



FRUITA COLORADO

CITY COUNCIL WORKSHOP MEETING

Fruita Civic Center

Tuesday, November 28, 2023 at 6:30 PM

AGENDA

AGENDA ITEMS

- [1.](#) DISCUSSION ON THE 2024 DRAFT BUDGET (6:30 - 7:00 PM)
- [2.](#) COUNCIL LIAISON SEATS ON CITY BOARDS AND COMMISSIONS AND OUTSIDE AGENCY BOARDS DISCUSSION (7:00 - 8:00 PM)
- [3.](#) DISCUSSION ON UPDATING ORDINANCE LANGUAGE CREATING A NEW TITLE 9 CHAPTER IN THE FRUITA MUNICIPAL CODE TO REGULATE UNMANNED AIRCRAFT SYSTEMS (8:00 - 8:45 PM)

OTHER ITEMS



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER

DATE: NOVEMBER 28, 2023

AGENDA TEXT: Discussion on the 2024 Draft Budget

PURPOSE

The purpose of this agenda item is for the City Council to have a discussion on or ask any questions on the proposed 2024 City of Fruita Budget. Per our budget calendar, this is the final workshop check-in with the City Council before the budget will be set for adoption in either December or January, pending receiving the assessed valuations from Mesa County.

BACKGROUND

The first public hearing on the 2024 Municipal Budget was held at the November 21, 2023 City Council meeting. The final adoption of the budget, including resolutions establishing the mill levy and fees and charges for the upcoming year, is scheduled for either December or early January. Normally, the budget is adopted at the first regular City Council meeting of December, but due to recent state bills, deadlines related to the budget have been extended to January 10, 2024.

An updated copy of the City Manager's Recommended Budget for the upcoming year has been uploaded to the City of Fruita's website here: [City of Fruita Municipal Budgets](#). Staff does not have anything prepared for this agenda item, but want to give the City Council an opportunity to have any final discussion or ask questions for the next meeting.



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**COUNCIL WORKSHOP
AGENDA ITEM COVER SHEET**

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: NOVEMBER 28, 2023

AGENDA TEXT: COUNCIL LIAISON SEATS ON CITY BOARDS AND COMMISSIONS AND OUTSIDE AGENCY BOARDS DISCUSSION

PURPOSES

The purpose of this agenda item is to discuss three items as identified by City Council:

- What it takes for Council members to become non-voting members of the City boards & commissions as Council liaisons
- Discuss frequency of Council Liaison board meeting attendance
- Discuss how to properly represent City Council and vote on non-city boards when a Council member is filling a City representative role on the board

BACKGROUND

At the October 17, 2023, Regular City Council meeting, the City Council adopted Ordinance 2023-12, which amended the Fruita Municipal Code to remove the Council Liaison position from the Fruita Planning Commission to provide better separation of roles and responsibilities between the City Council and Planning Commission, among other things. At that meeting, the City Council directed staff to place a discussion item on a workshop agenda for the three topics listed above concerning Boards and Commissions.

A table is attached that lists the mechanisms required for each Board to convert the Council Liaison positions from seats which count against the maximum number of members to seats which do not count against the maximum number of members. Also attached are documents referenced in the table.

CITY OF FRUITA BOARDS AND COMMISSIONS

NAME OF BOARD	MEMBERSHIP	QUORUM, VOTING AND BYLAWS	ESTABLISHED BY	MECHANISM TO CHANGE VOTING
BOARD OF ADJUSTMENT	FMC: Five (5) regular and two (2) alternates	<p>QUORUM: Shall consist of the number of members equal to four-fifths (4/5) of the regular Board membership, excluding vacant positions.</p> <p>VOTING: The concurring vote of four-fifths (4/5) of the regular Board membership, excluding vacant positions, shall be necessary to reverse any order, requirement, decision, or determination of the administration; to decide in favor of an applicant on any matter upon which it is required to render a decision under the Fruita Municipal Code; or to grant any variance. All other actions of the Board shall be taken by majority vote, a quorum being present. In the event there is a tied vote, this shall constitute a failed motion and shall not be considered an action. The no action shall have occurred, and the matter shall be considered active until a motion receives a majority vote.</p> <p>BYLAWS: (None)</p>	<p>Fruita City Charter Article VI, Section 6.03.01 states: “As established by Ordinance”</p> <p>Fruita Municipal Code Chapter 2.40 (Ord 2002-26, S2; Ord 2021-22, S2-3)</p>	Ordinance Amending Chapter 2.40
HISTORIC PRESERVATION BOARD	FMC: Minimum of five (5) members and not more than nine (9) members	<p>QUORUM: Shall consist of a majority of Board membership, excluding vacant positions.</p> <p>VOTING: All official actions of the Historic Preservation Board shall be taken by a majority vote, requiring a quorum being present. A simple majority vote is required for all official actions. In the event there is a tied vote, this shall constitute a failed motion and shall not be considered an action. The no action shall have occurred, and the matter shall be considered active until a motion receives a majority vote.</p> <p>BYLAWS: (Silent)</p>	<p>Fruita Municipal Code Chapter 2.43 (Ord. 2021-22, S2-3)</p>	Ordinance Amending Chapter 2.43
PARKS AND RECREATION ADVISORY BOARD	CHARTER: Shall consist of one (1) Council member and six (6) members at large	<p>QUORUM: Shall consist of a majority of Board membership, excluding vacant positions.</p> <p>VOTING: All actions of the Parks and Recreation Commission shall be taken by a majority vote, a quorum being present. A roll call vote shall be taken upon the request of any member.</p> <p>BYLAWS: Membership shall consist of six (6) members and one (1) City Council member.</p>	<p>Fruita City Charter Article VI, Section 6.03.05</p> <p>Fruita Municipal Code Chapter 2.42 (Ord. 2005-17, S2)</p>	Amendment to Bylaws re: Membership
POLICE COMMISSION	CHARTER: Shall consist of one (1) Council members and four (4) members at large	<p>QUORUM: Shall consist of a majority of the Commission membership, excluding vacant positions.</p> <p>VOTING: All actions of the Police Commission shall be taken by a majority vote, a quorum being present. A roll call vote shall be taken upon the request of any member.</p> <p>BYLAWS: Dissolved because FMC and Charter already address membership, meetings and quorums</p>	<p>Fruita City Charter Article VI, Section 6.03.04</p> <p>Fruita Municipal Code Chapter 2.41 (Ord. 2005-17, S1)</p>	Ordinance to amend FMC Chapter 2.41

TOURISM ADVISORY BOARD	FMC: Will consist of seven (7) members appointed by the City Council	<p>QUORUM: Most members of the Fruita Tourism Advisory Council shall constitute a quorum (taken from Bylaws).</p> <p>VOTING: Silent</p> <p>BYLAWS: Membership shall consist of seven (7) members and will include representatives of the lodging industry, area attractions, retail businesses, the Director of the Fruita Chamber of Commerce, the City Council and other interested parties.</p>	Fruita Municipal Code Chapter 3.18 (Section 3.18.240) (Ord. 1996-12; Ord. 2005-17)	<p>Ordinance amending Chapter 3.18 (Section 3.18.240)</p> <p>AND POTENTIAL</p> <p>Amendment to Bylaws, which according to Robert's Rules, should require at the very least, previous notice to board members to make any changes and then a two-thirds vote of the board members</p>
ARTS & CULTURE BOARD	RESOLUTION: Will consist of up to nine (9) members	<p>QUORUM: A majority of Board members of record shall constitute a quorum. (taken from Bylaws)</p> <p>VOTING: Each Board member shall be entitled to vote.</p> <p>BYLAWS: The Board shall include at least five (5) members of acknowledged accomplishment as either amateurs or professionals in one or more of the following fields: architecture, art criticism, art education, art history, choreography, dance, communicative arts, crafts, folk and ethnic arts, literature, media arts, music, opera, painting, photography, sculpture, theater (including community theater) and urban design.</p>	Resolution 2008-66	<p>Resolution amending Resolution 2008-66</p> <p>AND POTENTIAL</p> <p>Amendment to Bylaws, which according to Robert's Rules, should require at the very least, previous notice to board members to make any changes and then a two-thirds vote of the board members</p>
LIVABILITY COMMISSION	<p><u>ARTICLE IV OF EXHIBIT A (BYLAWS) OF RESOLUTION 2018-37</u>: Shall consist of no less than seven (7) and no more than twenty-one (21) members</p>	<p>QUORUM: A quorum shall consist of more than 50 percent, rounded up to the next whole number, of the appointed membership of the Commission.</p> <p>VOTING: Only appointed commissioners may vote on issues before the Commission. Each Commissioner is allocated one vote for each issue to be voted upon.</p> <p>Livability Commission Ex-Officio members will include a City Council Liaison as appointed by the City Council and Mayor. ("Ex-Officio" means members that <i>by virtue of some other office or position they hold</i> are also members of boards and committees). (Robert's Rules state that Ex-Officio members have exactly the same rights and privileges as do all other members including the right to vote).</p> <p>BYLAWS: (See above)</p>	Exhibit A (Bylaws) of Resolution 2018-37	<p>Amendment to (Exhibit A) Bylaws, which according to Robert's Rules, should require at the very least, previous notice to board members to make any changes and then a two-thirds vote of the board members</p>

*Note: The Fruita Planning Commission and Fruita Downtown Advisory Board are not included in this document. The Planning Commission no longer has a Council Liaison position and the Downtown Advisory Board is in the process of converting to a "Localism Board."

<u>Board/Commission</u>	<u>2022 Appointments</u>	<u>Elected Official?</u>	<u>Voting or Non-Voting?</u>
Grand Valley Regional Transportation	Ken Kreie	Yes	Voting
Chamber of Commerce	Matthew Breman	Yes	Voting
AGNC	James Williams	Yes	Voting
GJEP	Matthew Breman	No	Voting
GJEP Ex-Officio	Mike Bennett	No	Non-Voting
Mesa County CDBG	Joel Kincaid	No	Voting
Fruita Youth Action Council	Ken Kreie	No (?)	Voting
Museum of Western Colorado	Aaron Hancey	No	Non-voting



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**COUNCIL WORKSHOP
AGENDA ITEM COVER SHEET**

TO: Mayor & City Council

FROM: City Manager Mike Bennett & Lt. Nick Peck

DATE: November 28, 2023

AGENDA TEXT: Discussion on Updating Ordinance language creating a new Title 9 Chapter in the Fruita Municipal Code to regulate Unmanned Aircraft Systems

PURPOSE

The purpose of this coversheet is to provide the City Council with the updated regulations (attached) pertaining to all Unmanned Aircraft Systems (UAS) operating within the boundaries of the City of Fruita. Per City Council direction, staff updated the language in the ordinance. Lt. Peck will walk through the current draft of the ordinance and describe how enforcement will be handled to manage expectations of what the proposed ordinance accomplishes prior to starting the official ordinance process.

BACKGROUND

At the June 6, 2023, City Council meeting, a resident expressed concern over her HOA president using a drone to fly into backyards of residences to take pictures of possible violations. The Police Department had to refer the complaints to the Federal Aviation Administration (FAA) who regulates drones, or unmanned aircraft systems, which led to the resident requesting the Council to consider a local ordinance to better protect privacy on private property related to drones. City staff have brought various draft to the City Council for review and discussion resulting in the draft attached.

EXHIBIT A**Chapter 9.16****UNMANNED AIRCRAFT SYSTEMS****Sections:**

- 9.16.010 Purpose and intent**
9.16.020 Definitions
9.16.030 Prohibited Acts
9.16.040 Enforcement

9.16.010 PURPOSE AND INTENT. The purpose of this Chapter is to establish regulations pertaining to all unmanned aircraft systems, (“UAS”) operating within the jurisdictional borders of the City of Fruita. It is the intent of this Chapter to be interpreted in conformance with any existing or future federal or state laws or regulations that address the operation of unmanned aircraft systems.

9.16.020 DEFINITIONS. For the purposes of this section, unless the context otherwise requires:

Aircraft means any contrivance invented, used, or designed to navigate or fly in the air.

Model aircraft means an unmanned aircraft that is: (a) capable of sustained flight in the atmosphere; (b) flown within visual line of sight of the person operating the aircraft; and (c) flown for hobby or recreational purposes.

Navigable airspace means airspace above the minimum altitudes of flight prescribed by FAA regulations, including airspace needed to ensure safety in takeoff and landing of aircraft.

Operate means to fly, use, launch, land, employ or navigate an unmanned aircraft system.

City airspace means and includes all airspace above the jurisdictional boundaries of the City, to the full extent such airspace can legally be regulated by the City.

Unmanned aircraft system or UAS means an aircraft, powered aerial vehicle, or other device without a human pilot on board, the flight of which is controlled either autonomously by on board computers or by remote control of a pilot operator on the ground or in another vehicle or aircraft, and all associated equipment and apparatus. It includes model aircraft and drones.

9.16.030 PROHIBITED ACTS. The following acts are prohibited in the operation of an unmanned aircraft system anywhere in the City or City airspace:

- (a) No person shall operate a UAS to endanger, harm or harass the life or property of any person nor shall any person operate a UAS in a reckless or careless manner. No person may operate a UAS near any person, pedestrians, bicyclists, motorists to the extent it creates or is perceived to create a public safety threat to life or property.
- (b) No person shall operate a UAS to endanger, harass, harm or injure any livestock, companion animal or wildlife.
- (c) No person shall operate a UAS who is under the influence of alcohol, marijuana, or one (1) or more controlled substances as defined in Article 18 of Title 18 of the Colorado Revised Statutes.
- (d) No person shall operate a UAS if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a UAS, or if he or she knows or has reason to know that UAS equipment is not in proper working order.
- (e) No person shall enter, hover, land or otherwise operate an unmanned aircraft system on or over another person's private property without the prior consent of the property owner. Such unauthorized entry onto another's property shall be deemed a trespass.

9.17.040 EXEMPTION. For the purposes of this section, the following are exemptions for prohibited acts:

- (a) This ordinance is not intended and does not prohibit the use of any UAS by a Fire Department, Emergency Medical Services, Law Enforcement, or other City employees for the benefit of public safety.
- (b) Nothing in this ordinance is intended to prohibit commercial UAS operators from using any UAS in the performance of their business that is outside of the scope of hobby and recreational purposes.

9.16.050 ENFORCEMENT. It shall be unlawful to violate any provision of this Chapter. Any Person who is convicted of a violation of any provision of this Chapter shall be punished in accordance with Section 1.28.020 of this Code. In addition, any UAS operated in violation of this Chapter may be immediately impounded in the interest of public safety. Law enforcement officers are authorized to disable any UAS operating within the City Airspace that poses an imminent threat to public safety.