

**FRUITA CITY COUNCIL  
VIRTUAL MEETING  
NOVEMBER 2, 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 7:02 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 (present virtually)  
City Councilor Kyle Harvey  
City Councilor Ken Kreie (present virtually)  
City Councilor Matthew Breman

**Excused Absent:** City Councilor Heather O'Brien

**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  
City Planner Henry Hemphill  
Public Works Director Kimberly Bullen  
Human Resources Director Odette Brach  
Recreation Superintendent Tom Casal

**Also present:** Shelledy Elementary teachers and students of the month and their family members  
American Legion Post 2006 Commander KJ Kline  
American Legion Post 2006 Service Officer Louis Brackett  
Greater Grand Junction Sports Commission Outreach & Event Coordinator Cassidy Veach  
Members of the public

### **2. PLEDGE OF ALLEGIANCE**

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

### **3. AGENDA – ADOPT/AMEND**

Mayor Kincaid asked if there were any changes to the agenda. Deputy City Clerk Deb Woods confirmed that there were no changes to the agenda but noted for the record that there was a revision to Resolution #2021-32 (Item 8.B on the Administrative Agenda) and that City Manager Mike Bennett would explain the change at the appropriate time.

- **COUNCILOR BUCK MOVED TO ACCEPT THE AGENDA AS PRESENTED WITH THE CHANGE TO THE RESOLUTION AS MENTIONED BY THE DEPUTY CITY CLERK. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

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

##### **A. PROCLAMATION – CITY OF FRUITA VETERANS DAY PROCLAMATION TO BE ACCEPTED BY AMERICAN LEGION POST 2006 COMMANDER KJ KLINE**

The Proclamation was read by Councilor Kreie and accepted by Commander Kline. Cmdr. Kline reminded everyone that there would be a Veterans Day ceremony at the Vietnam War Memorial at 11:00 a.m. on November 11, 2021. At the request of Mayor Kincaid, Veterans that were present in the room stood and received a round of applause as thanks for serving the country.

##### **B. FRUITA TEACHERS/STUDENTS OF THE MONTH FOR NOVEMBER 2021 – SHELLEDY ELEMENTARY SCHOOL**

Mayor Kincaid read the names of the Shelledy Elementary School students and teachers who were chosen by their Principal as “Students and Teachers of the Month” and presented them each with a certificate, day pass to the Fruita Community Center and an “I-heart-Fruita” button.

#### **4. PUBLIC PARTICIPATION**

Mr. Archie Lopez, 1681 Ruby Lee Drive, stated that he wanted to open up the meeting in prayer, which he provided.

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

#### **5. CONSENT AGENDA**

- A. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JUSTIN WEAVER TO THE DOWNTOWN ADVISORY BOARD TO FULFILL AN UNEXPIRED TERMS TO EXPIRE IN FEBRUARY OF 2024**
- B. ORDINANCE 2022-01 – FIRST READING – AN INTRODUCTION OF 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 ESTATE (RE) ZONE TO A COMMUNITY RESIDENTIAL (CR) ZONE FOR PUBLIC HEARING ON JANUARY 4, 2022**
- C. ORDINANCE 2022-02 – FIRST READING – AN INTRODUCTION OF 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*)**

- D. ORDINANCE 2022-03 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 TO A COMMUNITY RESIDENTIAL (CR) ZONING (*WESTON ESTATES 1 ZONING*)**
- E. ORDINANCE 2022-04 – FIRST READING – AN INTRODUCTION OF 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*)**
- F. ORDINANCE 2022-05 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 TO A COMMUNITY RESIDENTIAL (CR) ZONE (*WESTON ESTATES 2 ZONING*)**
- G. FESTIVAL SPONSORSHIP AGREEMENT – A REQUEST TO APPROVE A THREE-YEAR AGREEMENT BETWEEN THE CITY OF FRUITA AND THE CREDIT UNION OF COLORADO FOR A MIKE THE HEADLESS CHICKEN FESTIVAL SPONSORSHIP**

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 BREMAN MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **6. PUBLIC HEARINGS**

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

- 1) SPECIAL EVENTS LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE GREATER GRAND JUNCTION SPORTS COMMISSION (GGSC) FOR THE RIM ROCK MARATHON TO BE HELD ON SATURDAY, NOVEMBER 6, 2021 FROM 10:00 AM TO 6:00 PM AT THE FRUITA COMMUNITY CENTER LOCATED AT 324 N. COULSON ST. – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation. She noted that the memorandum from the Police Chief for the City of Fruita, Dave Krouse, stated that there was nothing which would prohibit the issuance of the Special Event Liquor Permit that was being requested. She also provided the dates

of publication in the Daily Sentinel for the notice of the public hearing as well as the date of posting of a notice of public hearing by the applicant at the licensed premises at the Fruita Community Center. It was staff's recommendation that the Council approve the application submitted by the Greater Grand Junction Sports Commission subject to the following conditions:

1. Applicant will discontinue serving alcohol at 5:30 p.m. and patrons will disburse by 6:00 p.m.
2. The entire licensed premises shall be monitored closely and continuously by event staff in order to prevent alcohol from going into or out of the licensed area.
3. All other procedures presented by the Greater Grand Junction Sports Commission will be followed.
4. The licensee needs to be aware that they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws related to alcohol.

Outreach and Event Coordinator Cassidy Veach with the Greater Grand Junction Sports Commission was present in the audience as the applicant's representative but had nothing to add to staff's presentation.

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

- **COUNCILOR BUCK MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SELL AND SERVE FERMENTED MALT BEVERAGES FOR THE FINISH OF THE RIM ROCK MARATHON AT THE FRUITA COMMUNITY CENTER ON NOVEMBER 6, 2021 FROM 10:00 AM TO 6:00 PM SUBJECT TO STAFF'S STATED CONDITIONS. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **B. LEGISLATIVE HEARINGS**

- 1) **RESOLUTION 2021-31 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2021 ANNUAL BUDGET WITH A SUPPLEMENTAL APPROPRIATION FROM THE SEWER FUND FOR EMERGENCY REPLACEMENT OF THE SH 6 SEWER LINE FROM MESA STREET TO GRAND AVENUE – CITY CLERK/FINANCE DIRECTOR MARGARET SELL**

City Clerk/Finance Director Margaret Sell gave staff's presentation. She explained that the transfer of funds within the Sewer Fund was necessary after the City's Public Works crews discovered that the concrete sewer line had corroded in several spots, causing some slow flows and requiring some emergency and fairly expensive repairs due to the location and length of the corrosion in the SH 6 sewer line.

Mrs. Sell stated that the cost for the repairs were estimated at between \$800,000 and \$1 million. Approximately \$567,000 would come from Fund Balance, which would reduce the Fund Balance in

the Sewer Fund from \$3 million at the end of 2020 to \$2.4 at the end of 2021. She explained that the remaining funds for the repairs would come from additional revenues that the City receives from monthly charges for sewer service as well as plant investment fees of approximately \$275,000.

Mrs. Sell noted that the Supplemental Budget Amendment was for \$842,000. In addition, there was an in-house budget amendment that would transfer unspent funds from one of the other existing sewer projects of about \$157,000. The project has yet to be put out to bid, but Mrs. Sell explained that staff was trying to make sure to not have to come back to the Council again with additional budget amendments.

Councilors Leonhart, Harvey and Breman had questions concerning the causes and extent of the sewer line failure as well as whether there were other areas in the City that might experience a problem.

Public Works Director Kimberly Bullen explained that the failure was between six and eight blocks in length and assured the Council that staff is working with CDOT on right-on-way approval and is in contact with suppliers (who may have significant supply chain issues). The hope is to have the SH 6 sewer line project under contract within the next three weeks. Ms. Bullen noted that there is a small percentage of aged concrete lines that exist in other areas of the City and that staff will be inspecting those lines with cameras to determine the condition of those as well. She promised more information as the situation progresses.

City Manager Mike Bennett thanked the Public Works staff for responding so quickly and coming up with a work-around so that the line never overflowed. He clarified that this was the same sewer line between Peach and Mulberry Streets that was referred to at the last meeting and was included in his Weekly Update.

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

- **COUNCILOR LEONHART MOVED TO ADOPT RESOLUTION 2021-31 – AMENDING THE 2021 BUDGET TO APPROPRIATE ADDITIONAL FUNDS IN THE SEWER FUND FROM THE SOURCES NOTED FOR EMERGENCY SH 6 SEWER LINE REPAIRS. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **7. ADMINISTRATIVE AGENDA**

### **A. 2022 BUDGET PRESENTATIONS:**

- 1) PERSONNEL ISSUES PRESENTATION (PAY PLAN, HEALTH CARE, STAFFING LEVELS – ODETTE BRACH, HUMAN RESOURCES DIRECTOR**

Mrs. Odette Brach provided staff's PowerPoint presentation, which included 2021 accomplishments, performance measures and outcomes and the upcoming personnel changes for 2022.

**2) PARKS AND RECREATION PRESENTATION – SHANNON VASSEN, ASSISTANT TO THE CITY MANAGER**

Mr. Shannon Vassen, Assistant to the City Manager, provided staff's PowerPoint presentation of the proposed Parks and Recreation Department's 2022 Budget, which included the Department's 2021 accomplishments, performance measures and outcomes and Capital Projects budgeted in 2022. He noted that the new Department Director, Marc Mancuso, would be starting with the City in a few weeks.

**3) COMMUNITY CENTER FUND AND GENERAL FUND RECREATION PROGRAMS PRESENTATIONS – TOM CASAL, RECREATION SUPERINTENDENT**

Recreation Superintendent Tom Casal provided the Community Center Fund and Recreation General Fund proposed 2022 Budgets with PowerPoint presentations. He reviewed Special Events, personnel changes, programming and FCC visitation participation data, revenues and expenses and Capital projects and equipment replacements proposed for 2022.

**B. RESOLUTION 2021-32 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2021 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR A HOUSING NEEDS ASSESSMENT AND REGULATORY FEE STUDY – MIKE BENNETT, CITY MANAGER**

City Manager Mike Bennett explained that these two items will require separate contracts: one for \$29,430 and the other for \$59,780. Staff hopes to apply for an administrative grant through the Department of Local Affairs for \$25,000, which would reduce the second contract if the City is awarded the grant.

Staff is requesting that Council transfer the full \$89,250 for both of the projects from the General Fund Contingency Account so that the consultant (EPS) can begin working on Phase 1 now in order to have results at the beginning of December and can then immediately begin work on Phase 2.

Staff is also asking for the Council to approve the Mayor signing a letter that would accompany the DOLA grant request detailing the scope of the second project.

- **COUNCILOR BREMAN MOVED TO APPROVE RESOLUTION 2021-32 – TRANSFERRING \$89,250 FROM THE CONTINGENCY ACCOUNT FOR A HOUSING NEEDS ASSESSMENT AND REGULATORY FEE STUDY. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- **COUNCILOR BUCK MOVED TO APPROVE THE MAYOR SIGNING A LETTER FOR AN ADMINISTRATIVE GRANT REQUEST. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

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

City Manager Mike Bennett reminded the Council that the City was going to have a trial resident cleanup day on Saturday, November 6<sup>th</sup> from 8:00 a.m. to 2:00 p.m. at the City Shops facility at 900 Kiefer Avenue. Residents can bring a number of items for disposal free of charge. A poster advertising the cleanup day was included in the last Weekly Update, is on the website at [fruita.org](http://fruita.org) and will be included in the upcoming Weekly Update and has a list of items that the City is not accepting (the same items that the City of Grand Junction doesn't accept). Staff will use this as a "trial run," but hopes to have more of them moving forward perhaps at a different time of year.

## **9. COUNCIL REPORTS AND ACTIONS**

### COUNCILOR KEN KREIE

Ken reported that the Downtown Advisory Board hosted an event called "CUPS" at Suds Brothers Brewery that raised \$5,000 to help fight breast cancer.

Ken asked if the City was still enforcing the six-foot rule on the sidewalks downtown because he was walking and noticed an area that was very crowded.

City Manager Mike Bennett responded that nothing has changed in the Land Use Code, but there are times when things kind of creep out into the pedestrian walkway and when that is noticed, Code Compliance Officer Jesse Hess needs to be made aware so that he can have a conversation with the business owner and it is usually resolved quickly and easily.

Ken asked if the City was still having any problems with long-term parking in the downtown area. Mike responded that there was one issue with an old school bus that was not registered and was parking in the Civic Center parking lot. Staff worked with the owner and Mike said he thought the issue was resolved. He noted that there are no restrictions for most of the Civic Center parking lot, although if someone is parked there too long, staff will contact the owner. Mike added that overnight camping is not allowed in the parking lot.

### COUNCILOR KAREN LEONHART

Karen reported that the Museum of Western Colorado (MWC) is looking for board members and asked the Council members to let her know if they know of someone.

Karen also reported that there is a full board on the Police Commission and they again discussed how car break-ins are a problem because people are leaving their vehicles unlocked and it is a constant issue.

Karen mentioned the email the Council received concerning Trick-or-Treat Street and the proposal for closing down Aspen Avenue during the event, which she thought would be an easy fix. She recalled how the event was attended by more people than ever. Mike said he would have staff look into it with the Police Department, Public Works and the Fruita Area Chamber of Commerce, who hosts the event.

Mayor Kincaid wondered if the event could be partnered with Truck-n-Treat since that event does include road closures and said he would mention it to the Chamber at the next board meeting. Mike noted that he meets with Executive Director Kayla Brown regularly and he would discuss it with her as well.

MAYOR JOEL KINCAID

Joel said he sent out an email to everyone but he hadn't heard back concerning gifts for Boards and Commissions members as a thank you for their volunteer service. He said it is something that the City usually does before the end of the year. The Council discussed metal gears with the "F" and other gift ideas such as jackets or vests. Assistant to the City Manager Shannon Vassen said he would follow up on the prototype of the gears.

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita