

**FRUITA CITY COUNCIL
VIRTUAL MEETING
JUNE 1, 2021
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Joel Kincaid was excused absent. Mayor Pro Tem Lori Buck 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 Pro Tem Lori Buck
City Councilor Karen Leonhart
City Councilor Ken Kreie
City Councilor Kyle Harvey
City Councilor Heather O'Brien
City Councilor Matthew Breman

Excused Absent:

Mayor Joel Kincaid

Also present:

City Manager Mike Bennett
Management Analyst Shannon Vassen
Deputy City Clerk Deb Woods
City Planner Henry Hemphill
Planning & Development Director Dan Caris
Recreation Superintendent Tom Casal
Fruita Arts and Culture Board member Pavia Justinian
Fruita Arts and Culture Board member Nancy Patterson
ETC Institute Assistant Director Ryan Murray
Members of the public

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. AGENDA – ADOPT/AMEND

Mayor Pro Tem Buck asked if there were any additions or changes to the agenda. Deputy City Clerk Deb Woods responded that there were none.

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

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – THE WELLSPRING PROJECT PRESENTATION BY FRUITA ARTS & CULTURE BOARD MEMBERS PAVIA JUSTINIAN AND NANCY PATTERSON

Fruita Recreation Superintendent Tom Casal introduced Arts and Culture Board members Pavia Justinian and Nancy Patterson, who were present to provide the Council with an update on the Wellspring Project and the artwork for the finale of the project.

Ms. Patterson noted that the Arts and Culture Board was awarded a grant for the project and credited another member of the board, Marian Heesaker, for writing the grant application. She added that all the information about the project had previously been sent to the Mayor and Council members

There are eleven middle school students from Fruita that will be participating in the project and a host of partners and businesses that are going to help the kids learn about water use in the Grand Valley and throughout the west with the goal of raising awareness about water use. The kids will spend two days on the river and will be going to a number of locations in the valley. The last three days will be spent with artists and Pavia Justinian will paint two murals under Highway 6 & 50 on the bike path depicting the kids' experiences.

Pavia Justinian noted that the Council had previously been sent an email with photo illustrations of the murals that she will be painting. She said she is very excited to have artwork going up in her hometown and to work with the kids and talk about water conservation. She added that she was looking forward to getting different ideas and feedback from the kids to incorporate into the finale of the project.

Mayor Pro Tem Buck said the Council is looking forward to seeing the end result of the project.

B. PRESENTATION – 2021 COMMUNITY SURVEY PRESENTATION BY RYAN MURRAY OF THE ETC INSTITUTE

City Manager Mike Bennett introduced ETC Institute's Ryan Murray, who was in attendance remotely to present the results of the 2021 Community Survey.

Mr. Murray provided a PowerPoint presentation of an overview of the Community Survey results. He explained that the survey objectively assesses satisfaction with City services among Fruita residents and ensures that community leaders and administrative staff are developing priorities and responding to them. It will also assist City Council and staff with establishing priorities in the 2022 Budget, a process that begins in late September each year. The ETC Institute also measures trends from previous surveys to understand better how the City is performing over time and also compares Fruita's performance with other communities, both regionally and nationally. This is the fourth survey conducted for the City of Fruita by ETC Institute.

The survey was mailed to all households in Fruita and was also available online with the anticipated goal of receiving 400 surveys back. The City received 673 responses.

In summary, 84% of respondents rated the overall quality of City services as “excellent” or “good,” and 93% rated the overall quality of life in Fruita as “excellent” or “good.” Mr. Murray pointed out that satisfaction is much higher in Fruita than in other communities. Satisfaction with the “**overall quality of services**” rated 25% above the U.S. average and the “**overall value received for taxes/fees**” rated 21% above the U.S. average.

Overall **priorities** of the City that need improvement in 2021 include:

- Overall quality of streets
- Overall flow of traffic and congestion management
- Overall quality of representation residents receive from City Council
- Overall effectiveness of City communication

Mr. Murray’s presentation also included:

- **Location** of survey respondents
- Percentages of various **perceptions** that residents have of the City
- Percentages of agreement with statements about **diversity, equity and inclusion**
- Percentages of the many **reasons to live in Fruita**
- Percentages of overall **satisfaction with the many different services** the City provides
- Rating the overall **quality of life** in Fruita
- Rating the overall **quality of services** provided by the City
- Rating the overall **value received for taxes and fees** (most residents are very satisfied with taxes and fees because the City equitably provides high-quality services)
- Rating the overall **feeling of safety** in Fruita (“good” or “excellent” throughout the survey)
- Rating the overall **quality of City streets** (Mr. Murray suggested that the Council and staff continue to focus emphasis or improve this particular service area)
- Rating the overall **flow of traffic and congestion management** (a little less satisfaction)
- Rating the overall **representation residents receive from City Council** (a little less satisfaction)
- Rating the overall **effectiveness of City communication with the public** (because it is important to residents to make sure that this communication is effective)
- Trends - notable **increases and decreases** between **2017 and 2021**
- Trends - notable **increases and decreases** between **2009 and 2021**
- **Benchmarks** against national averages were provided for:
 - Overall satisfaction with items that influence **perceptions**
 - Overall satisfaction with **public safety**
 - Overall satisfaction with **City communication**
 - Overall satisfaction with **Parks and Recreation**
 - Overall satisfaction with **Public Works**
- Regarding **priorities** for investment:

- At 56% of respondents, the service that should receive the **most emphasis** over the next two years is the overall **quality of City streets**
- At 51% of respondents, the service that should receive the **second most emphasis** over the next two years is the overall **flow of traffic and congestion management**
- At 38% of respondents, the service that should receive the **third most emphasis** over the next two years is the overall **quality of City parks**

- **2021 Importance – Satisfaction Rating** by major categories of City services
- Satisfaction with **City communication** ranked by method of communication (e.g., City Link, City website, social media, etc.)
- The different **methods or communication** outlets that residents are aware of or use (58% of respondents chose the City of Fruita website at fruita.org)

- **Additional findings** included:
 - Opinions about the **level of local Code Enforcement**
 - **Reasons for using the Snooks Bottom Open Space** during the past 12 months (walking, hiking and walking a dog were the top three)
 - Products, services, events and other **amenities that residents wish were available** in Fruita (larger/more grocery stores, more selection of restaurants and live music were the top three)
 - Types of **products that respondents regularly shop online for** (clothing was at the top)
 - Approximate percentage of household's **shopping that is done online**
 - Percentages of yes/no answers to the question, "should City Council add a question about permitting the **retail sale of cannabis in Fruita on the April 2022 ballot?**" (55% of respondents said no, 45% said yes. Of those that indicated yes, 91% indicated they would vote in favor while only 9% indicated they would vote against it.)

Concerning the question about putting the retail sale of cannabis on the April 2022 ballot, because there wasn't a clear consensus, Mr. Murray suggested additional polling by the City well in advance of the deadline for submitting the ballot language. Mr. Murray stated based on the results, his professional opinion would be that if such a question were placed on the ballot it would fail.

Mr. Murray said that 85% to 90% of Fruita residents are really satisfied with the quality of life and the perception of the City. They are satisfied with the delivery of services and think they are getting a good value for what they pay in taxes and fees. He added that the overall **general health** of the Fruita community is very **strong**.

Mr. Murray also pointed out that according to the responses, areas in which the City **needs improvement** are:

- The availability of **high-speed internet options** (an item of contention for the entire valley)
- Overall image of the **Highway 6 & 50** area
- Having **affordable and equitable housing** options for all income levels
- Access to **quality shopping**

Mr. Murray applauded staff for having the nerve to ask some of the questions that they chose for the survey because the results for them might not have looked as positive as some of the other items.

A notable **decrease since 2017** included the **visibility of police** in neighborhoods, which Mr. Murray said is really a perception issue, but also probably influences City efforts to prevent crime.

Other positive survey results that were above and beyond where needs should be met include:

- Overall **quality of peoples' neighborhoods**
- Overall **safety**
- Availability of **recreation**
- Unique and vibrant **feel** of the community

Councilor Breman requested that the Council members receive a copy of the 2021 Community Survey results and City Manager Mike Bennett responded that staff would email the survey results to the Council and also make it available online at fruita.org.

Mr. Murray assured the Council that even though the survey was complete, ETC Institute will still be available to answer any questions or provide more analysis to the City all the way up to 24 months from now. He said he would be happy to provide his cell phone number or email address to any Council member that wanted it.

Councilor Leonhart noted that there were almost 700 responses received and asked how many were mailed out. Mr. Bennett responded that Fruita has a total of approximately 5,200 households that the survey was mailed to and that the goal for statistically valid surveys is a response that is 5% (plus or minus) and Fruita was at 3.8%.

Councilor O'Brien asked about the satisfaction results of the "Representation of City Council." She asked if that question was on previous surveys. Mr. Murray said the trends in the 2021 survey showed a notable decrease in satisfaction for that question from 2017 to 2021. He added that he didn't know if it was on the survey prior to 2017.

Councilor O'Brien said she just wonders what it means and how the Council could address it. She also asked that if nobody knows what it means, then why is it included in the survey? She added that if it is on the survey, it should be actionable.

Councilor Buck wondered what the impact of COVID was on the topic because the Council couldn't meet in person for an entire year, so she didn't know that the survey question at this time actually means something.

Mr. Murray recommended that the Council form around five focus groups of at least eight to twelve participants each to discuss any questions from the survey results that the Council may have and ask them what they think that (Representation of City Council) means to them. He added that this is why he uses the word "perception" so frequently; that was really a "perception item" that asks residents for their opinions and for each person, it could mean something a little bit different. Mr. Murray agreed that COVID could have had a dramatic impact on it and unfortunately, it will be an unknown until 2023 when the next survey is completed. He again suggested getting out there and conducting some

focus groups or even some short polling online to get a better handle on what people believe the question is and why it was a higher-level emphasis item and a lower-satisfaction item on this survey.

Mr. Murray added that it is common to see some dissatisfaction with government nationwide, but usually it is correlated to dissatisfaction with taxes and fees and not so much representation and that is why he would suggest the focus groups.

5. PUBLIC PARTICIPATION

Brian Lochlaer, 247 Park Street, stated that he watched the video recording of the May 18, 2021 Fruita City Council meeting online and that he wanted to make his statement as a resident.

Mr. Lochlaer stated that there seems to be some confusion about the meaning of “white nationalism.” He said he thinks the question is, what do “white nationalists believe?” and that if you ask them, they will tell you that the United States should be “whites only” (or at a least a “white dominant”) country, that whites of European decent are superior to other races, that all of the country’s problems are caused by black and brown people (as well as Jews) and that they should be forcibly removed from this country or their lives should be made so difficult that they decide to leave on their own. Mr. Lochlaer said that if that *doesn’t* describe a person, then they very well may be a patriot, but they are not a “white nationalist.”

He added that he would really like to think that his neighbors who were objecting to the term and are personally offended by the book in question (*Rising Out of Hatred: The Awakening of a Former White Nationalist*), are not people who hold white nationalist beliefs.

Mr. Lochlaer continued that he has been to several of the Fruita for Equality events, the Grand Valley Task Force and other organizations in Grand Junction including Right and Wrong and he has listened to those people and talked to them, but never once felt like he was being judged or accused of being a racist. He said he read the book and other ones about racism and he does not feel personally attacked because he is not a racist.

Mr. Lochlaer expressed his support for the City Council’s involvement in Fruita for Equality and their activities because he thinks it is completely appropriate and sees no conflict of interest where Councilors Harvey and Leonhart are concerned.

Mr. Lochlaer spoke about how Fruita is slowly becoming a more diverse community and although people may consider themselves “color blind” and completely free of all prejudice, there are people in the community who are created differently because they are not white. And just because something isn’t a problem for a Council member, it doesn’t mean that it is not a problem for someone else.

Hearing no further comments from the public, Mayor Pro Tem Buck closed the Public Participation section of the agenda.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE MAY 18, 2021 REGULAR CITY COUNCIL MEETING**

- B. MINI GRANT AWARD – A REQUEST TO APPROVE A RECOMMENDATION FROM THE FRUITA TOURISM ADVISORY COUNCIL FOR ONE MINI-GRANT AWARD FOR THE KIDS ADVENTURE GAMES EVENT**
- C. ORDINANCE 2021-14 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JULY 6, 2021 (PATRON ANNEXATION)**
- D. ORDINANCE 2021-15 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD TO A COMMUNITY RESIDENTIAL ZONE FOR PUBLICATION OF PUBLIC HEARING ON JULY 6, 2021 (PATRON ZONING)**

Mayor Pro Tem Buck opened the Consent Agenda to public comments. Hearing none, she closed the public hearing and referred the Consent Agenda to the Council.

- COUNCILOR KREIE MOVED TO APPROVE THE CONSENT AGENDA AS PRINTED. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) RESOLUTION 2021-15 – FINDING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA AND INITIATING ANNEXATION PROCEDURES (PATRON ANNEXATION) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill provided staff's PowerPoint presentation. Resolution 2021-10 was adopted by the City Council on April 20, 2021 to set the hearing date for this evening, June 1, 2021. A four-week legal notice for the public hearing appeared in the Grand Junction Daily Sentinel on April 23, April 30, May 7 and May 14, 2021.

Mr. Hemphill noted that the subject property meets the statutory requirement of having 1/6 contiguity with existing city limits and that the subject property is within the Urban Growth Boundary contained in Fruita's Comprehensive Master Plan.

The presentation also included:

- Location of subject property (northwest corner of K Road and 19 Road)
- Aerial photograph of subject property
- Zoning map of subject property and surrounding properties
- Future Land Use Map
- Legal notice/Annexation schedule
- Staff's recommendation

Mr. Hemphill stated that the Planning Commission approved the recommendation of the Resolution finding the Patron Annexation eligible to be annexed into the City of Fruita, as well as the First Readings of the Ordinances initiating the annexation and zoning (on this Council Consent Agenda) to the City Council at their May 11, 2021 meeting. The annexation and zoning Ordinances also set the hearing date (Second Reading) of July 6, 2021 before the City Council.

Mr. Hemphill stated that it was staff's recommendation that Resolution 2021-15 be approved by the City Council. He pointed out that the applicant's representatives were present in the audience, but they stated that they did not wish to further address the Council regarding the application.

Mayor Pro Tem opened the public hearing. Hearing no comments, she closed the public hearing and brought the matter to the City Council for the questions, comments, concerns or a motion.

- **COUNCILOR KREIE MOVED TO ADOPT RESOLUTION 2021-15 – FINDING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

2) PRELIMINARY PLAN – A REQUEST TO APPROVE THE ROSE CREEK SUBDIVISION PRELIMINARY PLAN – CITY PLANNER HENRY HEMPHILL

City Planner Henry Hemphill gave staff's PowerPoint presentation, which included the name of the applicants' representative (Vortex Engineering, Inc.), project location (Lot 2 of the Skalla Minor Subdivision directly east of the Brandon Estates Subdivision, Parcel number #2697-094-79-002), Zone District designation (Community Residential) and formal request (approval of a Preliminary Plan application to subdivide approximately 7.9 acres of property into 36 single-family detached residential lots). Mr. Hemphill pointed out that the project narrative submitted by the applicant called for 37 lots, but that would include a tract for stormwater detention.

The presentation also included:

- Legal notice methods and dates (minimum of fifteen days prior to public hearing)
- Zoning map of the subject property
- Site Plan showing the 36 lots
- Seven (7) approval criteria in accordance with Fruita Land Use Code section 17.15 (all either have been or can be met)

Mr. Hemphill spoke about the application's conformance to the City of Fruita Comprehensive Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual.

Mr. Hemphill also noted for the record that the Fruita Land Use Code has a minimum lot size of 7,000 square feet in a Community Residential zone and that in the application before the Council, the lot sizes range from between 6,000 and 9,300 square feet for an overall gross density of 5 dwelling units per acre. He said that in order for the applicant to meet the minimum lot size requirements, they would have to modify at least 20 out of the 36 proposed lots, which should be addressed with the Final Plat application. Mr. Hemphill added that the applicants' representative does understand that those are the staff comments for the application.

Mr. Hemphill also pointed out that the headgate report conducted in November of last year showed that the subject property does have ten (10) shares of water allocated to it and the applicant and property owner understand that irrigation shares must be provided and that the Land Use Code does require 1 to 1.5 irrigation shares to be provided per irrigated acre. He said how the applicants' representative gets those shares to the subject property will also have to be addressed with the Final Plat application.

Mr. Hemphill stated that during the annexation of the subject property, there were some concerns from neighboring property owners to the north regarding a buffer between the new development and the existing development. To potentially decrease the impacts of urban development encroaching on the subject property, staff believes that the many existing and established live trees on the north side need to be preserved as much as possible, and in doing so by the applicant, that could add the buffer to address some of the neighboring concerns.

Mr. Hemphill stated that the applicant should be able to resolve all the review comments and issues identified in the staff report and review comments without having to do a significant redesign of the subdivision and that what that means is that it doesn't appear as though the applicant would increase the number of lots proposed in the subdivision; they most likely will have to decrease somewhat to get the lot sizes from 6,000 square feet to the 7,000 square-foot mark. He said nothing further is anticipated to change from that moving forward with the Final Plat application.

Mr. Hemphill provided staff's recommendation of approval of the application for the Rose Creek Preliminary Plan with the condition that all review comments and issues identified in the staff report be adequately resolved with the Final Plat application. He also mentioned that the Planning Commission did recommend approval of the application by a vote of six to zero at their May 11, 2021 meeting.

Stephen Swindell, P.E. with Vortex Engineering and Architecture, Inc. at 861 Rood Avenue in Grand Junction, shared his PowerPoint presentation with the Council, Mayor Pro Tem and all members in the audience.

Mr. Swindell continued that there will be 36 lots that will be put in if there is a detention pond in the southeast corner, but the tentative plan right now for the detention pond is to move it onto the neighboring property and turn it into a lot. He said the more the detention basins that can be combined, the more space-efficient they become, so Vortex would like to use it as a way to move the detention basin and turn it into a residential lot.

Mr. Swindell stated that Vortex is or will be addressing other issues such as the 7,000 square-foot lot minimum. He quoted some excerpts from Section 17.07(B) of the Fruita Land Use Code of the Fruita Municipal Code as:

“In a Community Residential zone, it is appropriate for a density of four to eight dwelling units per acre.”

He noted that there is a density and standards table in the Code and in it, it asks people to list the maximum residential densities and says, “six dwelling units to the acre by right,” when in a Community Residential zone. Mr. Swindell said no other programs are being utilized for that.

Mr. Swindell continued that right below that, it lists eight dwelling units as a maximum if someone is going through the density bonus program. He said that in the next column over, it has a minimum lot area of up to four to six dwelling units per acre with a minimum lot size of 7,000 square feet and that for seven to eight dwelling units, the minimum lot size is 3,500. Mr. Swindell stated that people can only get to that if they are in the Density Bonus program.

Mr. Swindell said he wanted to highlight the fact that having from 5.05 to 6.99 dwelling units per acre is unachievable at 7,000 square-foot. He added that there is also a bit of a gap when you have between six and seven dwelling units per acre; that people in that situation have no Density Bonus because there is no provision that lets anyone go into the Density Bonus program above six or below seven (dwelling units per acre) and it doesn't specify what should happen with the square footage, either. Mr. Swindell reiterated that for six to seven (dwelling units per acre), there is no minimum square footage stated in Fruita's Land Use Code, although the table clearly says “up to six, 7,000 square-foot minimum and you can go down to 3,500, but that only applies to seven or eight.” He said he wanted to bring this to the Council's and City's attention.

Mr. Swindell stated that “81% of a residential lot” means that once he discounts trails, streets and private alleyways, he would be using 81% of the land for houses. He continued that if you look at four, five, six, seven and eight dwelling units per acre, which are all allowed in the Community Residential zone, and if you take 81% of the total land, then there would have to be lots that would be anywhere from 8,800 square feet down to 4,400 square feet, so for a 7,000 square-foot minimum, he couldn't get anything above five units per acre because the math just doesn't allow that.

Mr. Swindell continued that one of the problems that just exacerbates the 7,000 square feet is that there are parcels where you've got adjacent perimeter features that are difficult to make lots that would be at a 7,000 square-foot minimum. When you take all the lots and divide them up, he couldn't have a set of large lot and a set of small lots that make it fit. He pointed out that there were adjacent roads that he has to deal with, and the lots are already skinny at 50 feet, but they are 9,200 square feet, so that is burning the number of lots that he would be able to develop if he has to keep the minimum at 7,000. Mr. Swindell said he doesn't have any tools to work with and that he needs four to seven dwelling units per acre to be able to make the development work. He said with the minimum of 7,000 square feet, the number of available lot sizes has been pushed to such a narrow range that it makes this kind of situation very difficult. He said it was the same on the southern end; the street is so far away from the end that the lots will get too skinny.

Mr. Swindell requested that the Council approve the Rose Creek Preliminary Plan as it sits. He added that if he made them with the 7,000 square-foot minimum, he would be below four units to the acre, which is too low.

Mayor Pro Tem opened the public hearing. Hearing no comments, she referred the matter back to the Council.

Councilor Kreie asked if it was possible that the City's numbers just won't work or if they just wouldn't work in this situation.

Mr. Swindell said that is why he is used 81%. He added that anywhere from 75% to 80% is a good percentage as far as utilization and which part becomes houses. He said he would say that no, the problem is not just specific to this particular project; that it was a good estimation in general.

Mayor Pro Tem Buck asked Mr. Hemphill if he agreed and Mr. Hemphill pointed to the numbers in Mr. Swindell's presentation that illustrated 5.04 dwelling units per acre is the maximum allowed at 7,000 square feet and it looked like Mr. Swindell showed that the minimum lot size would get him five dwelling units per acre, but he has just under that at 4.55 dwelling units per acre. He said he thinks the math only works with 7,000 square feet to get 5 dwelling units per acre gross.

Mr. Swindell said he disagreed. He added that if someone wanted to develop in a Community Residential zone and wants to put in six dwelling units per acre, it can't be done because there's no room for streets. He said while Mr. Hemphill was right, 7,000 square feet may work for this particular parcel, it is not going to work next door or down the road and that he would just be back before Council making the same argument that a 7,000 square feet minimum doesn't let him get up to seven dwelling units per acre.

City Planning & Development Director Dan Caris interjected that one of the reasons why staff went with kind of a more prescriptive lot size minimum in the Community Residential zone has a lot to do with the fact that a 7,000 square feet home has been pretty historical in Fruita for a number of years. He added that staff also wanted to make sure that there was a chasm between the regular suburban type of development and then the amenities that would be incorporated into projects if someone elects to go through the Density Bonus program.

Mr. Caris added that he thought what Mr. Swindell was talking about would disincentivize some of the variety of housing that the City was trying to get incorporated into projects as a part of the Density Bonus program. He continued that if the City allows the very specific lot size minimums to go all the way up to R-6 or even R-7 and have them still be single-family detached homes, staff's fear is that the City would not get a lot of the amenities put in to projects that are part of the Density Bonus.

Mr. Caris continued that staff's contention is that maybe that doesn't work for this project, but when staff looked at the overall design in the residential area and affording the ability to go up to eight dwelling units per acre, he thinks it's a little short-sighted to say that the City hasn't made those steps because just a few months ago, developers could only have 7,000 square-foot lots in the Community Residential zone at all. Now, there is a higher build-to standard with developers having the ability to go down to 3,500 square feet if the density is increased through the Density Bonus Chapter. He added that staff stands behinds that.

Mr. Swindell again disagreed. He said to him, it was very simple math and developers are hemmed in because 7,000 square feet only allows up to five dwelling units per acre; that's it, and nobody will be able to do anything else because the math doesn't work, even though it is in the four-to-six zone.

Additionally, Mr. Swindell said he wouldn't propose to have a table like the Fruita Land Use Code has that is tied to the minimum lot size with a number of square feet because now the City is going to get one lot size. He said he would say that the minimum lot size for four to seven dwelling units should be 4,500 square feet because that would allow the City to have bigger lots that solve some local problems to the local lot. He said the City is not going to get all perfectly square lots with no encumbrances that make the City have some lots at 9,000 square feet. Mr. Swindell pointed to the lots on the map of the subject property and noted that they are tall and skinny because the road is there and he has no room.

Mr. Swindell stated that what is going to happen in Fruita is that development will either go from 7,000 square feet with 36 lots or it will have 52 lots with 4,000 square feet. He reiterated that he could not meet the 7,000 square-foot requirement because he is hemmed in.

Councilor Buck said she feels that the City got to where it is with upping the Density and it was because of projects like the one before the Council, but that the City has already seen so much of that for much of the City's growth and it kept looking like "cookie-cutter" development. The City needs more variety and so that is why it shifted to up to eight dwelling units per acre. She said the project before the Council reminds her of going back to the same mentality of cramming the most amount of development in with the least amount of amenities as is possible.

Mr. Swindell said he did the math and if he goes for the 20% Density Bonus, they will have the same number of lots, but they will be half the size.

Councilor Buck said there would be a park, though, or something else to make it look nicer.

Mr. Swindell said that didn't make any sense.

Councilor Buck added that the houses would become more affordable because they are smaller, which is what the City is trying to do.

Mr. Swindell argued that Fruita has a problem with the table in the Land Use Code and that is what he was trying to express: that one column says you get up to six dwelling units by right, which means he doesn't have to do anything else special. And then the very next column over says 7,000 square foot minimum and the two columns conflict because they cannot both be true at the same time. He said six dwelling units would have an average lot size of 5,800 square feet. He said that having the 7,000 square-foot minimum knocks the "by right" down and he has no way to get to the Density Bonus program until he adds a lot more lots.

Mr. Swindell said the Council has to decide which of the two columns they were going to live with and then what that decision would mean. Did they not want four-to-eight dwelling units per acre but instead a below five and above seven?

Councilor O'Brien said she wanted to hear more from City staff because she didn't even know what question to ask and was looking for guidance.

Mr. Caris said he thought it was just a philosophical difference of opinion. He stated that there is a Density Bonus Chapter that talks about openness to things like alternative streets and alley-loaded parking, and he didn't think that that level of analysis with proposing alternative streets has been done.

Mr. Caris added that he thinks it's a bit misleading to say that the detention pond is going to be moved in order to design the neighborhood to the east or that the developer was living under the constraints of the depth and width of the lots to the north when they own 15 acres to the east that could certainly be altered to change the lot sizes.

Mr. Caris concluded by saying that staff does not design the projects that they review; they come up with the dimensional standards in the table, which should be looked at if the development community wants to propose something different.

Councilor Breman asked for confirmation in the Land Use Code, lot size requirements have to be met as written, not as an average of lot sizes and Mr. Caris confirmed that to be true.

Councilor Buck said that theoretically, a developer has a right to have a 7,000 square foot lot and if they can get six dwelling units to the acre out of it, great, but if they can't, it could be looked at either way. She added that the reason the Density Bonus Chapter is included in the Land Use Code is to create uniqueness and interest.

- **COUNCILOR O'BRIEN MOVED TO APPROVE THE PROPOSED ROSE CREEK SUBDIVISION PRELIMINARY PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES. COUNCILOR BREMAN VOTED NO.**

Councilor Breman asked if a discussion about the last public hearing could be moved to a workshop session for clarification. He said he voted no on Councilor O'Brien's motion because he didn't feel that he was prepared enough to actually have an opinion on it and therefore, would like to have further discussion. Mr. Bennett confirmed that staff would place it on a workshop agenda.

3) NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE AN APPLICATION FOR A FERMENTED MALT BEVERAGE (FMB) OFF-PREMISES LIQUOR LICENSE FOR THE FRUITA CONSUMERS COOPERATIVE ASSOCIATION (FRUITA CO-OP) LOCATED AT 1650 HIGHWAY 6 & 50 – DEPUTY CITY CLERK DEB WOODS

Deputy City Clerk Deb Woods gave staff's PowerPoint presentation. She reviewed for the Council the date the application was filed, methods and dates of the public noticing in the Grand Junction Daily Sentinel and on the premises proposed to be licensed and the Colorado Liquor Rules and state statutes that apply to the application and is what must be considered by the City Council when considering granting or denying the application.

Ms. Woods explained that the two factors that the Council must consider are 1) the character of the applicant and 2) the needs and desires of neighborhood. All background checks came back clear with no record of arrests for all three individuals that were listed on the liquor license application.

Ms. Woods also explained that the “needs of the neighborhood” were supported by the survey that the applicant circulated and submitted to the City Clerk’s Office that contained 36 signatures of individuals who are in support of the granting of the liquor license with 33 of them responding that the needs of the neighborhood were not already being met with other existing liquor outlets.

Ms. Woods provided staff’s recommendation of approval of the Fermented Malt Beverage off-premises liquor license for the Fruita Co-Op based on the results of the background checks and the survey. She noted that the applicant’s representative, Co-Op President Christopher Gillaspie, was present in the audience.

Mr. Gillaspie introduced himself and noted that he took over at the Co-Op in January. He stated that he has since learned how competitive the big box stores are, so he was trying to be competitive, to diversify and to help with profits for the Co-Op.

Mr. Gillaspie pointed out that the Fruita Co-Op has 65 members and paid over \$140,000 in sales tax last year. He noted that the store used to have a 3.2% beer license, but they let it expire and did end up regretting it.

Mr. Gillaspie requested that the Council approve the application for a Fermented Malt Beverage Liquor License.

Mayor Pro Tem Buck opened the public hearing. Hearing no comments from the public, she closed the public hearing and brought the matter back to the Council.

- **COUNCILOR BREMAN MOVED TO APPROVE THE APPLICATION FOR A FERMENTED MALT BEVERAGE (FMB) OFF-PREMISES LIQUOR LICENSE FOR THE FRUITA CONSUMERS COOPERATIVE ASSOCIATION (FRUITA CO-OP) LOCATED AT 1650 HIGHWAY 6 & 50. COUNCILOR O’BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

- 4) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO SERVE BEER AT THE PARTNERS OF MESA COUNTY CORNHOLE TOURNAMENT FUNDRAISER IN CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. ON SATURDAY, JUNE 12, 2021 FROM 2:30 TO 8:30 PM – DEPUTY CITY CLERK DEB WOODS**

Deb Woods gave staff’s PowerPoint presentation. She reviewed some information about Partners of Mesa County such as their mission and the services they provide to the Fruita Municipal Court. She also reviewed the methods and dates of the public notices, a diagram illustrating the perimeter of the

beer garden and a list of the Rotary Club's responsibilities for the control of alcohol at the event such as signage, monitoring patrons, checking IDs and issuing wrist bands for patrons who are over 21.

Ms. Woods pointed out that Fruita Chief of Police Dave Krouse issued a memorandum stating that he had no concerns with the application as long as the Rotary understands that they are solely responsible for enforcement of liquor laws and all other procedures that they presented.

Ms. Woods provided staff's recommendation of approval of the Special Event Liquor Permit application. She noted that Event Manager for the Rotary Club Lou Mudd was present in the audience.

Mr. Mudd addressed the Council and stated that the Rotary sells beer at many events and they are their sole fundraisers throughout the year (except for 2020). He said the Rotary expects that all the funds raised at this proposed event will be contributed directly back to Partners of Mesa County. There will be 40 teams, 80 participants (2 people per team) as well as spectators, but he wasn't expecting it to be a large event.

Mayor Pro Tem Buck opened the public hearing. Hearing no comments from the public, she closed the public hearing and brought the matter back to the Council.

Councilor Leonhart recused herself from voting because she is a Rotarian.

- **COUNCILOR O'BRIEN MOVED TO APPROVE THE SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO SERVE BEER AT THE PARTNERS OF MESA COUNTY CORNHOLE TOURNAMENT FUNDRAISER IN CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. ON SATURDAY, JUNE 12, 2021 FROM 2:30 TO 8:30 PM. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

8. ADMINISTRATIVE AGENDA

There were no items on the Administrative agenda.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett reported on the following:

- Thursday, June 3rd, the City of Fruita is hosting the Multi-Jurisdictional Dinner at the Fruita Community Center at 6:00 p.m. Elected officials from Mesa County, all it's municipalities and School District #51 will be in attendance.
- For the July 6, 2021, the City Council agenda will contain some items that are pending and include:
 - An overview of the changes to the following Land Use Code Chapters:

- ❖ Subdivision Chapter
 - ❖ Planned Unit Development Chapter
 - ❖ Annexation Chapter
 - ❖ Basic Definitions
 - ❖ Public Hearing Processes and Procedures
 - ❖ Some clean up to align the new Chapters and the Table of Contents (because there will be new Chapters) with the Comprehensive Plan.
- On June 14, 2021, the Council and staff will attend a Council Retreat starting at 4:00 p.m. in order to talk about big picture items/decisions that will make an impact on the 2022 Annual Budget. Ideas for the Retreat have included a two-hour evening float on the Colorado River, finding a space on the Colorado National Monument to watch the sunset while having discussions or in a room somewhere over the dinner hour with having dinner brought in. He requested to hear about any preferences the Council members might have.
 - Staff had just held a Leadership Retreat that included himself (Mike) and all the City's Department Directors. They went through an exercise to focus on the big picture.
 - There will be no Council workshop meetings until July because of the retreat, regular meetings and the rescheduling that the Council has done for various scheduling conflicts.

Mayor Pro Tem Buck asked the Council members to send any ideas they might have to Mike. Councilor O'Brien requested that the retreat be held outdoors and Mayor Pro Tem Buck agreed.

Mike also explained that the Multi-Jurisdictional Dinner was scheduled to get the dinners started again and each jurisdiction will have a moment for one person to give some general updates on what each of them has been focused on. It will also be an opportunity to mingle with the elected officials from all the other entities in Mesa County.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR MATTHEW BREMAN

Matthew reported that the Grand Junction Economic Partnership (GJEP) met and most of the meeting was administrative discussions regarding building locations. GJEP is also initiating more of a larger, state-wide initiative for rail and the offloading of rail. They will be working with the Office of Economic Development and International Trade (OEDIT) and some other groups to do a state-wide analysis of the needs. It all stems from the needs in Mesa County, trying work with the railroads and trying to figure out a more state-wide plan.

COUNCILOR KEN KREIE

Ken reported that his meetings are forthcoming but that he would be gone for the entire following week so he asked if Mike could attend the Downtown Advisory Board and Mike said he would.

MAYOR PRO TEM LORI BUCK

Lori reported that something had come up and she would be out of town on Thursday, so she would not be able to attend the Multi-Jurisdictional Dinner.

Lori also reported that she decided to resign from the Bureau of Land Management's Resource Advisory Council because once again, she was shifted from the Southwest Resource Advisory Council (RAC) to the Northwest RAC. She said she's been on the RAC for four or five years and hasn't been a part of any type of organized plan of anything. Lori acknowledged that she joined at an awkward time when administrations were changing and there was a big reorganization. She said the only reason Fruita has had someone on the BLM RAC is because the City of Fruita has partnered with the BLM on so many things and the partnership is strong at a staff level, but she didn't think there is a need for Fruita to participate in a RAC.

Lori also reported that the Grand Valley Regional Transportation Committee (GVRTC) meeting was canceled for the month.

B. DISCUSSION AND POSSIBLE ACTION TO RESCHEDULE THE AUGUST 24, 2021 WORKSHOP MEETING TO AUGUST 31, 2021 AT 6:30 PM

City Manager Mike Bennett noted that Mayor Kincaid had a conversation with the County Commissioners, who requested to have a Town Hall meeting in Fruita (they are scheduling Town Hall meetings across the county). He explained that the month of August has a fifth Tuesday, so the request is to reschedule the Council workshop meeting that would normally be on August 24th to the fifth Tuesday in August so that the County Commissioners could have the Town Hall and the Council and Mayor could attend, participate and ask the Commissioners questions. The meeting will be open to the public as well. Councilor Kreie noted that he would not be able to attend.

- **COUNCILOR LEONHART MOVED TO RESCHEDULE THE AUGUST 24, 2021 CITY COUNCIL WORKSHOP TO AUGUST 31, 2021 AT 6:30 PM. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

With no further business before the Council, Mayor Pro Tem Lori Buck adjourned the meeting at 8:58 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita