FRUITA CITY COUNCIL
REGULAR MEETING
JANUARY 21, 2020

1. INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was observed in lieu of the Invocation and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Council members present were Karen Leonhart, Amanda Ewing, Kyle Harvey, Dave Karisny and Lori Buck. Councilor Ken Kreie was excused absent. Mayor Kincaid called the meeting to order at 7:02 p.m.

3. AGENDA – ADOPT/AMEND

Mayor Kincaid asked if there were any changes to the agenda. Deputy City Clerk Deb Woods responded that there were none.

- COUNCILOR BUCK MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR EWING SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION - A PRESENTATION FROM CHRISTIAN BAIRD, COMMANDER OF AMERICAN LEGION POST 2009 CONCERNING A MILITARY PROGRAM AT FRUITA MONUMENT HIGH SCHOOL

Commander of American Legion Post 2009 - Grand Junction/Grand Valley Veterans Christian Baird provided the Council with information about the junior military program at Fruita Monument High School this year. Mr. Baird said he was present to ask the Council for a little help and support so that FMHS will continuously have a military program for years to come.

Mr. Baird was accompanied by student/cadet Logan Perron, the second in command officer for the group. Mr. Perron said he was learning military principles so that when he begins basic training, he will know what’s going on and will get ahead of the game.

Mr. Baird noted that this year, the military group at FMHS will be doing Navy, Coast Guard and Marine Corps Swim Qualification Four, which none of the actual cadet programs have ever done. They will also be doing fast roping, repelling and zip lining taught by a faction of the Colorado National Guard from southern Colorado at the climbing gym on 25 Road. Land navigation will be taught by Staff Sergeant Miller, who is qualified in writing and topographical intelligence for the Marine Corps. The group will also be taking a defensive tactics course with the help of the Fruita Police Department and a blackbelt instructor from the Marine Corps. They also have a mount
house, which is used to teach tactical operations for entering and exiting a residence or building. This will be taught by multiple organizations and police departments.

Mr. Baird stated that for the cadets to be able to do most of the above, they need help from the Fruita community and the City.

Mr. Baird noted that he currently has seven students but with the 8th and 9th graders’ ability to join the group in February, there will hopefully be another ten or eleven kids added at that time.

Councilor Leonhart asked Mr. Baird how he recruits students into the program and Mr. Baird responded that last August, the high school had a “come join our club” event and about ten students signed up for the military program. Six of them actually showed up.

Mr. Baird continued that it is hard to get the word out, but he did write a presentation to the students and parents of the 8/9 School and it will be in the monthly newsletter that goes out to parents from the school in February and March of 2020. He noted that any student between the years of 13 and 18 can join the club.

Councilor Buck asked Councilor Leonhart if this was something that the Rotary Club might get involved in because they are very generous with their fundraising revenues. Councilor Leonhart said the Fruita Rotary Club is all about helping local people and supporting kids and their projects in the community. She offered to provide Mr. Baird with the contact information he would need for that.

Councilor Buck also suggested that Mr. Baird speak with the Fruita Thrift Shop because they give money back into the community all the time.

Councilor Leonhart said she was also thinking about the Fruita Youth Initiative (FYI), which is a group of young people from the 8/9 School and the high school who are trying to find activities that all kids have an interest or can find something that they might be interested in.

Mr. Baird stated that had been in contact with the Fruita Thrift Shop and they are not interested in the military program because they want to do their own thing.

Mr. Baird clarified that he was asking for the City’s help in getting the word out about the program at FMHS and looking closely at some kind of budget and funding for certain training areas. He added that he will possibly be using the pool at the Fruita Community Center for the swim qualifications, but it will require coming up with money and that is why he is having some issues.

Mayor Kincaid stated that Council members or staff would be able to provide Mr. Baird with contact information for the right people such as the Rotary Club.

Councilor Leonhart wrote down Mr. Baird’s phone number and said she would be contacting him.

B. PRESENTATION – MICHAEL PAXSON, EXECUTIVE DIRECTOR OF THE COLORADO NATIONAL MONUMENT ASSOCIATION AND SUPERINTENDENT NATHAN SOUDER PRESENT THE CITY OF FRUITA
WITH AN ARROWHEAD PLAQUE TO RECOGNIZE THE CITY’S SUPPORT OF THE COLORADO NATIONAL MONUMENT

Michael Paxson, Executive Director of the Colorado National Monument Association, said that the association wants to show their appreciation to the City of Fruita so he had the idea of presenting the City with an Arrowhead plaque, which is virtually unheard of within the National Park Service because it is normally given internally to employees only.

Mr. Nathan Souder introduced himself and gave a little background on the Arrowhead plaque, which has many handwritten sentiments from National Park Service employees on the back. He said there is something special about the collaboration in the Grand Valley and that the Park Service is really looking forward to the opportunity of working with the City of Fruita to make the valley a great place to live.

Mr. Paxson added that the Colorado National Monument Association is very grateful that the City sponsored them two years in a row for a Great Outdoors Colorado (GOCO) grant and that he couldn’t even get the City of Grand Junction to give them a letter of support. He said it shows that Fruita is an awesome community.

Mayor Kincaid received the Arrowhead plaque on behalf of the City and said staff would find a special place to hang it where everyone can see it.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

A. MINUTES:

1) A REQUEST TO APPROVE THE MINUTES OF THE DECEMBER 17, 2019 CITY COUNCIL MEETING

2) A REQUEST TO APPROVE THE MINUTES OF THE JANUARY 7, 2020 CITY COUNCIL MEETING

B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) RETAIL LIQUOR LICENSE (OFF PREMISES) FOR PESTER MARKETING COMPANY DBA ALTA 6317 LOCATED AT 555 W. RAPTOR ROAD

C. SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM THE FRUITA AREA CHAMBER OF COMMERCE TO SELL ALCOHOLIC BEVERAGES (MALT, VINOUS & SPIRITUOUS) AT THE FRUITA CHAMBER ANNUAL AWARDS BANQUET TO BE HELD ON SATURDAY, FEBRUARY 8, 2020 FROM 5:00 TO 10:00 P.M. AT THE FRUITA COMMUNITY CENTER
D. BOARDS AND COMMISSIONS LIAISON APPOINTMENT – A REQUEST TO APPOINT FRUITA AREA CHAMBER OF COMMERCE PRESIDENT KODI IMONDI TO THE FRUITA TOURISM ADVISORY COUNCIL AS THE CHAMBER LIAISON TO THE BOARD TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN JUNE OF 2024

E. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF PAVIA JUSTINIAN TO THE ARTS AND CULTURE BOARD TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN DECEMBER OF 2023

F. ANNUAL REVIEW OF RED FLAG POLICY (IDENTITY THEFT PREVENTION PROGRAM)

G. ASSOCIATE MUNICIPAL JUDGE CONTRACT RENEWAL – A REQUEST TO APPROVE THE CONTRACT WITH GREG MUELLER FOR APPOINTMENT AS ASSOCIATE MUNICIPAL JUDGE FOR THE CITY OF FRUITA

H. FINANCIAL REPORTS – A REQUEST TO APPROVE THE PRELIMINARY FINANCIAL REPORTS FOR DECEMBER 2019

Mayor Kincaid opened the public hearing on the consent agenda. Hearing no comments, he closed the public hearing and brought the matter back to the Council.

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

7. PUBLIC HEARINGS

There were no public hearings on the agenda.

8. ADMINISTRATIVE AGENDA

There were no administrative items on the agenda.

9. CITY MANAGER’S REPORT

City Manager Mike Bennett stated that with the upcoming election in April, he wanted to mention that Mesa County is not able to assist the City of Fruita with the election as they have typically done in the past. The City of Fruita has historically paid the county to count the ballots and complete other various election services. Fruita City staff has tried to work with Mesa County on the potential of paying to use their equipment, but the Elections Office had said that they have to focus on being ready for their November election.
Mr. Bennett noted that City Clerk/Finance Director Margaret Sell is currently going through the process of reviewing rental equipment and other options for the City to run the election unassisted by Mesa County and added that at the last Council meeting, part of the process was to allow the City Clerk to appoint Election Judges that can be hired on a temporary basis to help with the ballot counts on Election Day.

Mayor Kincaid asked if the ballot was going to be changed in any way and what the timeframe is for getting everything printed and mailed. He pointed out that if the City is going to use different equipment, then the printing would need to be handled differently, too.

Deputy City Clerk Deb Woods responded that staff will need to work with a company to print and possibly mail the ballots and a separate company that has the rental equipment to count the ballots.

Councilor Buck asked if the cost of the election is going to change due to the situation and Mrs. Sell explained that it would; she had received cost estimates earlier in the day and they are coming in at about $7,000 over the City’s budget. She said that she would be asking the vendor some questions the following day about having staff potentially assembling the ballot packets in-house to reduce the cost by about $2,000 - $3,000 in excess of budget and that staff would be coming back to the Council for a budget amendment that will most likely come from Contingency Funds. She continued that in the past, Mesa County had ordered their supplies and Fruita’s supplies and therefore got quantity discounts. Mrs. Sell is now trying to get answers on why there are also some new fees in place such as $5,000 - $6,000 in set-up fees from both vendors.

Councilor Buck asked when the last time this happened to the City of Fruita. Mrs. Sell said that the last time she hand-counted ballots was probably 30 years ago.

Councilor Buck emphasized the point that for the first time in 30 years, the County is not going to be able to assist the City of Fruita in its municipal election process.

Mayor Kincaid said he wanted to know if this was going to continue to be a problem in the future because Mesa County always has elections the same year the City of Fruita does.

Mrs. Sell explained that the Primary Election this year will be held in March while the City’s regular municipal election is in April, so Mesa County is concerned about the timing of that because they will still be trying to recover from the Primary Election. This is why they said they are unable to assist the City of Fruita in April with their equipment. She added that there has been a lot of changeover in the Elections Division of Mesa County and she thinks it is very much a learning year for them, so they are currently hesitant to take on another entity’s responsibilities. Mrs. Sell reiterated that this is the first time this has happened in 30 years.

Mayor Kincaid said he would like to know what it would cost to buy the equipment. Mrs. Sell responded that she looked at that and the cost to rent two counting machines, the set-up and training is going to run approximately $5,200 and that she would like to use this year as a learning year to look at the machines and see if would be worth purchasing them because she thought they could be bought for just a little bit more than it costs to rent. She wants to see if these are the kind of machines that the City should invest in (or not) going forward depending on how it turns out this year and that also, maybe Mesa County will have a different perception after they get through this
first year for themselves; in the future they might have a machine or two that they could loan the City of Fruita to use.

Mayor Kincaid asked how much the City of Fruita normally pays Mesa County for election assistance. Mrs. Sell answered that the City has paid the County about $6,000 for the printing of ballots, envelopes and secrecy sleeves but they haven’t been charging the City for the use of their equipment. At the last election in 2018, Fruita did pay Mesa County $800 in election assistance and the bids that Mrs. Sell had looked at earlier in the day were at approximately $25,000.

The 2020 Budget for the Election was projected at $16,000 and Mrs. Sell said she thinks she can cut some of the cost if staff and part-time temporary hires assemble the ballot packets in-house. She noted that she was still looking at being over budget by about $2,000 - $3,000 about double what the City has paid in the past elections).

Mrs. Sell added that there will be a lot more staff time involved because in the last few years, the state has passed a law whereby municipal elections require that voter’s signatures be verified. At the last election, Mesa County had a machine that could do that; it electronically verified signatures and if it didn’t recognize them, it would spit them out for a human to look at. Staff will be doing that by hand through an online process with the Secretary of State’s Office, so Mrs. Sell said she imagines it is going to take considerably more time, which means she will probably be hiring some part-time staff and Election Judges to assist with that process.

Councilor Leonhart asked if the City had a contract with Mesa County in the past or if it was just a “gentleman’s agreement” and Mrs. Sell explained that the City would enter into an Intergovernmental Agreement with the County every election year in the past, but there will be no IGA this year because of the County’s concerns and issues.

Mr. Bennett added that it is more than a decision of Mesa County’s; they currently are not capable of assisting Fruita at this point in time.

Mrs. Sell assured the Council that staff would work through it and will run a fair and impartial election as always, but it will cost a little bit more and will require more time.

Councilor Karisny asked how the election results would be certified at the end. Mrs. Sell explained that as the Designated Election Official, she always certifies election results after several double- and triple-checks of the unofficial results and then official results and then she files the official election results with the Department of Local Affairs (DOLA) for informational purposes. An Election Judge will also be signing off on the Official Certification of Election Results, as will the Deputy City Clerk.

Councilor Buck asked if the City Council needed to look into changing the timeframe for its municipal election so that it doesn’t conflict with the County’s Primary Election in March; perhaps to the end of April or the beginning of May. Mrs. Sell explained that there would be legal aspects to that. Statutory towns hold their elections on the first Tuesday in April of even numbered years and even though Fruita is a home-rule city, the City Charter requires that elections be held in the same way as the statutory towns and Mrs. Sell said she didn’t know if that could be changed.
Mrs. Sell added that she and staff will have a better idea going forward whether Mesa County will be able to go back to assisting the City of Fruita in the future or whether Fruita will begin to stand alone and get its own equipment and processes in place to handle elections.

Mr. Bennett continued with the City Manager’s Report. He reminded the Council that there is a joint workshop session scheduled for the following Tuesday at 6:30 p.m. with the Planning Commission to go over the Comprehensive Plan, Fruita in Motion. He said this will be important as it is the last discussion prior to final adoption of the Plan on February 4th.

Mr. Bennett also reported that staff had a kick-off meeting for the Parks, Health, Recreation, Open Space and Trails (PHROST) Master Plan with all the consultants and schedules for the year will be forthcoming soon. If all goes well, the hope is to wrap up the Plan by November of 2020. The schedule is pretty aggressive and will build off a lot of the Comprehensive Plan engagement as well as other specific areas that will be delved into.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR LORI BUCK

Lori made note that she will be late to the joint workshop meeting the following Tuesday, but that she would be there.

Lori said she didn’t have anything to report but that Mike had gone to the Grand Junction Economic Partnership (GJEP) board meeting. She asked him if he had anything worthwhile sharing about the meeting and Mike said he let GJEP know that Fruita is appreciative of the board’s support for incentives for Canfield Bikes, but he couldn’t think of anything else major.

Lori said she was approached by some folks from Fruita Monument High School (FMHS) and they want to put up a sign in the new roundabout on the J Road side of the campus. They are considering a full color digital sign, which is not allowed in the City’s Land Use Code.

Mayor Joel Kincaid asked if the school had its own state regulations and Lori said she and staff had already checked and those rules don’t apply to a sign. She continued that she could see some differences in the school’s potential sign in that it would be on J Road and not in the downtown or Kokopelli Marketplace and it wouldn’t intend to draw people in or steal business away from anyone; it would just be informative for people who are already there at the school about upcoming events and the like.

Lori said she is willing to consider approving a variance for the sign at the school but she needs to know if it would be worth the school’s time to apply for a variance. She asked how the other Council members would advise FMHS to proceed.

Councilor Dave Karisny said he thought it would certainly be worth them going through the process but that it would be helpful to see what the school was envisioning in a workshop setting to get a sense of what the sign would actually look like.
Mike pointed out that as soon as the school submits an actual project, then it would require a quasi-judicial process through the City.

Lori said that when City Planner Henry Hemphill advised school officials of the size of signs that are allowed in the Code, they said it was no problem to drop the size of the sign to the maximum required height; however, the actual size of the screen they want is larger than that and although nothing has been purchased yet, they are still interested in working with the City to make it happen knowing that it would be a complete exception from all other development in town. Lori said she was visualizing a sign that would be like a big outdoor television with full color. She added that because the sign would be on the J Road side at the main entrance, people wouldn’t be able to see it from the highway.

Lori said it was an interesting thought because FMHS is a somewhat of a flagship school in the valley right now whether they have anything like the sign or not and it would be a nice piece that could enhance the way the school looks. She noted that apparently, the school has already raised $50,000 to do the sign.

Joel said if the school brought their proposal before the Council, they could discuss what size might get approved, which times of day it could be operational and all the other aspects to it. He asked the Council members if they agreed that FMHS should move forward with a variance request.

Mike explained that variance requests only go before the City Council at a public hearing and do not go before the Planning Commission. He noted that the sign being requested will be more than double the size of allowed signs and is the type of sign that is not allowed (digital). Essentially, FMHS would come to the Council with their presentation of what they are asking for with all the specifics at a public hearing and the Council would need to make a decision on whether or not to approve it. Mike noted that the request is much different than a business coming in for a variance because then the comparison would be between a number of other businesses that have already gone through the process and followed the specific requirements of the City’s Sign Code because FMHS is the only high school in the community and they are trying to display information about different community events. He said staff will provide feedback on the request for the Council.

Joel asked for confirmation that there would be the usual public notice (about the public hearing) mailed out to the neighbors within a 350-foot radius. Mike said he was sure that was part of the process, just like when Munchies came through with their sign variance request, which is the only real comparison the City has for this type of request because the City just hasn’t had that many.

Lori asked the other Council members if they thought the school’s request might be unreasonable. Joel said it was hard to say without knowing more. He pointed out that the Council could set regulations for the sign concerning things such as hours of operation, so it was his opinion that FMHS should move forward with their variance request.

Lori said that like it or not, digital is the way signs are going. She also pointed out that there would be many upcoming discussions about the Sign Code during the Land Use Code update process.

Dave said it sounded like the FMHS sign would be more like a sign that an athletic stadium would have (like a SuperTron) and he thought that because the sign would be so unique, it would be good
to do a notification to the surrounding neighborhoods. He added that he would like to see the variance request.

COUNCILOR DAVE KARISNY

Dave shared his notes from the draft of the 2045 Grand Valley Regional Transportation Plan, which encompasses the entire valley and is done every five years. The draft reviews are due the following day (January 22nd) and the final revision is scheduled for February 10th. He said he believes the final adoption of the Plan will be at the end of February.

Dave continued that it seems the focus of the Plan is multi-modal, bike-friendly, pedestrian-friendly, connectivity and collaboration with the Mesa County Bike Alliance. He also mentioned Safe Routes to School, Share Mobility (bike sharing/car sharing), reducing congestion over time, and active transportation (bicycling & walking). The Grand Valley Regional Transportation Committee (GVRCT) is talking about inventories of local municipalities and the entire Grand Valley of bicycle and pedestrian paths and there is a sense of going back and re-striping and making the connectivity work. Dave said there seemed to be a real focus that wasn’t there at the last Master Plan meeting that reflects a shift from the 2040 Plan.

COUNCILOR KYLE HARVEY

Kyle reported that the Arts & Culture Board met the previous week and will be meeting every other week in preparations for the Evening of Art Gala fundraising event. He said the board began the “A Year in the Life of Fruita,” which is a contest where people can submit their photographs over the course of the entire year, which will be on display at the Fruita Civic Center and Fruita Community Center if they win. No submissions have been received as of the last meeting.

COUNCILOR AMANDA EWING

Amanda had nothing to report.

COUNCILOR KAREN LEONHART

Karen reported that she had a Police Commission meeting and the board discussed statistics such as the car break-in incidents, which are increasing due to people leaving their cars unlocked. Unfortunately, this sometimes results in the theft of guns that might be kept in vehicles. The board is trying to think of a way to create community awareness on locking your car.

Karen also reported that trespassing citations are also increasing due to high school kids going into the Maverik on Highway 6 & 50 after they have already been kicked out. The Fruita Police Department is currently down two officers; one is in training and should be out in mid-February. Karen said she asked about the Red Flag law and she learned that the Fruita Police Department will comply with the law, but they have concerns.

Karen also reported that she recently attended a School District 51 meeting also attended by Diana Sirko, Brian Hill and Nikki Jost and they discussed boundaries, teaching positions and what is going to happen with the new elementary school and what she got from the meeting is that in the
first part of March, the City of Fruita ought to be informed as to what the boundaries will be, how they will affect all area schools and where kids will go to school. Karen said the District is not going to announce any job openings until the boundaries are set and people know exactly where they are going.

MAYOR JOEL KINCAID

Joel reported that the Fruita Area Chamber of Commerce Board of Directors met a few weeks prior and elected a new President, Kodi Imondi, who was just appointed by the City Council (on the Consent Agenda) to the Fruita Tourism Advisory Council as the Chamber liaison to the board. Travis Robinson is stepping down from his seat on the board at the end of his term and Joel noted that Deputy City Clerk Deb Woods had the vacant seat posted. Staff has received one application, but Joel said he wanted to leave the vacancy open for three to four weeks total in order to potentially receive additional applications.

Joel also reminded the Council members to let Deb know if they wanted to attend the Chamber Annual Awards Banquet coming up on Saturday, February 8th. The City has a table of eight (8) seats and Deb noted that so far, she had received a total of six RSVPs, so there are still two seats left. Dave suggested that staff ask Councilor Ken Kreie (absent) if he and his wife would like to attend.

B. 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) – (MUNICIPAL COURT JUDGE INFORMAL REVIEW)

- COUNCILOR BUCK MOVED TO MEET IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F). COUNCILOR KARISNY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The Council convened into Executive Session at 7:50 p.m. The regular meeting convened at 9:00 p.m.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita