



FRUITA COLORADO

CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, April 02, 2024 at 7:00 PM

AGENDA

The link to join the join the meeting electronically will be posted prior to the meeting at <https://www.fruita.org/citycouncil/page/council-meeting-information>. You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting.

This agenda is for informational purposes only and items may be added or deleted at the discretion of the City Council. An executive session may be requested for any item appearing on the agenda.

- 1. CALL TO ORDER AND ROLL CALL**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. AGENDA - ADOPT/AMEND**
- 4. PROCLAMATIONS AND PRESENTATIONS**
- 5. PUBLIC PARTICIPATION**

This section is set aside for the City Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the City Council will not discuss the issue and will not take an official action under this section of the agenda. Please limit comments to a three-minute period.

- 6. CONSENT AGENDA**

These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. These items will be approved by a single motion of the Council. Members of the Council may ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed at the end of the regular agenda.

- A. MINUTES** - A request to approve the minutes of the February 6, 2024 Regular City Council meeting
- B. MINUTES** - A request to approve the minutes of the February 20, 2024 Regular City Council meeting

- C. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Hayden Janssen to the Fruita Tourism Advisory Council (FTAC) for a three-year term to expire in April of 2027
- D. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Michael Handley to the Planning Commission as a regular member for a three-year term to expire in April of 2027
- E. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Anthony Farinacci to the Planning Commission as a regular member for a three-year term to expire in April of 2027
- F. BOARDS AND COMMISSIONS APPOINTMENTS – A request to approve the appointments of James Jeffery and Mickie Rogers (Fisher) to the Historic Preservation Board for three-year terms each to expire in April of 2027
- G. RESOLUTION 2024-10 – A Resolution of the City of Fruita in Opposition to Statewide Land Use Preemptions in House Bill 24-1152.
- H. RESOLUTION 2024-11 – A Resolution of the City of Fruita in Opposition to Land-Use Preemptions and Burdens Placed on Local Governments in House Bills 24-1313 and 24-1304.
- I. RESOLUTION 2024-13 – A Resolution of the City of Fruita to assign proceeds from three mountain property sales for public recreational amenities within the city limits.
- J. RESOLUTION 2024-14 - A request to approve a Resolution dissolving the Fruita Downtown Advisory Board
- K. LETTERS OF SUPPORT FOR HOUSING RESOURCES OF WESTERN COLORADO - A Request to Authorize the Mayor to A Letter of Support for Housing Resources of Western Colorado Congressional Directed Spending Request.
- L. GUIDING PRINCIPLES – A request to approve the Guiding Principles for “The Launch” Riverfront Development and authorize the City Manager to sign the Guiding Principles

7. ACKNOWLEDGMENT OF NEWLY APPOINTED AND REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

8. PUBLIC HEARINGS

Public hearings are held to obtain input from the public on various items. Public hearings are either Legislative in nature or Quasi-Judicial in nature. Public Input is limited to 3 minutes per person. People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made. Each is described as follows:

LEGISLATIVE – Legislative public hearings are held when the City Council is considering an item that establishes legislation such as an ordinance amending or establishing laws of the city. Interactions by members of the public with the City Council or individual members is permissible on items of a legislative nature.

ORDINANCES - After introduction of an Ordinance (First Reading), a public hearing date is set and notice of the hearing is published in the newspaper. Staff presents the ordinance on Second Reading and the hearing is opened to the public for public input. After comments from the public, the Mayor will close the hearing and bring the Ordinance back to the

City Council for discussion and potential action. The Council will make a motion to approve the Ordinance or take no action. In the event the ordinance is approved, it will become effective 30 days after adoption.

QUASI-JUDICIAL – Quasi-judicial public hearings are held when the City Council is acting in a judicial or judge like manner and a person with a legitimate interest is entitled to an impartial decision made on the basis of information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of the City Council) outside of the Public Hearings and meetings on the subject application. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:

1. Staff presentation - Staff will present the comments and reports received from review agencies and offer a recommendation.
2. Applicant Presentation - The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
3. Public Input (limit of 3 minutes per person) Speakers must step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
4. The public hearing is closed to public comments.
5. Questions from the Council. After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
6. Make a motion. A member of the City Council will make a motion on the issue.
7. Discussion on the motion. The City Council may discuss the motion.
8. Vote. The City Council will then vote on the motion.

A. QUASI-JUDICIAL HEARINGS

B. LEGISLATIVE HEARINGS

- 1) ORDINANCE 2024-11 – Second Reading - Amending Section 3.18.240 of the Fruita Municipal Code concerning membership requirements for the Tourism Advisory Council - *Margaret Sell, Finance Director/City Clerk*
- 2) RESOLUTION 2024-12- Public Hearing – Amending the 2024 Budget with Supplemental Appropriations of Funds for Capital Projects, Purchased Professional Services, and Special Projects - *Shannon Vassen, Assistant City Manager*

9. ADMINISTRATIVE AGENDA

- A. Fruita Building Division Update - *Dan Caris, Planning Director & John Anderson, Building Official*)

10. CITY MANAGER’S REPORT

11. COUNCIL REPORTS AND ACTIONS

12. ADJOURN

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact the City Clerk’s Office at 970-858-3663 within 48 hours prior to the meeting in order to request such assistance.

**FRUITA CITY COUNCIL MEETING
February 6, 2024
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

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

Present: Mayor Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Amy Miller
City Councilor Aaron Hancey

Excused Absent: (None)

City staff present: City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Finance Director/City Clerk Margaret Sell
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Parks and Recreation Director Marc Mancuso
Planning and Development Director Dan Caris
City Planner Henry Hemphill
Chief of Police Dave Krouse

Also present: Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

3. AGENDA – ADOPT/AMEND

- **COUNCILOR KREIE MOVED TO ADOPT THE AGENDA AS AMENDED. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

- A. PRESENTATION – FRUITA TEACHERS AND STUDENTS OF THE MONTH FOR FEBRUARY 2024: FRUITA MIDDLE SCHOOL**

Mayor Kincaid read the names of the students and teachers chosen by Principal Jeremiah Johnston as the “Students of the Month” and “Teachers of the Month.” There was one student from each grade and four teachers who were nominated. Each student and teacher received a Certificate of Recognition, an “I-Heart-Fruita” pin and a day pass to the Fruita Community Center. Photos were taken of the students and school staff with the City Council.

B. PRESENTATION – RECOGNIZING THE FAMILY HEALTH WEST WELLNESS DEPARTMENT FOR THEIR PARTICIPATION IN THE ADOPT A STREET/TRAIL PROGRAM

Mayor Kincaid read the names of the participants from the Family Health West Wellness Department who have contributed to keeping Fruita clean through the Adopt A Street program for one year. Each volunteer received a Certificate of Recognition, a Fruita sticker, and a day pass to the Fruita Community Center. Photos were taken of the Family Health West staff and the City Council.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 7, 2023, REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF NOVEMBER 13, 2023, SPECIAL CITY COUNCIL MEETING.**
- C. MINUTES – A REQUEST TO APPROVE THE MINUTES OF NOVEMBER 21, 2023, REGULAR CITY COUNCIL MEETING**
- C. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF YVONNE PETERSON TO THE HISTORIC PRESERVATION BOARD FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN FEBRUARY OF 2027**
- D. ORDINANCE 2024-07 – FIRST READING – INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 5.07 ACRES OF PROPERTY LOCATED AT 614 RAPTOR ROAD TO A PLANNED UNIT DEVELOPMENT ZONE FOR PUBLIC HEARING ON MARCH 5, 2024 (GEODE FLATS PUD)**

Mayor Kincaid opened the public hearing on the Consent Agenda. Hearing no comments from the public, he directed it to the City Council.

- COUNCILOR MILLER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

7. ACKNOWLEDGMENT OF NEWLY APPOINTED AND REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

Mayor Kincaid wanted to thank Yvonne Peterson for reapplying to the Historic Preservation Board. Ms. Peterson was not present at tonight's meeting, but the City Council wanted to acknowledge her service on a City of Fruita Board and Commission.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION - A REQUEST TO APPROVE AN APPLICATION FROM THE FRUITA ARTS AND CULTURE BOARD TO SERVE WINE AT THE COCO VINO FUNDRAISER TO BE HELD ON FRIDAY, MARCH 15, 2024, FROM 3:00 PM TO 10:00 PM AT OUR LADY OF PERPETUAL MOTION LOCATED AT 503 E ASPEN AVE. – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave a staff presentation, which was a review of the documents in the application. She also gave an overview of the commitments from the Fruita Arts and Culture Board that they would serve wine during their fundraising event on the main floor only, ID's will be checked at the entry to the event, it is an adult only event, and attendees are limited to two glasses of wine each. She explained that event volunteers will observe both the entrance and the emergency exit doors to ensure no one enters or leaves the premises with alcohol. Patrons will also be monitored for signs of intoxication. Signage will be posted at both Aspen Street and alley entrances stating that no alcohol may leave the building. Ms. Woods stated that Chief of Police Dave Krouse reviewed the application and provided his memorandum stating that there was nothing to prohibit the issuance of the license being requested. She concluded that staff's recommendation of approval subject to the following conditions:

- Applicant will discontinue serving alcohol at 9:30 pm to allow patrons to finish their beverage and leave the permitted area.
- All alcohol will be secured and removed by 10:00 pm.
- No alcohol shall be brought into or out of the premises.
- The licensee needs to be aware that they are solely responsible for control of the licensed premises regarding alcohol possession, consumption, and adherence to state and municipal liquor laws.

Fruita Arts and Culture Board member, Nancy Patterson, was present in the audience as the applicant's representative. Ms. Patterson stated that this is the Board's second fundraiser. She said they have released an additional ten (10) tickets due to it being open-house style, they will not overload the facility. Ms. Patterson explained that tickets would go on sale February 16, 2024, which was about a month before the event, but they sold out in two (2) weeks last year.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and brought the matter back before the Council.

Councilor Williams asked if it was the same weekend as last year. Ms. Patterson explained that it is a week later due to a date conflict with the venue, but they were hoping to move it back to the previous weekend next year.

- **COUNCILOR BREMAN MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FROM THE FRUITA ARTS AND CULTURE BOARD TO PROVIDE WINE AT THE COCO VINO FUNDRAISER TO BE HELD ON FRIDAY, MARCH 15, 2024, FROM 3:00 PM TO 10:00 PM AT OUR LADY OF PERPETUAL MOTION LOCATED AT 503 E. ASPEN AVE SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 2) **ORDINANCE 2024-06 – SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED 1873 K ROAD TO A COMMUNITY RESIDENTIAL ZONE (1873 K ROAD REZONE) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill provided staffs presentation, which consisted of the following:

- Application details (name of property owner, location, application type, name of applicant’s representative)
- Legal notice (of public hearings) dates, methods, and illustration of buffer area of those people that must be notified via a postcard from the Planning Department
- Property history (property originally in Mesa County and was recently annexed)
- Future Land Use Map from Fruita’s 2020 Community Plan
- Aerial photo of entire subject property showing where the property is located.
- Review criteria to consider pursuant to Fruita Land Use Code
- Community Residential (CR) Zone requirements for density, minimum lot size and setbacks
- Available Density Bonus criteria for density over six (6) dwelling units/acre
- Review comments: No reviewer concerns.
- Public comments: No written comments received by staff, and no comments received at the Planning Commission meeting.
- Staff’s recommendation of approval of Ordinance 2024-06 amending the official zoning map of the City of Fruita by zoning approximately 14.52 acres of property located at 1873 K Road, Fruita, Colorado to a Community Residential (CR) Zone

Mr. Hemphill stated that the City Council approved an Ordinance in January to annex this property into the City of Fruita city limits and, as stated by law, the City has 90 days to designate a zone district. Mr. Hemphill also explained that all the properties adjacent to the annexed property are zoned Community Residential (CR) according to the City of Fruita’s Future Land Use Code.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and brought the matter back before the Council.

- **COUNCILOR HANCEY MOVED TO APPROVE ORDINANCE 2024-06 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED 1873 K ROAD TO A COMMUNITY RESIDENTIAL ZONE. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

B. LEGISLATIVE HEARINGS

- 1) **RESOLUTION 2024-03 – PUBLIC HEARING – A REQUEST TO APPROVE AN AMENDMENT TO THE 2024 ANNUAL BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR COMPLETION OF CAPITAL PROJECTS AT THE FRUITA COMMUNITY CENTER INITIALLY BUDGETED FOR IN THE 2023 ANNUAL BUDGET, AND A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR THE MAPLE STREET BRIDGE PROJECT – SHANNON VASSEN, ASSISTANT CITY MANAGER**

Assistant City Manager Shannon Vassen shared the staff presentation of Resolution 2024-03 requesting an appropriation of funds for three (3) projects started in 2023 and will be completed in 2024. Mr. Vassen explained that the first project is the retile project for the Fruita Community Center locker rooms. He said that \$100,000 was budgeted in 2023 and \$27,000 worth of expenses were completed in 2023, so \$70,000 will need to be rolled over to 2024. Mr. Vassen explained the second supplemental appropriation is for the installation of a new water slide at the Fruita Community Center. \$850,000 was budgeted in 2023, but due to additional design work, has a total cost of \$865,000. \$850,000 will need to be rolled into the 2024 budget. Lastly, Mr. Vassen stated that there is a request for appropriation of \$25,000 in the Capital Projects Fund for the design of the Maple Street Bridge. \$225,000 was budgeted in the 2024 budget, but after going out to bid, the total project cost will be \$250,000. Funds from Mesa County will offset any additional costs.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and brought the matter back before the Council.

Councilor Purser asked Mr. Vassen to review the water slide project for the public, as this may seem like a large purchase, but there are funds allocated specifically for these purchases. Mr. Vassen said yes, the City sets aside a certain amount of funds, typically around \$1 million, on a yearly basis specifically for building improvements and enhancements. He said the slide was originally part of the Community Center design, but it was omitted for cost effectiveness at the time. Mr. Vassen stated that the Community Center has a very good fund balance, and the City feels comfortable using the building improvement funds for the water slide.

Councilor Hancey asked if Mr. Vassen thought that \$850,000 budget would be enough to complete the project, due to prior conversations about plumbing issues. Mr. Vassen said that the City had spent an additional \$15,000 on some additional design to get the area construction ready but he felt confident that \$850,000 would be enough. He said that there was a contract in place for construction and equipment and it was right at \$850,000. He said there could always be surprises in construction, but he felt good about that number.

Councilor Hancey asked if the Maple Street Bridge project was still set to be constructed in 2025. Mr. Vassen said yes. He said the City had received Federal funding for the project and there were additional requirements that needed to be met and the City is in the process of updating the design to meet those qualifications. He said the goal is to get the design update and the surveying done in 2024 so construction can begin in 2025. Mr. Vassen explained that it takes about a year to get Federal funding in hand as well, so 2025 seems like a reasonable time to begin.

Councilor Miller asked if the Maple Street Bridge project would be like the Pine Street Bridge project and would planning need to be similar to that project. City Manager Mike Bennett said yes, there are some similarities and if construction can begin it will begin Fall 2025. He also said that there would be some things that the City could avoid with the Maple Street Bridge project from the Pine Street Bridge project.

Mayor Kincaid asked if there was a contingency fund built into the \$850,000 for the water slide. Mr. Vassen said that the City usually tries to reserve 10% for contingencies within the project budget. He explained that the Fruita Community Center has a built-in contingency fund and, if those funds are needed, there wouldn't be a need for a supplemental appropriation, rather just approval from the City Council. He said that after the design work and construction drawings, \$850,000 is a comfortable number.

City Manager Mike Bennett explained that design work got into the project due to the age of the Fruita Community Center and, since it was engineered out of the original design, it was necessary to find out how far the infrastructure went, to see where this project needed to be picked up. He also explained that the City is trying to coordinate two other replacement projects so that there can be limited closures on the building.

- **COUNCILOR MILLER MADE A MOTION TO APPROVE AN AMENDMENT TO THE 2024 ANNUAL BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR COMPLETION OF CAPITAL PROJECTS AT THE FRUITA COMMUNITY CENTER INITIALLY BUDGETED FOR IN THE 2023 ANNUAL BUDGET, AND A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR THE MAPLE STREET BRIDGE PROJECT. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

9. ADMINISTRATIVE AGENDA

A) PUBLIC SAFETY UPDATE – *CHIEF OF POLICE DAVE KROUSE*

Chief of Police Dave Krouse gave an annual update on the Police Department. He gave a brief review of 2023:

- Established new tracking system of officer-initiated activities.
- Calls for 2023 – 11,234; shows a 29% increase over 2022. Most of the increase is due to the new way officer activities are tracked.
- Top ten (10) calls for service:
 - Civil Issues – 193 calls
 - Community Engagement – 238 calls
 - VIN Inspection – 256 calls

- Welfare Checks - 301 calls
- Suspicious Activities – 475 calls
- Animal – 509 calls
- Assistance – 536 calls
- Follow-up Investigations - 867 calls
- Traffic Stops - 1036 calls
- Checks – targeted patrols – 3713 calls
- Engagement Activities
 - National Night Out
 - Cops and Cars
 - Coffee with a Cop
 - Fruita Academy
 - Neighborhood Presentations
 - Shop with a Cop
- 2024
 - Staffing – 1 Current Vacancy, but in the process of hiring for this position now.
 - Continued focus/expansion outreach and engagement – Once the department is fully staffed, they will hire a Community Engagement Specialist to focus on and coordinate engagement activities.
 - Continue to monitor traffic issues. Growth and additional visitors to the City leads to more traffic issues and safety concerns.
- Continuing Challenges
 - Recruitment/Retention – Continue to struggle, but the department is in a good spot going into 2024.
 - Social Issues – mental health, substance abuse and homelessness. The Chief said that these issues are some of the more challenging events to deal with as they are not always law enforcement issues. He said that they partner with the Sheriff's Office who has a co-responder program that teams a deputy and a licensed mental health clinician together and the Fruita Police Department relies heavily on them to help with the more difficult calls. Chief Krouse explained that homelessness is an issue, especially with neighboring communities and they are watching those situations carefully.
 - Balancing calls for service, staffing, state reporting, technology, and training.

Chief Krouse went on to share several comments from citizens that show appreciation or gratitude for the way the Fruita Police Department has conducted themselves while having different community interactions. Chief Krouse explained that the Department gets these kinds of comments often and he said that he felt that, knowing how much support the Fruita Police Department receives from the City Council, it was important to share the comments with them. He also explained that it is important to relate it back to the challenges and that the service that generates these types of comments cannot change due to those challenges. The level of service needs to remain the same. Chief Dave Krouse then took questions.

Councilor Miller asked if the 29% increase in calls for service correlated to the crime rate. Chief Krouse explained that no, crime statistics are reported differently, and are reflected differently than the calls for service.

Councilor Miller asked how the crime rate looked. Chief Krouse said that it was generally very good. The crime rate in general has dropped in many areas of the state. He also said it was important to point out that on the list of calls for service, there really weren't any crimes listed.

Councilor Miller asked Chief Krouse if he would share the slides with the City Council members and to keep up the good work.

Councilor Purser thanked Chief Krouse for his presentation and wanted to know what the top two traffic stops might be. Chief Krouse said that he didn't have the actual statistics with him, but he would say that speeding and stop sign violations would probably be the top two traffic violations.

Councilor Purser explained that she had witnessed two separate traffic stops on Saturdays in January on Aspen Street, stating that it was such a rarity, that people were slowing down to see what was happening. She asked if that was a focus area for traffic stops. Chief Krouse explained that they have several focus areas. He said it is the "STEP" program, or Strategic Traffic Enforcement Program. He said that those can be either generated from public concerns within the City or the Police Department can generate those areas, such as school zones during the school year. He said that his guess would be that the stops on Aspen Street were due to a citizen complaint, and they created a STEP program for that area.

Councilor Purser asked about the partnership with the Mesa County Sheriff's Department lending their support for calls for the co-responder program. She asked how significant those calls were and if that was a service that needed to be provided in-house for the Police Department. Chief Krouse said as far as volume, they didn't rise to the top. He said complexity and challenge are certainly there. He said they are monitoring whether they need that service in-house currently, but from a cost benefit perspective, they don't need it right now.

Councilor Purser asked about the houselessness and if it was increasing. Chief Krouse said no, that there hadn't been an increase in the population of unhoused in the City.

Councilor Purser asked how people get their comments to the Police Department. Chief Krouse said they come through the general police email, cards, phone calls, and cookies.

Councilor Hancey thanked the Chief for managing a great department and helping our community. He went on to ask what some of the tactics are when there is a homeless situation. He thought that being such a small community, it could be a challenge. Chief Krouse said that the first thing they do is address any kind of public safety issue. He said they also offer services and resources. He explained that most of those resources are located in other communities, such as Catholic Outreach and Homeward Bound.

Councilor Hancey said that over the last month we have had some significant instances in the City, one being a break-in and the other being a standoff sort of situation. He asked if the Police Department was seeing an increase in those kinds of incidents within the community. Chief Krouse said that he didn't see them increasing. He said that they do get calls like that from time to time. He said those incidents are quite public and very well recognized when they happen because they are large incidents, but statistics wouldn't support an increase.

Councilor Purser asked if the Police Department was able to hand out GVT passes for the houseless population to connect them with services in other communities. Chief Krouse said that they hadn't

considered it. He said that they are happy to provide rides for those who are interested in seeking those resources. He said that he knew that there were other agencies that provided bus passes, but it wasn't something the Fruita Police Department did currently.

Councilor Williams asked if the Police Department had what they need regarding the partnership with the Mesa County Sheriff's Department. He said that he thought the entire City Council is on board to provide those services in-house if needed. He also asked if there was anything the Police Department needed that the City Council could help with. Chief Krouse said that he appreciated the question, but he thought they had everything that they needed to do their jobs in the best way possible.

City Manager Mike Bennett wanted to commend the Police Department for being proactive in their outreach and calls within the community. Mr. Bennett also said that he reviews their annual performance reviews, or EDAs, and each one of the officers has multiple comments that their supervisor has saved and shared and it is reflected in their EDAs. He said it is easy to call when someone is upset about something but not everyone shares those kinds of accolades when everything goes right, and he thought it was important to recognize how much community support the Police Department has. Mr. Bennett went on to explain that they did not budget an additional police officer in the 2024 Budget because it had taken an entire year to fill one vacancy. He said that if recruitment found an additional qualified officer, then there could be a request to the City Council for an additional position.

B) ORDINANCE 2024-08 – FIRST READING – INTRODUCTION OF AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FARM, LLC FOR ITS PURCHASE FO CITY PROPERTY KNOWN AS 169 S. MULBERRY STREET, FRUITA, COLORADO AND TO EXECUTE ALL DOCUMENTS TO PERFECT THE SALE AND CONVEYANCE OF THE SAME FOR PUBLIC HEARING ON MARCH 5, 2024 - CITY ATTORNEY MARY ELIZABETH GIEGER & SPECIAL COUNSEL KIM CRAWFORD

RESOLUTION 2024-04 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO BUY AND SELL REALL ESTATE WITH FARM, LLC FOR 169 S. MULBERRY STREET - CITY ATTORNEY MARY ELIZABETH GIEGER & SPECIAL COUNSEL KIM CRAWFORD

City Attorney Mary Elizabeth Geiger explained that usually first readings are done on the Consent Agenda, however they wanted to present this separately to give a little bit more information. She said that as the City Council is aware, the City Charter states that City property needs to be conveyed via the Ordinance process. She explained that in the past, the City Council had gone through the Ordinance process and at the end, the contract was executed. In this instance, due to the nature of the development agreement and potential redevelopment, the buyer needs to be able to obtain financing for a letter of credit. That is why there is Resolution 2024-04 so that Mike can sign the agreement. The buyer will need a signed contract in order to get financing in place. Ms. Geiger explained this contract is still contingent on the Ordinance passing at the second reading as well as the development agreement being finalized to both parties' satisfaction. This will just get the process started.

Special Counsel Kim Crawford gave a presentation about the development agreement via Zoom. She explained that the development agreement sets forth the conditions that the buyer needs to perform for the benefit of the City and the surrounding community. The presentation covered:

- The FARM approached the City to redevelop the property at 169 S. Mulberry.
- They will provide public parking.
- Envision a mixed-use development space.
- Commercial development that promotes and supports arts, outdoor recreation, retail, and restaurants, as well as community gathering space.
- Remediate blight of the current building and surrounding area.
- Spur economic development, and revitalization of the area.
- Increase parking, and ease of access for vehicles, cyclists, and pedestrians.
- Terms of the Agreement:
 - Obtain a letter of credit that can be drawn on if the buyer defaults.
 - Redevelopment to include removal of lean-to and additions, add new metal roof, replacement of skylights, new garage doors, new exterior lighting, and new exterior paint.
 - Provide 20 initial parking spaces which the buyer will lease to the City for five years. On or before the expiration of the lease, the buyer will convey to the City certain property including 20 parking spaces.
 - Once parking is conveyed, the parking shall be improved and maintained at the sole expense of the City.
 - The 24 existing spaces north of the FARM property shall remain as public parking until the dedication of the 20 permanent public parking spaces is complete.
 - The buyer is responsible for maintaining the existing 24 parking spaces.
 - Purchase price of \$640,000, comprised of cash and nonmonetary contributions.

Ms. Crawford explained that there are provisions on both sides that enable the parties to dissolve the agreement if they aren't met. She also stated that the buyer will have the line of credit if they do not do as they are required, the City can draw on that line of credit to pay for said improvements at the buyer's expense.

Ms. Crawford went on to talk about the considerations for the City. They are:

- Does this plan of development meet the City's stated goals and objectives?
- Will the redevelopment of the building meet with the City objective of remediation of blight and enhancement of the downtown area?
- Is there a better use for the property?
- Is the City protected in the event the Buyer fails to perform?
- Are there additional risks?

Next, Ms. Crawford covered the risks involved with the development agreement:

- The biggest risk is that the buyer cannot meet their contractual obligations.
 - Buyer will back out of project.
 - Purchase contract has several conditions and contingencies that need to be met or the Buyer can withdraw.
 - City would lose the time that staff and others have dedicated to this project, but no monetary penalties to the City.
 - The City would be able to pursue other offers/options.
 - Buyer not able to meet its contractual obligations to redevelop the property.

- This risk is mitigated by the Buyer providing the letter of credit that can be drawn upon at certain times upon the occurrence of certain events or the inability of the Buyer to meet specified benchmarks.

Ms. Crawford explained that the fact that the Buyer would establish a line of credit for the City to draw on shows how dedicated the buyer is to the purchase and meeting their specified benchmarks. Ms. Crawford then asked for any questions.

Councilor Breman asked about the verbiage regarding the 20 initial parking spaces. Ms. Geiger explained that, while the agreement specifies 20 parking spaces be allocated, the final 20 parking spaces may not be in the same location as the initial 20 spaces.

Councilor Purser asked if there was a line-item breakdown of the \$640,000 in both monetary and nonmonetary improvements, for transparency to the public. Ms. Geiger said that is really part of the development agreement and as they are working through the precise improvements to the property, they can try to assign an exact dollar amount to each line item. She said they weren't prepared to do that this evening, but they could certainly try for a future meeting.

Mr. Bennett reminded the City Council that all the terms had been agreed on with the Buyer, it was just a matter of putting them into the agreement format reflecting those terms. He said both the parking agreement and the development agreement will be signed upon closing of the property, at least 30 days following second reading.

Councilor Hancey asked what the dollar amount on the line of credit was. Ms. Geiger said that it was roughly \$240,000. Mr. Bennett explained that that dollar amount was the dollar amount estimated to make all the necessary improvements to the building should the buyer default.

Councilor Hancey asked if FARM had approached the City about entering a partnership once the City had purchased the property. Ms. Geiger explained that, yes, FARM had approached the City as they currently own the property adjacent to this one and wanted to expand and were already in the area.

Councilor Hancey asked if the value of the overall contract and sale to the City included an improved property, 20 additional parking spaces and potential for additional businesses in the downtown corridor, beyond the monetary and nonmonetary piece. Ms. Geiger said that yes, that was the overall benefit to the City.

Councilor Hancey wanted to reiterate that there would be a second reading of Ordinance 2024-08. Ms. Geiger said yes, this is an Ordinance, and it does need to have a public hearing which is set for March 5, 2024. The other thing that needs to be considered tonight is Resolution 2024-04, which will allow Mr. Bennett to enter into an agreement with FARM so that they may secure financing for their line of credit.

- **COUNCILOR KREIE MADE A MOTION TO APPROVE THE PUBLICATION OF A SYNOPSIS OF ORDINANCE 2024-08 AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FARM, LLC FOR ITS PURCHASE OF CITY PROPERTY KNOWN AS 169 S. MULBERRY STREET, FRUITA, COLORADO AND TO EXECUTE ALL DOCUMENTS TO PERFECT THE SALE AND CONVEYANCE OF THE SAME FOR PUBLIC HEARING ON MARCH 5, 2024. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

- **COUNCILOR MATTHEW BREMAN MADE A MOTION TO APPROVE RESOLUTION 2024-04, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO BUY AND SELL REAL ESTATE WITH FARM, LLC FOR 169 S. MULBERRY STREET. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

10. CITY MANAGER'S REPORT

City Manager Mike Bennett had no additional updates.

11. COUNCIL REPORTS AND ACTIONS

A. ELECTION COMMISSION APPOINTMENTS – A REQUEST TO RATIFY THE APPOINTMENT OF EMMA-LEIGH LARSEN AND STEPHEN RYKEN TO THE ELECTION COMMISSION

- **COUNCILOR HANCEY MADE AN AMENDED MOTION TO APPROVE A REQUEST TO RATIFY THE APPOINTMENT OF EMMA-LEIGH LARSEN AND STEPHEN RYKEN TO THE ELECTION COMMISSION FOR A TWO-YEAR TERM FROM FEBRUARY 2024 THROUGH FEBRUARY 2026. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) VOTES.**

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Councilor Kreie had nothing to report.

COUNCILOR AMY MILLER

Councilor Miller said that she had attended the State of the State address with Mike and Shannon. She said that she thought it went well and they got to see the Riverside Education Center and it is a really great facility.

Councilor Miller missed the Historic Preservation board meeting today.

COUNCILOR AARON HANCEY

Councilor Hancey thanked staff for their efforts with the month-long road closure and detour at 19 Road and K Road. He said that good solutions were found were trying to limit the amount of time of the closure.

Councilor Hancey told the City Council that the museum board had finished interviews for a new Executive Director, and they had secured enough yes votes to hire one of the candidates. Councilor

Hancey asked Mike if the trailers had been removed from the museum premises. Mike said there is one in the back and one in the parking lot. The one in the parking lot is awaiting pickup.

Councilor Hancey said he attended a Park Board meeting. He explained that a high school student wanted to do a project in Kodels Canyon, and it isn't going the way she wanted it to due to ownership of the property. Councilor Hancey suggested that staff speak to the developer of the Sunset Point Subdivision about the trail system that will possibly be constructed within the subdivision and the property that is supposed to be donated to the City. Councilor Hancey wanted to make sure that the developed trails follow the rules and regulations of the BLM and other outside agencies for connection.

Councilor Hancey let the City Council know that the construction groundwork at Reed Park is about a month ahead of schedule. He said that, in a few weeks, the entire park will be closed for four (4) to six (6) weeks so the construction company can run the new electrical lines.

Councilor Hancey said that there was some discussion around locations for the new vault toilet at Snooks Bottom.

Lastly, Councilor Hancey said there was some discussion around the location of the self-cleaning restroom. He said there were some different locations suggested, such as the parking lot at Kim's Auto, the west side of the Civic Center, or the corner of Civic Center Park. Mike said the City had been looking at a few different locations at the Civic Center and one of the locations identified is the west side of the building where there is already a sidewalk installed. He explained that there is already fiber, water, and electricity on site, so it is an easier connection. He said that the City is actively working on updating the electrical at the Civic Center. Councilor Williams asked if there was a timeline on the upgrade. Mike said that construction had already begun and would be ready to go for the spring and summer activities. Councilor Williams asked if, before the changes happen near the stage, if his main production person could consult on what needs to happen there, so that they can have exactly what is needed. Mike said he would. He went on to say that some of the location ideas for the self-cleaning bathroom had already been dismissed, but the west side of the building seemed like a good possibility.

MAYOR PRO TEM BREMAN

Councilor Breman wanted to thank Councilor Williams for asking the Police Department what they may need.

Councilor Breman went on to ask the City Council for a letter of support for the Rural Jump Start Program. He said the program is up for renewal and GJEP uses it to attract companies to the area. He explained that if a company meets a certain criterion including not having any competition within the state as well as bringing jobs above the AMI, as a company the employees do not have to pay State income tax for four (4) years, and they can reapply for another four (4) years. He said that the program is set to end. He would like the City Council to write a support letter with two additional criteria added. One (1), there is a limit to how many employees can be within a zone. He thought that the limit is 300 employees in Mesa County, and he would like to request it be brought to 500 employees. He would also like to have the "no competition within the State" be removed, as he finds it a bit restrictive. He asked if the City Council was okay with that, and they said they were. He then asked Mike to draft the letter.

Councilor Breman said that he spoke to Candace at the Grand Junction Chamber of Commerce, and she told him that the City of Fruita has a seat on the Airport Taskforce which is not the airport board. He said one of their goals is to work with the airport to increase flights in and out of Grand Junction. He explained that no one was currently filling that position, but he wasn't sure if that was something the City Council wanted to do now or wait until after the election. Mayor Kincaid asked if the seat was available now. Councilor Breman said that the seat has been vacant since the inception of the taskforce. Councilor Purser asked if they were asking for an actual City Councilor or just a Fruita citizen. Councilor Breman said they were requesting a City Councilor. It was decided to wait until after the election and then decide on who would be filling that seat. Councilor Breman said that he would get some additional information in the meantime. Mike said that he receives all the packets for those meetings and is invited to attend. He has attended when there is a request for feedback from Fruita, however a large part of the meetings is regarding how to spend the City of Grand Junctions lodging tax funds for the benefit of the airport.

Councilor Breman also informed the group that he and Mike attended a round table event with the Governor promoting the circular economy, which includes upcycling or recycling. Mike got to speak about the bio-solids process that happens at the Wastewater Reclamation Facility. Mike said that the City of Fruita takes materials that would otherwise go to the land fill and turn it into fertilizer. He said the City of Fruita eliminates around 100 tons of waste every year. He explained that the fertilizer is offered free to residents and at a nominal charge for commercial users who would like to use it for flowers beds and turf. Mayor Kincaid asked how much the City makes from the sales. Mike said he didn't know, but it wasn't that much. Councilor Breman said it was cost effective for the City.

COUNCILOR JEANNINE PURSER

Councilor Purser said that she went to the final Localism Committee meeting. She said the committee would be bringing a recommendation before the City Council on February 24th. She also went to the candidate orientation that Mike held, and it was very informative.

Councilor Purser wanted to know if there was a way to get the City of Fruita utility bill emailed rather than receive a paper bill. Mike said they would look into it as he thought it was a bulk process.

Councilor Purser asked about the new software that was purchased to find unlicensed rental properties and how that was working. Mike said that it was working very well to find unlicensed rentals and to educate property owners. Mayor Kincaid asked for an update about the software to be presented at a future meeting. Mike said it would be put on the agenda.

COUNCILOR JAMES WILLIAMS

Councilor Williams said that he was unable to attend the FTAC meeting.

Councilor Williams said that the Winter Concert was on track. He said the band is booked and Ciara has done a great job with the promotional materials. He did ask about power outlets, as he didn't see any. Community Development Director Dan Caris let Councilor Williams know that power was located near the planter boxes, and they are weatherproof as well. Councilor Williams asked who he should talk to prior to the event to walk the space. Mike said Ciara, Jen, and Matt could have that walk around with him. Dan wanted to confirm the date of February 23, 2024, for the concert. Councilor Williams said that it was and there was a huge community response.

Councilor Williams told the group that he received an email from Diana Garcia, the assistant director of Communications from the Grand Junction stake of the LDS Church. She asked him if he would like to meet for lunch with President Harrison and go over any needs the City Council may have. Council Williams asked if any of the other City Councilor's or Mayor had anything they wanted him to bring up or talk about, to let him know.

MAYOR JOEL KINCAID

Mayor Kincaid had a Police Commissioner meeting last month and that went well. He said that he was thinking about citizens who term out on Boards and Commissions and how the City Council shows their appreciation for them serving for six (6) years. He said, in the past, they have given them a certificate in recognition, but he thought that they should receive something larger to show how much the City Council appreciates their service. Councilor Breman asked if the Fruita "F" and gear, in a smaller version, was what the Mayor was thinking. There was some discussion around what type of gift to give. It was decided that there would be a unique, small token of appreciation given to Board and Commission members who have reached their term limit.

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:07 p.m.

Respectfully submitted,

Jennifer Cupp
Executive Assistant
City of Fruita

FRUITA CITY COUNCIL MEETING
February 6, 2024
7:00 P.M.

1. CALL TO ORDER AND ROLL CALL

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

Present: Mayor Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Amy Miller
City Councilor Aaron Hancey

Excused Absent: (None)

City staff present: City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Finance Director/City Clerk Margaret Sell
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Parks and Recreation Director Marc Mancuso
Planning and Development Director Dan Caris
City Planner Henry Hemphill
Chief of Police Dave Krouse

Also present: Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

3. AGENDA – ADOPT/AMEND

- **COUNCILOR KREIE MOVED TO ADOPT THE AGENDA AS AMENDED. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

- A. PRESENTATION – FRUITA TEACHERS AND STUDENTS OF THE MONTH FOR FEBRUARY 2024: FRUITA MIDDLE SCHOOL**

Mayor Kincaid read the names of the students and teachers chosen by Principal Jeremiah Johnston as the “Students of the Month” and “Teachers of the Month.” There was one student from each grade and four teachers who were nominated. Each student and teacher received a Certificate of Recognition, an “I-Heart-Fruita” pin and a day pass to the Fruita Community Center. Photos were taken of the students and school staff with the City Council.

B. PRESENTATION – RECOGNIZING THE FAMILY HEALTH WEST WELLNESS DEPARTMENT FOR THEIR PARTICIPATION IN THE ADOPT A STREET/TRAIL PROGRAM

Mayor Kincaid read the names of the participants from the Family Health West Wellness Department who have contributed to keeping Fruita clean through the Adopt A Street program for one year. Each volunteer received a Certificate of Recognition, a Fruita sticker, and a day pass to the Fruita Community Center. Photos were taken of the Family Health West staff and the City Council.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 7, 2023, REGULAR CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF NOVEMBER 13, 2023, SPECIAL CITY COUNCIL MEETING.**
- C. MINUTES – A REQUEST TO APPROVE THE MINUTES OF NOVEMBER 21, 2023, REGULAR CITY COUNCIL MEETING**
- C. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF YVONNE PETERSON TO THE HISTORIC PRESERVATION BOARD FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN FEBRUARY OF 2027**
- D. ORDINANCE 2024-07 – FIRST READING – INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 5.07 ACRES OF PROPERTY LOCATED AT 614 RAPTOR ROAD TO A PLANNED UNIT DEVELOPMENT ZONE FOR PUBLIC HEARING ON MARCH 5, 2024 (GEODE FLATS PUD)**

Mayor Kincaid opened the public hearing on the Consent Agenda. Hearing no comments from the public, he directed it to the City Council.

- COUNCILOR MILLER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

7. ACKNOWLEDGMENT OF NEWLY APPOINTED AND REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

Mayor Kincaid wanted to thank Yvonne Peterson for reapplying to the Historic Preservation Board. Ms. Peterson was not present at tonight's meeting, but the City Council wanted to acknowledge her service on a City of Fruita Board and Commission.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION - A REQUEST TO APPROVE AN APPLICATION FROM THE FRUITA ARTS AND CULTURE BOARD TO SERVE WINE AT THE COCO VINO FUNDRAISER TO BE HELD ON FRIDAY, MARCH 15, 2024, FROM 3:00 PM TO 10:00 PM AT OUR LADY OF PERPETUAL MOTION LOCATED AT 503 E ASPEN AVE. – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave a staff presentation, which was a review of the documents in the application. She also gave an overview of the commitments from the Fruita Arts and Culture Board that they would serve wine during their fundraising event on the main floor only, ID's will be checked at the entry to the event, it is an adult only event, and attendees are limited to two glasses of wine each. She explained that event volunteers will observe both the entrance and the emergency exit doors to ensure no one enters or leaves the premises with alcohol. Patrons will also be monitored for signs of intoxication. Signage will be posted at both Aspen Street and alley entrances stating that no alcohol may leave the building. Ms. Woods stated that Chief of Police Dave Krouse reviewed the application and provided his memorandum stating that there was nothing to prohibit the issuance of the license being requested. She concluded that staff's recommendation of approval subject to the following conditions:

- Applicant will discontinue serving alcohol at 9:30 pm to allow patrons to finish their beverage and leave the permitted area.
- All alcohol will be secured and removed by 10:00 pm.
- No alcohol shall be brought into or out of the premises.
- The licensee needs to be aware that they are solely responsible for control of the licensed premises regarding alcohol possession, consumption, and adherence to state and municipal liquor laws.

Fruita Arts and Culture Board member, Nancy Patterson, was present in the audience as the applicant's representative. Ms. Patterson stated that this is the Board's second fundraiser. She said they have released an additional ten (10) tickets due to it being open-house style, they will not overload the facility. Ms. Patterson explained that tickets would go on sale February 16, 2024, which was about a month before the event, but they sold out in two (2) weeks last year.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and brought the matter back before the Council.

Councilor Williams asked if it was the same weekend as last year. Ms. Patterson explained that it is a week later due to a date conflict with the venue, but they were hoping to move it back to the previous weekend next year.

- **COUNCILOR BREMAN MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FROM THE FRUITA ARTS AND CULTURE BOARD TO PROVIDE WINE AT THE COCO VINO FUNDRAISER TO BE HELD ON FRIDAY, MARCH 15, 2024, FROM 3:00 PM TO 10:00 PM AT OUR LADY OF PERPETUAL MOTION LOCATED AT 503 E. ASPEN AVE SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 2) **ORDINANCE 2024-06 – SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED 1873 K ROAD TO A COMMUNITY RESIDENTIAL ZONE (1873 K ROAD REZONE) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill provided staffs presentation, which consisted of the following:

- Application details (name of property owner, location, application type, name of applicant’s representative)
- Legal notice (of public hearings) dates, methods, and illustration of buffer area of those people that must be notified via a postcard from the Planning Department
- Property history (property originally in Mesa County and was recently annexed)
- Future Land Use Map from Fruita’s 2020 Community Plan
- Aerial photo of entire subject property showing where the property is located.
- Review criteria to consider pursuant to Fruita Land Use Code
- Community Residential (CR) Zone requirements for density, minimum lot size and setbacks
- Available Density Bonus criteria for density over six (6) dwelling units/acre
- Review comments: No reviewer concerns.
- Public comments: No written comments received by staff, and no comments received at the Planning Commission meeting.
- Staff’s recommendation of approval of Ordinance 2024-06 amending the official zoning map of the City of Fruita by zoning approximately 14.52 acres of property located at 1873 K Road, Fruita, Colorado to a Community Residential (CR) Zone

Mr. Hemphill stated that the City Council approved an Ordinance in January to annex this property into the City of Fruita city limits and, as stated by law, the City has 90 days to designate a zone district. Mr. Hemphill also explained that all the properties adjacent to the annexed property are zoned Community Residential (CR) according to the City of Fruita’s Future Land Use Code.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and brought the matter back before the Council.

- **COUNCILOR HANCEY MOVED TO APPROVE ORDINANCE 2024-06 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED 1873 K ROAD TO A COMMUNITY RESIDENTIAL ZONE. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

B. LEGISLATIVE HEARINGS

- 1) **RESOLUTION 2024-03 – PUBLIC HEARING – A REQUEST TO APPROVE AN AMENDMENT TO THE 2024 ANNUAL BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR COMPLETION OF CAPITAL PROJECTS AT THE FRUITA COMMUNITY CENTER INITIALLY BUDGETED FOR IN THE 2023 ANNUAL BUDGET, AND A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR THE MAPLE STREET BRIDGE PROJECT – SHANNON VASSEN, ASSISTANT CITY MANAGER**

Assistant City Manager Shannon Vassen shared the staff presentation of Resolution 2024-03 requesting an appropriation of funds for three (3) projects started in 2023 and will be completed in 2024. Mr. Vassen explained that the first project is the retile project for the Fruita Community Center locker rooms. He said that \$100,000 was budgeted in 2023 and \$27,000 worth of expenses were completed in 2023, so \$70,000 will need to be rolled over to 2024. Mr. Vassen explained the second supplemental appropriation is for the installation of a new water slide at the Fruita Community Center. \$850,000 was budgeted in 2023, but due to additional design work, has a total cost of \$865,000. \$850,000 will need to be rolled into the 2024 budget. Lastly, Mr. Vassen stated that there is a request for appropriation of \$25,000 in the Capital Projects Fund for the design of the Maple Street Bridge. \$225,000 was budgeted in the 2024 budget, but after going out to bid, the total project cost will be \$250,000. Funds from Mesa County will offset any additional costs.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and brought the matter back before the Council.

Councilor Purser asked Mr. Vassen to review the water slide project for the public, as this may seem like a large purchase, but there are funds allocated specifically for these purchases. Mr. Vassen said yes, the City sets aside a certain amount of funds, typically around \$1 million, on a yearly basis specifically for building improvements and enhancements. He said the slide was originally part of the Community Center design, but it was omitted for cost effectiveness at the time. Mr. Vassen stated that the Community Center has a very good fund balance, and the City feels comfortable using the building improvement funds for the water slide.

Councilor Hancey asked if Mr. Vassen thought that \$850,000 budget would be enough to complete the project, due to prior conversations about plumbing issues. Mr. Vassen said that the City had spent an additional \$15,000 on some additional design to get the area construction ready but he felt confident that \$850,000 would be enough. He said that there was a contract in place for construction and equipment and it was right at \$850,000. He said there could always be surprises in construction, but he felt good about that number.

Councilor Hancey asked if the Maple Street Bridge project was still set to be constructed in 2025. Mr. Vassen said yes. He said the City had received Federal funding for the project and there were additional requirements that needed to be met and the City is in the process of updating the design to meet those qualifications. He said the goal is to get the design update and the surveying done in 2024 so construction can begin in 2025. Mr. Vassen explained that it takes about a year to get Federal funding in hand as well, so 2025 seems like a reasonable time to begin.

Councilor Miller asked if the Maple Street Bridge project would be like the Pine Street Bridge project and would planning need to be similar to that project. City Manager Mike Bennett said yes, there are some similarities and if construction can begin it will begin Fall 2025. He also said that there would be some things that the City could avoid with the Maple Street Bridge project from the Pine Street Bridge project.

Mayor Kincaid asked if there was a contingency fund built into the \$850,000 for the water slide. Mr. Vassen said that the City usually tries to reserve 10% for contingencies within the project budget. He explained that the Fruita Community Center has a built-in contingency fund and, if those funds are needed, there wouldn't be a need for a supplemental appropriation, rather just approval from the City Council. He said that after the design work and construction drawings, \$850,000 is a comfortable number.

City Manager Mike Bennett explained that design work got into the project due to the age of the Fruita Community Center and, since it was engineered out of the original design, it was necessary to find out how far the infrastructure went, to see where this project needed to be picked up. He also explained that the City is trying to coordinate two other replacement projects so that there can be limited closures on the building.

- **COUNCILOR MILLER MADE A MOTION TO APPROVE AN AMENDMENT TO THE 2024 ANNUAL BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR COMPLETION OF CAPITAL PROJECTS AT THE FRUITA COMMUNITY CENTER INITIALLY BUDGETED FOR IN THE 2023 ANNUAL BUDGET, AND A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR THE MAPLE STREET BRIDGE PROJECT. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

9. ADMINISTRATIVE AGENDA

A) PUBLIC SAFETY UPDATE – *CHIEF OF POLICE DAVE KROUSE*

Chief of Police Dave Krouse gave an annual update on the Police Department. He gave a brief review of 2023:

- Established new tracking system of officer-initiated activities.
- Calls for 2023 – 11,234; shows a 29% increase over 2022. Most of the increase is due to the new way officer activities are tracked.
- Top ten (10) calls for service:
 - Civil Issues – 193 calls
 - Community Engagement – 238 calls
 - VIN Inspection – 256 calls

- Welfare Checks - 301 calls
- Suspicious Activities – 475 calls
- Animal – 509 calls
- Assistance – 536 calls
- Follow-up Investigations - 867 calls
- Traffic Stops - 1036 calls
- Checks – targeted patrols – 3713 calls
- Engagement Activities
 - National Night Out
 - Cops and Cars
 - Coffee with a Cop
 - Fruita Academy
 - Neighborhood Presentations
 - Shop with a Cop
- 2024
 - Staffing – 1 Current Vacancy, but in the process of hiring for this position now.
 - Continued focus/expansion outreach and engagement – Once the department is fully staffed, they will hire a Community Engagement Specialist to focus on and coordinate engagement activities.
 - Continue to monitor traffic issues. Growth and additional visitors to the City leads to more traffic issues and safety concerns.
- Continuing Challenges
 - Recruitment/Retention – Continue to struggle, but the department is in a good spot going into 2024.
 - Social Issues – mental health, substance abuse and homelessness. The Chief said that these issues are some of the more challenging events to deal with as they are not always law enforcement issues. He said that they partner with the Sheriff's Office who has a co-responder program that teams a deputy and a licensed mental health clinician together and the Fruita Police Department relies heavily on them to help with the more difficult calls. Chief Krouse explained that homelessness is an issue, especially with neighboring communities and they are watching those situations carefully.
 - Balancing calls for service, staffing, state reporting, technology, and training.

Chief Krouse went on to share several comments from citizens that show appreciation or gratitude for the way the Fruita Police Department has conducted themselves while having different community interactions. Chief Krouse explained that the Department gets these kinds of comments often and he said that he felt that, knowing how much support the Fruita Police Department receives from the City Council, it was important to share the comments with them. He also explained that it is important to relate it back to the challenges and that the service that generates these types of comments cannot change due to those challenges. The level of service needs to remain the same. Chief Dave Krouse then took questions.

Councilor Miller asked if the 29% increase in calls for service correlated to the crime rate. Chief Krouse explained that no, crime statistics are reported differently, and are reflected differently than the calls for service.

Councilor Miller asked how the crime rate looked. Chief Krouse said that it was generally very good. The crime rate in general has dropped in many areas of the state. He also said it was important to point out that on the list of calls for service, there really weren't any crimes listed.

Councilor Miller asked Chief Krouse if he would share the slides with the City Council members and to keep up the good work.

Councilor Purser thanked Chief Krouse for his presentation and wanted to know what the top two traffic stops might be. Chief Krouse said that he didn't have the actual statistics with him, but he would say that speeding and stop sign violations would probably be the top two traffic violations.

Councilor Purser explained that she had witnessed two separate traffic stops on Saturdays in January on Aspen Street, stating that it was such a rarity, that people were slowing down to see what was happening. She asked if that was a focus area for traffic stops. Chief Krouse explained that they have several focus areas. He said it is the "STEP" program, or Strategic Traffic Enforcement Program. He said that those can be either generated from public concerns within the City or the Police Department can generate those areas, such as school zones during the school year. He said that his guess would be that the stops on Aspen Street were due to a citizen complaint, and they created a STEP program for that area.

Councilor Purser asked about the partnership with the Mesa County Sheriff's Department lending their support for calls for the co-responder program. She asked how significant those calls were and if that was a service that needed to be provided in-house for the Police Department. Chief Krouse said as far as volume, they didn't rise to the top. He said complexity and challenge are certainly there. He said they are monitoring whether they need that service in-house currently, but from a cost benefit perspective, they don't need it right now.

Councilor Purser asked about the houselessness and if it was increasing. Chief Krouse said no, that there hadn't been an increase in the population of unhoused in the City.

Councilor Purser asked how people get their comments to the Police Department. Chief Krouse said they come through the general police email, cards, phone calls, and cookies.

Councilor Hancey thanked the Chief for managing a great department and helping our community. He went on to ask what some of the tactics are when there is a homeless situation. He thought that being such a small community, it could be a challenge. Chief Krouse said that the first thing they do is address any kind of public safety issue. He said they also offer services and resources. He explained that most of those resources are located in other communities, such as Catholic Outreach and Homeward Bound.

Councilor Hancey said that over the last month we have had some significant instances in the City, one being a break-in and the other being a standoff sort of situation. He asked if the Police Department was seeing an increase in those kinds of incidents within the community. Chief Krouse said that he didn't see them increasing. He said that they do get calls like that from time to time. He said those incidents are quite public and very well recognized when they happen because they are large incidents, but statistics wouldn't support an increase.

Councilor Purser asked if the Police Department was able to hand out GVT passes for the houseless population to connect them with services in other communities. Chief Krouse said that they hadn't

considered it. He said that they are happy to provide rides for those who are interested in seeking those resources. He said that he knew that there were other agencies that provided bus passes, but it wasn't something the Fruita Police Department did currently.

Councilor Williams asked if the Police Department had what they need regarding the partnership with the Mesa County Sheriff's Department. He said that he thought the entire City Council is on board to provide those services in-house if needed. He also asked if there was anything the Police Department needed that the City Council could help with. Chief Krouse said that he appreciated the question, but he thought they had everything that they needed to do their jobs in the best way possible.

City Manager Mike Bennett wanted to commend the Police Department for being proactive in their outreach and calls within the community. Mr. Bennett also said that he reviews their annual performance reviews, or EDAs, and each one of the officers has multiple comments that their supervisor has saved and shared and it is reflected in their EDAs. He said it is easy to call when someone is upset about something but not everyone shares those kinds of accolades when everything goes right, and he thought it was important to recognize how much community support the Police Department has. Mr. Bennett went on to explain that they did not budget an additional police officer in the 2024 Budget because it had taken an entire year to fill one vacancy. He said that if recruitment found an additional qualified officer, then there could be a request to the City Council for an additional position.

B) ORDINANCE 2024-08 – FIRST READING – INTRODUCTION OF AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FARM, LLC FOR ITS PURCHASE FO CITY PROPERTY KNOWN AS 169 S. MULBERRY STREET, FRUITA, COLORADO AND TO EXECUTE ALL DOCUMENTS TO PERFECT THE SALE AND CONVEYANCE OF THE SAME FOR PUBLIC HEARING ON MARCH 5, 2024 - CITY ATTORNEY MARY ELIZABETH GIEGER & SPECIAL COUNSEL KIM CRAWFORD

RESOLUTION 2024-04 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO BUY AND SELL REALL ESTATE WITH FARM, LLC FOR 169 S. MULBERRY STREET - CITY ATTORNEY MARY ELIZABETH GIEGER & SPECIAL COUNSEL KIM CRAWFORD

City Attorney Mary Elizabeth Geiger explained that usually first readings are done on the Consent Agenda, however they wanted to present this separately to give a little bit more information. She said that as the City Council is aware, the City Charter states that City property needs to be conveyed via the Ordinance process. She explained that in the past, the City Council had gone through the Ordinance process and at the end, the contract was executed. In this instance, due to the nature of the development agreement and potential redevelopment, the buyer needs to be able to obtain financing for a letter of credit. That is why there is Resolution 2024-04 so that Mike can sign the agreement. The buyer will need a signed contract in order to get financing in place. Ms. Geiger explained this contract is still contingent on the Ordinance passing at the second reading as well as the development agreement being finalized to both parties' satisfaction. This will just get the process started.

Special Counsel Kim Crawford gave a presentation about the development agreement via Zoom. She explained that the development agreement sets forth the conditions that the buyer needs to perform for the benefit of the City and the surrounding community. The presentation covered:

- The FARM approached the City to redevelop the property at 169 S. Mulberry.
- They will provide public parking.
- Envision a mixed-use development space.
- Commercial development that promotes and supports arts, outdoor recreation, retail, and restaurants, as well as community gathering space.
- Remediate blight of the current building and surrounding area.
- Spur economic development, and revitalization of the area.
- Increase parking, and ease of access for vehicles, cyclists, and pedestrians.
- Terms of the Agreement:
 - Obtain a letter of credit that can be drawn on if the buyer defaults.
 - Redevelopment to include removal of lean-to and additions, add new metal roof, replacement of skylights, new garage doors, new exterior lighting, and new exterior paint.
 - Provide 20 initial parking spaces which the buyer will lease to the City for five years. On or before the expiration of the lease, the buyer will convey to the City certain property including 20 parking spaces.
 - Once parking is conveyed, the parking shall be improved and maintained at the sole expense of the City.
 - The 24 existing spaces north of the FARM property shall remain as public parking until the dedication of the 20 permanent public parking spaces is complete.
 - The buyer is responsible for maintaining the existing 24 parking spaces.
 - Purchase price of \$640,000, comprised of cash and nonmonetary contributions.

Ms. Crawford explained that there are provisions on both sides that enable the parties to dissolve the agreement if they aren't met. She also stated that the buyer will have the line of credit if they do not do as they are required, the City can draw on that line of credit to pay for said improvements at the buyer's expense.

Ms. Crawford went on to talk about the considerations for the City. They are:

- Does this plan of development meet the City's stated goals and objectives?
- Will the redevelopment of the building meet with the City objective of remediation of blight and enhancement of the downtown area?
- Is there a better use for the property?
- Is the City protected in the event the Buyer fails to perform?
- Are there additional risks?

Next, Ms. Crawford covered the risks involved with the development agreement:

- The biggest risk is that the buyer cannot meet their contractual obligations.
 - Buyer will back out of project.
 - Purchase contract has several conditions and contingencies that need to be met or the Buyer can withdraw.
 - City would lose the time that staff and others have dedicated to this project, but no monetary penalties to the City.
 - The City would be able to pursue other offers/options.
 - Buyer not able to meet its contractual obligations to redevelop the property.

- This risk is mitigated by the Buyer providing the letter of credit that can be drawn upon at certain times upon the occurrence of certain events or the inability of the Buyer to meet specified benchmarks.

Ms. Crawford explained that the fact that the Buyer would establish a line of credit for the City to draw on shows how dedicated the buyer is to the purchase and meeting their specified benchmarks. Ms. Crawford then asked for any questions.

Councilor Breman asked about the verbiage regarding the 20 initial parking spaces. Ms. Geiger explained that, while the agreement specifies 20 parking spaces be allocated, the final 20 parking spaces may not be in the same location as the initial 20 spaces.

Councilor Purser asked if there was a line-item breakdown of the \$640,000 in both monetary and nonmonetary improvements, for transparency to the public. Ms. Geiger said that is really part of the development agreement and as they are working through the precise improvements to the property, they can try to assign an exact dollar amount to each line item. She said they weren't prepared to do that this evening, but they could certainly try for a future meeting.

Mr. Bennett reminded the City Council that all the terms had been agreed on with the Buyer, it was just a matter of putting them into the agreement format reflecting those terms. He said both the parking agreement and the development agreement will be signed upon closing of the property, at least 30 days following second reading.

Councilor Hancey asked what the dollar amount on the line of credit was. Ms. Geiger said that it was roughly \$240,000. Mr. Bennett explained that that dollar amount was the dollar amount estimated to make all the necessary improvements to the building should the buyer default.

Councilor Hancey asked if FARM had approached the City about entering a partnership once the City had purchased the property. Ms. Geiger explained that, yes, FARM had approached the City as they currently own the property adjacent to this one and wanted to expand and were already in the area.

Councilor Hancey asked if the value of the overall contract and sale to the City included an improved property, 20 additional parking spaces and potential for additional businesses in the downtown corridor, beyond the monetary and nonmonetary piece. Ms. Geiger said that yes, that was the overall benefit to the City.

Councilor Hancey wanted to reiterate that there would be a second reading of Ordinance 2024-08. Ms. Geiger said yes, this is an Ordinance, and it does need to have a public hearing which is set for March 5, 2024. The other thing that needs to be considered tonight is Resolution 2024-04, which will allow Mr. Bennett to enter into an agreement with FARM so that they may secure financing for their line of credit.

- **COUNCILOR KREIE MADE A MOTION TO APPROVE THE PUBLICATION OF A SYNOPSIS OF ORDINANCE 2024-08 AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FARM, LLC FOR ITS PURCHASE OF CITY PROPERTY KNOWN AS 169 S. MULBERRY STREET, FRUITA, COLORADO AND TO EXECUTE ALL DOCUMENTS TO PERFECT THE SALE AND CONVEYANCE OF THE SAME FOR PUBLIC HEARING ON MARCH 5, 2024. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

- **COUNCILOR MATTHEW BREMAN MADE A MOTION TO APPROVE RESOLUTION 2024-04, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO BUY AND SELL REAL ESTATE WITH FARM, LLC FOR 169 S. MULBERRY STREET. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

10. CITY MANAGER'S REPORT

City Manager Mike Bennett had no additional updates.

11. COUNCIL REPORTS AND ACTIONS

A. ELECTION COMMISSION APPOINTMENTS – A REQUEST TO RATIFY THE APPOINTMENT OF EMMA-LEIGH LARSEN AND STEPHEN RYKEN TO THE ELECTION COMMISSION

- **COUNCILOR HANCEY MADE AN AMENDED MOTION TO APPROVE A REQUEST TO RATIFY THE APPOINTMENT OF EMMA-LEIGH LARSEN AND STEPHEN RYKEN TO THE ELECTION COMMISSION FOR A TWO-YEAR TERM FROM FEBRUARY 2024 THROUGH FEBRUARY 2026. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) VOTES.**

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Councilor Kreie had nothing to report.

COUNCILOR AMY MILLER

Councilor Miller said that she had attended the State of the State address with Mike and Shannon. She said that she thought it went well and they got to see the Riverside Education Center and it is a really great facility.

Councilor Miller missed the Historic Preservation board meeting today.

COUNCILOR AARON HANCEY

Councilor Hancey thanked staff for their efforts with the month-long road closure and detour at 19 Road and K Road. He said that good solutions were found were trying to limit the amount of time of the closure.

Councilor Hancey told the City Council that the museum board had finished interviews for a new Executive Director, and they had secured enough yes votes to hire one of the candidates. Councilor

Hancey asked Mike if the trailers had been removed from the museum premises. Mike said there is one in the back and one in the parking lot. The one in the parking lot is awaiting pickup.

Councilor Hancey said he attended a Park Board meeting. He explained that a high school student wanted to do a project in Kodels Canyon, and it isn't going the way she wanted it to due to ownership of the property. Councilor Hancey suggested that staff speak to the developer of the Sunset Point Subdivision about the trail system that will possibly be constructed within the subdivision and the property that is supposed to be donated to the City. Councilor Hancey wanted to make sure that the developed trails follow the rules and regulations of the BLM and other outside agencies for connection.

Councilor Hancey let the City Council know that the construction groundwork at Reed Park is about a month ahead of schedule. He said that, in a few weeks, the entire park will be closed for four (4) to six (6) weeks so the construction company can run the new electrical lines.

Councilor Hancey said that there was some discussion around locations for the new vault toilet at Snooks Bottom.

Lastly, Councilor Hancey said there was some discussion around the location of the self-cleaning restroom. He said there were some different locations suggested, such as the parking lot at Kim's Auto, the west side of the Civic Center, or the corner of Civic Center Park. Mike said the City had been looking at a few different locations at the Civic Center and one of the locations identified is the west side of the building where there is already a sidewalk installed. He explained that there is already fiber, water, and electricity on site, so it is an easier connection. He said that the City is actively working on updating the electrical at the Civic Center. Councilor Williams asked if there was a timeline on the upgrade. Mike said that construction had already begun and would be ready to go for the spring and summer activities. Councilor Williams asked if, before the changes happen near the stage, if his main production person could consult on what needs to happen there, so that they can have exactly what is needed. Mike said he would. He went on to say that some of the location ideas for the self-cleaning bathroom had already been dismissed, but the west side of the building seemed like a good possibility.

MAYOR PRO TEM BREMAN

Councilor Breman wanted to thank Councilor Williams for asking the Police Department what they may need.

Councilor Breman went on to ask the City Council for a letter of support for the Rural Jump Start Program. He said the program is up for renewal and GJEP uses it to attract companies to the area. He explained that if a company meets a certain criterion including not having any competition within the state as well as bringing jobs above the AMI, as a company the employees do not have to pay State income tax for four (4) years, and they can reapply for another four (4) years. He said that the program is set to end. He would like the City Council to write a support letter with two additional criteria added. One (1), there is a limit to how many employees can be within a zone. He thought that the limit is 300 employees in Mesa County, and he would like to request it be brought to 500 employees. He would also like to have the "no competition within the State" be removed, as he finds it a bit restrictive. He asked if the City Council was okay with that, and they said they were. He then asked Mike to draft the letter.

Councilor Breman said that he spoke to Candace at the Grand Junction Chamber of Commerce, and she told him that the City of Fruita has a seat on the Airport Taskforce which is not the airport board. He said one of their goals is to work with the airport to increase flights in and out of Grand Junction. He explained that no one was currently filling that position, but he wasn't sure if that was something the City Council wanted to do now or wait until after the election. Mayor Kincaid asked if the seat was available now. Councilor Breman said that the seat has been vacant since the inception of the taskforce. Councilor Purser asked if they were asking for an actual City Councilor or just a Fruita citizen. Councilor Breman said they were requesting a City Councilor. It was decided to wait until after the election and then decide on who would be filling that seat. Councilor Breman said that he would get some additional information in the meantime. Mike said that he receives all the packets for those meetings and is invited to attend. He has attended when there is a request for feedback from Fruita, however a large part of the meetings is regarding how to spend the City of Grand Junctions lodging tax funds for the benefit of the airport.

Councilor Breman also informed the group that he and Mike attended a round table event with the Governor promoting the circular economy, which includes upcycling or recycling. Mike got to speak about the bio-solids process that happens at the Wastewater Reclamation Facility. Mike said that the City of Fruita takes materials that would otherwise go to the land fill and turn it into fertilizer. He said the City of Fruita eliminates around 100 tons of waste every year. He explained that the fertilizer is offered free to residents and at a nominal charge for commercial users who would like to use it for flowers beds and turf. Mayor Kincaid asked how much the City makes from the sales. Mike said he didn't know, but it wasn't that much. Councilor Breman said it was cost effective for the City.

COUNCILOR JEANNINE PURSER

Councilor Purser said that she went to the final Localism Committee meeting. She said the committee would be bringing a recommendation before the City Council on February 24th. She also went to the candidate orientation that Mike held, and it was very informative.

Councilor Purser wanted to know if there was a way to get the City of Fruita utility bill emailed rather than receive a paper bill. Mike said they would look into it as he thought it was a bulk process.

Councilor Purser asked about the new software that was purchased to find unlicensed rental properties and how that was working. Mike said that it was working very well to find unlicensed rentals and to educate property owners. Mayor Kincaid asked for an update about the software to be presented at a future meeting. Mike said it would be put on the agenda.

COUNCILOR JAMES WILLIAMS

Councilor Williams said that he was unable to attend the FTAC meeting.

Councilor Williams said that the Winter Concert was on track. He said the band is booked and Ciara has done a great job with the promotional materials. He did ask about power outlets, as he didn't see any. Community Development Director Dan Caris let Councilor Williams know that power was located near the planter boxes, and they are weatherproof as well. Councilor Williams asked who he should talk to prior to the event to walk the space. Mike said Ciara, Jen, and Matt could have that walk around with him. Dan wanted to confirm the date of February 23, 2024, for the concert. Councilor Williams said that it was and there was a huge community response.

Councilor Williams told the group that he received an email from Diana Garcia, the assistant director of Communications from the Grand Junction stake of the LDS Church. She asked him if he would like to meet for lunch with President Harrison and go over any needs the City Council may have. Council Williams asked if any of the other City Councilor's or Mayor had anything they wanted him to bring up or talk about, to let him know.

MAYOR JOEL KINCAID

Mayor Kincaid had a Police Commissioner meeting last month and that went well. He said that he was thinking about citizens who term out on Boards and Commissions and how the City Council shows their appreciation for them serving for six (6) years. He said, in the past, they have given them a certificate in recognition, but he thought that they should receive something larger to show how much the City Council appreciates their service. Councilor Breman asked if the Fruita "F" and gear, in a smaller version, was what the Mayor was thinking. There was some discussion around what type of gift to give. It was decided that there would be a unique, small token of appreciation given to Board and Commission members who have reached their term limit.

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:07 p.m.

Respectfully submitted,

Jennifer Cupp
Executive Assistant
City of Fruita

FRUITA CITY COUNCIL MEETING
February 20, 2024
7:00 P.M.

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:02 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present: Mayor Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Amy Miller
City Councilor Aaron Hancey

Excused Absent: (None)

City staff present: City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Finance Director/City Clerk Margaret Sell
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Parks and Recreation Director Marc Mancuso
Planning and Development Director Dan Caris
City Planner Henry Hemphill
Chief of Police Dave Krouse

Also present: Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

3. AGENDA – ADOPT/AMEND

- **COUNCILOR KREIE MOVED TO ADOPT THE AGENDA AS AMENDED. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – DOWNTOWN ADVISORY BOARD RECOGNITION

Ciara DePinto, Communications and Engagement Manager, let the City Council know that this evening, they were recognizing all members, past and present, of the Downtown Advisory Board

(DAB). She began with a brief overview of the Downtown Advisory Board. She explained that in September 2023 the Board met with the City Council in a workshop session for a discussion on next steps. It became clear during that meeting that the DAB had met all the goals set forth from its inception in 2012. Because the Board had fulfilled its goals, it was decided to disband the board and explore the transition to a board that focuses more on localism.

Councilor Purser said that she had had the privilege to serve on the Downtown Advisory Board from the beginning as a citizen of Fruita. She said that the group has done many collaborative things, and she was proud of how the downtown has grown organically through their efforts. She said some of the things the Board had done was design the logo for the City, work with the Future Farmers of America students putting up a tree lot on Mulberry Street, starting Cups for a Cure, helped with Fruita Forth Fridays, and many other wonderful things.

The members of the Downtown Advisory Board were then brought before the City Council, and each introduced themselves. Honorees were given a pass to the Fruita Community Center, an “I-Heart-Fruita” pin, and an “F” gear sticker. Photos were taken of the members with the City Council.

B. PRESENTATION – THE FRUITA LOCALISM COMMITTEE RECOMMENDATION TO CITY COUNCIL

Ms. DePinto gave a brief background on the Localism Committee. She explained that once disbanding the Downtown Advisory Board, the City Council appointed the Fruita Localism Committee. The committee consists of nine (9) community members, and they have met four (4) times since November 2023. She said that they are now ready to share their recommendation with the City Council along with their mission statement. Ms. DePinto then introduced Shanachie Carroll from the Localism Committee to give that recommendation.

Mr. Carroll said that he had attended some of the Downtown Advisory Board (DAB) meetings and he thought that the difference between the DAB and a Localism Board is that DAB was about where Fruita was, and the Localism Board will be about where Fruita is going. As Mr. Carroll is a librarian, he wanted to take a moment and define “localism” for the City Council. He said “Localism” is often defined as preferring one’s own area or region, characteristic, or particular locality. He gave an example of the name of where people go mountain biking in the desert up north. Locals call it “18 Road” and visitors to the area may refer to it as “the north Fruita desert.” Mr. Carroll said that the committee found the fundamental question was how to get information about events and City goings on out to all citizens. He also said that influence was a big part of this potential board. He said that is where the mission statement comes into play. The mission statement is: “The Fruita Localism Board represents and relays the needs and opinions of our diverse community and shares this feedback within the City to ensure all locals have a greater opportunity to live and “Play Like a Local”, reach out, receive, and engage.” He said one of the functions of the board, if created, is community outreach and helping to disseminate information. He said that it was the consensus of the committee to recommend to City Council to form a Localism Board. Mr. Carroll then asked if there were any questions.

Councilor Miller said that she was behind it and thought it was a great way to hear all community voices.

Councilor Breman wanted to have a discussion at the Workshop. He said that there is an opportunity here, but he wanted to understand more than the mechanics. He said he wanted to understand the structure of the Board before approving it so that things don't overlap with other boards or get misconstrued.

Mr. Carroll said that there was a discussion about how the Board would keep a handle on this and he said that they would be relying on their staff liaison and their Council representative.

Councilor Purser wanted to ask all the members of the Localism Committee to stand up so that they could be recognized. The City Council gave them a round of applause.

Councilor Williams thought that there were some more conversations that need to be had around forming a Localism Board and figuring out some of the finer details.

Councilor Kreie said that he was happy that there is a focus on the locals and was for the creation of the Board, but he was happy to talk about it at Workshop too.

Councilor Hancey said that it was very exciting to see what this Board could do. He said that it was important to set it on a trajectory for success. He said that he, too, wanted to talk more about it before instituting it.

Council Breman requested a copy of the mission statement.

Councilor Williams asked for a quick workshop date if possible while it is still fresh in everyone's mind. City Manager Mike Bennett said that the discussion could go on the March workshop agenda. Mayor Kincaid asked if there was any homework needed from Staff. He said he would like to see the resolution and timeline for bylaws. Councilor Hancey thought that would be a good idea so that they could be at their most efficient in the workshop.

C. PRESENTATION – PRESENTATION ON GRAND VALLEY SECONDHAND TAX INITIATIVE FROM GRAND JUNCTION CITY COUNCILOR CODY KENNEDY

Grand Junction City Councilor, Cody Kennedy, gave a presentation, speaking on behalf of himself, about the secondhand tax plan. Mr. Kennedy said that, initially, he was trying find a way to encourage people to reuse and resell items and supporting the circular economy. He said that he wanted this to be a Grand Valley initiative that encourages people to reuse where possible and utilize this tax break as a targeted tax break to help people in the community who need it the most. He said this initiative would remove sales tax from used goods such as clothing or bikes. It doesn't include resale of motor vehicles. He said that there is a cost to it in foregone tax revenue. He stated, for the City of Grand Junction, the loss is projected to be \$675,000 in tax revenue. Mr. Kennedy said that he believes in the multiplier effect and believes that the money will be spent in other areas of the community. His hope is to get all municipalities to embrace this plan and to have a press release announced on Earth Day. He then took questions.

Councilor Kreie asked if all sales taxes paid were county taxes in municipal sales or were there state taxes in there as well. Mr. Kennedy said that there was some state sales tax in there, and that tax would still be collected at this point. He said that the County had already agreed to do it and if he can get local municipalities and the State to do it as well, it could be anywhere from 8% to 10%

removed from the cost to the customer. Councilor Kreie then asked about secondhand sales on the internet. Mr. Kennedy said that he wasn't going to get into internet sales, it would only be at the local level. He also explained that he had suggested a cap of \$5,000 on purchases, so that tax may be collected on high end antiques and those types of things.

Councilor Hancey thought this was a great idea. He said that there were a lot of opportunities for benefits from this. He thought forgoing the tax revenue would spur some other revenue generating activities. Councilor Hancey asked Staff if they knew what the loss would be to Fruita's tax revenue. Mike explained that they didn't. He said that they would have to look by category and if there is only one business in that category, they cannot release the information. He explained that Fruita does not collect its own sales tax. He said that isn't a deal breaker, just something to work through.

Councilor Miller thinks that this would be a great collaboration. She said that she just staged 92% of a home with secondhand goods. She explained that she thought that because these items have already been taxed that there should be no reason to tax them again and was 100% on board with the plan.

Council Purser said that she had been following it and thought it was a fantastic idea.

Mayor Kincaid asked how eligibility was going to be determined for stores. Mr. Kennedy explained that he wanted to keep things simple and, if it's a used good or secondhand good it won't be taxed.

Mayor Kincaid asked, since Mr. Kennedy mentioned Earth Day, what a realistic timeline is for the City to do this. Mr. Kennedy said that if they could announce on Earth Day that Fruita is on board, they could work the language out later.

Mayor Kincaid asked the City Council if they were on board with secondhand tax plan, to be part of the Earth Day announcement, or if they wanted some additional discussion at a Workshop. The City Council was on board but wanted to discuss it more at a workshop.

Councilor Williams asked if Southwest Arbor Day Festival in Lincoln Park would be a good day to make the announcement. Mr. Kennedy said that he hadn't thought about utilizing it in that setting but thought that was a great idea. Councilor Williams said he thought it was a great idea and liked the idea of the entire valley being behind it.

Mayor Kincaid asked when there was room to add it to a workshop. Mike said that there was room on the March Workshop Agenda. He also clarified with Mr. Kennedy that the Arbor Day announcement was more of an announcement that the valley would be working together to achieve the secondhand tax plan, not that the plan was in place. Mr. Kennedy said yes, that was correct. He said if the attorney's come together and find that it can't work, then that is fine.

D. PROCLAMATION – AFFIRMING A COMMITMENT TO COUNTERING ANTISEMITISM TO BE ACCEPTED BY LESLEY GOLUB, BOARD PRESIDENT FOR CONGREGATION OHR SHALOM (AND OTHERS)

The Proclamation was read by Councilor Williams and accepted by Lesley Golub, Board President for Congregation Ohr Shalom (and others). Ms. Golub gave a brief overview about the Jewish community in the Grand Valley and anti-semitic behavior that has been occurring for over 100 years. She wanted to thank the Fruita City Council for their commitment to countering antisemitism.

Mayor Kincaid then presented the Proclamation to the Congregation members who were present. A photo was taken with Congregation Ohr Shalom and the Fruita City Council.

5. PUBLIC PARTICIPATION

Mayor Kincaid made an announcement regarding Public Participation. He explained that there would be no public comment portion to the appeal hearing regarding the Conditional Use Permit for a City Market fuel station. He then told the audience that anyone wishing to speak regarding this item needed to do so at this time. Mayor Kincaid said that each speaker would have three minutes to speak. He then opened the floor to public comment.

John Philps, 831 Alyssa Ct. - Mr. Philp wanted to know why the Planning Commission would negate the fuel station at the Fruita City Market when every other City Market has a fuel station. He explained that it affected the carbon footprint by wasting gasoline. He also thought it was narrow-minded to make residents drive into Grand Junction to do their fueling and possibly having residents spend their money in Grand Junction rather than in Fruita.

Ryan Brown, 106 S. Park Sq./155 N. Cherry Street – Mr. Brown is the owner of the Go-Fer Foods/Sinclair Convenience store. He is here to support the Planning Commission’s decision to deny the conditional use permit for the fuel station. He explained that it would gravely hurt his business which has provided jobs and paid taxes in Fruita since the 1950’s. He also said that he believed that the increased traffic in residential neighborhoods, possibly creating more traffic congestion and accidents between other motorists as well as pedestrians and cyclists.

Bob Jackson, 402 W. Applewood Dr. - Mr. Jackson explained that he has lived in Fruita for 20 years and he shops at the local City Market. He explained that he believes that fuel stations are for the benefit of the community and that he believes that the grocery store needs to be expanded to service the community. He thinks that a fuel station will encourage people to stay in Fruita.

Jim Hirschinger, 520 E. Harrison Ave – He said that while he agrees that a fuel station needs to be added to Fruita, he does not believe that the location chosen is an appropriate location. He said that he believes that there will be problems with traffic. He thinks that City needs to realize that is becoming even more of a residential area with the housing development going in across the street. He also understands that, while one of the goals of the City is to increase grocer opportunities, he didn’t believe adding a fuel station would help meet that goal.

Robert Armenta, Loma – Mr. Armenta said he is a native of the valley and has shopped at the local City Market a lot. He said that the City does need a fuel station as well as a bigger grocery store. He is in support of the station being added as it does provide jobs and contributes to the tax base.

Brett Jones, 432 Forty-Niner Dr. – Mr. Jones also owns a home at 405 W. Aspen Ave. Mr. Jones stated that his property is two (2) properties away from the proposed location. He said while he agrees with some of the comments about needing a fuel station and grocery store, he does not believe that this is the best location for it. He said there are two residences there and he does not believe that the people living in that area would appreciate cars driving past their homes at all hours of the night. He also thinks that there is not enough room for the fuel station.

Ken Henry, 968 17 ½ Road. – Mr. Henry is here to strongly support the fuel station proposed by Kroger. Mr. Henry explained that he had approached the City Council on three separate occasions,

he went on to explain each one and how they were successful with each proposal. Mr. Henry's three (3) minutes were up at this time.

Tony Stolarczyk, 1824 J 2/10 Rd. – He agrees with both points of view on this topic. He said that although he agrees that he would like a City Market fuel station in Fruita, he finds the location to be poor.

Mayor Kincaid asked if there was anyone else who was there for public comment on any subject. After seeing no one, Mayor Kincaid closed the public comment portion of the meeting.

6. CONSENT AGENDA

- A. **MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 14, 2023, JOINT CITY COUNCIL AND PLANNING COMMISSION WORKSHOP MEETING**
- B. **MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE NOVEMBER 28, 2023, CITY COUNCIL WORKSHOP MEETING**
- C. **MUNUTES – A REQUEST TO APPROVE THE MINUTES OF THE DECEMBER 5, 2023, JOINT CITY COUNCIL AND FRUITA HOUSING AUTHORITY MEETING**
- D. **MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE DECEMBER 19, 2023, REGULAR CITY COUNCIL MEETING**
- E. **LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS & SPIRITUOUS FOR TMPTF8 DEUX, INC. DBA RIB CITY GRILL LOCATED AT 455 KOKOPELLI BLVD.**
- F. **LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS & SPIRITUOUS FOR MIKE'S FAMOUS CHICKEN LOCATED ATT 233 E. ASPEN AVE.**
- G. **RESOLUTION 2024-05 – APPROVING THE LEASE OF THE FRUITA MUSEUM PROPERTY LOCATED AT 432 E ASPEN AVENUE TO THE FRUITA CHAMBER OF COMMERCE**
- H. **ORDINANCE 2024-09 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE APPROVING A LEASE AGREEMENT BETWEEN CITY OF FRUITA AND REGION 10 FOR THE USE AND MANAGEMENT OF THE FRUITA CARRIER NEWTRAL LOCATION FOR PUBLIC HEARING ON MARCH 5, 2024**
- I. **ORDINANCE 2024-10 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE FRUITA MUNICIPAL CODE AND CREATING A NEW TITLE IX CHAPTER TO REGULATE UNMANNED AIRCRAFT SYSTEMS**
- J. **FINAINCIAL REPORTS – A REQUEST TO APPROVE THE JANUARY 2024 FINANCIAL REPORT**

Mayor Kincaid opened the public hearing on the Consent Agenda. Hearing no comments from the public, he directed it to the City Council.

- **COUNCILOR BREMAN MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

B. LEGISLATIVE HEARINGS

- 1) **ORDINANCE 2024-04 – SECOND READING – AMENDING CHAPTERS 2.41 AND 2.42 OF THE FRUITA MUNICIPAL CODE TO ELIMINATE VOTING RIGHTS FOR COUNCIL MEMBERS APPOINTED TO THE POLICE AND PARKS AND RECREATION COMMISSIONS, AND EXCLUDING THEM FROM QUORUM CALCULATIONS – FINANCE DIRECTOR/CITY CLERK MARGARET SELL**

Margaret Sell, Finance Director/City Clerk, gave an introduction, saying that last year, the City Council met with the Boards and Commissions, reviewing their purpose and achievements, provided guidance for aligning with Fruita's goals, and evaluating the roles of council members on some of those boards. As a result of those meetings, the City Council would like to establish the independence of some of those boards and commissions. There are two boards and commissions that are established by Fruita City Charter and require a Council appointee to those commissions. They are the Police and Parks and Recreation Commissions. The Council has asked that the Ordinance that establishes the boards and commissions be amended to have the Council Liaisons voting requirement as well as their being included in the quorum calculations removed. The City Council member would maintain a seat on the board or commission.

Mayor Kincaid opened the public hearing on Ordinance 2024-04. Hearing no comments from the public, he directed it to the City Council.

Councilor Hancey wanted to comment that the City Council wanted to enable these two boards to be advisory and when City Council members are voting or count as part of the quorum, that doesn't promote that.

- **COUNCILOR PURSER MADE A MOTION TO APPROVE ORDINANCE 2024-04 AMENDING CHAPTERS 2.41 AND 2.42 OF THE FRUITA MUNICIPAL CODE TO ELIMINATE VOTING RIGHTS FOR COUNCIL MEMBERS APPOINTED TO THE POLICE AND PARKS AND RECREATION COMMISSIONS AND EXCLUDING THEM FROM QUORUM CALCULATIONS. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE (5) YES VOTES AND ONE (1) NO VOTE. COUNCILOR WILLIAMS VOTED NO.**

2) ORDINANCE 2024-05 – SECOND READING – AMENDING SECTION 3.18.240 OF THE FRUITA MUNICIPAL CODE CONCERNING MEMBERSHIP REQUIREMENTS FOR THE TOURISM ADVISORY COUNCIL – FINANCE DIRECTOR/CITY CLERK MARGARET SELL

Margaret Sell, Finance Director/City Clerk, explained that this Ordinance is very similar to the previous Ordinance, but it will remove a City Council liaison from the Fruita Tourism and Advisory Council. It is a little different because the City Charter does not require a representative to sit on this Board.

Mayor Kincaid opened the public hearing on Ordinance 2024-04. Hearing no comments from the public, he directed it to the City Council.

Councilor Kreie asked if there would still be a Council liaison for this Board. Ms. Sell explained that it would remove the liaison from the Fruita Tourism Advisory Council.

Councilor Purser explained that she had thought that it would remove the City Council member from voting and from quorum requirements but that the liaison would remain, but that isn't how this read. Ms. Sell said that the City Council could vote on it as amended or they could remove it and bring it back.

Councilor Miller said that she still would like a liaison on that board.

Councilor Williams said that because the FTAC has actual hands-on funds, a liaison is necessary. He explained that some of the conversations that happened in the FTAC meeting are things that the City Council wouldn't plan.

Council Breman had a procedural question regarding whether they can vote on an amended Ordinance or if they have to come back with a new Ordinance.

City Attorney, Mary Geiger, explained that the Ordinance needs to be republished with the correct language with what the City Council would like to do.

Mayor Kincaid wanted to address a comment made from Councilor Williams. Mayor Kincaid explained that the budget for the FTAC Board is approved through the City Council.

Ms. Geiger explained that the City Council will take no action until the new ordinance is brought before the City Council.

Mr. Bennett explained that there will be a first reading on the revised Ordinance on March 5th and a second reading at the first meeting in April.

9. ADMINISTRATIVE AGENDA

- A. APPEAL – THIS IS AN APPEAL OF THE FRUITA PLANNING COMMISSION'S DECISION ON A REQUEST FOR A CONDITIONAL USE PERMIT FOR A DRIVE-THRU FACILITY FOR A RETAIL FUELING STATION – PLANNING DIRECTOR DAN CARIS**

Planning Director, Dan Caris, gave a presentation to the City Council regarding the Applicant's appeal of the Planning Commission's denial of a conditional use permit for a drive-thru facility for a City Market Fueling Station in the DMU zone district. Mr. Caris read the application information into the record. He then provided the following information:

- A zoning map and aerial view of the property.
- Planning Commission vote to approve failed with a 3-4 vote on 12/12/2023.
- Not just the applicant may appeal, it can be any aggrieved person.
- The City Council hears the appeal.
- The applicant is appealing the decision, and they have the sole burden of proof.
- Noticing Timeline
- Appeal received states that the Planning Commission failed to interpret the City's Strategic and Comprehensive plans as well as the Land Use Code for Conditional Use Permits.
- Description of the Land Use Code for the Downtown Mixed-Use Core.
- Permitted uses with associated Conditional Uses.
- Vehicle Stacking image.
- New drive-up/drive-through facilities are not permitted within 40 feet of Aspen Avenue.
- CDOT comments
 - Require Traffic Study and Access Permit
- Public comments from 12/12/23 Planning Commission hearing
- Options presented to Council.

Tarah Bailey, Land Use counsel for the applicant, MJ Property Investors, gave a presentation regarding the appeal of denial of a Conditional Use Permit (CUP) for a City Market fueling station. She explained that this appeal is only for the CUP and that the project will still go through administrative site plan review. She then went over the agenda and introduced the project team.

Ms. Bailey gave an overview of the property. She explained that the property is close to the highway and to the City Market grocery store location. The property is already zoned to allow a fuel station. Ms. Bailey showed a concept plan for the drive-through use. Next, she explained the application timeline. Ms. Bailey went on to say that the fuel station will enhance not only the health of the grocery store but be a benefit to the community. She explained to the City Council that the criteria for their approval included consistency with the land use code, consistency with the City's comprehensive and strategic plans, and compatibility with surrounding uses, will not endanger public health/safety, and adequate public services.

Ms. Bailey then went over the grounds for the appeal. The first one is that the denial is inconsistent with the City's Comprehensive Plan. The Comprehensive Plan explains under goal #3 that the City is directed to work with City Market to expand and grow their store. Ms. Bailey explained that the fuel station will revitalize the foot traffic in the grocery store. The next point Ms. Bailey made was regarding transportation. The City has a goal to make downtown pedestrian oriented and easy for visitors and vehicles to navigate. She included several reasons that the Planning Commission gave for denial, and they all relate to walkability. When reviewing the list, Ms. Bailey explained that the reasons given for denial were not based on the criteria of approval. Next, Ms. Bailey gave a list of nearby properties with drive-throughs and auto-centric uses. She explained that in this area of the City, there are several properties that already have drive-thru's and walkability isn't a core characteristic of this area. The second reason given by Ms. Bailey was that it was inconsistent with the City's Strategic Plan. She said that the reasons for this were similar to the reasons given for the

inconsistency with the City's Comprehensive Plan so she would not go over that information again. Ms. Bailey explained the third claim as showing that the fuel station is outside of the "Downtown Core". There were some comments made that the fuel station is in the Downtown Core, but it is in Downtown West area, which has separate characteristics. The final reason Ms. Bailey gave was that the Planning Commission failed to properly apply the code. She explained that it seemed like the main reason Planning Commission denied the Conditional Use Permit was simply because they did not want the fuel station and not by what criteria was in the code. Ms. Bailey gave a recap of her presentation and asked the City Council to reconsider the application for a Conditional Use Permit.

Fruita City Market Manager, Ray Cordova, explained that having a fuel station will enable City Market to serve the customer at a new level. He talked about the convenience that it will provide the community. He went on to explain that there are many fuel points that go unclaimed, or fuel purchases made in Grand Junction that add to the Grand Junction tax base and could, instead, be kept in Fruita. Mr. Cordova went on to say that City Market is focusing on the people of Fruita by adding a fuel station.

Mayor Kincaid opened the meeting to questions from the Council.

Councilor Kreie asked a procedural question about the CUP. He asked if it would go to an administrative site review or would it come back to the City Council. Ms. Geiger said yes, it would be an administrative review and would not come back to the City Council.

Ms. Geiger also explained that the City Council is only allowed to ask questions related to the presentation and letter given by Ms. Bailey and Mr. Cordova and not on the Public Comment portion of the meeting held prior to the appeal. Mayor Kincaid said that this is just for a Conditional Use Permit for the drive-through portion of the concept plan. Ms. Bailey said that the concept plan is not something that is before the Council, she explained that in their experience City Council's like to have an idea of what the site will look like, which is why it is included in the presentation.

Councilor Hancey asked about the difference between the Downtown Core and the Downtown West areas, as he was not familiar with those terms. Mr. Caris explained that when the City engaged with SE Group to complete the Comprehensive Plan, they labeled the subareas as part of a workshop. This was a foundational piece in creating a future land use map.

Councilor Hancey asked if Mr. Caris could clarify the pieces in the Land Use Code explaining by use and by right. This is a drive-up/drive-through facility and requires a Conditional Use Permit. Mr. Caris explained that drive-up/drive-through facilities need to go through the Conditional Use Permit process separately even though the retail fuel sales is a use by right.

Councilor Hancey asked what the criteria is for not endangering the public health or safety. Mr. Caris said that it doesn't have its own set of approval criteria to determine the effects on public health and public safety. He explained that it was covered by other sections in the code.

Councilor Miller said that she was happy to bring up the trucking piece and the intersection in question. Councilor Miller asked how many trucks Ms. Bailey anticipated going through that intersection and what does that route look like for deliveries. Ms. Bailey explained that this is the route that trucks take for the City and is designated by the City. Ms. Bailey asked Brian Horan, traffic engineer for the project, to answer this question. Mr. Horan stated that he didn't think they were approving the site-plan circulation route tonight, but he thought that the gas trucks would be

delivering gas three to four times a week, but no more than once a day. Mr. Caris also explained that CDOT would require Applicant to complete a traffic study and Applicant would need to get an access permit from CDOT, and this would be part of a subsequent application. Councilor Kreie asked if that application would also include hours of operation, music, and lighting. Mr. Caris said that it would.

Councilor Purser asked Ms. Bailey to explain how adding the fuel station will help accomplish goal #3 of the strategic plan which is to expand food and grocery shopping options in Fruita. Mr. Nick Tompkins, Weld City Market Real Estate, manager of all King Sooper and City Market stores, said that he understood that it was hard to make the connection between fuel and grocery. He said that Kroger views it as a total customer offering, making it a department just as one would view it the bakery or pharmacy. Councilor Purser said that she understands that City Market is trying to make it a one stop shop and a full customer offering, but she is still having a hard time connecting it to food and grocery. She explained that the citizens of Fruita are hoping to have a larger grocery store, and this would this somehow lead to a larger grocery facility. Mr. Tompkins said that he understood that, but those are two separate decisions. He said the decision tonight is how to better serve the Fruita customer and keep the customers at the Fruita store.

Councilor Breman asked Mr. Caris what the impact of the CDOT traffic study is and how that will affect this project going forward. Mr. Caris explained that the applicant needs to submit a methodology to CDOT and that will need to be accepted by CDOT. He said that could mean that they need to provide improvements to the area or their site. CDOT will need to approve a methodology for the traffic study. Sam Atkins, City Engineer, also stated that they would need to do a queuing study through CDOT to make sure the cars don't back track up into intersections.

Ms. Geiger said that this information is not part of the criteria required for a conditional use permit, and they will not get to that step if the Conditional Use Permit is not approved.

Councilor Breman wanted to clarify that this was a drive-up facility rather than a drive-through facility. Mr. Caris said that that was correct. He also wanted to clarify that even if they do receive the CUP, they may not receive the CDOT access permits.

Councilor Breman asked Mr. Tompkins to clarify his statement about the fuel station not having a direct correlation to a larger store being built in Fruita. Mr. Tompkins said that it was their job to support their store in the best way that they can. He said that if an expansion was needed, then that was something they would explore. But there is no direct correlation between a fuel station being added and a larger store being built.

Mayor Kincaid asked if there was a slide available that listed the criteria for the appeal and the criteria for a Conditional Use Permit.

Councilor Purser asked if the Planning Commissions decision can be overturned based on one of the criteria or if they must meet all of the criteria. Ms. Bailey said that it can be overturned based on only one. Ms. Geiger stated that it would still need to meet all the requirements of a Conditional Use Permit.

Councilor Kreie asked if there was a reversal, did that approve the CUP or does it need to go back to the Planning Commission. Ms. Geiger stated that it would not go back to the Planning Commission and would be approved tonight.

Councilor Breman stated that he said that when they look at the area, Coloramo Bank and Burger King, already have drive-throughs. He said while he is struggling with the location, in terms of criteria, they have already set precedent for walkability, it is consistent with the comprehensive plan, and there is already similar usage in the Downtown West Corridor.

Councilor Kreie said that he was similar in his thinking. In his opinion, they are bound by all the criteria that they are supposed to use to gauge this. Mayor Kincaid asked if Councilor Kreie felt it met the criteria. Councilor Kreie said that he felt it met the criteria and didn't see anything to support the Planning Commissions denial.

Councilor Purser said she agreed that the criteria had been met. She did say that the location is very concerning.

Councilor Williams said that as a City Councilor he has found that it does meet the criteria, but as a citizen he was struggling with the location.

Councilor Miller said she was struggling to make the connection between the fuel station and expansion of the food and grocery goal.

Ms. Geiger said that the City Council could give direction to Staff on things to consider while looking at the site plan. While it is an administrative decision, the City Council can point out possible mitigating factors.

Councilor Williams said that he was able to understand the way it adds to food and grocery shopping as it will encourage shopping to get more fuel points.

Mr. Caris asked if there was a correlation between fuel traffic and expanded food and grocery spending. Mr. Tompkins said that they have completed a study, and it shows a projection of a 1% to 2% lift in the grocery store.

Ms. Geiger explained that if the City Council has found all the criteria for a CUP have been met, then that is enough to reverse the Planning Commission's decision.

Ms. Bailey wanted to make a follow-up comment to a comment Mr. Tompkins had made. She said the Strategic Plan states that the City would like to work strategically with City Market to create those opportunities. She said that would include approving a CUP so that the store could increase its foot traffic and explore other opportunities. She said another goal in the Comprehensive Plan is to reduce shopping trips to Grand Junction. She explained that when consumers go to Grand Junction to purchase fuel, they will buy their groceries in Grand Junction as well.

Councilor Purser asked if the projection was the same for on-site fuel station and off-site fuel stations. Mr. Tompkins said that they were very similar. He said for safety and customer service reasons, it is important to keep the fuel station close to the store.

Councilor Williams asked Mr. Caris to expand on what Ms. Geiger had said about adding Staff direction. Mr. Caris explained that it would essentially be a reversal of the Planning Commission's decision but with conditions. He then gave an example about the City Council requesting that Staff consider lighting or walkability factors.

- **COUNCILOR PURSER MADE A MOTION TO REVERSE THE PLANNING COMMISSION'S DECISION DENYING THE CONDITIONAL USE PERMIT WITH A FINDING THAT THEY ERRED IN FINDING THAT THE CRITERIA HAD NOT BEEN MET AND THAT CITY COUNCIL SPECIFICALLY FINDS THAT ALL OF THE CRITERIA FOR A CONDITIONAL USE PERMIT HAD BEEN MET BY THE APPLICANT FOR A DRIVE-THROUGH WITH AMENDMENTS AND ADHERE TO ALL CONDITIONS FROM CDOT PLACED ON THE ORIGINAL CUP APPLICATION. COUNCILOR KREIE SECONDED THE MOTION.**

Mayor Kincaid opened the motion up for discussion.

Councilor Breman said that he didn't understand the motion as it wasn't part of the Conditional Use Permit criteria.

Mayor Kincaid said that the Planning Commission was concerned with walkability and thought that the walkability amendment was relevant in addressing the Planning Commission's concerns. Councilor Breman said that walkability was a statement and not a change in the CUP.

Councilor Kreie explained that the City Council would direct Staff that landscaping, lighting, and music is addressed.

Ms. Geiger said that some conditions can be put on a CUP. She also explained that when the applicant comes in for site-plan review, they will also need to meet all lighting requirements for the zone district. She went on to say that the City Council could ask for advanced screening for neighboring residential properties, crossing signals for pedestrians, and to ensure there is good pedestrian safety.

Mayor Kincaid asked if the amendment to the motion covers it or does it need to be more specific.

Mr. Bennett explained that they will need to be more specific if there are specific things that the City Council wants.

Mr. Caris clarified that for screening or buffering to the north or to the east to be contemplated. Also, for safe pedestrian crossing to be contemplated across Coulson Street and Aspen Avenue.

Councilor Hancey asked how that related to the criteria for the Conditional Use Permit. Ms. Geiger explained that it was compatibility with the surrounding uses. She also said that it would be up the applicant to decide if these are conditions they can live with. Ms. Bailey asked for a moment to speak to her team. Mayor Kincaid said they would reconvene at 10:15 pm.

Mayor Kincaid resumed the meeting at 10:15 pm.

Ms. Bailey turned the podium over to the architectural team leader, Nate Abbott with Galloway, and he gave an overview of the planned landscaping and buffers including trees or bushes so long as there is room for them to remain viable. He also explained that they aren't going to add any additional access points. He said that they were able to offer stripping or integrated colorful concrete to help with pedestrian crossings.

Councilor Purser asked if hours of operation could be included as a condition. Mr. Caris said that no, they do not control the hours of operation for businesses.

Councilor Hancey wanted to make sure that he was clear on what they were doing. He clarified that they were deciding if the City Council should reverse the decision made by the Planning Commission. He stated that the Council had to use the criteria in the Land Use Code to apply it the application for the Conditional Use Permit and not based on their personal opinions. Mr. Caris explained that there was an understanding that the City Council was willing to reverse the Planning Commission's decision to deny the Conditional Use Permit with the three conditions listed above.

Mr. Abbott asked what the minimum lighting levels were, as fuel stations had very strict lighting level requirements and he didn't want to agree to anything that was outside of the standard lighting levels required by Kroger. Mr. Caris said that was why he had made some adjustments to the lighting standards regarding canopy or streetlights.

Councilor Miller and Councilor Purser wanted the applicant and Mr. Cordova to know that they love City Market and want them to stay and have no hard feelings.

Mayor Kincaid closed discussion on the Motion and called for a vote.

- **COUNCILOR PURSER MADE AN AMENDED MOTION TO REVERSE THE PLANNING COMMISSION'S DECISION DENYING THE CONDITIONAL USE PERMIT WITH A FINDING THAT THEY ERRORED IN FINDING THAT THE CRITERIA HAD NOT BEEN MET AND THAT CITY COUNCIL SPECIFICALLY FINDS THAT ALL OF THE CRITERIA FOR A CONDITIONAL USE PERMIT HAD BEEN MET BY THE APPLICANT FOR A DRIVE-THROUGH WITH AMENDMENTS TO ENHANCED MARKING OF CROSSWALKS, ADDITIONAL SCREENING FOR ADJACENT RESIDENTIAL PROPERTIES, ALLOW FOR LIGHTING ADJUSTMENTS AS LONG AS IT DOESN'T CREATE A SAFETY ISSUES, AND ADHERE TO ALL CONDITIONS FROM CDOT PLACED ON THE ORIGINAL CUP APPLICATION. COUNCILOR KREIE SECONDED THE AMENDED MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.**

10. CITY MANAGER'S REPORT

City Manager Mike Bennett provided the following updates to the Council:

- The following week's Workshop is largely regarding The Beach project. He explained that they would receive the due diligence report, guiding principles discussion, and conceptual phasing of the project that will lead into future negotiation discussions.
- He also explained that at that workshop Staff would like to present the research and market comparisons for leasing the Co Op Tower.

11. COUNCIL REPORTS AND ACTIONS

A. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL

ISSUES UNDER C.R.S SECTION 24-6-402(4)(F) FOR THE CITY ATTORNEY'S ANNUAL INFORMAL REVIEW

Mayor Kincaid asked for a motion to be made to move the review of the City Attorney up the Agenda to before Council Reports and Actions as she has a long drive home.

COUNCILOR KREIE MADE A MOTION TO MOVE THE EXECUTIVE SESSION PRIOR TO COUNCIL REPORTS AND ACTIONS. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES.

COUNCILOR WILLIAMS MADE A MOTION TO CONVENE INTO EXECUTIVE SESSION FOR DISCUSSION FOR PERSONNEL ISSUES UNDER C.R.S SECTION 24-6-402(4)(F) FOR THE CITY ATTORNEY'S ANNUAL INFORMAL REVIEW. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX (6) YES VOTES

COUNCIL CAME OUT OF EXECUTIVE SESSION AND WENT BACK INTO OPEN MEETING AT 11:05 PM.

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Councilor Kreie had nothing to report.

COUNCILOR AMY MILLER

Councilor Miller asked if the City of Fruita had a block party kit. It is an enclosed trailer that has folding tables and chairs, corn hole boards, and other items for a block party. Councilor Miller asked for it to be put in a workshop. Mr. Bennett said that Staff would do some research and see how much it would cost and what it would entail and then Staff will present it to Council and see if they would like to move funds this year or put it in the budget for next year.

COUNCILOR AARON HANCEY

Councilor Hancey asked about the sanctuary letter. Mr. Bennett explained that Mesa County had sent their letter and there was no need for the City to be part of that. Mayor Kincaid said that groups would be coming to present to the City Council asking them to support their cause and he wanted to make sure that those items were put on a Workshop in order to further discuss. Councilor Hancey agreed with that as he wanted the City Council to be able to react at their own speed.

COUNCILOR MATTHEW BREMAN

Councilor Breman had nothing to report.

COUNCILOR JEANNINE PURSER

Councilor Purser had nothing to report.

COUNCILOR JAMES WILLIAMS

Councilor Williams wanted to know why the Fruita City Council wasn't invited to the Naturalization Ceremony that happened at Fruita Monument High School. Mr. Bennett said that he had already contacted the Senator's office and let them know that, if it happens again in Fruita, the City would like to be invited. Councilor Williams also explained that he thought there should be a Workshop discussion around events that the City Council should attend. Mr. Bennett explained that there are different charity events around Mesa County and there was some discussion around which events the City should purchase a table for.

MAYOR JOEL KINCAID

Mayor Kincaid said that he had sent out an email regarding proper reports and actions and wanted to know what everyone thought. Councilor Miller said the only one she didn't agree with the piece around Boards and Commissions. Councilor Purser seconded this feeling. Councilor Breman explained that while he appreciates the update, he doesn't need to go into the whole process that led to a decision, only what the decision is. Councilor Hancey agreed with that. Mayor Kincaid said that he was just trying to establish some parameters around updates and how to keep discussion concise and on point.

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 11:20 p.m.

Respectfully submitted,

Jennifer Cupp
Executive Assistant
City of Fruita



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR JOEL KINCAID

DATE: APRIL 2, 2023

AGENDA TEXT: BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Hayden Janssen to the Fruita Tourism Advisory Council (FTAC) for a three-year term to expire in April of 2027

BACKGROUND

Pursuant to Fruita Municipal Code Section 3.18.240, the Fruita Tourism Advisory Council (FTAC) shall consist of seven (7) members appointed by the City Council. When the City Council directed staff to remove the Council Liaison as a voting member of the board, it created a vacancy.

On March 11, 2024, Hayden Janssen submitted his application for appointment to the FTAC, which is attached. On March 19, 2024, Mayor Kincaid interviewed Hayden for the vacant seat and subsequently recommended that he be appointed to the FTAC for a three-year term to expire in April of 2027.

If Hayden Janssen is appointed, there will be one remaining vacancy on the FTAC due to the expiration of board member Kelley Griffin’s term. This vacancy has been advertised since January of 2024 and no other applications have been received by staff; however, Ms. Griffin has expressed to staff that she will be applying for reappointment soon.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Boards and Commissions provide valuable input to the City and help establish goals and objectives. They provide a link between citizens of Fruita and city government.

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Hayden Janssen to the Fruita Tourism Advisory Council (FTAC) for a three-year term to expire in April of 2027

2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid that the following appointment be made:

- **HAYDEN JANSSEN TO THE FRUITA TOURISM ADVISORY COUNCIL (FTAC)
FOR A THREE-YEAR TERM TO EXPIRE IN APRIL OF 2027**



**CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION**

BOARD OR COMMISSION: Fruita Tourism Advisory Board

NAME: Hayden Janssen

MAILING ADDRESS: 1162 Windsor Park Dr.

	City	State	Zip
RESIDENCE ADDRESS:	Fruita	CO	81521

PHONE NUMBER:	<u>406.437.4220</u>	<u>n/a</u>
	Home	Work

E-MAIL ADDRESS: haydenjanssen@gmail.com

How long have you been a resident of Fruita? 6 months

Occupation/Employer: Consultant/Self-Employed

List any volunteer and/or work experience:

Work: Chief Operating Officer ('18-'24)- Quire, LLC; Client Sales Manager/Sr. PM/Office Lead ('16-'18)- Weston Solutions, Inc.; Brownfields Coordinator ('14-'16)- State of MT; Reclamation Specialist ('11-'14)- State of MT
Volunteer: ('24)- Riverside Education Center (Chipeta Elementary); Doylestown Comm. Garden ('22-'23); BLM RAC ('15-'17)- Central MT District

Are you presently serving on a board or commission? If so, which one(s)?

Yes. Fountain Greens Master Board HOA (Grand Junction)

Why do you want to be a member of this board or commission?

Having served in numerous leadership roles in both my personal and professional life and successfully scaled businesses, developed GTM strategies, developed future leaders, and drafted numerous successful grants, I feel that my skill-set can help to augment the already stellar Board through my drive, attention to detail, empathy, active listening, and ability to support the existing Vision of Fruita. Additionally, having been raised in a small town, I recognize and appreciate the values that help make a place not only great to visit but also great to live in and raise a family.

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.

Abilities/Skills: GTM Strategy; Data Analytics; Professional Author, Copy Writer, and Editor; Grant Writing; Project Management; Organizational and Operational Management; and Negotiation.
Interests: Avid outdoors person; ultrarunner; cyclist; fly fisher; and promoter.

**City of Fruita
Boards and Commissions Application
Page 2**

Are you committed to attending meetings?

Yes

No

Are you committed to serving an entire term?

Yes

No

Please specify any activities which might create serious conflict of interest if you should be appointed to a particular board or commission. (If unsure, please call the City Manager's office at 858-3663)

N/A

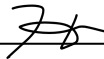
List any licenses, certificates or other specialized training applicable to the board or commission for which you are applying.

N/A

Additional information or references you believe may be helpful in considering your application.

Joe Willauer- Former Client and \$600k Grant Recipient (406.925.9622)
Andrew Lettrich- Business Partner (406.471.0303)
Jason Seyler- Former Co-worker at State of MT (406.461.9731)

Signature _____



Date 7 March 2024

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying. Frequent non-attendance may result in termination of the appointment.

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

Please feel free to submit a resume along with this application. Application and any attachments should be returned to the Fruita City Council c/o the City Clerk, 325 E. Aspen, Fruita, CO 81521. Although we have indicated the best time to apply for a particular board, we accept applications for any of the boards year-round. Thank you.

Hayden Janssen

- **Transformational Leadership Executive**
(406) 437-4220 • haydenjanssen@gmail.com

Summary: Astute Leader with a proven track record of scaling growth and operations to increase financial returns and improve margins. Knowledgeable Enterprise Level Software Executive with a keen sense for creating Go-to-Market opportunities; organized professional who prioritizes tasks and manages teams to proactively engage and execute to the highest level.

Work Experience

- Chief Operating Officer, Quire, LLC, Doylestown, PA. November 2018-January 2024. Develop and execute strategic growth initiatives aimed at securing long-term ARR and capturing new logos; analyze business operations and implement efficiency improvements (successfully reduced Company margins by >15% and improved ARR by >500%); establish and meet company financial and platform growth goals (oversaw company revenue growth of >70% and company net growth of >130% in the first year); define and implement QA standards for the Operations team; author, negotiate, and execute all new Contracts and renewals (increased company logos by 350%); conduct all monthly Invoicing; develop and nurture Client relations with a key to understanding unique Client business objectives; facilitate the sales process/monitor the sales cycle; maintain CRM; empower Operations team members to pursue professional development; and, prioritize overall business needs. Successfully guided the company through an acquisition to a Private Equity firm.
- Client Sales Manager/Senior Project Manager/Office Lead, Weston Solutions, Inc., Helena, MT. March 2016-November 2018. Served as a Seller-Doer (annual sales exceeding \$1M); identified potential upsell opportunities with existing clients and secured prospects with new logos; served in a Project Manager role for the successful execution of dozens of annual projects, with budgets in excess of \$750k; coordinated all project schedules, project staff, subcontractors, and managed all project budgets and invoicing; served in a leadership role for local employees; scheduled all office logistical needs; drafted grant applications for clients with a 100% win rate; and, served as the PoC for corporate HQ.
- Petroleum Brownfields Coordinator, State of Montana - Department of Environmental Quality, Helena, MT. August 2014-March 2016. Coordinated with state and federal agencies to responsibly use taxpayer funds on assessment and remediation activities; authored state Petroleum Brownfields Eligibility requirements; worked with Montana Legislators to draft and pass legislation authorizing the state Brownfields program in state statute; determined Petroleum Brownfields site eligibility; collaborated with nonprofits, cities, and counties to access and use Brownfields funds; concurrently managed more than 24 remediation contracts; conducted public outreach, educating communities and interested groups on the Brownfields program; and, presented at the National Brownfields conference.
- Reclamation Specialist, State of Montana - Department of Environmental Quality -Abandoned Mine Lands Program, Helena, MT. May 2011-August 2014. Investigated abandoned coal mines; conducted extensive historical use and ownership research; developed and managed dozens of reclamation contracts; coordinated public meetings; drafted press releases; organized reclamation activities with stakeholders; acquired requisite federal, state, and local permits for reclamation; authored necessary reporting documents (e.g., Environmental Assessments, Categorical Exclusions, &c.); drafted grant proposals with a 100% win rate; received and tracked grant funding; and, served as acting Section Supervisor.

Education

- The University of Montana, Master of Arts, Geography, 2010. Thesis Title: *Stewardship of West African Vodun: A Case Study of Ouidah, Benin.*
- The University of Kansas, Bachelor of Arts, French, 2003.

Professional Skills	<ul style="list-style-type: none"> ● <u>Leadership</u> ● <u>Organization and Operational Management</u> ● <u>Change Management</u> ● <u>Project Management</u> ● <u>Coordination</u> ● <u>Writing/Editing</u> ● <u>Grant Writing/Management</u> ● <u>Research Analysis</u> ● <u>Personnel Management</u> ● <u>Mediation/Negotiation</u>
International Experience	<ul style="list-style-type: none"> ● <u>Quidah, Benin, West Africa</u>: Developed, coordinated, and implemented a field research project, recorded positivist notations, and performed the hermeneutic analysis of data. ● <u>Wanoukopé, Togo, West Africa</u>: Taught health and hygiene classes to primary- and secondary-level students; tutored secondary-level students in preparation for their baccalaureate exam; assisted local farmers in augmenting commercial networks.
Technical Proficiencies/Certifications	<ul style="list-style-type: none"> ● <u>Publications</u>: <i>UltraRunning</i> magazine (August and September 2015); <i>Trail Runner</i> magazine (August 2015); 5 articles in <i>New West</i> journal; 1 column for <i>Counterpunch</i>; co-authored “Natural Resource and Environmental Restoration in Montana”; and drafted Montana DEQ press releases. ● <u>Languages</u>: French (fluent), Spanish (novice), German (novice). ● <u>Technical</u>: Quire, Windows/Mac platforms, Microsoft Office, HubSpot, Salesforce, Client 360, Digital Softcopy, Microstation, WinPrism, Copper CRM, Photoshop, ArcGIS, ArcMap, Topofusion, eAMLIS, 10-key data, Microsoft Access. ● <u>Certifications</u>: Wilderness CPR & First Aid (expired 2023) 24-Hour National Environmental Policy Act Procedures, 40-Hour OSHA 1910.120, HAZWOPER, 16-Hour CPR/First Aid (expired May 2020), Incident Command System – 100.
Personal Hobbies	<ul style="list-style-type: none"> ● <u>Ultramarathon Runner</u> ● <u>Guitarist</u> ● <u>Gardener</u> ● <u>Alpinist</u> ● <u>Author</u> ● <u>Reader</u>
Volunteer Experience	<ul style="list-style-type: none"> ● <u>Alternative Breaks Leader (1996)</u>- Arcata, CA ● <u>Alternative Breaks Leader (1997)</u>- Elgin, AZ ● <u>Montana Conservation Corps Leader (2011)</u>- Great Falls, MT ● <u>Bureau of Land Management- Resource Advisory Council Board Member (2015-2017)</u>- Central Montana RAC ● <u>Doylestown Borough Community Garden Steering Committee Member (2022-2023)</u>- Doylestown, PA



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEB WOODS, DEPUTY CITY CLERK FOR MAYOR KINCAID AND MAYOR PRO TEM MATTHEW BREMAN

DATE: APRIL 2, 2024

AGENDA TEXT: BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Michael Handley to the Planning Commission as a regular member for a three-year term to expire in April of 2027

BACKGROUND

Michael Handley’s term on the Planning Commission expires in April of 2024, thus creating a vacancy. The vacancy has been advertised on the City’s website at fruita.org and on the City’s Facebook page since January of 2024 to the present.

On February 29, 2024, Michael Handley submitted his application for reappointment to the Planning Commission. On March 19, 2024, Mayor Joel Kincaid and Mayor Pro Tem Matthew Breman interviewed Michael and subsequently recommended that he be reappointed to the Planning Commission for another three-year term to expire in April of 2027.

Mr. Handley’s application is attached for the Council’s review. If he is reappointed, there will be no remaining regular member vacancies on the Planning Commission, but there will still be two alternate member vacancies remaining.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Boards and Commissions provide valuable input to the City and help establish goals and objectives. They provide a link between citizens of Fruita and city government.

OPTIONS AVAILABLE TO THE COUNCIL

1. Reappoint Michael Handley to the Fruita Planning Commission as a regular member for another three-year term to expire in April of 2027
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid and Mayor Pro Tem Breman that the following reappointment be made:

- **MICHAEL HANDLEY TO THE PLANNING COMMISSION AS A REGULAR MEMBER FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN APRIL OF 2027**

RECEIVED
FEB 29 2024
JED



**CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION**

BOARD OR COMMISSION: Planning Commission

NAME: Michael Handley

MAILING ADDRESS: 1646 Myers Ln.

	City	State	Zip
RESIDENCE ADDRESS:	<u>Fruita</u>	<u>CO</u>	<u>81521</u>

PHONE NUMBER: 214-794-7308

	Home	Work
E-MAIL ADDRESS:	<u>michael@mdhandley.com</u>	

How long have you been a resident of Fruita? 5 Yrs.

Occupation/Employer: Retired - Computer Software Industry

List any volunteer and/or work experience:

Served 7 month interim term on Fruita Planning Commission from August 2023, ending April 2024. Served one term on Fruita Livability Commission, serving one year as Commission Chair. Served one term on Brandon Estates HOA Board, and currently senior member of the HOA's Architecture Approval Committee. Election worker for 18 years at high traffic all county in person voting center in Collin Co., Texas, voting up to 20K persons through early voting for some elections, serving as the center's supervising Election Judge. Mesa Co., Colorado mail balloting Election Judge. Other community service. Professional - served in senior/executive management of Computer Software Industry companies including venture capital startups.

Are you presently serving on a board or commission? If so, which one(s)?

Yes - Served 7 month Interim term on Fruita Planning Commission from August 2023, ending April 2024.

Why do you want to be a member of this board or commission?

Community service.

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.

Experience in business development planning and ongoing financials/budget management.
Experience with building/construction trades in my youth.

**City of Fruita
Boards and Commissions Application
Page 2**

Are you committed to attending meetings? Yes No
Are you committed to serving an entire term? Yes No

Please specify any activities which might create serious conflict of interest if you should be appointed to a particular board or commission. (If unsure, please call the City Manager's office at 858-3663)

List any licenses, certificates or other specialized training applicable to the board or commission for which you are applying.

Additional information or references you believe may be helpful in considering your application.

Signature Michael Handley Date 2-29-2024

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying. Frequent non-attendance may result in termination of the appointment.

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

Please feel free to submit a resume along with this application. Application and any attachments should be returned to the Fruita City Council c/o the City Clerk, 325 E. Aspen, Fruita, CO 81521. Although we have indicated the best time to apply for a particular board, we accept applications for any of the boards year-round. Thank you.



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEB WOODS, DEPUTY CITY CLERK FOR MAYOR KINCAID AND MAYOR PRO TEM MATTHEW BREMAN

DATE: APRIL 2, 2024

AGENDA TEXT: BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Anthony Farinacci to the Planning Commission as a regular member for a three-year term to expire in April of 2027

BACKGROUND

On November 22, 2023, Planning Commission member Jesse Fabula resigned from the board, thus creating a vacancy. The vacancy has been advertised on the City's website at fruita.org and on the City's Facebook page since January of 2024 to the present.

On January 30, 2024, Anthony Farinacci submitted his application for appointment to the Planning Commission. On March 5, 2024, Mayor Joel Kincaid and Mayor Pro Tem Matthew Breman interviewed Anthony and subsequently recommended that he be appointed to the Planning Commission for a three-year term to expire in April of 2027.

Mr. Farinacci's application is attached for the Council's review. If he is appointed, there will be no remaining regular member vacancies on the Planning Commission, but there will still be two alternate member vacancies remaining.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Boards and Commissions provide valuable input to the City and help establish goals and objectives. They provide a link between citizens of Fruita and city government.

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Anthony Farinacci to the Fruita Planning Commission as a regular member for a three-year term to expire in April of 2027
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid and Mayor Pro Tem Breman that the following appointment be made:

- **ANTHONY FARINACCI TO THE PLANNING COMMISSION AS A REGULAR MEMBER FOR A THREE-YEAR TERM TO EXPIRE IN APRIL OF 2027**



**CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION**

BOARD OR COMMISSION: Planning Commission

NAME: Anthony Farinacci

MAILING ADDRESS: 916 Patricia Court

	City	State	Zip
RESIDENCE ADDRESS:	Fruita	CO	81521

PHONE NUMBER: 970-462-2725

Home Work

E-MAIL ADDRESS: anthonyfarinacci@gmail.com

How long have you been a resident of Fruita? Since July 2015

Occupation/Employer: RSI Entech, LLC.

List any volunteer and/or work experience:

Groundwater Program and Project Manager – Contractor to Department of Energy,
Office of Legacy Management (DOE-LM)
RSI Entech, LLC. May 15, 2023-Present
Address: 2591 Legacy Way, Grand Junction, CO 81503

Site Lead/Project Manager
RSI Entech, LLC. April 1, 2021-May 14, 2023
Navarro Research and Engineering, Inc. November 1, 2020-March 31, 2021
Address: 2591 Legacy Way, Grand Junction, CO 81503

Are you presently serving on a board or commission? If so, which one(s)?

No

Why do you want to be a member of this board or commission?

I see this as an opportunity to become more immersed in my community and as a way to give back.

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.

Project management
Engineering design review
Environmental professional and consultant
Water rights expert
Recreation industry experience
Real estate investor/entrepreneur
City planning interests

**City of Fruita
Boards and Commissions Application
Page 2**

Are you committed to attending meetings? Yes No

Are you committed to serving an entire term? Yes No

Please specify any activities which might create serious conflict of interest if you should be appointed to a particular board or commission. (If unsure, please call the City Manager’s office at 858-3663)

Occasional travel for work.

List any licenses, certificates or other specialized training applicable to the board or commission for which you are applying.

Additional information or references you believe may be helpful in considering your application.

Josh McGuire - currently on the Planning Commission

Signature ANTHONY FARINACCI (Affiliate) Digitally signed by ANTHONY FARINACCI (Affiliate)
Date: 2024.01.30 11:50:38 -0700 Date _____

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying. Frequent non-attendance may result in termination of the appointment.

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

Please feel free to submit a resume along with this application. Application and any attachments should be returned to the Fruita City Council c/o the City Clerk, 325 E. Aspen, Fruita, CO 81521. Although we have indicated the best time to apply for a particular board, we accept applications for any of the boards year-round. Thank you.



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR JOEL KINCAID AND COUNCILOR AMY MILLER

DATE: APRIL 2, 2024

AGENDA TEXT: BOARDS AND COMMISSIONS APPOINTMENTS – A request to approve the appointments of James Jeffery and Mickie Rogers (Fisher) to the Historic Preservation Board for three-year terms each to expire in April of 2027

BACKGROUND

On January 25, 2024, Historic Preservation Board member Brian Lochlaer resigned from the board, thus creating a vacancy. Another vacancy was created with the City Council’s recent actions to eliminate voting rights for Council Liaisons on Boards and Commissions and exclude them from quorum calculations. On Both vacancies were for three-year terms and have been advertised since January of 2024.

On February 6, 2024, Mickie Rogers (Fisher) submitted her application for appointment to the Historic Preservation Board. On March 14, 2024, James Jeffery submitted his application for appointment to the Historic Preservation Board. Staff has received no other applications.

On March 26, 2024, Mayor Kincaid and Board Liaison Councilor Amy Miller interviewed James Jeffery and Mickie Rogers (Fisher) and subsequently recommend both of their appointments to the Historic Preservation Board for three-year terms each to expire in April of 2027.

If James Jeffery and Mickie Rogers are eappointed, there will be no remaining vacancies on the Historic Preservation Board.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Boards and Commissions provide valuable input to the City and help establish goals and objectives. They provide a link between citizens of Fruita and city government.

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint James Jeffery and Mickie Rogers (Fisher) to the Historic Preservation Board for three-year terms each to expire in April of 2027
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid and Councilor Miller that the following appointments be made:

- **JAMES JEFFERY AND MICKIE ROGERS (FISHER) TO THE HISTORIC PRESERVATION BOARD FOR THREE-YEAR TERMS EACH TO EXPIRE IN APRIL OF 2027**



**CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION**

BOARD OR COMMISSION: Historic Preservation Board

NAME: James Jeffery

MAILING ADDRESS: 834 Dee Ann St
Fruita, CO 81521

RESIDENCE ADDRESS:

City	State	Zip
Same as above		

PHONE NUMBER:

<u>970-834-8786</u>	<u>n/a</u>
Home	Work

E-MAIL ADDRESS: jim.kc0vdy@yahoo.com

How long have you been a resident of Fruita? 10 + years

Occupation/Employer: retired Federal Law Enforcement

List any volunteer and/or work experience:

29+ years as a Federal employee. Committee chair for building and grounds at the Monument Presbyterian Church.

Are you presently serving on a board or commission? If so, which one(s)?

Not serving on any boards or commissions at this time.

Why do you want to be a member of this board or commission?

Would like to help the city with this board.

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.

No other items that have not been presented.

**City of Fruita
Boards and Commissions Application
Page 2**

Are you committed to attending meetings? Yes No

Are you committed to serving an entire term? Yes No

Please specify any activities which might create serious conflict of interest if you should be appointed to a particular board or commission. (If unsure, please call the City Manager's office at 858-3663)

None known.

List any licenses, certificates or other specialized training applicable to the board or commission for which you are applying.

None

Additional information or references you believe may be helpful in considering your application.

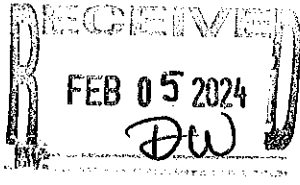
None.

Signature _____ Date _____

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying. Frequent non-attendance may result in termination of the appointment.

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

Please feel free to submit a resume along with this application. Application and any attachments should be returned to the Fruita City Council c/o the City Clerk, 325 E. Aspen, Fruita, CO 81521. Although we have indicated the best time to apply for a particular board, we accept applications for any of the boards year-round. Thank you.



CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION

BOARD OR COMMISSION: Historic Preservation Board

NAME: Mickie Rogers (Fisher)

MAILING ADDRESS: 1822 L Road

RESIDENCE ADDRESS:

City	State	Zip
<u>Fruita</u>	<u>CO</u>	<u>81521</u>

PHONE NUMBER: 970-250-9876

Home Work

E-MAIL ADDRESS: Mickierogers@gmail.com

How long have you been a resident of Fruita? 45 years/ Native

Occupation/Employer: Business Owner/Grand Valley Home Loans

List any volunteer and/or work experience:

See attached pages:
- 25 years of experience in the real estate and mortgage industry
- Business owner
- Volunteer work at schools

Are you presently serving on a board or commission? If so, which one(s)?

None at this current time

Why do you want to be a member of this board or commission?

See attached pages:
Becoming a member of the historical board in our hometown is a deeply personal and meaningful endeavor for me. As a resident and property owner in Fruita, Colorado, I have a strong desire to preserve the rich historical heritage of our town. My family's roots in Fruita

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.

See attached pages:
1. Community Engagement: Your extensive volunteer work, business ownership, and long-standing presence in the real estate and mortgage industry demonstrate a deep connection to the community and a strong understanding of its needs and dynamics. This makes you well-positioned to represent the interests of the community and contribute to the

**City of Fruita
Boards and Commissions Application
Page 2**

Are you committed to attending meetings? Yes No
Are you committed to serving an entire term? Yes No

Please specify any activities which might create serious conflict of interest if you should be appointed to a particular board or commission. (If unsure, please call the City Manager's office at 858-3663)

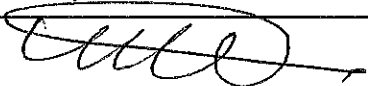
I do not foresee a conflict.

List any licenses, certificates or other specialized training applicable to the board or commission for which you are applying.

Over the years I have obtained a diverse set of qualifications, training, certifications. Including extensive training and certification in history research such as ancestry.com, 23andme.com

Additional information or references you believe may be helpful in considering your application.

References:
David & Jannae Moon-Long time friends and neighbors
Ray Kohls- Cousin." Historian of family history". I have worked on recording our family history with Ray for years.
Billie & Retha Byers- Friend time friends and neighbors
I am happy to provide phone numbers to the references above.

Signature  Date 2/2/2024

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying. Frequent non-attendance may result in termination of the appointment.

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

Please feel free to submit a resume along with this application. Application and any attachments should be returned to the Fruita City Council c/o the City Clerk, 325 E. Aspen, Fruita, CO 81521. Although we have indicated the best time to apply for a particular board, we accept applications for any of the boards year-round. Thank you.

Mickie_Rogers (Fisher)

List any volunteer and/or work experience:

- 25 years of experience in the real estate and mortgage industry
- Business owner
- Volunteer work at schools
- Volunteer work with veterans' organizations
- Volunteer/ leader with 4-H and horse events
- Volunteer at Church
- Assisting at community events and coach sporting events
- Helping individuals in need, including preparing and delivering food

Why do you want to be a member of this board or commission?

Becoming a member of the historical board in our hometown is a deeply personal and meaningful endeavor for me. As a resident and property owner in Fruita, Colorado, I have a strong desire to preserve the rich historical heritage of our town. My family's roots in Fruita trace back to our ancestors who emigrated from Germany and homesteaded land here in the late 1800s. This deep connection to the land and its history has fueled my passion for preserving and sharing the stories of our town's past.

Through extensive ancestry research and historical exploration, I have already made significant contributions to documenting the history of Fruita, including the heritage of properties such as my homes build in the late 1800's and early 1900's. As a steward of these historical landmarks, I feel a responsibility to ensure that future generations understand and appreciate the legacy of our town.

By serving on the historical board or commission, I aim to actively contribute to the preservation and promotion of Fruita's history. I believe it is crucial for our children to have a strong sense of their roots and understand the journey that has shaped our community over the years. Through initiatives such as historical preservation, educational programs, and community outreach, I hope to inspire a greater appreciation for our town's heritage and foster a deeper connection to our shared past.

In essence, my desire to become a member of the historical board or commission stems from a profound commitment to safeguarding our town's history and ensuring that it remains an integral part of our identity for generations to come.

Mickie_Rogers (Fisher)

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying:

- 1. Community Engagement:** Your extensive volunteer work, business ownership, and long-standing presence in the real estate and mortgage industry demonstrate a deep connection to the community and a strong understanding of its needs and dynamics. This makes you well-positioned to represent the interests of the community and contribute to the preservation of its historical heritage.
- 2. Leadership and Decision-Making:** With 25 years of experience in the real estate and mortgage industry, including business ownership, you bring a wealth of leadership and decision-making skills to the table. These skills are invaluable for contributing to the strategic direction, planning, and decision-making processes of the historical board.
- 3. Interpersonal Skills:** Your diverse volunteer experiences, ranging from working with students and veterans to engaging with community members, highlight your strong interpersonal and communication skills. These abilities are essential for collaborating with fellow board members, engaging with the public, and fostering positive relationships within the community.
- 4. Organizational Abilities:** Your involvement in event assistance and volunteer work underscores your strong organizational skills. This expertise is crucial for planning and executing historical board activities, events, and initiatives, ensuring that they are well-coordinated and successful.
- 5. Compassion and Empathy:** Your dedication to helping those in need, including providing assistance to the sick and supporting various community initiatives, reflects a deep sense of compassion and empathy. These qualities are essential for understanding the diverse needs of the community and preserving its historical and cultural legacy with sensitivity and care.

By leveraging these abilities, skills, and interests, you are well-equipped to contribute meaningfully to the historical board or commission, ensuring that the community's heritage is preserved and celebrated for generations to come.



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: CITY MANAGER'S OFFICE

DATE: APRIL 2, 2024

AGENDA TEXT: RESOLUTION 2024-10 – A Resolution of the City of Fruita in Opposition to Statewide Land Use Preemptions in House Bill 24-1152.

BACKGROUND

At the March 19, 2024, regular meeting, the City Council discussed several bills that are currently being worked on at Colorado Legislative Session. Similar to last year, there are bills that have been introduced that aim to take land use and planning and zoning decision making away from municipalities through the use of statewide preemptions. House Bill 24-1152 (the statewide accessory dwelling unit preemptions) is one of these bills, and the Colorado Municipal League has asked its members to individually sign on to a statewide letter opposing the bill and also adopt a formal resolution in opposition of the bill. This resolution collectively confirms that opposition from the City of Fruita. HB 24-1152 will undermine efforts that the City of Fruita has already undertaken to allow accessory dwelling units with reasonable zoning regulations that ensure a high quality of life and safety for residents. The bill dramatically expands state authority by imposing top-down zoning laws on municipalities. HB 24-1152 does not recognize that local governments are best suited to address the needs of their communities.

To conclude the discussion, the City Council directed staff to bring forward resolutions in opposition to these land use bills, and this is the first of two resolutions of City Council formalizing their stance.

APPLICABILITY OF CITY GOALS AND OBJECTIVES

As a home-rule municipality, the City of Fruita strives to provide fair and transparent land uses and land use practices throughout that best represent the on-going development patterns and growth potential that the City's Comprehensive Plan supports. The City of Fruita fully supports workforce and attainable housing, but statewide mandates on land-use code will not solve the issues of housing availability throughout Colorado.

FISCAL IMPACT

There is no fiscal impact to the resolution.

OPTIONS AVAILABLE TO THE COUNCIL

1. Adopt Resolution 2024-10, A Resolution of the City of Fruita in opposition of statewide Land Use Preemptions in House Bill 24-1152.

2. Advise staff to revise the resolution and bring an amended resolution back to the City Council at a future date.

RECOMMENDATION

It is the recommendation of Staff that the Council by motion:

ADOPT RESOLUTION 2024-10, A RESOLUTION OF THE CITY OF FRUITA IN OPPOSITON OF STATEWIDE ACCESSORY DWELLING UNIT PREEMPTIONS IN HOUSE BILL 24-1152.

RESOLUTION 2024-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO IN OPPOSITION TO STATEWIDE LAND USE PREEMPTIONS IN COLORADO HOUSE BILL 2024-1152.

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it, and

WHEREAS, House Bill 24-1152 would place a state mandate on local land use matters in certain jurisdictions and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community, and

WHEREAS, House Bill 24-1152’s direct preemptions and excessive restrictions will undermine the efforts that many local governments have already undertaken to allow accessory dwelling units (ADUs) with reasonable requirements crafted respond to the needs to the local community after public engagement, and

WHEREAS, House Bill 24-1152 will limit the City of Fruita’s ability to maintain reasonable zoning regulations to ensure a high quality of life and safety for our current and future residents.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AS FOLLOWS:

Section 1: It is the position of the City of Fruita that municipalities are best suited to determine appropriate ADU zoning laws for their communities and that collaboration and cooperation – not top-down statewide mandates– are the solution to Colorado’s affordable housing problem;

Section 2: The City of Fruita opposes House Bill 24-1152 and strongly urges its legislators to vote NO on this legislation.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2ND DAY OF APRIL 2024**

ATTEST:

Cityof Fruita

City Clerk

Joel Kincaid, Mayor



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: CITY MANAGER'S OFFICE

DATE: April 2, 2024

AGENDA TEXT: RESOLUTION 2024-11 – A Resolution of the City of Fruita in Opposition to Land-Use Preemptions and Burdens Placed on Local Governments in House Bills 24-1313 and 24-1304.

BACKGROUND

At the March 19, 2024, regular meeting, the City Council discussed several bills that are currently being worked on at the Colorado Legislative Session. Similar to last year, there are bills that have been introduced that aim to take land use and planning and zoning decision making away from municipalities through use of the statewide preemptions. This resolution formally opposes two bills, House Bills 24-1313 and 24-1304.

Like Hous Bills 24-1152 (the City of Fruita currently has a separate resolution opposing that bill), House Bills 24-1313 and 24-1304 undermine the City of Fruita's ability to locally make decisions on planning and development throughout Fruita. Further, HB 24-1313 punishes local governments for not meeting housing goals by threatening to withhold Highway User Tax Funds (HUTF). Funding from HUTF helps to provide for the provision of key core governmental services, such as Public Safety, Road Maintenance, Traffic Safety, and more. HB 24-1313 will allow the state to mandate zoning density, change local laws to meet state criteria, and establish programs to meet state goals relating to mitigation and the mitigation of displacement, while punishing communities that do not satisfy the states demands by withholding and reallocating HUTF.

The second bill that this resolution opposes, HB 24-1304, prohibits local government from enacting or enforcing parking minimums for residential and commercial properties. The bill takes away local decision-making away municipalities and presumes that decisions made regarding parking will be for the long-term well being of the community.

The Colorado Municipal League has asked its members to individually sign statewide letters opposing these bills, and also adopt a formal resolution in opposition of the bills. This resolution collectively confirms that opposition.

APPLICABILITY OT CITY GOALS AND OBJECTIVES

As a home-rule municipality, the City of Fruita strives to provide fair and transparent land uses and land use practices throughout that best represent the on-going development patterns and growth potential that the City's Comprehensive Plan supports. The City of Fruita fully supports workforce and attainable

housing, but statewide mandates on land-use code will not solve the issues of housing availability throughout Colorado. Further, prohibiting the City's ability to regulate parking could lead to safety issues throughout Fruita for many years to come.

FISCAL IMPACT

There is no fiscal impact to this resolution.

OPTIONS AVAILABLE TO THE COUNCIL

1. A Resolution of the City of Fruita in Opposition to Land-Use Preemptions and Burdens Placed on Local Governments in House Bills 24-1313 and 24-1304.
2. Advise staff to revise the resolution and bring an amended resolution back to the City Council at a future date.

RECOMMENDATION

It is the recommendation of Staff that the Council by motion:

ADOPT RESOLUTION 2024-11, A RESOLUTION OF THE CITY OF FRUITA IN OPPOSITION TO LAND-USE PREEMPTIONS AND BURDENS PLACED ON LOCAL GOVERNMENTS IN HOUSE BILLS 24-1313 AND 24-1304.

RESOLUTION NUMBER 2024-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO IN
OPPOSITION TO PREEMPTIONS AND BURDENS PLACED ON LOCAL
GOVERNMENTS IN HOUSE BILLS 24-1313 AND 24-1304**

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it, and

WHEREAS, for nearly as long, the State of Colorado has dedicated various revenues collected with respect to the operation of motor vehicles and motor fuel “exclusively for the construction, maintenance, and supervision of the public highways of this state,” as provided in Section 18 of Article X of the Colorado Constitution, referred to as the “Highway Users Tax Fund” (HUTF) that is shared with local governments that have a responsibility to maintain safe roads, and

WHEREAS, House Bill 24-1313 would require the City of Fruita to commit City funds and staff resources to rezone substantial areas near existing and planned rail and bus transit to accommodate a potential density set by the state, change local laws to meet state criteria, and establish programs to meet state goals relating to affordability and the mitigation of displacement, all subject to state approval, and

WHEREAS, House Bill 24-1313 will punish communities that do not satisfy the state’s demands by withholding and reallocated HUTF funds for other purposes and authorizing the Department of Local Affairs, a longtime partner of local governments, to sue municipalities to enforce the state’s mandate, and

WHEREAS, City of Fruita staff estimates that House Bill 24-1313 would require the City of Fruita to significantly increase its zoning capacity, and

WHEREAS, House Bill 24-1313 would undermine the work that the City of Fruita and its residents have done to promote responsible development and affordable housing, despite limited support and a lack of sufficient transit opportunities, and

WHEREAS, House Bill 24-1304 would prohibit local governments, including the City of Fruita, from enacting or enforcing parking minimums for residential and commercial properties, and

WHEREAS, removing such local authority, could lead to safety issues such as overcrowded streets, negative impacts on emergency vehicle access, and more, and

WHEREAS, the City of Fruita believes that local governments, with the partnership of the state, have the ability to address housing issues, and that decision making should remain with local organizations and not just mandates from the state.

NOW, THEREFORE, be it resolved by the Fruita City Council that:

Section 1: It is the position of the City of Fruita that the state should partner with local governments and provide meaningful support to improve transit opportunities and to promote affordable housing development instead of threatening local governments with punishment; and

Section 2: The City of Fruita opposes House Bill 24-1313 and strongly urges its legislators to vote NO on this legislation unless it is amended to remove preemptions and the threat to HUTF funds and instead promote a true partnership with municipalities.

Section 3: The City of Fruita opposes House Bill 24-1304 and strongly urges its legislators to vote NO on this legislation unless it is amended.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2ND DAY OF APRIL 2024**

ATTEST:

City of Fruita

City Clerk

Joel Kincaid, Mayor



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: CITY MANAGER'S OFFICE

DATE: APRIL 2, 2024

AGENDA TEXT: RESOLUTION 2024-13 – A Resolution of the City of Fruita to assign proceeds from three mountain property sales for public recreational amenities within the city limits.

BACKGROUND

At the March 26, 2024, City Council Workshop, the City Council directed staff to bring forward a Resolution specifying that the City would assign the funds received from the three sales of mountain properties for public recreational amenities within the city limits. The Resolution is attached.

Following an extensive public process, the City sold three mountain properties in three separate transactions, including Enoch's Lake (\$493,130), a 4.05-acre parcel of land with no water rights (\$32,400), and a 2-acre parcel of land with no water rights (\$50,000). After all closing costs, the City received in total for all three transactions \$575,530 in addition to the forgiveness of the \$145,393.35 non-monetary obligation the City owed to one of the buyers of Enoch's Lake for previous assistance to repair City reservoirs many years ago. The sales proceeds are automatically added to the City's fund balance until future appropriation by the City Council.

For detail on the reasoning of the sale of mountain properties and the process, please visit <https://www.fruita.org/publicworks/page/fruita-mountain-water-properties>.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This Resolution assigns the funds received from the sale of three mountain properties to public recreational amenities within the city limits that are priority projects as prioritized from the City's Strategic Plan and Master Plans created through community participation.

FISCAL IMPACT

\$575,530 in revenue from the sales of three separate mountain properties to be assigned to recreational public priority projects of the City.

OPTIONS AVAILABLE TO THE COUNCIL

1. Adopt Resolution 2024-13, A Resolution of the City of Fruita to assign proceeds from three mountain property sales to fund public recreational amenities within the city limits.

2. Amend the draft Resolution and approve.
3. Advise staff to revise the Resolution and bring an amended Resolution back to the City Council at a future date.

RECOMMENDATION

It is the recommendation of Staff that the City Council by motion:

- **ADOPT RESOLUTION 2024-13 - A RESOLUTION OF THE CITY OF FRUITA TO ASSIGN PROCEEDS FROM THREE MOUNTAIN PROPERTY SALES FOR PUBLIC RECREATIONAL AMENITIES WITHIN THE CITY LIMITS.**

RESOLUTION 2024-13

A RESOLUTION OF THE CITY OF FRUITA TO ASSIGN PROCEEDS FROM THREE MOUNTAIN PROPERTY SALES FOR PUBLIC RECREATIONAL AMENITIES WITHIN THE CITY LIMITS.

WHEREAS, following an extensive public process as detailed at [www.fruita.org/publicworks/page/fruita-mountain-water-properties and in Resolution 2023-34](http://www.fruita.org/publicworks/page/fruita-mountain-water-properties-and-in-Resolution-2023-34), the City of Fruita sold three separate mountain properties: Enoch Lake (\$493,130), a 4.05-acre parcel of land with no water rights (\$32,400), and a 2-acre parcel of land with no water rights (\$50,000), and

WHEREAS, the Fruita City Council desires the \$575,530 in revenue from these mountain property sales be assigned to fund public, recreational amenities within the City limits, and

WHEREAS, the City prioritizes such amenities through extensive long-term planning and engagement with the community leading to two-four year strategic plans and the annual budget process, and

WHEREAS, the City’s Fund Balance Policy identifies the mechanism of “Assigning” when a limitation on the intended use of funds by the City Council is directed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AS FOLLOWS:

Section 1:

The \$575,530 in revenue from the sales of three mountain properties be assigned in fund balance to priority public recreational amenities within the city limits.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2ND DAY OF APRIL 2024**

ATTEST:

City of Fruita

City Clerk

Joel Kincaid, Mayor



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: Mayor & City Council

FROM: Ciara DePinto, Communications & Engagement Manager

DATE: April 2, 2024

AGENDA TEXT: RESOLUTION 2024-14 - A Resolution dissolving the Fruita Downtown Advisory Board

BACKGROUND

During 2023, the Fruita City Council met with each Board and Commission to receive updates from the Boards and to discuss the priorities and efforts of each group. At the September Workshop, City Council debriefed the action items from each discussion and determined the next steps for the Fruita Downtown Advisory Board.

The Downtown Advisory Board was created in 2012 with a goal to bring resources to the downtown area to maintain, enhance, and promote the downtown as the social and cultural center of the City of Fruita. The board addressed issues such as parking, lighting, landscaping, diversity of retail opportunities, pedestrian needs, design standards, zoning, and vehicle circulation. The Downtown Advisory Board fulfilled its goals and purpose. All previous members from the Downtown Advisory Board were invited to the City Council meeting of February 20, 2024 to be recognized by Fruita City Council for the work and dedication each member contributed to the board.

At the City Council workshop meeting of March 26, 2024, the Fruita City Council directed the City Manager to draft a Resolution to dissolve the Fruita Downtown Advisory Board.

Attached is a draft Resolution for possible approval.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the Resolution as proposed.
2. Amend the draft Resolution and approve.
3. Provide feedback to staff to amend the proposed Resolution and set a date to place the new draft Resolution on a future City Council agenda to approve.

RECOMMENDATION

It is the recommendation of Staff that the Council by motion:

- **ADOPT RESOLUTION 2024-14 - A RESOLUTION DISSOLVING THE FRUITA DOWNTOWN ADVISORY BOARD**

RESOLUTION2024-14

A RESOLUTION OF THE FRUITA CITY COUNCIL DISSOLVING THE FRUITA DOWNTOWN ADVISORY BOARD

WHEREAS, the Downtown Advisory Board was created in 2012 to work with property owners, business owners, and the community to implement plans that helped maintain a vibrant downtown; and

WHEREAS, the original goals for the Downtown Advisory Board have been fulfilled; and,

WHEREAS, the Fruita City Council decided it was best to seek out new opportunities for supporting not only the downtown but all locals in Fruita; and,

WHEREAS, the goals set by the board were not only met but exceeded, creating a vibrant and thriving downtown that reflects the heart of our community; and,

WHEREAS, the board supported local businesses but also organized engaging events, and the impact of the Downtown Advisory Board was felt by everyone who calls Fruita home; and,

WHEREAS, the Downtown Advisory Board created many successful projects that are still around today such as the City of Fruita's F-Gear logo, establishing Fruita Fourth Fridays and the Cups for a Cure event, and providing valuable input on the improvements made to downtown Fruita over the years; and,

WHEREAS, Fruita City Council wishes to adopt Resolution 2024-13 – Dissolving the Fruita Downtown Advisory Board.

NOW, THEREFORE IT BE RESOLVED BY THE FRUITA CITY COUNCIL THAT THE FRUITA DOWNTOWN ADVISORY BOARD IS HEREBY DISSOLVED.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THIS 2ND DAY OF APRIL, 2024.

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Joel Kincaid, Mayor



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DAN CARIS, PLANNING DIRECTOR

DATE: APRIL 2, 2024

AGENDA TEXT: LETTERS OF SUPPORT FOR HOUSING RESOURCES OF WESTERN COLORADO - A Request to Authorize the Mayor to A Letter of Support for Housing Resources of Western Colorado Congressional Directed Spending Request.

BACKGROUND

Each year, members of the United States Congress and Senate accept requests from governments and non-profit organizations for community projects to be funded through Congressional Directed Spending. These projects are accepted through an application process, then some are recommended for funding by each representative, and then may be approved through the federal appropriations process.

The City recently approved this project's Planned Unit Development guide which allows the project to submit for site plan and building permit reviews. This site was chosen for multi-family housing due to its proximity to Downtown Fruita as well as the accessibility to I-70. Ultimately, if funded, 180 apartments will be built at Geode Flats, the result of collaboration amongst Housing Resources, TWG Development, City of Fruita, and the public funders.

In order to apply, a Letter of Support from an outside agency is required. The purpose of this agenda item is authorize Mayor Kincaid to sign Letter of Support for this project. Housing Resources of Western Colorado and the City of Fruita has a long history of partnering on projects to support Fruita and the lower valley.

FISCAL IMPACT

There is no fiscal impact for the City of Fruita for this project. If Housing Resources of Western Colorado, 180 apartments will be built at Geode Flats, the result of collaboration amongst Housing Resources, TWG Development, City of Fruita, and the public funders.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita has a long history of partnering with Mesa County on a number of projects that have benefited Fruita and the lower valley. This project, although not in Fruita, will benefit residents and our neighbors through providing essential core services for our region.

OPTIONS AVAILABLE TO THE COUNCIL

- Authorize the Mayor to sign the Letter of Support for Housing Resources of Western Colorado’s Congressional Directed Spending Request.
- Advise staff to revise the letter and authorize the Mayor to sign it with changes.

RECOMMENDATION

It is the recommendation of staff that the Council by motion:

AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT FOR HOUSING RESOURCES OF WESTERN’S COLORADO CONGRESSIONAL DIRECTED SPENDING REQUEST.

FRUITA
COLORADO

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970.858.3663

CITY CLERK/FINANCE
970.858.3663

COMMUNITY
DEVELOPMENT
970.858.0786

MUNICIPAL COURT
970.858.8041

POLICE DEPARTMENT
970.858.3008

ENGINEERING
970.858.8377

HUMAN RESOURCES
970.858.8373

PUBLIC WORKS
970.858.9558

PARKS/RECREATION
970.858.0360

WASTEWATER
TREATMENT FACILITY
970.858.4081

April 2, 2024

The Honorable John Hickenlooper
United States Senate
374 Russell Senate Office Building
Washington, D.C. 20510

Re: Letter of Support for Congressional Directed Spending – Housing Resources of Western Colorado

Honorable Senator Hickenlooper,

The City of Fruita strongly supports Housing Resource’s application for Congressionally Directed Spending allocations. This unique funding opportunity would allow Housing Resources to further support the planned affordable-workforce housing development, Geode Flats. This funding request would greatly help City reach its affordable and workforce housing goals serving households earning 30%-120% of the area median income.

The City recently approved this project’s Planned Unit Development guide which allows the project to submit for site plan and building permit reviews. This site was chosen for multi-family housing due to its proximity to Downtown Fruita as well as the accessibility to I-70. The property is in Fruita’s downtown area and is adjacent to a hotel, retail, the Dinosaur Journey Museum, camping and outdoor recreation, and the James M. Robb Colorado State Park.

During the many public engagement open houses used to update City’s Comprehensive Plan, Fruita residents expressed their desire to incentivize and support a mix of housing types. We found that the Land Use Code at the time contained many barriers deterring higher density, infill, and multi-family housing options. Shortly after the Comprehensive Plan was put into place, City updated the Land Use Code to remove nearly all the barriers. One major change is the use of a streamlined development process to help move these types of applications through the review process more effectively to promote growth.

Ultimately, if funded, 180 apartments will be built at Geode Flats, the result of collaboration amongst Housing Resources, TWG Development, City of Fruita, and the public funders.

We are grateful to the Offices of Senator Bennet and Senator Hickenlooper for the opportunity to submit for the CDS allocation and appreciate your thoughtful consideration of this request.

Joel Kincaid

Mayor, City of Fruita

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April 2, 2024

The Honorable Michael Bennet
United States Senate
261 Russell Senate Office Building
Washington, D.C. 20510

Re: Letter of Support for Congressional Directed Spending – Housing Resources of Western Colorado

Honorable Senator Bennet,

The City of Fruita strongly supports Housing Resource’s application for Congressionally Directed Spending allocations. This unique funding opportunity would allow Housing Resources to further support the planned affordable-workforce housing development, Geode Flats. This funding request would greatly help City reach its affordable and workforce housing goals serving households earning 30%-120% of the area median income.

The City recently approved this project’s Planned Unit Development guide which allows the project to submit for site plan and building permit reviews. This site was chosen for multi-family housing due to its proximity to Downtown Fruita as well as the accessibility to I-70. The property is in Fruita’s downtown area and is adjacent to a hotel, retail, the Dinosaur Journey Museum, camping and outdoor recreation, and the James M. Robb Colorado State Park.

During the many public engagement open houses used to update City’s Comprehensive Plan, Fruita residents expressed their desire to incentivize and support a mix of housing types. We found that the Land Use Code at the time contained many barriers deterring higher density, infill, and multi-family housing options. Shortly after the Comprehensive Plan was put into place, City updated the Land Use Code to remove nearly all the barriers. One major change is the use of a streamlined development process to help move these types of applications through the review process more effectively to promote growth.

Ultimately, if funded, 180 apartments will be built at Geode Flats, the result of collaboration amongst Housing Resources, TWG Development, City of Fruita, and the public funders.

We are grateful to the Offices of Senator Bennet and Senator Hickenlooper for the opportunity to submit for the CDS allocation and appreciate your thoughtful consideration of this request.

Thank you,

Joel Kincaid

Mayor, City of Fruita



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: CITY MANAGER’S OFFICE

DATE: APRIL 2, 2024

AGENDA TEXT: GUIDING PRINCIPLES – A request to approve the Guiding Principles for “The Launch” Riverfront Development and authorize the City Manager to sign the Guiding Principles

BACKGROUND

The City has been working with 2 Forks Ventures, Inc (“Developer”) with the goal of pursuing a public private partnership to develop the Beach property. The Memorandum of Understanding (MOU - attached) agreement describes the relationship between both entities in addition to the subject property. The MOU requires the Developer to deliver the due diligence report (found in the packet of the Feb. 27, 2024 Workshop at www.fruita.org) to Council, which occurred at the February 27, 2024 City Council Workshop.

At this same workshop, the City Council reviewed and discussed a draft Guiding Principles document with 2 Forks Ventures and both parties agreed to a few wording changes, which are incorporated into the final draft attached. City Council directed staff to bring the Guiding Principles to a future Council meeting for approval following a special public meeting March 7th where the project name was recommended to be The Launch.

APPLICABILITY OT CITY GOALS AND OBJECTIVES

The development of the City-owned property on the Colorado River is a priority of the City aligned with the City’s Comprehensive Plan and Parks, Health, Recreation, Open Space & Trails master plan.

FISCAL IMPACT

There is no fiscal impact to the Guiding Principles themselves, but future negotiated costs to the development and public-private partnership.

OPTIONS AVAILABLE TO THE COUNCIL

1. Authorize the City Manager to sign the Guiding Principles as presented for “The Launch” Riverfront Development.

2. Advise staff to revise the Guiding Principles and work with 2 Forks Ventures on the changes before bringing back to the City Council at a future date.

RECOMMENDATION

It is the recommendation of Staff that the Council by motion:

- **APPROVE THE GUIDING PRINCIPLES FOR THE LAUNCH RIVERFRONT DEVELOPMENT AND AUTHORIZE THE CITY MANAGER TO SIGN THE DOCUMENT ON BEHALF OF THE CITY.**



THE LAUNCH

Guiding Principles Working Draft

04.2.2024

Guiding Documents

- 2020 Fruita in Motion Comprehensive Plan
- Fruita Parks Health Recreation Open Space and Trails Master Plan

The following guiding principles are written and agreed upon by the City of Fruita City Council and 2 Forks Ventures to guide the redevelopment of The Launch neighborhood. These guiding principles shall guide future City Council members, 2 Forks Ventures staff, investors, and all involved in redeveloping this community asset into the future.

General Guiding Principles

The Launch Neighborhood shall:

- Enhance the quality of life and economic vitality of the City of Fruita.
- Create inclusive public amenities and complimentary private development for all Fruita's residents.
- The Fruita community is strengthened by providing uncompromised, safe, quality, public access to the Colorado River and the Little Salt Wash.
- Provide accessible public amenities including open park space, a variety of family friendly and youth focused features, and consideration for family friendly special event spaces.
- Complement, not compete with, downtown.
- Serve residents, businesses, and visitors, that fit Fruita's funky ambiance around the arts, farming, ranching, and recreation.
- Support connectivity of the Fruita community to public lands, especially the Colorado River, the riverfront trail system, and Snooks Bottom.
- Support accessibility for all mobilities, including expanding walkable and bikeable paths.
- Create a public friendly boat ramp.
- Support and create a family friendly place for events.
- Serve the Fruita community.

Inspiring and Guiding Beliefs for the Public Amenities

The Launch neighborhood’s public amenities shall:

- “Play like a local”
- Provide Fruita with free, safe, enticing access to the Colorado River for all.
- Provide a location for socially interactive and inclusive events for Fruita residents and visitors.
- Provide safe, accessible enticing amenities.
- Protect, restore, and promote natural environments and provide programs to teach the importance of them.
- Create a gradient of active to passive recreation and developed to natural environments across the site.
- Provide a powerful intersection of trail networks and river access with event and social opportunities.
- Provide unique and expanded opportunities for Rec Dept programming.
- Provide shade.

Inspiring and guiding beliefs for the private development

Flexible, market responsive development that serves Fruita’s economic development goals.

- Community serving approach to private development.
- Incremental master plan with flexibility and responsiveness.
- A variety of commercial uses that serves needs of Fruita’s local and new businesses that are strategic targets for economic development.
- A variety of innovative and funky residential options that help diversify Fruita’s housing stock.
- Commercial uses that complement the public parks spaces - such as a destination restaurant and general store.

Make full use of the Innovation and Flexibility Future Land Use District.

- Live/work/play
- Light manufacturing/retail
- Innovative multi-family
- Destination restaurant

- “This area could be considered for multiple types of underlying zoning to give it maximum flexibility for development.”

REFERENCES

FRUITA IN MOTION PLAN:

https://www.fruita.org/sites/default/files/fileattachments/ordinance/25301/2020-09_exhibit_a.res_.pdf

- Quality of Place
- Inclusivity
- Small town feel
- Vibrant/Thriving Downtown
- Proximity to Public Lands
- Live work and play
- Safe neighborhoods
- Family friendly events
- Walking and biking
- Responsive to citizens
- Prioritizes high-impact services and projects
- Foster a fun and funky ambiance by celebrating the arts, farming and ranching, and recreation
- Economic Health
- Lifestyle
- Efficient Development
- Community first approach
- Connectivity – Bike, walk, drive and to public lands.
- Strategic Economic Development – recruiting businesses that are well suited for Fruita.

PHROST PLAN:

[https://www.fruita.org/sites/default/files/fileattachments/community_development/page/348/fruita_phrost mp 04 2021.pdf](https://www.fruita.org/sites/default/files/fileattachments/community_development/page/348/fruita_phrost_mp_04_2021.pdf)

- More introductory level activities
- Improved access to services
- Parking
- Shade
- Access to snooks bottom
- More water access
- Pickleball courts
- Disc golf courses
- Youth development and engagement

GOAL #1 Put on recreational programming and events that provide opportunities for residents to be mentally, physically, and socially active.

GOAL #2 Invest in the health of the local community and make a positive impact through programming initiatives, partnerships, and infrastructure.

GOAL #3 Enhance the City’s trail system to allow residents and visitors to walk and ride safely within the city and to surrounding trail systems

GOAL #4 Strengthen outdoor recreation in greater Fruita through partnerships, funding, and city facilities. The Fruita area is renowned for its outdoor recreation opportunities.

GOAL #5 Ensure the City’s parks and recreational facilities are a well-maintained, accessible resource of active and passive recreation spaces for all residents.

GOAL #6 Preserve the natural features of the city and surrounding landscape through partnerships with local land managers and organizations.

CITY COUNCIL STRATEGIC PLAN:

https://www.fruita.org/sites/default/files/fileattachments/community_development/page/348/city_council_strategic_objectives_final.pdf

Economic Development - Goal #6. Define an incentives policy appropriate for targeted industries and specific areas of the city.

GENERAL NOTES:

Belief – A belief statement is something that inspires and guides all of the below.

Vision - A vision statement is the direction, where you see yourself going, and what you’ll do to get there.

Values - A values statement should be the characteristics, qualities, and traits that you value the most, both from your people internally and from the people you seek and serve externally.

Mission - A mission statement is your directives, clear, actionable things that you are doing in order to achieve or arrive at your vision.

X

Michael Bennett
City Manager

X

Gavin Brooke
Owner/Founder 2 Forks Ventures

Butler Snow Draft: 5.11.2023
2FV Redlines: 5.17.2023
DC Bluelines: 5.17.23
2FV Redlines: 05.26.23
Butler Snow 5.30.23

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this "Memorandum"), dated June ___, 2023, is between 2 Forks Ventures, Inc (the "Developer"), with an address at PO Box 2050, Carbondale, Colorado 81623, Attention: Gavin Brooke, and the City of Fruita, Colorado (the "City"), with an address at 325 E. Aspen Avenue, Fruita, Colorado 81521, Attention: City Manager. This Memorandum sets forth the understanding of the Developer and the City with respect to the possible development of certain real property owned in whole or in part by City and located within the boundaries of the City as described in Exhibit A (the "Property").

The Property is described more fully as follows: There are six parcels located at the west end of Raptor Road and bounded by I-70 on the north, the Colorado River & Little Salt Wash on the west, the James M. Robb Colorado River State Park to the south, and commercial land uses to the east and the Colorado River to the west. The major portion of the subject property includes a 25.15-acre parcel owned by the City that served as the location for sewer lagoons from 1967 to 2011, when a new sewer treatment facility was constructed further west. These sewer lagoons have since been fully decommissioned and cleaned up to an environmentally safe condition. This parcel now consists primarily of undeveloped land with four large depressions remaining with the surrounding grounds being used for outdoor storage and a small tree farm. In addition to the Lagoon parcel, the City also has partial ownership in over 15 acres of adjacent vacant land comprised of 4 parcels along the Little Salt Wash in partnership with Mesa and/or the Colorado Riverfront Foundation. These properties were acquired for the construction of the Little Salt Wash Trail which was completed in 2016 and serves as a vital segment of the Colorado Riverfront Trail system that is continuing to expand. On the west end of the Property there is a 12.16 acre parcel owned by Chevron USA, Inc. It is understood that the City of Fruita is in the process of acquiring the parcels described above to be included in the Property. See the attached Exhibit A depicting the properties.

The City and the Developer wish to pursue a public-private partnership for the possible development of the Property. The City has previously adopted the Fruita Lagoon Site Redevelopment Concept Plan date January 17, 2017 (the "Concept Plan"). The Concept Plan includes a mixed use development, coupled with ample public amenities that creates viable river access.

The Developer possesses the relevant experience in commercial and residential real estate development, collaboration with public entities, marketing, branding, and/or managing projects of a similar size, scope, and nature.

The purpose of this Memorandum is to describe certain preliminary actions that the City and Developer wish to pursue at this time in connection with the possible development of the Property as follows:

1. The Developer will:
 - a. Meet with the City to establish a shared vision and shared goals for the development of the Property.
 - b. Assess the market for various uses of the Property and produce a market report.
 - c. Develop a Conceptual Proposed Private Development Plan.
 - d. Provide conceptual pricing for the project.
 - e. Provide a presentation to the City Council as the conclusion to the Due Diligence and Conceptual planning process.
 - f. Other items as needed.

2. The City will:
 - a. Provide a Floodplain Analysis
 - b. Provide a Wetlands Delineation
 - c. Provide a topographic survey of the property.
 - d. Other items as needed.

3. The City and Developer will jointly:
 - a. Review and address Title issues
 - b. Propose Public Amenities
 - c. Review utility and infrastructure feasibility and costs.
 - d. Develop a Conceptual Site Plan for Public and Private Development.
 - e. Other items as needed.

The Developer and the City shall bear the costs of their respective deliverables as outlined above. Where there are additional deliverables identified as necessary in this process the cost sharing shall be agreed upon in advance with City Staff with the general principle being – those costs that are for the long term benefit of the City owned Property (such as mapping, surveys and title work) shall be borne by the City and those costs that are specific to the development proposal (such as market studies, conceptual vertical construction pricing, and presentations) shall be borne by the Developer. Those costs that shall benefit both City and Developer (such as proposed development plans, public amenity design, and conceptual infrastructure cost estimates) shall be shared equitably. All costs shall be carried forward into each party's respective contributions in any future agreement. Any financial obligation which the City determines to undertake will be subject to prior appropriation by the City Council.

The Developer and the City anticipate that if the preliminary work contemplated in by this Memorandum shows that development of the Property meets the shared vision and goals of the City and Developer and is financially viable, the Developer and City intend to negotiate a definitive public-private partnership agreement (the "PPP Agreement").

The Developer shall have a 1-year exclusive right from the date of this agreement to negotiate a PPP Agreement acceptable to the City to achieve a development proposal for the Property. The parties agree to work together in good faith to agree to a PPP Agreement.


The Developer may assign this agreement and the rights associated to another entity for the purpose of developing this property. Any assignment is subject to the City's agreement.

This Memorandum may be executed in counterparts and/or facsimile counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument.


The laws of the State of Colorado shall govern this Memorandum.


IN WITNESS WHEREOF, the parties hereto have set forth their respective hands as of the date first written above.

DEVELOPER:
2 FORKS VENTURES, INC a Colorado Corporation

By: 
Name: Gavin Brooke
Title: President

CITY:
CITY OF FRUITA

By: 
Name: Mike Bennett
Title: City Manager


Christa Yamashita

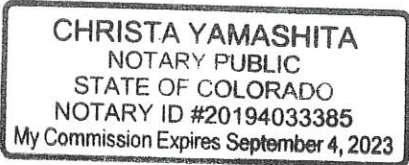
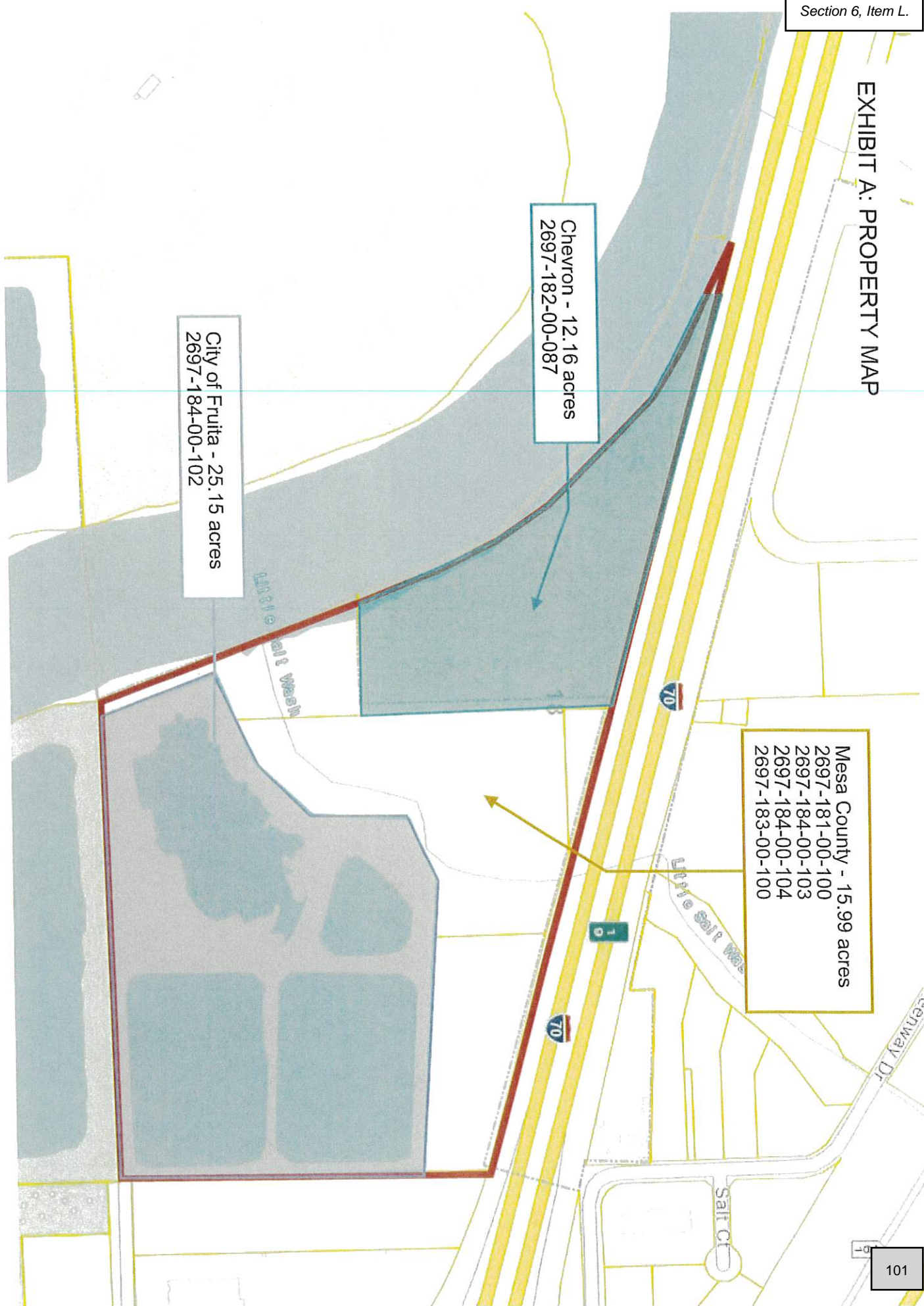


EXHIBIT A: PROPERTY MAP



Chevron - 12.16 acres
2697-182-00-087

City of Fruita - 25.15 acres
2697-184-00-102

Mesa County - 15.99 acres
2697-181-00-100
2697-184-00-103
2697-184-00-104
2697-183-00-100



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, FINANCE DIRECTOR/CITY CLERK

DATE: APRIL 2, 2024

AGENDA TEXT: ORDINANCE 2024- 11 – Second Reading - An Amending Section 3.18.240 of the Fruita Municipal Code concerning membership requirements for the Tourism Advisory Council

BACKGROUND

The City Council met with various boards and commissions throughout 2023 to review their purposes, accomplishments, and roles in furthering the city's strategic and master plans. They also evaluated the roles of City Council members serving on these boards and commissions. As part of this review, City Council determined they would take the proper steps to remove the City Council Liaison in each Board and Commission as a voting board member, designate the City Council Liaison as a non-voting Council Liaison to the board, and ensure the Council Liaison does not occupy one of the limited voting member positions on the board. Membership requirements for the Tourism Advisory Council (TAC), established by ordinance, currently require a representative of the City Council to serve on the TAC, and therefore needs to be amended to reflect City Council's direction.

The City Council aims to enhance the separation of roles between itself and the TAC, promoting the latter's independence by removing the requirement that a City Council member be appointed to the TAC. Instead, a City Council member or the Mayor will be appointed to serve as a liaison between the City Council and the Tourism Advisory Council.

A liaison serves as a bridge or intermediary between two entities or groups. In this context, the City Council liaison to the Tourism Advisory Council would facilitate communication, collaboration, and understanding between the City Council and the Tourism Advisory Council. They would convey relevant information, concerns, and decisions between the two bodies, ensuring alignment of efforts and effective utilization of resources towards promoting tourism and achieving shared objectives within the community.

Attached is a copy of the City's Boards and Commission policy adopted by Resolution 2020-32. Revisions will be drafted in the near future for City Council review to reflect recent changes in Board and Commissions.

FISCAL IMPACT

This Ordinance does not have any fiscal impact.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The removal of a representative from the City Council as a voting member from the Tourism Advisory Council provides a degree of separation of roles and responsibilities between the City Council and the Advisory Council and promotes independence of the Advisory Council. The appointment of a City Council member as a liaison to the Advisory Council fosters communication between the two boards.

OPTIONS TO THE COUNCIL:

- Approve the ordinance as presented, or with amendments, or
- Opt for no action, retaining the current membership structure of the Tourism Advisory Council.

RECOMMENDATION:

MOVE TO APPROVE 2024-11, AN ORDINANCE AMENDING SECTION 3.18.240 OF THE FRUITA MUNICIPAL CODE BY THE REMOVAL OF THE CITY COUNCIL REPRESENTATIVE FROM THE MEMBERSHIP OF THE ADVISORY COUNCIL AND ADDING A CITY COUNCIL REPRESENTATIVE TO SERVE AS LIAISON TO THE ADVISORY COUNCIL.

ORDINANCE NO. 2024-11

AN ORDINANCE AMENDING SECTION 3.18.240 OF THE FRUITA MUNICIPAL CODE CONCERNING MEMBERSHIP FOR THE TOURISM ADVISORY COUNCIL

WHEREAS, the City Council met with the various boards and commissions of the City throughout 2023 to 1) review the purpose and accomplishments of the boards, 2) provide direction to them on how they can advise the Council to further priorities in Fruita’s strategic and master plans, and 3) evaluate the roles of City Council members serving on various boards and commissions, and

WHEREAS, membership requirements of the Tourism Advisory Council are established by Ordinance and state that composition of the committee will include representatives of the City Council, and

WHEREAS, the City Council desires to remove the City Council member(s) appointed to the Tourism Advisory Council in order to provide better separation of roles and responsibilities between the City Council and the Tourism Advisory Council and to promote independence of the Tourism Advisory Council, and

WHEREAS, the City Council also desires to appoint a member of the governing body to the Tourism Advisory Council to serve as a liaison between the City Council and the Tourism Advisory Council.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1: Section 3.18.240 of the Fruita Municipal Code and Ordinances 1996-12 and 2005-17 concerning the Tourism Advisory Council are hereby amended to read as follows: (~~redline indicates deletion~~, **BOLD AND CAPS** indicates addition)

3.18.240 TOURISM ADVISORY COUNCIL. There is hereby created a Tourism Advisory Council which will consist of seven (7) members appointed by the City Council. Composition of the committee will include representatives of the lodging industry, area attractions, retail businesses, ~~the City Council~~, and other interested parties. **AFTER EACH ELECTION, THE CITY COUNCIL SHALL APPOINT A NON-VOTING CITY COUNCIL LIAISON TO THE TOURISM ADVISORY COUNCIL.** Members of the Commission may reside inside or outside the City limits of Fruita and shall have an interest in marketing and promoting the City of Fruita. The Tourism Advisory Council shall advise the City Manager and City Council concerning the preparation of a budget for the expenditures of funds in the Tourism Promotional Fund. Members appointed to the Advisory Council shall serve terms as outlined in the Fruita City Charter. All members shall serve without compensation.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
2ND DAY OF APRIL, 2024**

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Joel Kincaid, Mayor

EXHIBIT A



BOARDS & COMMISSIONS POLICY

August 4, 2020

PURPOSE

Details about boards and commissions may be found in various documents including the Fruita City Charter, the Fruita Municipal Code and Resolutions adopted by the City Council. These documents prescribe the power, duties, and operating procedures of the board or commission, and establishes the terms of office. The purpose of this policy is to provide general guidance and some uniformity for the various boards and commissions of the City.

POLICY

These general guidelines have been established for uniformity of various procedures associated with boards and commissions, including appointment of board members, city staff responsibilities, and council liaison roles.

- A. GENERAL PROVISIONS.** The City Council may, by ordinance or resolution, establish additional boards to advise them on various issues and perform functions as the Council may designate. The City Council may also abolish boards established by ordinance or resolution. Boards established by the City Charter require approval of the voters to abolish. Boards established by the City Charter include the Board of Adjustments, the Election Commission, Planning and Zoning Commission, Police Commission, and the Parks and Recreation Commission.

The Charter, Ordinance or Resolution establishing each board include the membership requirements including number of members, qualifications of members, residency requirements, whether or not applicant interviews are required, duties and responsibilities of the board, and the operating procedures or bylaws of the board.

With the exception of the Board of Adjustments and Election Commission, all Boards serve in an advisory capacity. Boards, by motion, may make formal recommendations to the City Council in accordance with the purpose of the board including the expenditure or receipt of funds, including donation solicitations.

Applicants for Boards are encouraged to attend a meeting of the Board they are interested in serving on prior to submitting an application for consideration.

B. APPOINTMENT AND REMOVAL OF BOARD AND COMMISSION MEMBERS.

1. Appointment. Board members are appointed by the Mayor with approval of the Council and subject to membership requirements of the establishing ordinance, resolution or Charter and the membership limitations set forth below.
2. Removal. Pursuant to the Fruita City Charter, Board members may be removed from office for:

EXHIBIT A

- a. being found guilty of committing a felony,
- b. having failed to attend 2 consecutive regular meetings, unless excused, or
- c. found to have willfully engaged in unethical conduct as defined in Chapter 2.70 of the Fruita Municipal Code concerning the Code of Ethics for City Officials.

Board members may also be removed if they no longer meet the requirements for membership established by the ordinance or resolution.

C. MEMBERSHIP.1. Nepotism.

- a. Relatives of City Council cannot serve on boards and commissions.
- b. City Employees and their Relatives cannot serve on boards and commissions of the City.
- c. Relatives of Board and Commission members cannot serve on the same board or commission.
- d. Relatives are defined as:
 - i) any person related by blood or marriage who is a member of the official's household, under the same roof, or
 - ii) any parent, stepparent, grandparent, spouse, child, grandchild, brother, sister, or
 - iii) any child, parent stepparent, or grandparent of the official's spouse.

This provision shall apply to all appointments made after August 1, 2020.

- 2. Terms. The Fruita City Charter (Article VI) states that members of Boards and Commissions shall be appointed to 3-year terms and initial appointments shall be staggered terms of 1, 2 and 3 years.
- 3. Term limits. Term limits shall be two consecutive terms for all boards with the exception of the Board of Adjustments. The balance of an unexpired term served by a person appointed to fill a vacancy shall not be counted as a term for the purpose of term limits. This provision shall apply to all appointments made after August 1, 2020. Appointments made prior to this date shall not be included in the two consecutive terms.
- 4. Council Members. Where appointment of a council member to a board is required by the authorizing document, the appointment shall be for the term specified. A council member is a required member of the following boards.
 - a. Planning Commission (2-year term)
 - b. Parks and Recreation Commission (2-year term)
 - c. Tourism Advisory Council (3-year term)
 - d. Police Commission (2-year term)

A council member is appointed as an ex-officio, non-voting member, of the Livability Commission.

If a Council member is appointed to another board, appointments will be made after the regular municipal election, and be for a 2-year term. Council members shall have the same duties, responsibilities and voting rights of all other board members.

- 5. Membership on multiple Boards and Commission. Appointment of an individual to serve concurrently on more than one board is discouraged. This limitation does not apply to committees deemed to be temporary in nature or that have a general purpose which

EXHIBIT A

encourages input from representatives of various boards. This provision shall apply to all appointments made after August 1, 2020.

6. Residency. Residency requirements for boards are established at the time the board is created.

D. MEETING PROCEDURES.

1. Meetings of all boards will be posted on the monthly meeting calendar and the City's official website.
2. Agendas and backup documentation (packets) will be posted to the City's website and where possible, sent to members prior to the meeting.
3. Minutes will be in written form and posted to the City's website following approval of the board. Minutes should include the date and time and location of the meeting, members present, general outline of each major topic discussed and the outcome, comments which illustrate individual viewpoints and opinions, verbatim of motions and how each member voted, statements made by members in explanation of their vote, time of adjournment.
4. All meetings are open to the public.
5. Bylaws or amendments thereto must be approved by the City Council and must be in conformance with the Charter, Ordinance or Resolution establishing the Commission.
6. Boards serve in an advisory capacity to the City Council. All recommendations by the board to the City Council shall be made by motion of the board and forwarded to the City Council for action.
7. A quorum must be present at the meeting.
8. Executive sessions may be held in accordance with legal requirements.

- E. CODE OF ETHICS.** Public confidence and respect can best be promoted if every public official, whether elected or appointed, uniformly treats all citizens with courtesy, impartiality, fairness and equality and avoids both actual and potential conflicts between their private self-interest and the public interest. The Fruita Municipal Code (Chapter 2.70) has a Code of Ethics which applies to all elected and appointed officials. The Code of Ethics includes provisions for Fair and Equal Treatment and Conflicts of Interest and provides for a Board of Ethics to hold hearings on alleged violations of the Code of Ethics. Board members who think they may have a potential conflict of interest should contact the Mayor, City Attorney or staff liaison to discuss any conflicts or potential conflicts.

F. CITY CLERK'S OFFICE – DUTIES AND RESPONSIBILITIES

1. **Terms Expiring/Expired.** The City Clerk's office will email notices every quarter to the Mayor and staff liaisons notifying them of members whose terms are expiring and how many terms have been served by each member. Letters will be sent to the member notifying them that their term will be expiring and how many terms they have served, and indicating the City

EXHIBIT A

council's policy on term limits, and notifying them that they must submit an application if they wish to be considered for reappointment.

2. Incumbent Must Reapply. Members desiring to serve another term must submit an application for reappointment.
3. Advertising Vacancies. Vacant and expiring positions will be advertised for a minimum of 30 days as follows:
 - a. on the City website Boards and Commissions page and "In the Spotlight" section
 - b. on the bulletin board outside Civic Center on the east side;
 - c. in the Weekly Information Update;
 - d. on social media applications;
 - e. in the City Link;
 - f. through council & staff recruitment.
4. Historical records of meetings. The City Clerk's office will print copies of minutes posted on the City's website for archival purposes.

G. CITY COUNCIL LIAISON. In addition to serving as a member of the board, the Council liaison's role is to:

1. serve as a communications link between the City Council and board members
2. work with the Mayor to fill vacancies, review applications, and interview candidates if required,
3. resolve questions the board may have about the role of Council, city government and the board or commission

H. CITY STAFF. A member of city staff is appointed to each board to assist the board in their duties and responsibilities. The staff's role is to:

1. schedule meetings based on input from the board and publish on the monthly meeting calendar
2. prepare and post agendas and packets for the board based on input from the board or City Council,
3. post minutes of meetings on the City's website
4. ensure that recommendations of the board get forwarded to the City Council for action
5. provide guidance and information to the board
6. communicate vacancies and resignations to the City Clerk's office
7. communicate with the Mayor and Council liaison regarding excessive absences of members

EXHIBIT A

8. schedule annual appointments of officers of the board on the agenda as required by bylaws or other documents.
9. provide orientation and training as needed to board members



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER

DATE: APRIL 2, 2024

AGENDA TEXT: RESOLUTION 2024-12 - Public Hearing – Amending the 2024 Budget with Supplemental Appropriations of Funds for Capital Projects, Purchased Professional Services, and Special Projects.

BACKGROUND

This is a request to amend the 2024 Annual Budget and to provide supplemental appropriations of funds in the General Fund for Engineering Design services for the City of Fruita’s Five-Year Capital Improvement Plan. This budget amendment also appropriates \$200,000 in the Sewer Fund for the update and replacement of the Wastewater Reclamation Facility’s SCADA system using savings from grant revenues from 2023 projects. Finally, this budget amendment also appropriates funding for special projects in the Marketing and Promotion Fund.

At the bottom of this cover sheet is a table outlining the changes and describing the use of funds in greater detail.

FISCAL IMPACT

This budget amendment does not have a significant fiscal impact as revenues are available to offset the increased appropriations.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Budget is a financial plan developed for the purpose of allocating resources necessary to implement specific policies and strategies to achieve short- and long-term goals established by the City throughout the year. This budget amendment provides for completion of special projects and capital projects already identified as priorities for Fruita.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the budget amendment as presented or with amendments
- Advise staff to revise the budget amendment

RECOMMENDATION

It is the recommendation of staff that the Council by motion:

ADOPT RESOLUTION 2024-12 AMENDING THE 2024 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND, MARKETING AND PROMOTION FUND, AND THE SEWER FUND FOR CAPITAL PROJECTS, PURCHASED PROFESSIONAL SERVICES, AND SPECIAL PROJECTS.

Description	Summary	2024 Appropriations
<p>Purchased Professional Services – Engineering</p>	<p>The City has solicited responses via Request for Proposals (“RFP”) to assist the City with additional capacity to facilitate the City’s CIP projects. This budget amendment for the City to hire an on-call professional engineering firm contractor for City of Fruita as requested for projects which are expected to potentially include site development review, development code review, construction observation, utility engineering, structural engineering, transportation and traffic engineering, grant identification and assistance with grant applications, coordination with other governmental and non-governmental entities, environmental services, water resources engineering, surveying, mechanical engineering and electrical engineering services.</p>	<p>\$100,000</p>
<p>Special Projects Mini-Grants – Marketing and Promotion Fund</p>	<p>Through March 2024, the Fruita Tourism Advisory Council (FTAC) has received five applications for mini-grant funding in the amount of \$4,500, exceeding the budgeted amount of \$4,000. The FTAC has recommended to staff and the City Council that all five projects be awarded grant funding, and that additional funding be made available for any other requests received throughout 2024. This budget amendment appropriates an additional \$5,000 in one-time funding for the mini-grant program using fund balance in the Marketing and Promotion Fund.</p>	<p>\$5,000</p>
<p>Sewer Capital Projects – SCADA Replacement</p>	<p>This budget amendment appropriates funds to purchase and install onsite equipment to provide Supervisory Control and Data Acquisition (SCADA) for visualization and cloud connectivity with remote connections and support. This includes installation of equipment at the WWRF, software and licensing, and will provide cybersecurity best practices, alarming/notification for SCADA alarms, quarterly and annual maintenance on premise and a service agreement. With savings from the Aeration project due to a grant the city received, ARPA funds are available to complete this</p>	<p>\$200,000</p>

project. ARPA must also be designated for use prior to the end of 2024.

RESOLUTION 2024-12

A RESOLUTION AMENDING THE 2024 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR CAPITAL PROJECTS, PURCHASED PROFESSIONAL SERVICES, AND SPECIAL PROJECTS IN THE GENERAL FUND, MARKETING AND PROMOTION FUND, AND THE SEWER FUND.

WHEREAS, the City of Fruita has identified a number of critical capital projects in both the City’s Five-Year Capital Improvement Plan and the City’s Strategic Plan that need to be completed, and

WHEREAS, to be proactive in completing these capital projects, it has been recommended to the City Council that the Council appropriate funding for engineering and design services to prepare projects to be shovel ready, and

WHEREAS, the City of Fruita has fund balance that can be used for capital projects and maintenance of City’s infrastructure, and these funds can be used for engineering services, and

WHEREAS, each year, the City Council approves funding for the Fruita Tourism Advisory Council to administer a mini-grant program that allows local organizations and businesses funding to promote Fruita or host new events, and

WHEREAS, through March of 2024, the Fruita Tourism Advisory Council has already received requests for funding for the mini-grant program in excess of what has been budgeted, and

WHEREAS, due to the demand of the mini-grant program this year, the Fruita Tourism Advisory Council is requesting additional funding in case any more applications come in, and

WHEREAS, the Marketing and Promotion Fund has fund balance that is available to offset these one-time additional expenses of the popularity of the mini-grant program, and

WHEREAS, the City of Fruita’s Wastewater Reclamation Facility completed a needs assessment and has identified several projects to be complete in the future,

WHEREAS, the City of Fruita has recently completed several critical projects on the needs assessment, and is interested in upgrading its SCADA system to provide best cyber security practices and improve efficiency at the facility, and

WHEREAS, the City of Fruita has grant revenues in the form of American Rescue Plan funding that can be used for the provision of government services, including for the treatment of Wastewater, and these funds need to be designated for use by end of this year, and

WHEREAS, pursuant to Article 8.10 of the Fruita City Charter, the City Manager certifies there are sufficient funds available for the supplemental appropriations as noted below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AS FOLLOWS:

Section 1: That the 2024 appropriation for the General Fund is hereby increased by \$100,000 from \$21,565,070 to \$21,665,070 from the following sources for the following uses:

<u>Source of Funds</u>	
General Fund – Unassigned Fund Balance	\$100,000
	<u>\$100,000</u>

<u>Use of Funds</u>	
Engineering Purchased Professional Services – Engineering.....	\$100,000
	<u>\$100,000</u>

Section 2: That the 2024 appropriation for the Marketing and Promotion Fund is hereby increased by \$5,000 from \$236,000 to \$241,000 from the following sources for the following uses:

<u>Source of Funds</u>	
Marketing and Promotion Fund – Fund Balance	\$5,000
	<u>\$5,000</u>

<u>Use of Funds</u>	
Special Projects – Mini-Grants	\$5,000
	<u>\$5,000</u>

Section 3: That the 2024 appropriation for the Sewer Fund is hereby increased by \$200,000 from \$6,292,905 to \$6,492,905 from the following sources for the following uses:

<u>Source of Funds</u>	
Grant Revenues – American Rescue Plan Grant	\$200,000
	<u>\$200,000</u>

<u>Use of Funds</u>	
Wastewater Reclamation Facility Capital	\$200,000
	<u>\$200,000</u>

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2nd DAY OF APRIL, 2024**

ATTEST:

City of Fruita

City Clerk

Joel Kincaid, Mayor



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Planning & Development Department

DATE: April 2, 2024

AGENDA TEXT: Fruita Building Division - Update

BACKGROUND

The purpose of this coversheet is to communicate with the City Council about the Fruita Building Division. On February 20, 2023, the Fruita Building Division officially had its first day. In 2022, the City Council gave direction to the City Manager to research the feasibility of transitioning Building Department services from Mesa County to an internal service with final direction coming from the City Council in August 2022.

The Building Division is fully staffed with extensive experience. John Anderson as the Chief Building Official, Mike Mossburg as a Senior Combination Building Inspector/Plans Examiner, Jen Wooten as a Senior Electrical Inspector, and James Cope as an Electrical Inspector. The Building Division team holds numerous International Code Council (ICC) Certificates needed to perform their jobs at a high level including the most recent certificate issued to Jen on June 22, 2023, as a Certified Commercial Electrical Inspector. Jen also achieved a major milestone in her career and passed her Master Electrician License exam in 2023.

Over the past year, the Building Division has had many accomplishments including issuing over 800 permits and completing over 3,700 inspections all while keeping the City's Core Services in mind. In addition to their daily duties, the Building Division has held a number of community engagements including the Fruita Academy, Community Meet & Greet, and presenting to the HBA of Western Colorado. Furthermore, the Building Division hosted a 2023 Code Training Seminar over a three-day period that covered building codes and implementation.

From 2/20/23 to 3/26/24:

- Permits Issued – 827.
- Inspections Completed – 3,708.
- Certificates of Occupancy (CO's) issued – 38.
- Building Permit Fee's collected - \$231,371.86.
- Plan Review Fee's collected - \$19,488.11.

All building permits are submitted, reviewed, and issued through Cloudpermit which is a cloud-based permitting software. Utilizing this cloud-based software has allowed the city to save office space and money that would be used to print and store physical building permit plans. The City of Fruita was the first in Colorado to utilize Cloudpermit and in a short amount of time, 9 additional communities have decided to use Cloudpermit as their permitting software.

Attachments:

1. 2023 Fee Schedule
2. PowerPoint Presentation



“FRUITA BUILT”

(Building Division)

ACHIEVEMENTS, PROJECTS, & GOALS

FIRST YEAR ACHIEVEMENTS

FEB 20, 2023 – APR 2, 2024



ACHIEVEMENTS

- Became fully operational ahead of projected start date.
- Strive to embrace and reflect the values instilled here within the City of Fruita.



ACHIEVEMENTS

- Provide/maintain excellence in customer service with contractors and especially our community.
- Being a partner with all City departments and always be willing to help when we can.



FIRST YEAR COMMUNITY ENGAGEMENT

- HBA of Western Colorado
- Fruita Academy
- Fruita Chamber of Commerce
- Community Meet & Greet at Base Camp



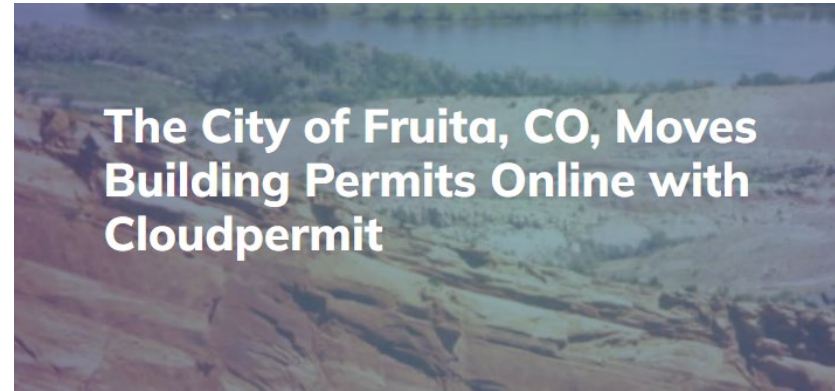
TRAINING SEMINARS

- 2023 Code Training Seminars
- November 30 – December 1
- Robby Schwarz of BUILDtank INC
- Thomas Meyers of Building Intuition LLC
- Free to CMU Construction Management program students



CLOUDPERMIT

Successful implementation of new digital software “Cloudpermit” allowing online services for permit application, payments, plan reviews, inspection request, and record keeping.



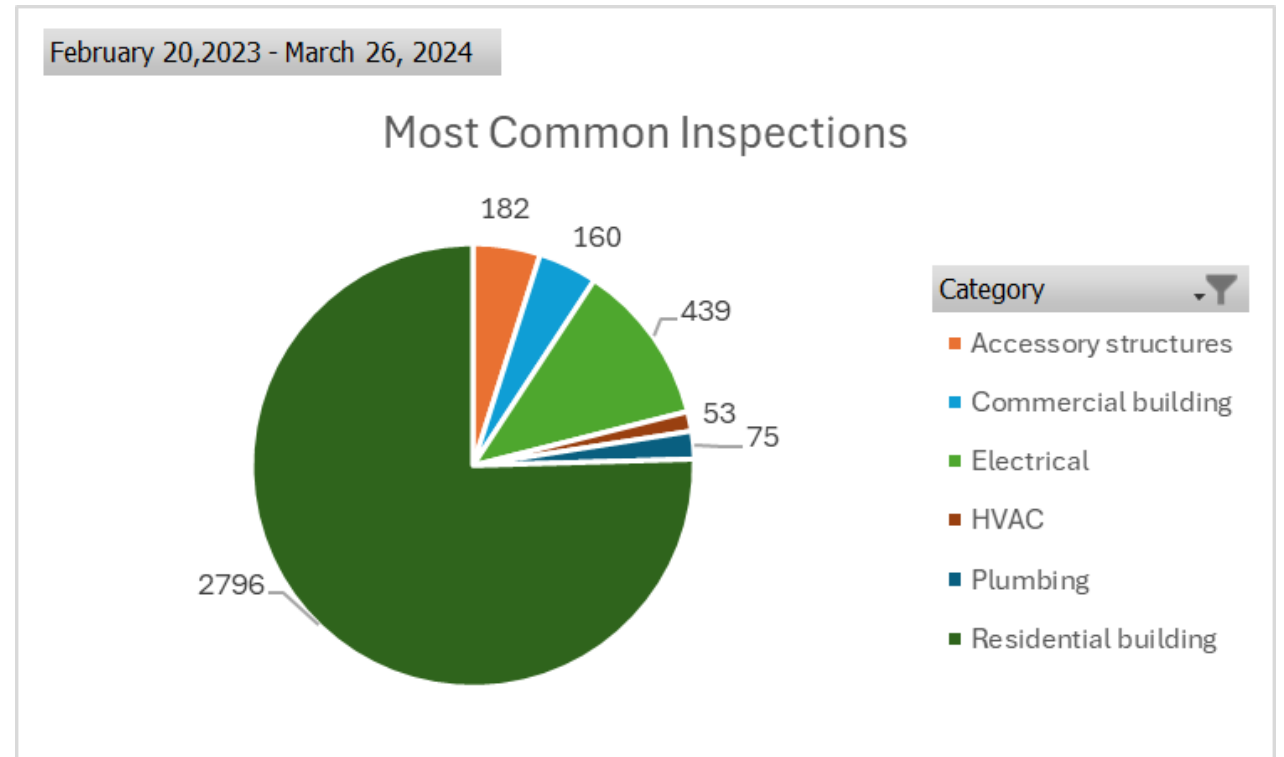
FRUITA CITY PROJECTS

Downtown, Public Works, Parks and Recreation



Inspection Numbers

- 3,708 Inspections to date
- 75% Residential Building
- 279 Solar related electrical inspections



BUILDING FEES COLLECTED

2/20/2023 – 3/26/2024

**Building Permit
Fees**

\$231,371.86

**Plan Review
Fees**

\$19,488.11

Total

\$250,859.97



RESIDENTIAL

Single Family Homes, Multi-Family,
Mobile, and ADU's

RESIDENTIAL

Single Family Homes

Underground Plumbing



Slab Foundations



RESIDENTIAL

Framing



Electrical



RESIDENTIAL

130 New Residences with 38 issued CO's *Fruita Mews (50 units)

Final Approval



Certificate of Occupancy



CERTIFICATE OF OCCUPANCY

City of Fruita Planning and Development

Permit # BP 2023-28 Date: May 24, 2023

Tax Parcel # 2697-071-32-008

Address: 984 Red Globe Drive

For the purpose: Approval of a new single family residence

Approval is hereby granted to: TreyTyn Homes LLC

This certificate issued for full compliance of section (III) of International Building Code, 2018 Edition or section (R110) of the International Residential Code.



City of Fruita Building Official





Commercial & Multi-family

FRUITA MEWS



FRUITA MEWS



WEST ASPEN APARTMENTS



WEST ASPEN APARTMENTS



THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Section 9, Item A.



THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Section 9, Item A.



Looking ahead...

- Code updates.
- Code cleanup.
- Continued customer service at a high level.
- Community outreach/education.



Resolution 2023-37: Attachment 2

IV. Table 1A - Fruita Building Inspections Fees

Fee #	Fee Description	Fee Value
1	<p>Applies to any project subject to the "Group" and "Type of Construction" identified by the 2003 International Building Code. The fee associated with any project type separately listed in this table will supersede this Permit Fee. Permit Fees generally include the permit and the inspections to support a project. Re-inspection and additional plan review fees may also apply.</p> <p>Plan Review Fees in addition to the Permit Fee: New Commercial Construction, Addition, or Alteration to the Commercial Building.</p> <p>New One and Two Family Residence (R-3): Applies to new one and two residential projects. The Fruita Building Department has the discretion to apply this fee or a portion thereof.</p> <p>Third Party Plan Review: The Fruita Building Department may require certain projects to have plan reviews completed by a third party. Any costs between the applicant and the third party reviewer are negotiated and charged directly between the parties. The Fruita Building Department may assess an additional fee associated for the Building Department's additional review.</p>	<p>Table 2</p> <p>Maximum 50% of the Value of the calculated Permit Fee as determined to be appropriate by the Building Department.</p> <p>Maximum 15% of the Value of the Calculated Permit Fee as determined to be appropriate by the Fruita Building Department.</p> <p>Maximum 20% of the Value of the Calculated Permit Fee as determined to be appropriated by the Fruita Building Department.</p>

Fees Related to Inspections

Fee#	Fee Description	Fee Value
2	Inspections outside of normal business hours (2 hour minimum)	\$50.00 per hour per person
3	Inspections or plan review for which no fee is specifically indicated	\$45.00 per hour per person
4	Re-inspection Fee	\$50.00 first re-inspection \$100.00 for addition re-inspection on same violation
5	Same day re-inspection if staff is available	\$100.00 in addition to required Re-inspection fee (4)
6	When inspections are required after Temporary Certificate of Occupancy expires	\$250.00
	Extensions before TCO expires	\$100.00

Project Specific Permit Fees

Fee#	Fee Description	Fee Value
7	Demolition Permit	\$35.00
8	Move on Houses Permit Fee	Table 2
9	Signs Illuminated and Non-Illuminated Permit Fee	Table 2
10	Mechanical, Electrical, Plumbing, Hot Tubs, Pools & Spas Permit Fee	Table 2
11	Manufactured Homes Permit Fee	\$100.00
12	Manufactured Home on required Permanent Foundation Permit Fee	\$150.00
13	International Residential Code (IRC) Certified Homes Permit Fee	\$150.00
14	Office/ Construction Trailer Permit Fee	\$150.00 per section
15	Change in Use/ Occupation Valuation Permit Fee Under \$2,000 Valuation	\$35.00
	Over \$2,000 Valuation	Table 2
16	Decks, Patio Covers, Storage Sheds & Open Carports Permit Fee Less than 400 sq. ft. in area and accessory to residences	\$35.00
	Plumbing, Electrical & Mechanical	Table 2
	Over 400 sq. ft. in area: Valuation Calculated at \$15.00 per sq. ft.	Table 2

Table 2 – Fruita Permit Fee Schedule

Total Valuation	Permit Fee (All Permit Fees Rounded up to the next dollar)
Up to \$500.00	\$35.00
\$500 to \$2,000	\$35. ⁰⁰ for the first \$500.00 plus \$2.20 for each additional \$100.00 or fraction thereof, to and including \$2,000
\$2,000 to \$25,000	\$68. ⁰⁰ for the first \$2,000.00 plus \$9.90 for each additional \$1,000.00 or fraction thereof, to and including \$25,000
\$25,000 to \$50,000	\$295.70 for the first \$25,000.00 plus \$7.20 for each additional \$1,000.00 or fraction thereof, to and including \$50,000
\$50,000 to \$100,000	\$475.70 for the first \$50,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000
\$100,000 to \$500,000	\$725.70 for the first \$100,000.00 plus \$3.90 for each additional \$1,000.00 or fraction thereof, to and including \$500,000
\$500,00. to \$1,000,000	\$2,285.70 for the first \$500,000.00 plus \$3.30 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000
\$1,000,000 And up	\$3,935.70 for the first \$1,000,000.00 plus \$2.20 for each additional \$1,000.00 or fraction thereof

Notes:

- To determine the Total Valuation for new construction or additions, select the applicable Square Foot Construction Cost multiplier in Table 3A and 3B- Building Valuation Data. The product of the identified multiplier and the area, in square feet, of the outside dimension of the proposed construction project is the Total Valuation.
- The Total Valuation for remodels is the actual labor and material cost of the project.

Table 3A - Building Valuation Data

Group	Type of Construction								
	IA	18	IIA	118	IIIA	1118	IV	VA	VB
A-1 Assembly, Theaters, with stage	160.69	153.29	149.76	143.55	133.59	132.90	138.98	123.75	119.25
A-1 Assembly, Theaters, without stage	148.41	141.02	137.48	131.28	121.31	120.63	126.71	111.47	106.98
A-2 Assembly nightclubs	118.34	115.03	112.14	107.94	100.98	99.751	104.00	91.98	88.94
A-2 Assembly, restaurants, bars, banquet halls	117.34	114.03	110.14	106.94	98.98	98.75	103.00	89.98	87.94
A-3 Assembly, churches	149.66	142.27	138.73	132.52	122.51	121.82	127.96	112.67	108.17
A-3 Assembly, general, community halls, libraries, museums	119.71	111.78	107.24	102.03	91.08	91.39	97.46	81.24	77.74
A-4 Assembly, arenas	117.34	114.03	110.14	106.94	98.98	98.75	103.00	89.98	87.94
B Business	119.85	115.54	111.79	106.56	95.15	94.65	102.31	84.79	81.61
E Educational	128.37	124.05	120.50	115.17	106.24	103.73	111.36	94.92	91.38
F-1 Factory and industrial, moderate hazard	74.13	70.68	66.42	64.36	55.62	56.61	61.75	47.42	45.06
F-2 Factory and industrial, low hazard	73.13	69.68	66.42	63.36	55.62	55.61	60.75	47.42	44.06
H-1 High Hazard, explosives	69.75	66.29	63.04	59.97	52.43	52.42	57.36	44.23	NP
H234 High Hazard	69.75	66.29	63.04	59.97	52.43	52.42	57.36	44.23	40.88
H-5 HPM	119.85	115.54	111.79	106.56	95.15	94.65	102.31	84.79	81.61
I-1 Institutional, supervised environment	119.19	115.10	112.01	107.47	98.61	98.56	104.22	90.64	87.06
I-2 Institutional incapacitated	200.36	196.04	192.30	187.07	175.32	NP	182.81	164.96	NP
I-3 Institutional, restrained	137.99	133.67	129.93	124.70	114.47	112.98	120.44	104.12	98.94

Group	Type of Construction								
	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
1-4 Institutional, day care facilities	119.19	115.10	112.01	107.47	98.61	98.56	104.22	90.64	87.06
M Mercantile	88.15	84.83	80.95	71.74	70.26	70.02	73.81	61.26	59.22
R-1 Residential, hotels	120.33	116.24	113.15	108.61	99.80	99.75	105.41	91.83	88.25
R-2 Residential, multi-family	100.33	96.24	93.15	88.61	79.95	79.90	85.56	71.98	68.40
R-3 Residential, one and two-family	96.19	93.52	91.22	88.71	84.51	84.36	87.22	80.46	74.68
R-4 Residential, care/ assisted living facilities	119.19	115.10	112.01	107.47	98.61	98.56	104.22	90.64	87.06
S-1 Storage, moderate hazard	68.75	65.29	61.04	58.97	50.43	51.42	56.36	42.23	39.88
S-2 Storage, low hazard	67.75	64.29	61.04	57.97	50.43	50.42	55.36	42.23	38.88
U Utility, miscellaneous	52.28	49.43	46.49	44.17	38.31	38.31	41.69	31.50	29.99

Notes:

1. Private Garages use Utility, miscellaneous group
2. Unfinished basements (all use groups)= \$15.QQ per sq. ft.
3. For shell only building, deduct 20 percent
4. N.P. = Not Permitted
5. Complete unfinished residential basements \$40.QQ per sq. ft.
6. The values in this table are from the 2003 International Building Code (IBC). This reference to the 2003 IBC is intended to only apply to the values listed in this Table. For all other requirements of the Fruita Building Code, including the definition of any Group or Construction Type, the version of the IBC that applies is the one adopted by the Fruita Building Department.