

**FRUITA CITY COUNCIL
VIRTUAL MEETING
JANUARY 4, 2022
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 Lori Buck
City Councilor Karen Leonhart
City Councilor Kyle Harvey
City Councilor Ken Kreie (virtually)
City Councilor Heather O'Brien
City Councilor Matthew Breman

Excused Absent: (None)

City staff present: City Manager Mike Bennett
Assistant to the City Manager Shannon Vassen
City Clerk/Finance Director Margaret Sell
Deputy City Clerk Deb Woods
Planning and Development Director Dan Caris
City Planner Henry Hemphill
City Attorney Mary Elizabeth Geiger (virtually)

Also present: Crime Stoppers of Mesa County Board Member Rich Parrish
Crime Stoppers of Mesa County Board Member Shari Zen
Crime Stoppers of Mesa County Board Member Brittaney LeTurgez
Black Citizens & Friends Board Member David Combs
Black Citizens & Friends Board Member Eric (last name not given)
Colvita Creative, LLC Owner Jill Coyle
Colvita Creative, LLC Vice President/Integrated Media Sara Moore
Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

3. AGENDA – ADOPT/AMEND

Deputy City Clerk Deb Woods noted that there were three changes to the agenda since the time of Council packet publication on the City's website on Thursday, December 30, 2021: 1) the addition of a Proclamation for Martin Luther King, Jr. Day, 2) the postponement of the Quasi-Judicial public

hearing for the Museums of Western Colorado's Special Event Liquor Permit application (due to COVID concerns), and 3) the addition of an Executive Session at the end of the meeting for the Council to present the Formal Review of the City Manager to Mr. Mike Bennett.

- **COUNCILOR O'BRIEN MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAMATION – PROCLAIMING JANUARY 2022 AS “NATIONAL CRIME STOPPERS MONTH” IN THE CITY OF FRUITA TO BE ACCEPTED BY CRIME STOPPERS OF MESA COUNTY BOARD MEMBER RICH PARRISH

Councilor O'Brien read the Proclamation, which was accepted by Rich Parrish on behalf of the Board of Directors of Crime Stoppers of Mesa County. Also present to accept the Proclamation were Board members Shari Zen and Brittaney LeTurgez.

Mr. Parrish noted that Crime Stoppers has not received any tips from Fruita for a long time and asked the Council to encourage the Fruita Police Department to present any unsolved crimes to Crime Stoppers for help in solving them and to help make sure communities stay safe valley-wide.

B. PROCLAMATION – PROCLAIMING JANUARY 17, 2022 AS “MARTIN LUTHER KING, JR. DAY” IN THE CITY OF FRUITA (*ADDED TO THE AGENDA*)

Councilor Harvey read the Proclamation, which was accepted by Board of Directors members David Combs and Eric (last name not given) on behalf of Black Citizens & Friends of Grand Junction.

Mr. Combs expressed dismay about the cancellation of the multiple-day events that are typically held over the course of a week for the reason that Martin Luther King Jr.'s family was calling for “no celebration” of MLK Day without the passing of the John R. Lewis Voting Advancement Act by Congress. Mr. Combs stated that the only “commemorative” event to be held will be the reading of Proclamations on Monday, January 17th and a symbolic march at and invited the Council members to attend.

Mr. Combs conveyed the hope that Congress will come back mid-month January to readdress the issue.

C. PRESENTATION – A PRESENTATION FROM THE CITY'S NEW MARKETING FIRM, COLVITA CREATIVE, LLC

Assistant to the City Manager Shannon Vassen introduced owner Jill Coyle and Vice President/Media Director Sara Moore, who gave the Council a PowerPoint presentation on Colvita Creative's marketing strategy and research for the City of Fruita. Jill and Sara had just carried out a number of envisioning sessions with the Fruita Tourism Advisory Council (FTAC), public land agencies, Fruita Parks and Recreation Department and City Manager's office earlier that day.

Jill stated that there is more work to do to come up with the right marketing strategy and campaign to attract visitation to the area. The presentation included a review of Colvita's philosophy and review of the process for creating Fruita's marketing and media plan, which will have set goals, Key Performance Indicators, strategies and promotions.

Jill explained that once they have the brand, campaign and focused marketing plan, Colvita will be working with Assistant to the City Manager Shannon Vassen and the FTAC to track and report back monthly. Sara added that along with the marketing plan is the paid media such as Soujourn banners, paid social media and certain publications on the Front Range. Colvita will be using Google Data Studio (an analytics tool) to track media efforts and general website statistics for reporting.

Councilor O'Brien pointed out Fruita has experienced huge impacts on its trails and outdoors by people who have no concept of how to take care of the land and asked if educational elements will be included in marketing efforts and if so, how the City would be able to discern whether those were helping or not. Sara responded that Colvita believes that sustainable tourism and bringing the right people to Fruita is very important, so if there were a digital ad, they would maybe want to do a blog for first-time campers on how to share the trails (for example) and those kinds of things.

5. PUBLIC PARTICIPATION

There was no public participation.

6. CONSENT AGENDA

A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE DECEMBER 21, 2021 REGULAR CITY COUNCIL MEETING

Mayor Kincaid opened the Consent Agenda to public comments. Hearing none, he closed the public hearing and referred the Consent Agenda to the Council.

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

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE MUSEUMS OF WESTERN COLORADO (MWC) TO SERVE ALCOHOLIC BEVERAGES (MALT, VINOUS AND SPIRITUOUS) AT THE “AFTER DARK” EVENT TO BE HELD ON SATURDAY, FEBRUARY 5, 2022 FROM 4:00 TO 11:00 PM AT DINOSAUR JOURNEY LOCATED AT 550 JURASSIC COURT – (APPLICATION POSTPONED)**

2) ORDINANCE 2022-01 – 2ND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 9.2 ACRES OF PROPERTY LOCATED AT 1877 J.2 ROAD FROM A RURAL ESTATES (RE) ZONE TO A COMMUNITY RESIDENTIAL (CR) ZONE – *HENRY HEMPHILL, CITY PLANNER*

City Planner Henry Hemphill gave staff's PowerPoint presentation consisting of the project description, legal notice methods and dates, Zoning Map, future Land Use Map depicting the subject property and surrounding land uses and a list of five Land Use Code criteria for a rezone, of which only two are required to be met before the Planning Commission can make a positive recommendation to the City Council for approval. These two criteria are:

1. The proposed amendment is compatible with surrounding land uses pursuant to the compatibility section in the Land Use Code.
2. The project is consistent with the City's goals, policies and Master Plan.

Mr. Hemphill also reported that:

- No public comments have been received by staff to date
- No reviewer expressed any concerns with the rezone
- The Planning Commission voted to recommend approval by a vote of five to zero at their October 12, 2021 public hearing.
- Staff's recommendation of approval of the zone change from Rural Estate to Community Residential

Mr. Stephen Swindell with Vortex Engineering was present (in person) as the applicant's representative and stated that he had nothing to add except his request for approval based on the criteria being met by the application.

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

- **COUNCILOR BREMAN MOVED TO APPROVE ORDINANCE 2022-01 – SECOND READING – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 9.2 ACRES OF PROPERTY LOCATED AT 1877 J.2 ROAD FROM A RURAL RESIDENTIAL ZONE TO A COMMUNITY RESIDENTIAL ZONE. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

3) ORDINANCE 2022-02 – 2ND READING – AN ORDINANCE ANNEXING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 INTO THE CITY OF FRUITA (*WESTON ESTATES 1 ANNEXATION*) – *HENRY HEMPHILL, CITY PLANNER*

4) ORDINANCE 2022-03 – 2ND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 TO A COMMUNITY RESIDENTIAL (CR) ZONE (*WESTON ESTATES 1 ZONING*) – *HENRY HEMPHILL, CITY PLANNER*

City Planner Henry Hemphill consolidated his presentations of the two Ordinances for the Weston Estates 1 Annexation and Zoning requests into one but explained that they would each require their own separate public input periods and motions.

Mr. Hemphill's PowerPoint presentation included the City's future Land Use Map that illustrated how the subject property is within Fruita's Urban Growth Boundary and is recommended to be zoned Community Residential. He noted that there are nine approval criteria plus an Annexation Impact Report that must be considered for an annexation into the City. Through the review, staff determined that the application either has met or can meet all Land Use Code review criteria, as well as the 1/6 contiguity with city limits (as is required by state statute).

Mr. Hemphill stated that it is not necessary at this point in time that the property be served with sufficient utilities and services, but that it was the understanding of the property owner/applicant and developer that those would need to be extended if the property were to develop in the future.

Mr. Hemphill noted that there were five criteria for the zoning portion of the request, two of which must be met:

1. The proposed amendment is compatible with surrounding land uses pursuant to the compatibility section in the Land Use Code.
2. The project is consistent with the City's goals, policies and Master Plan.

Mr. Hemphill also reviewed:

- The project's legal notice methods and dates
- No written public comments had been received
- No reviewer expressed any concerns with the annexation or zone change
- Planning Commission's recommendation of approval to the City Council by a vote of five to zero at their October 12, 2021 public hearing

Staff's recommendation was that of approval of both the Annexation and Zoning Ordinances for the Weston Estates 1 Annexation.

Mr. Swindell of Vortex Engineering, on behalf of the applicant, again stated that he had nothing to add since Mr. Hemphill had demonstrated that the application met the criteria.

Mayor Kincaid opened the public hearing on Ordinance 2022-02 (Weston Estates 1 Annexation). Hearing no comments from the public, he closed the public hearing and opened the public hearing on Ordinance 2022-03 (Weston Estates 1 Zoning). Hearing no comments from the public, Mayor Kincaid

closed the public hearing and brought the matter before the Council and noted that each Ordinance would require its own motion.

- **COUNCILOR BUCK MOVED TO ADOPT ORDINANCE 2022-02 – ANNEXING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 INTO THE CITY OF FRUITA. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
 - **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2022-03 – SECOND READING – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 TO A COMMUNITY RESIDENTIAL ZONE. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 5) **ORDINANCE 2022-04 – 2ND READING – AN ORDINANCE ANNEXING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 INTO THE CITY OF FRUITA (*WESTON ESTATES 2 ANNEXATION*) – *HENRY HEMPHILL, CITY PLANNER***
- 6) **ORDINANCE 2022-05 – 2ND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 TO A COMMUNITY RESIDENTIAL (CR) ZONE (*WESTON ESTATES 2 ZONING*) – *HENRY HEMPHILL, CITY PLANNER***

City Planner Henry Hemphill combined his presentations of the two Ordinances for the Weston Estates 2 Annexation and Zoning requests into one presentation, which consisted of the City's future Land Use Map found in Fruita's (Master) Comprehensive Plan showing the location of the subject property and illustrating the fact that the property is within the City's Urban Growth Boundary.

Mr. Hemphill again noted that there nine annexation criteria to be considered as set forth in Fruita's Land Use Code and that the annexation request needs to also meet requirement of 1/6 contiguity with City limits pursuant to state statute.

Mr. Hemphill stated that it was important to note the "order of operations" from the previous annexation that was just adopted by Ordinance because this annexation request was short about three feet contiguity for the 1/6 contiguity requirement, which is why the Weston Estates 1 Annexation had to go before this one on the agenda.

Mr. Hemphill reviewed how the annexation meets the other criteria and then did the same for the zoning Ordinance. He also provided legal notice dates and methods, how no public comments had been received and how no reviewer expressed any concerns with the annexation or zoning requests. The Planning Commission recommended approval to the City Council by a vote of five to zero at their October 12, 2021 public hearing.

It was staff's recommendation that the Council approve the Annexation and Zoning Ordinances for Weston Estates 2.

The applicant's representative, Mr. Swindell of Vortex Engineering, stated that Mr. Hemphill had demonstrated that the criteria for both the Annexation and Zoning requests had been met, so he was requesting approval.

Mayor Kincaid opened the public hearing on Ordinance 2022-04 (Weston Estates 2 Annexation). Hearing no comments from the public, he closed the public hearing and opened the public hearing on Ordinance 2022-05 (Weston Estates 2 Zoning). Hearing no comments from the public, Mayor Kincaid closed the public hearing and brought the matter before the Council and noted that each Ordinance would require its own motion.

- **COUNCILOR LEONHART MOVED TO ADOPT ORDINANCE 2022-04 – ANNEXING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 INTO THE CITY OF FRUITA. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- **COUNCILOR BUCK MOVED TO ADOPT ORDINANCE 2022-05 – SECOND READING – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 TO A COMMUNITY RESIDENTIAL ZONE. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. LEGISLATIVE HEARINGS

There were no Legislative public hearings on the agenda.

8. ADMINISTRATIVE AGENDA

A. OVERVIEW AND DISCUSSION OF FRUITA HOUSING STRATEGIES NEXT STEPS

City Manager Mike Bennett stated that the gap between the average incomes of the major employment sectors in Fruita and the average price of housing in Fruita is so significant that people are “cost-burdened” in affording the average house in Fruita, which causes challenges in maintaining the community values that were identified in the Comprehensive Plan.

Mr. Bennett noted that a proposed schedule of meetings was included in the Council packet to discuss the following:

- Housing goals and strategies
- A regulatory fee to help fund the strategies
- Long-term rentals and how to incentivize them
- Traditional models of strategies such as Low-Income Housing Tax Credits

- Communications with the public (such as a special newsletter mailed to every resident containing some of the data received in the Housing Needs Assessment completed by consultants EPS)

City Attorney Mary Elizabeth Geiger was present virtually to explain the statutory requirements of forming a Housing Authority and the public hearing process for doing so. Items of note included:

- The Mayor appoints up to nine (9) individuals to the Housing Authority with ratification and approval of the Council.
- Staff recommends at least one Council member and one (City) staff member to be appointed to the Housing Authority (nothing in state statute prohibits either from sitting on the commission).
- Once the initial board is appointed, the Council can adopt by Resolution a different method of appointing board members, for example, the Resolution could state that the Authority itself would appoint its next board members.
- The Authority would need to adopt by-laws, which would mostly come from City Council's direction.
- The Authority would be a separate entity apart from the City and/or City Council and would be governed by state statute as opposed to being governed by the City's Charter or Municipal Code.
- The statute allows for some oversight by the Council as far as the initial makeup and the by-laws so that the Council can create the Authority in the way that they want to.
- The Council would decide what powers to give the Authority; for example, looking into various mechanisms such as down payment assistance or roles in managing properties.

City Attorney Mary Elizabeth Geiger said she would research state statute after Councilor Breman mentioned the issue of whether or not the Council would have any means of dissolving a Housing Authority after it had been created.

The City Council directed staff to complete circulating the petition to get the 25 signatures, set the hearing date for the creation of the Housing Authority for Monday, January 24th at 6:00 p.m. and reschedule the workshop meeting to follow that Special Meeting on January 24th.

City Manager Mike Bennett pointed out that although the Housing Authority will be vetting housing projects, the City Council will continue to oversee zoning applications for the City.

He also reminded the Council that the new language in the Land Use Code concerning the temporary limit of 50 units for short-term rentals in the downtown core area requires action of the Council to at least set a hearing date prior to the first of April 1, 2022 to make any change to the limit or make any continuation of it.

Mr. Bennett stated that because the data from consultant EPS shows that there exists a shortage of long-term rentals in Fruita, staff would likely recommend that language be drafted to include a continuation of the limit of short-term rentals in the downtown core based upon evaluating total units, increases in long-term rentals and trends of short-term rentals. After brief discussion, the Council directed staff to draft that recommended language and set the dates for the public hearing. Mr. Bennett noted that the

earliest staff could set the first reading of an Ordinance would likely be around the first or second meeting in March, possibly the first meeting in April.

9. CITY MANAGER'S REPORT

Mike provided the following updates:

- Reminder of the event for Martin Luther King, Jr. Day when Proclamations will be read at Grand Junction City Hall (Mayor Joel Kincaid said he would put it on his calendar and Councilor Kyle Harvey stated he would be there as well).
- Reminder that starting today and through January 24, 2022, registered voters in Fruita city limits can pick up Nomination Packets to run for City Council or Mayor at the April 5, 2022 Election. Mike noted that there were a few packets already picked up earlier in the day and that tomorrow, staff would be updating the fruita.org website with all the election information for candidates.
- Mike said that staff would like to get some clarification from the Council regarding the process for requesting a Proclamation. He quickly reviewed the process that is currently in place (through the City's website) and noted that there was a little bit of confusion whether there are annual Proclamations that should be automatically placed on Council agendas throughout the year regardless of whether they are requested or not. Mike said the issue would be placed on an upcoming workshop agenda.

10. COUNCIL REPORTS AND ACTIONS

A. SCHEDULING TWO (2) ADDITIONAL (REGULAR) CITY COUNCIL MEETINGS – DISCUSSION AND POSSIBLE ACTION TO SCHEDULE AN ADDITIONAL REGULAR CITY COUNCIL MEETING FOR TUESDAY, JANUARY 25, 2022 AT 6:00 PM AND AN ADDITIONAL REGULAR CITY COUNCIL MEETING FOR TUESDAY, MARCH 29, 2022 AT 7:00 PM

- **COUNCILOR BREMAN MOVED TO SCHEDULE A SPECIAL COUNCIL MEETING AT 6:00 PM ON MONDAY, JANUARY 24, 2022, RESCHEDULE THE WORKSHOP THAT WAS ORIGINALLY SCHEDULED FOR JANUARY 25, 2022 TO JANUARY 24, 2022 AT 6:30 PM AND SCHEDULE A SPECIAL MEETING ON MARCH 29, 2022 AT 7:00 PM. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken stated that he was unable to attend the Martin Luther King, Jr. event this year, but that he usually goes and highly recommends it.

COUNCILOR HEATHER O'BRIEN

Heather reported that the Parks and Recreation Advisory Board met the previous evening and new Director Marc Mancuso is doing a great job. The board discussed the Reed Park renovations that are scheduled for this year and the dilemma with the pool filter that has to be replaced. She said the filter is huge and they are trying to figure out the most efficient route to accomplish that, which was very interesting.

Heather also noted that the Planning Commission would be meeting the following week.

COUNCILOR KYLE HARVEY

Kyle reported that the Historic Preservation Board met and is going through the process of how to effectively reach out to the community via the website. They discussed adding some photos and maybe a short history of Fruita, as well as some supporting documents.

MAYOR JOEL KINCAID

Joel reported that he, Shannon and Mike attended the Fruita Tourism Advisory Council Special Meeting earlier that day as a kick-off meeting for the City's new marketing firm, Colvita Creative. The board discussed getting Colvita information for their homework.

MAYOR PRO TEM LORI BUCK

Lori reported that the Grand Valley Regional Transportation Committee would be meeting at the end of the month. She gave a list of upcoming Council meetings for which she would be absent:

- January 18, 2022 (Lori said she might be able to arrive late)
- February 1, 2022
- February 15, 2022

Ken said he would be absent from the January 18th as well.

Mike noted that the Dwell Planned Unit Development (PUD) rezone application was on the agenda for January 18th, and that the public hearing could only be conducted with a full quorum of the Council because of the petition involved. Ken said that even though he would be on vacation, he could attend remotely. Lori stated that she could attend but would be late, so the decision was made to make sure the Dwell PUD application was near the end of the agenda.

C. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) (CITY MANAGER FORMAL REVIEW) (*ADDED TO THE AGENDA*)

- **COUNCILOR BUCK MOVED TO MEET IN EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES UNDERSTANDING THAT DISCUSSIONS OF SUCH ISSUES IN EXECUTIVE SESSION ARE SPECIFICALLY**

PERMITTED BY THE STATE'S OPEN MEETING LAW CRS 24-6-402(4)(F) TO PRESENT THE FORMAL REVIEW OF THE CITY MANAGER TO THE CITY MANAGER. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

As requested by Councilor Breman, the City Council took a five-minute break at 9:02. At 9:08, the City Council convened in Executive Session. The Regular Meeting of the City Council was reconvened at 9:53 p.m.

- **COUNCILOR BUCK MOVED TO INCREASE THE CITY MANAGER'S PAY TO \$150,000 ANNUALLY EFFECTIVE ON THE NEXT PAYCHECK. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita