

**FRUITA CITY COUNCIL
VIRTUAL MEETING
NOVEMBER 16, 2021
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Joel Kincaid called the regular meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present: Mayor Joel Kincaid
Mayor Pro Tem Lori Buck
City Councilor Karen Leonhart
City Councilor Kyle Harvey
City Councilor Ken Kreie
City Councilor Heather O'Brien

Excused Absent: City Councilor Matthew Breman

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 Engineer Sam Atkins

2. PLEDGE OF ALLEGIANCE

Mayor Kincaid led in the recital of the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

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

4. PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations or presentations on the agenda.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 19, 2021 REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 26, 2021 CITY COUNCIL WORKSHOP MEETING**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPOINT ALTERNATE MEMBER AARON HANCEY TO THE PLANNING COMMISSION AS A REGULAR MEMBER TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN OCTOBER OF 2025**
- D. FINANCIAL REPORTS – A REQUEST TO APPROVE THE OCTOBER 2021 FINANCIAL REPORTS**
- E. RESOLUTION 2021-33 – APPROVING THE THIRD AMENDMENT TO THE FEBRUARY 1, 2019 LEASE AGREEMENT BETWEEN THE CITY OF FRUITA AND MESA COUNTY TO EXTEND THE MESA COUNTY DMV LEASE AT THE FRUITA CIVIC CENTER FOR MOTOR VEHICLE REGISTRATIONS AND RELATED SERVICES FOR AN ADDITIONAL ONE-YEAR PERIOD (JANUARY 1, 2022 THRU DECEMBER 31, 2022)**

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

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) RESOLUTION 2021-35 – FINDING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL NO. 2697-164-00-074 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (*WESTON ESTATES #1 ANNEXATION*)**

Planning and Development Director Dan Caris gave staff's (PowerPoint) presentation consisting of four consecutive weeks' of legal notice dates and his statement that the 1/6th contiguity (with existing city limits) requirement was met pursuant to C.R.S. 31-12-104(1)(a) as well as Exhibit A to the Resolution detailing the subject property. It was staff's recommendation that the Council approve the Resolution finding the property eligible for annexation.

Mr. Caris noted that the applicant's representative was present at the meeting should the Council have any questions.

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

- **COUNCILOR LEONHART MOVED TO ADOPT RESOLUTION 2021-35 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL NO. 2697-164-00-074 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

2) RESOLUTION 2021-36 – FINDING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL NO. 2697-164-00-050 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (*WESTON ESTATES #2 ANNEXATION*)

Planning and Development Director Dan Caris gave staff's (PowerPoint) presentation again consisting of four consecutive weeks of legal notice dates and a statement that because the Weston Estates Annexation #1 property was just adopted by the Council, the 1/6th contiguity (with existing city limits) requirement was then also met. He added that it was the opinion of the City's legal counsel that as long as the two Resolutions were adopted in the order as was set forth above, then eligibility requirements for annexation of both parcels were met pursuant to state statute. It was staff's recommendation that the Council also approve Resolution 2021-36.

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 KREIE MOVED TO ADOPT RESOLUTION 2021-36 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL NO. 2697-164-00-050 ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. LEGISLATIVE HEARINGS

1) 2022 ANNUAL BUDGET PRESENTATION AND PUBLIC HEARING

A. CAPITAL PROJECTS AND 5-YEAR CIP – SAM ATKINS, CITY ENGINEER

City Engineer Sam Atkins provided the Council with a PowerPoint presentation on 2022 Capital Projects (including an update on 2021 Capital Projects) and five-year Capital Improvements Plan. The 2022 Budget includes:

- \$825,000 in miscellaneous projects
- \$5.6 million in street improvements
- \$242,000 in drainage improvements

- \$1.3 million in building improvements
- \$1.45 million in parks and open space improvements
- \$1.8 million in contingency for a total of \$11.2 million

Upcoming proposed capital projects include:

(2) EV Charging Stations at Fruita Civic Center	\$125,000
Mulberry Outdoor Seating/Dining Permanent Closure	\$500,000
Broadband Connection (Carrier Neutral Location (CNL) construction, design for Middle Mile with Region 10)	\$200,000
Phase 3 Maple Street Sewer (may be delayed due to Hwy 6 sewer replacement)	\$430,000
Street Overlays (Ash St., Elm St., 16 Road, N. Mesa St.)	\$242,000
Fremont Street Right-of-Way	\$410,000
Maple Street Bridge (design complete, plan to acquire ROW in 1 st Quarter 2022)	\$2,200,000
Peach Way Drainage Improvements (install storm drain & overlay roadway)	\$242,000
Civic Center Improvements (concepts complete, construction drawings by mid-year 2022)	\$1,300,000
Highway 340 Trail Connection (design in 2022 and construction in 2023 to provide connection to State Park Trail from Red Cliffs)	\$90,000
Reed Park (design for skate park, new basketball court, bathrooms/storage)	\$1,315,000
Fruita Bike Park (improve erosion with durable jump faces)	\$50,000
16 Road Rail Crossing (new panels, widened asphalt - carried over from 2021; waiting on Railroad to do their part)	\$190,000
Pine Street Bridge (carried over from 2021)	\$2,125,000

As part of his presentation, Mr. Atkins reviewed the amounts and sources of potential sources for each of the projects that included:

- General Fund
- Conservation Trust Fund
- Public Places Fund
- Impact Fees

- Parks, Open Space and Trails (POST) Fees
- Great Outdoors Colorado (GOCO) grants
- Energy Impact/DOLA grants
- American Rescue Plan Act (ARPA) dollars

Councilor O'Brien inquired as to whether the work on the Maple Street Bridge would alleviate the drainage problem that has been occurring when it rains. Mr. Atkins noted that staff did receive a complaint in the past about the ponding turning to ice, so the Public Works Department is going to work harder to get the ice out of there before it becomes like concrete. He added that this is probably going to tear up the road more than doing any good and that really, the orangeburg and clay sanitary sewers are in need of replacement.

B. ENGINEERING DEPARTMENT – SAM ATKINS, CITY ENGINEER

City Engineer Sam Atkins gave staff's PowerPoint presentation on the 2022 Engineering Department Budget. Highlights included:

- Engineering Budget to increase by 34%
- 2021 Budget: \$352,750 versus 2022 Budget: \$473,00 (mainly due to staffing increase)
- Proposed staff includes:
 - City Engineer
 - Project Engineer
 - Project Manager
 - Engineering Technician (added position to assist in workload for design and construction)
 - Engineering Intern (summer months only)
- Capital Equipment: \$9,000 for new inclinometer

The original inclinometer purchased for monitoring Fruita Reservoir #1 when it was rebuilt in 2010 is obsolete and will be replaced in 2022 for continued monitoring required by the Division of Water Resources of the Division of Natural Resources. Staff may be able to purchase a trade-in model of inclinometer for less money.

The presentation also included a list of the same projects that were mentioned in the Capital Projects Budget presentation above, a list of the Engineering Department's accomplishments in 2021 and goals and performance measures for 2022.

Councilor O'Brien asked for a status update on the sewer project that is currently going on by In the Middle Liquors. Mr. Atkins stated that the project is out for bid, but it will not be done in a formal fashion where the project is advertised for three weeks and bidding is open to anybody; staff sent the project to four contractors that they felt like could do the work but anticipate only getting two quotes back due to contractor availability. The Public Works Department has been looking at purchasing some pipe manholes rather than waiting on the contractor to do that. The bids are due on November

19th and staff is meeting on Monday morning to discuss the project and will have an update by the next Council meeting.

C. BUDGET OVERVIEW AND OTHER FUNDS – MARGARET SELL, CITY CLERK/FINANCE DIRECTOR

Clerk/Finance Director Margaret Sell provided a PowerPoint presentation on the last remaining Funds in the 2022 Budget consisting of:

- **Conservation Trust Fund** (lottery proceeds) use of \$357,700 in 2022 for improvements at Reed Park, Fruita Bike Park and Prospector Park
- **Economic Development Fund** (lodger's tax revenues) use of \$2,500 in 2022 towards GJEP total annual contribution of \$10,000
- **Public Places Fund** (lodger's tax revenues) use of \$11,000 in 2022 for custodial services and improvements at the Mulberry outdoor dining space and construction of the North Fruita Trail
- **Debt Service Fund**: revenues and expenses of \$743,200 in 2022 for interest and principal payments on 2019 Series refunding sales and use tax revenue bonds for the Fruita Community Center
- **Devil's Canyon Center**: assumption that lease revenues from the Museum of Western Colorado of \$57,600 will be offset by eligible expenses for Dinosaur Journey Museum
- **Trash Fund revenues** of \$910,000 from increase in monthly charges pursuant to agreement with Waste Management of \$0.55 per month for unlimited trash services and similar increases in senior rates and 96-gallon cart rates
- **Trash Fund expenses** of \$841,000 including Community Cleanup Day of \$2,000 and transfer of \$69,000 (8%) of revenue to General Fund for billing and administration costs

Mrs. Sell provided a PowerPoint presentation for the 2022 Annual Budget public hearing of all funds together after noting that many aspects of the budget were derived from the results of the 2021 Community Survey as to what the citizens said they wanted the City to focus on. Those top items were streets, traffic congestion, core services and communications.

Mrs. Sell also reviewed the most recent updates that had been made to the draft 2022 Budget since the earlier budget presentations.

Mayor Kincaid opened the public hearing. After hearing no comments, he referred the matter to the City Council.

- **COUNCILOR BUCK MOVED TO CONTINUE THE PUBLIC HEARING ON THE 2022 ANNUAL BUDGET UNTIL THE DECEMBER 7, 2021 CITY COUNCIL MEETING. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

8. ADMINISTRATIVE AGENDA

There were no Administrative items on the agenda.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett thanked City Clerk/Finance Director Margaret Sell, Assistant to the City Manager Shannon Vassen, all the Department Directors and many others throughout the organization including the City Council that put in a ton of time in preparing the 2022 Budget.

Mike also reported that:

- The Public Works Department will be sending out a notice to restaurant owners concerning fats, oils and grease in order to collect information from them, provide education and set up opportunities for meeting with City staff to bring all restaurants into compliance and to narrow down issues that are being found in the City's sewer system.
- The City Council workshop was rescheduled from November 23rd to November 30th and staff was hoping to have the housing study that was being completed by hired consultants EPS, but more likely that update will be brought to the Council after the first meeting in December. There will also be a budget "check-in" to discuss any potential final questions changes that might need to be made before the public hearing. Staff also would like to talk to the Council about food trucks and making minor amendments to the Land Use Code concerning them to make sure the City is maintaining the health and safety of the public, meeting building codes and adapting to new innovations and technologies. Staff will also go over more detail about upgrades planned for the Civic Center. Councilor O'Brien noted that her schedule opened up so that the Council could meet at 6:30 p.m. instead of 7:00 if everyone wanted.
- **COUNCILOR O'BRIEN MOVED TO CHANGE THE TIME OF THE NOVEMBER 2021 COUNCIL WORKSHOP MEETING FROM 7:00 PM TO 6:30 PM. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- Mike also reported that he and Planning & Development Director Dan Caris attended the Colorado Chapter of the National Association of Housing and Redevelopment Officials meeting and it was a great opportunity. He said there are many lessons to be learned from Housing Authorities such as the mistakes they've made in the past that they are willing to share so that people don't make those same mistakes in the future. He said he would be sharing more about that with the Council.
- Staff is working with the Mesa County Health Department's Trails Coordinator and the Fruita Trails Initiative to apply for a Great Outdoors Colorado (GOCO) grant at the end of 2021 for construction of a trail in the North Fruita Desert. Mesa County will be the applicant for a substantial grant that, if awarded, could be used in conjunction with a local match, so staff will be coming to the Council early next year to ask for a small (\$8,000 or \$9,000) portion to construct contracted work on approximately 18 miles of trail. There is a total of about 30 miles of trail and volunteers are slated to construct the remaining miles.

- On November 19, 2021 at 6:30 p.m., Over the Edge Sports will host an Open House for the public to provide feedback on future plans for trails on the Kokopelli mountain bike trail system. This trail initiative is in conjunction with the Bureau of Land Management (BLM) and all trail partners in the Valley.
- Parks and Recreation Director Marc Mancuso's first day was the previous day. He will be more formally introduced to the City Council at the first meeting in December.

10. COUNCIL REPORTS AND ACTIONS

A. CITY MANAGER EVALUATION – A REQUEST TO APPROVE THE EVALUATION FORM AND SCHEDULE FOR THE CITY MANAGER'S ANNUAL EVALUATION

City Manager Mike Bennett noted that as part of his credentialing every five years, he must also complete a 360 Peer Review that he would be sending to each of the Council members and many others so that he would be able to get the results to the Council before his formal review on January 4, 2022.

- **COUNCILOR HARVEY MOVED TO DIRECT STAFF TO PUBLISH THE CHARTER-MANDATED NOTICE, APPROVE THE ATTACHED EVALUATION FORM AND HAVE STAFF MAKE IT AVAILABLE FOR USE BY THE PUBLIC, SCHEDULE AN EXECUTIVE SESSION FOR DECEMBER 21, 2021 TO PREPARE THE EVALUATION AND AN EXECUTIVE SESSION ON JANUARY 4, 2022 TO PRESENT THE REVIEW TO THE CITY MANAGER. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR HEATHER O'BRIEN

Heather said she missed the last Planning Commission meeting and that the Parks and Recreation Advisory Board meeting would be held the following week.

COUNCILOR KEN KREIE

Ken reported that the previous week, the Downtown Advisory Board (DAB) met and went over the success of the breast cancer fundraising event "CUPS" held at the Copper Club. The board raised \$5,000 to give to local hospitals.

Ken said after his update to the DAB about Reed Park, the members discussed the speed limit near the park; they wondered if it could be lowered. City Engineer Sam Atkins responded that the speed limit by the park was at 30 miles per hour. Ken said a DAB member complained that there was a lot of speeding there.

Ken added that DAB members were also curious about the overhead lights on Peach Street; they wondered if they were permanently down now. City Manager Mike Bennett responded that the poles are permanent so that more lights can be strung if desired. The original string got caught on a truck, causing some of the lights to go out. Staff then received several complaints about taking the lights down, so they were, and now staff is receiving complaints that they have been taken down. Mike said ideally, if the City is going to have the lights there, they will have to be raised a bit.

Ken reported that he would be virtually attending the Associated Governments of Northwestern Colorado (AGNC) meeting the following day.

Ken said he got asked by some people when the Christmas lights would be on and if there were any big events coming up. Mike responded that the City is closed on Thursday and Friday for Thanksgiving and typically, the lights are turned on that same week prior to the weekend. He also explained that the Fruita Area Chamber of Commerce will be holding a tree-lighting ceremony in Circle Park on December 11th, the same night that the Christmas Parade will be held in downtown Fruita. Ken commented that once the City has a full-time communications person, this would be the kind of information that will be getting out to residents earlier.

COUNCILOR KYLE HARVEY

Kyle reported that the Historic Preservation Board's big topic at their meeting was brainstorming goals for 2022. They want to focus more on archiving of oral history from residents and working with the schools; perhaps reintroducing the coloring books. There was some talk about setting up the history display in the gymnasium at each of the elementary schools one day out of the year.

Kyle also reported that the Arts & Culture Board met and is hoping to give the Council a presentation at the December 21st Council meeting. The board wants to get approval for scholarship funds using some of the money they are fundraising and will be proposing that as well as a music park idea, a video interview project with local artists and possibly a short film about the local art scene.

Kyle said that Roice Hurst is hosting some community meetings to expand their onsite capacity and facilities as well as their mission in the community, which includes overall community health.

MAYOR PRO TEM LORI BUCK

Lori reported that the Grand Valley Regional Transportation Committee (GVRTC) met the previous day. They are reducing Saturday bus service due to driver shortages and are not sure how they are going to resolve the situation.

Lori also reported that the GVRTC is going after funding for connecting the train station to Greyhound and Bustang and there is talk about putting a pedestrian bridge over the railroad tracks.

MAYOR JOEL KINCAID

Joel said he had a Chamber board meeting earlier in the week. The Parade of Lights will be held on Saturday, December 11. He mentioned the idea of combining Trick or Treat Street with Truck 'n Treat and Chamber Director Kayla Brown will be meeting again with the City Manager to further discuss

the logistics. Joel pointed out that Trick or Treat Street is driven by a lot of the downtown businesses and they might prefer that the events be held on Friday afternoon instead of on a Saturday.

Joel added that the Chamber board also discussed strategy for getting and training another part-time intern to help Kayla and a potential intern program for Fruita businesses through the Mesa County Workforce Center. Councilor Karen Leonhart said the School District used to have a program kind of like that, but she didn't know if they still do.

Ken also recalled that Saturday, November 27th was "Small Business Saturday" in downtown Fruita.

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) (MUNICIPAL COURT JUDGE FORMAL REVIEW)

- **COUNCILOR KREIE MOVED TO MEET IN EXECUTIVE SESSION FOR THE FORMAL REVIEW OF THE MUNICIPAL COURT JUDGE WHICH IS A DISCUSSION OF PERSONNEL MATTERS 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 THE CITY COUNCIL OR ANY ELECTED OFFICIAL THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THE CITY COUNCIL OR OF AN ELECTED OFFICIAL OR PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

The City Council convened in Executive Session at 8:31 p.m. The Regular Meeting of the City Council was reconvened at 8:48.

- **COUNCILOR BUCK MOVED TO CONTINUE THE EXISTING CONTRACT AND TERMS WITH MUNICIPAL COURT JUDGE DAN ROBINSON. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:49 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita