this \$200,000 project. ARPA must also be designated for use prior to the end of 2024.

Mayor Kincaid opened the hearing for public comment. Hearing none, he referred the matter to the City Council.

Councilor Purser asked for confirmation that the FTAC was asking for an additional \$5,000 on top of the \$4,500 for a total of \$9,500. Mr. Vassen confirmed this to be the case, but added that the FTAC will only spend that if there are any other mini-grant funding requests received throughout 2024. He said the FTAC was very excited because in the past, they weren't able to spend down the dollars, but this year, the board is hearing that there are others who also want to apply.

Councilor Hancey asked where the \$200,000 was coming from for the request at the WWRF. Mr. Vassen explained that last year, the Council budgeted \$1.3 million for the aeration project that was split between the general sewer contributions and American Rescue Plan dollars. As staff typically does with a lot of the City's bigger projects (especially in the Sewer Fund), staff applied for a Department of Local Affairs (DOLA) Energy Impact Grant to offset some of the City's costs.

Councilor Hancey asked why this didn't come up on the Council's radar earlier, adding that it wasn't in the budget for this year. He also asked if the City was done with the big expenses at the WWRF for a while because the City has done so much in the last couple of years. Mr. Vassen responded that it actually did come up during the Budget discussions, but staff focused their efforts on some of the other larger projects such as the Aeration Project (2nd oxidation ditch) and the H2S Mitigation Project, and staff has been waiting to see where the costs of those projects will ultimately fall. Staff is also still waiting for a change order for a deduction of approximately \$200,000 from the H2S Project.

Mr. Vassen explained that the centrifuge at the WWRF is probably going to be the next biggest sewer project, but there are also sewer lines that need to be replaced in the downtown such as along Greenway Drive going to the south and on Maple and North Mesa Streets. These sewer line replacements are included in this year's budget.

Mr. Vassen added that there are some communities who have not even been able to address H2S because it is so expensive, so staff is very proud of what Fruita has been able to accomplish in that area.

Councilor Breman referred to the \$100,000 for supplemental engineering services and asked if that was based on an hourly rate. Mr. Vassen confirmed that the amount is for hourly engineering services and added that the City went through an entire RFP process and felt very good about moving forward with SGM. Councilor Breman wondered how many hours the \$100,000 would equate to and Dan Caris, Planning Director for the City of Fruita said that the amount wasn't exactly broken up into hours; it's based off of tasks. Staff negotiates the price and the engineering firm then assigns a myriad of different personnel to the task. The City does have a schedule of values that starts at \$69/hour for a surveyor and goes up to \$240/hour for a Principal Engineer. Mr. Caris said that in contemplating going with SGM, staff wanted to get the conceptual modeling done for a lot of the transportation projects and then use SGM to generate the actual construction sheets that are used to go to bid.

Mayor Kincaid asked what the City's long-term plan is going to be as far as contracting out engineering services and how it will be managed for next year's budget. City Manager Mike Bennett said that staff was utilizing a mix of hired professional services and in-house staff instead of hiring another full-time position because with a firm, there's much more of a variety of services. This decision came after staff analyzed the City's team and where their strengths are. Mr. Bennett added that as the City narrows down and updates its Five-Year Capital Improvement Plan, it will help staff figure out what mix will work best for each year's projects as they also relate to the budget process for the next foreseeable three to four years.

- **COUNCILOR MILLER MOVED TO ADOPT RESOLUTION 2024-12 – AMENDING THE 2024 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND, MARKETING AND PROMOTION FUND AND THE SEWER FUND FOR CAPITAL PROJECTS, PURCHASED PROFESSIONAL SERVICES AND SPECIAL PROJECTS. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

9. ADMINISTRATIVE AGENDA

A. FRUITA BUILDING DIVISION UPDATE – DAN CARIS, PLANNING DIRECTOR & JOHN ANDERSON, BUILDING OFFICIAL

John Anderson, Chief Building Official with the City of Fruita, said that it has now been one year since the City's Building Department began operating and he attributes the awesome work being done to the team that includes Jen Wooten, Senior Electrical Inspector, James Cope, Electrical Inspector, Matt Carson, Neighborhood Services Coordinator, Mike Mossburg, Senior Inspector/Plans Examiner, Henry Hemphill, City Planner and Kelli McLean, Planning Technician.

Mr. Anderson continued that the Building Department embraces the values of the City of Fruita and provides the kind of customer service that everyone loves. He also mentioned the teamwork with other departments of the City including Public Works and the Wastewater Reclamation Facility.

Mr. Anderson spoke about outreach his team has performed at the Housing and Building Association of Western Colorado (HBA), Fruita Academy, Fruita Area Chamber of Commerce and a Meet &

Greet at Basecamp Provisions. The team has also offered free courses such as “Basic Code Written Analysis” and “Basic Energy Codes” for inspectors, contractors and Colorado Mesa University students.

City Planner Henry Hemphill spoke about the Planning and Building Departments’ new cloud-based permitting software, Cloud Permit. Features of the software include:

- Building Department
- Plan Review
- Licensing (for short-term rentals)
- Code Enforcement

Mr. Hemphill noted that the software allows many functions of the departments to be stored electronically instead of on paper. Users can do Plan Reviews, request inspections, and take payments. He said that he and Planning Tech Kelli McLean took part in an online webinar hosted by Cloud Permit about the advantages of utilizing the software for small communities. The City of Fruita was the first municipality in Colorado to use Cloud Permit, but there are now seven additional communities using it with two more who will be going live soon.

Mr. Anderson listed City projects the Fruita Building Department has worked on such as the N. Mulberry Plaza fire pit and lights, biolab at the WWRF and Reed Park.

The Building Department has completed 3,708 inspections (75% of which were residential) and 279 solar-related inspections.

Planning Director Dan Caris said he just wanted to make sure that the Council is aware that the cost recovery of the Building Department is at approximately 71% (not including one-time costs). Revenues for Plan Review and Building Permit fees are right around \$350,000. He stated that when looking at how much is being taken in versus how much the Building Department costs, it’s about a \$100,000 subsidy, which is within the ballpark of what staff talked about originally. Mr. Caris said there are some things that can be considered going forward such as all the different types of fees that the department collects. Currently, the department does not collect a Plan Review fee on residential homes, which is pretty common in the industry, so staff has to rely on the Building Permit fees in order to cost recover on applications.

Mr. Anderson described the various parts of residential inspections completed by the Fruita Building Department and listed a few of the commercial inspections they’ve done. He also informed the Council that his department is going to start the process of updating the Building Codes to the 2024 International Building Codes, which is just coming out and will go before the Council for final adoption.

Mr. Anderson concluded by saying that the Fruita Building Department’s main focus is to provide contractors and the community with great customer service but that they also want to continue educational outreach via in-person classes.

Councilor Breman asked if the update to the International Building Codes will align with Mesa County’s. Mr. Anderson said Fruita and Mesa County will both be adopting the 2024 Codes, which will make it easier for contractors and better for continuity of inspections. He added that the state is trying to get all jurisdictions on the same Codes.

Mayor Kincaid asked what the capacity looks like for Fruita's Building Department moving forward considering the large number of inspections that are needed. Mr. Anderson listed the current staff members of the Building Department and said that because Fruita is going to grow, he hopes to be able to make Senior Building Inspector/Plans Examiner Mike Mossburg and Electrical Inspector James Cope move from part-time into full-time, permanent positions next year.

Councilor Hancey asked how many inspections are commonly required on a residential home. Mr. Anderson said there are about 20 to 30. He added that out of 138 building permits that have been issued, 38 are now complete (C.O.s were issued).

Councilor Miller commended the Building Department staff and said she only hears good things about them. She asked if there were any hurdles that the Council might be able to help with. Mr. Anderson stated that he appreciates the Council's support as it is right now, but added that there's a few things such as high-water tables and vapor barriers underneath concrete slabs that historically haven't been addressed that probably should be discussed in the future.

Mr. Bennett thanked the Building Department and Planning staff for a successful year and all the work they put in on a daily basis. He noted that the Land Use Code amendments that Mr. Anderson spoke about will be topics of discussion at upcoming Council workshop meetings. Staff will be engaging with the community and making sure there's plenty of notice and understanding before those changes are adopted.

Mayor Kincaid asked if Cloud Permit has helped to save staff time. Mr. Caris responded that the software has definitely improved the workload to where now, his team can turn around residential Site Plans and Plan Review fees within a few days. He added that the best part is that the process has been simplified. In the past, builders would have to come get a Planning Clearance from the City of Fruita and then go to Mesa County for the Building Permit.

Mr. Caris said that the number of people who come into the office to apply for a Building Permit has been greatly reduced, which also helps save staff time. He pointed out that Planning Clearances are no longer being issued; only Building Permits are.

Mr. Caris explained that the Community Development (Planning) Department is the custodian of private property owners' buildings, which he takes incredibly seriously because his staff receives Colorado Open Records Act (CORA) requests. The department maintains all the inspection logs, site plans, building permits and Certificates of Occupancy, as well as any supplemental documents that are related to the building permit process for homeowners to access. The records then get compressed and placed into the Cloud so that they don't bog down the City's system.

10. CITY MANAGER'S REPORT

City Manager Mike Bennett announced that staff will again begin recruiting for the Finance Director (or Finance Officer) position due to Margaret Sell's pending retirement, which she plans for July 1st after 41 years with the City of Fruita. When staff originally began the process, it was learned that there are four or five other cities in Colorado that are currently struggling to recruit for the same position. There was also some feedback about the timing of this part of the year when a lot of candidates with the level of experience the City is looking for are busy with income taxes being due and audits taking place.

Mike said that after not receiving very many qualified applications, staff pivoted and decided to recruit for a Procurement and Contracts Specialist position. McKenzie Erickson was hired for the position and yesterday was her first day. McKenzie came from Mesa County Human Services and has a lot of experience related to this position.

The hope is that there will be some overlap with a new Finance Director/Officer before Margaret retires. Mike explained that the City's recruitment process includes advertising with a number of professional organizations such as the International City/County Management Association, Colorado Municipal League, Government Finance Officers' Association and governmental auditing agencies, to name a few. The City is also making sure the opening is known through staff's own channels of professional contacts and Mike added that some cities even contract the work out. Assistant City Manager Shannon Vassen has been working on getting to know the other cities who do this as a potential interim solution. Mike said everyone knew it was going to be tough to replace Margaret.

11. COUNCIL REPORTS AND ACTIONS

COUNCILOR AMY MILLER

Amy said she has been asked in the past couple of days why Fruita residents can't vote in person. Mike noted that City Clerk/Finance Director Margaret Sell and Deputy City Clerk Deb Woods were downstairs processing the municipal ballots for this year's election and said he would have to check with them and get back to the City Council.

Amy reported that the Historic Preservation Board met on Monday and the main topic was the Old Fruita Bridge. She said the City Council will be hearing about it because there is some momentum (although not necessarily from the board) to try to rekindle interest in getting access to it and maybe figuring out how to restore it a little bit. The board members expressed how they felt that the bridge has fallen to the wayside and they would like much more enthusiasm about it from all involved.

MAYOR PRO TEM BREMAN

Matthew announced two upcoming events:

- The Fruita Area Chamber of Commerce's Annual Banquet on April 13th
- Grand Junction's Economic Partnership's (GJEP's) Western Colorado Economic Summit on April 16th

COUNCILOR AARON HANCEY

Aaron reported that the new Executive Director of the Museums of Western Colorado (MWC), Shenna Hayden, started with the MWC the previous week. He asked if staff had been in touch with her yet and Mike said he and Shannon had a meeting scheduled with her on Monday.

COUNCILOR JEANNINE PURSER

Jeanne asked if the Council could give the Localism Committee an update on what was decided after the last Council workshop meeting when a discussion about them was on the agenda. She said the Committee members didn't feel great about it and she thought it would be nice if the Council would show the committee members some appreciation for the time and effort they put in. Jeannine

suggested that the Council send them a letter signed by all Council members that would explain how the City is going to move forward with the “localism” idea. The Council members agreed to send a letter.

COUNCILOR KEN KREIE

Ken reported that the Grand Valley Regional Transportation Committee (GCRTC) meeting was rescheduled to next month.

MAYOR JOEL KINCAID

Joel stated that he didn't have any other board meetings, but he was honored to be with Mayor Pro Tem Breman earlier in the day at Monument Ridge Elementary speaking to their 5th Grade class, who is learning about the different roles in local government. He said the kids asked great questions.

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:13 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk
City of Fruita