FRUITA CITY COUNCIL
REGULAR MEETING
FEBRUARY 4, 2020

1. INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Mayor Kincaid and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Council members present were Ken Kreie, Karen Leonhart, Amanda Ewing, Kyle Harvey and Dave Karisny. Councilor Lori Buck was absent at roll call but was expected to arrive at the meeting a little later. Mayor Kincaid called the meeting to order at 7:01 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 EWING MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATIONS – FRUITA TEACHER AND STUDENT OF THE MONTH FOR FEBRUARY 2020 – FRUITA 8/9 SCHOOL:

- STUDENT: LENNEA GREGG
- TEACHER: MARTHA GERSTENBERGER

Mayor Kincaid explained that the City of Fruita started recognizing students and teachers “of the month” from all Fruita schools in 2019 and is continuing the same program in 2020. He presented student Lennea Gregg and teacher Martha Gerstenberger from the Fruita 8/9 School with February 2020 “Student of the Month” and “Teacher of the Month” certificates and a day pass to the Fruita Community Center.

Principal Jason Plantiko spoke about Lennea being a leader at the 8/9 School who gets involved in many activities, is so kind and nice and is unique because she sees the “big picture.” He also acknowledged teacher Martha Gerstenberger, who has the job of organizing, scheduling, and supervising others in her team. Principal Plantiko said she does a fantastic job, is fun to have as a coworker and is the best person he has ever had in her position at the school.

B. PROCLAMATION – PROCLAIMING FEBRUARY 10 – 15, 2020 AS “KINDNESS IS CONTAGIOUS WEEK” TO BE ACCEPTED BY STUDENTS OF THE FRUITA 8/9 SCHOOL
The Proclamation was read by Councilor Leonhart and accepted by students of the Fruita 8/9 School.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE JANUARY 21, 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 MAVERIK, INC. LOCATED AT 1103 E US HWY 6 & 50

C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A TAVERN (CITY) – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE AND DANCE HALL LICENSE FOR JD’S BAR LOCATED AT 155 N. MULBERRY

D. BOARDS AND COMMISSIONS LIAISON APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF SARAH BROOKS TO THE LIVABILITY COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN FEBRUARY OF 2023

E. LETTER OF COMMITMENT – A REQUEST TO APPROVE A LETTER OF COMMITMENT TO CONTRACT WITH MESA COUNTY FOR STORMWATER SERVICES

F. GRAND VALLEY ESTATES FILING #2 SUBDIVISION:

1) RESOLUTION 2020-07 – APPROVING THE FIRST RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) FOR THE GRAND VALLEY ESTATES FILING #2 SUBDIVISION

2) RESOLUTION 2020-08 – APPROVING THE FIRST RELEASE OF THE SUBDIVISION DEVELOPMENT AGREEMENT (DIA) FOR THE GRAND VALLEY ESTATES FILING #2 SUBDIVISION

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 KREIE MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR EWING SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.
7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

1) RESOLUTION 2020-05 – APPROVING A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 825 E. OTTLEY AVENUE (VIC’S PLACE VRBO) – PRESENTED BY CITY PLANNER HENRY HEMPHILL

City Planner Henry Hemphill entered staff’s PowerPoint presentation into the record. He mentioned that the staff report, all review comments, project narrative and more were included in the Council packet.

The presentation included a project description and review of Land Use Code requirements. Mr. Hemphill did not review each of the twelve approval criteria in the Land Use Code, but he did provide the following highlights of the project:

- The subject property contains a 1,696 square foot detached single-family dwelling unit on an approximately 4.9-acre lot located behind the Country Village Mobile Home Park on East Ottley Avenue.
- The entire home is intended to be available for rent on a less than month-to-month basis.
- The Land Use Code defines this type of use as a Bed & Breakfast, which requires a Conditional Use Permit (CUP) in the Community Residential Zone.
- The applicant and staff had a pre-application meeting and the project narrative addresses most of the review comments.
- Staff believes that the application meets all the approval criteria that must be considered.
- There was one comment from Lower Valley Fire regarding the address of the subject property and the fact that it might be difficult to locate the subject property in the case of an emergency.
- Regardless of the type of use (whether a CUP or a long-term renter in the house), the Fire Code still calls out the issue of the house not being able to be seen from Ottley Avenue.
- The Fire Marshal or Fire Chief made a call to request an off-premise address sign so that the subject property will be easier to locate and this has been accomplished, so the issue is resolved.
- Staff is requiring that all carbon monoxide and fire alarms be placed in the house, which is very typical of short-term rentals in Fruita.
- The VRBO is limited to four bedrooms.
- An annual review of the business license and the CUP by the Code Compliance Officer will be conducted.
- Staff received no written public comments on the project.
- At the Planning Commission meeting, the board voted 7 to 0 to recommend approval to the City Council.
- Staff’s recommendation is that the Council move to approve Resolution 2020-05.

Mr. Bill Barlow appeared before the Council as the applicant and property owner. He explained that he inherited the subject property and wants to keep it for the family to use when they are in
town, but he would also like to have it available for people who want to visit Fruita. Mr. Barlow added that he has a very good relationship with the mobile home subdivision adjacent to his property.

Mayor Kincaid opened the public hearing on Resolution 2020-05. Hearing no comments, he referred the matter to the Council.

Councilor Ewing asked Mr. Barlow if he is located in Fruita in case of an emergency and Mr. Barlow responded that he lives five minutes at the most from the subject property and that is if he is walking.

Councilor Ewing asked if Mr. Barlow’s neighbors know who to contact in case of an emergency. Mr. Barlow said that he has spent a lot of time with the Maintenance Supervisor at the mobile home park and everyone knows him, so there is plenty of contact with the neighbors.

Councilor Ewing explained that these are the typical questions that the City Council asks of owners of VRBOs.

- COUNCILOR KREIE MOVED TO APPROVE RESOLUTION 2020-05 – A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 825 E. OTTLEY AVENUE. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

2) RESOLUTION 2020-06 – APPROVING A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 157 SOUTH ORCHARD STREET (RYAN & RENEE COOK VRBO) – PRESENTED BY CITY PLANNER HENRY HEMPHILL

City Planner Henry Hemphill entered staff’s PowerPoint presentation into the record and made known that the staff report, review comments and all other pertinent information was included in the Council packet.

The presentation contained the following highlights:

- The subject property contains a 1,556 square foot detached single-family dwelling unit on an approximately .17- acre lot.
- Subject property is located on South Orchard northwest of the intersection of East McCune Avenue and South Orchard Street.
- The applicant is proposing to rent out on a less than month-to-month basis an attached, 393 square foot mother-in-law suite that includes one bedroom, a full kitchen and a full bathroom.
- The Land Use Code defines this type of use as a Bed & Breakfast, which requires a CUP in a Community Residential zone.
Mr. Hemphill did not review each of the twelve approval criteria in the Land Use Code because he said the application meets or can meet all approval criteria.

There are some conditions of approval before or during the time the business becomes operational:

- Lodger’s tax be paid to the City of Fruita pursuant to Chapter 3.18 of the Fruita Municipal Code
- Maintain a current City of Fruita business license
- Is limited to one bedroom, which must contain fire and carbon monoxide alarms
- Annual review of the business license and CUP by the Code Compliance Officer

The main house will be owner-occupied while the mother-in-law suite is being rented.

Postcards and property notices were put in place on December 17, 2019 and the legal notice was published in the Daily Sentinel on December 20, 2019.

Staff received public comments from what would appear to be a local or nearby property owner. The comments were emailed to staff with no address or name attached to it, so Mr. Hemphill said staff is assuming the person either received a postcard notice of the public hearing or perhaps the person drove by and saw the public notice sign located on the subject property. These comments were included in the Council packet for the Council’s review.

No reviewer expressed any concerns of the proposed application.

The Planning Commission recommended approval to the City Council by a vote of 7 to 0 at their January 14, 2020 meeting.

Staff recommends that the City Council, by motion, approve Resolution 2020-06.

_Councilor Lori Buck arrived at the meeting at 7:19 p.m._

Property owners/applicants Ryan and Renee Cook approached the Council and stated that they live at the subject property located at 157 South Orchard Street and that this was their primary and only residence.

Renee Cook stated that she and her husband built the mother-in-law addition for her mother in 2018 and it is completely self-contained and has a laundry facility. Renee’s mother suddenly and unexpectedly passed away and the Cooks feel that they need to do something with the property so that it is not just sitting empty.

Renee continued that she and her husband, as Fruita residents, have the highest interest concerning with whom they will be sharing their home and property. She noted that the written comment received by staff mentioned something about transients, but stressed that she and her husband live there with their daughter, so there will never be a time when the Airbnb side is rented out that they won’t be on the premises as well. She added that they are not dependent on the VRBO for income and that the house is very small, so it will only be for one or two people maximum.

Mayor Kincaid opened the public hearing on Resolution 2020-06.

_Councilor Leonhart commented that when the City does get input from the public, the City Council does look at it and considers it seriously, but when someone doesn’t put their name to it, it is very_
hard to address those concerns. She said it was unfortunate that the City can’t talk to the person who submitted the written comments for the Cook’s CUP application because they did say some pretty serious things in the letter.

Renee Cook added that she and her husband did speak with neighbors before they even applied for the CUP and that there was a list of those neighbors in their application. Ryan Cook noted that the one written comment received by staff was submitted at the last minute before the Planning Commission meeting.

- **COUNCILOR KARISNY MOVED TO APPROVE RESOLUTION 2020-06 – A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 157 SOUTH ORCHARD STREET (RYAN & RENEE COOK VRBO). COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

3) **VILLAGE AT COUNTRY CREEK NORTH – A REQUEST TO APPROVE A PRELIMINARY PLAN FOR A 12-LOT SUBDIVISION LOCATED AT 1176 18 ROAD ON APPROXIMATELY 3.48 ACRES – PRESENTED BY CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill entered a PowerPoint presentation into the record and noted that the staff report and all review comments were included in the Council packet. He said the presentation was going to cover the main elements of the application and not so much about specific details. Highlights and sections of the presentation included:

- A map of the location of the subject property illustrating the surrounding zoning which is mainly Community Residential with some Mesa County jurisdictions to the north, Casa Vista Subdivision to the northeast (zoned Large Lot Residential) and the Echo Canyon and Pinedale Subdivisions (zoned Community Residential) to the west.
- There is an existing house on the subject property that used to be a residence, but it was sold. The primary access is off a long, shared driveway from 18 Road, which is why the subject property has an address of 18 Road.
- Access and description of the project, which is a 12-lot subdivision taking access of Periwinkle Lane just to the northwest through a tract of land that was essentially set aside for this project. It is a tract of land dedicated through Village at Country Creek Filing #4 to the public that was to allow future access to the parcel.
- The property owner, Mr. John Moir, purchased the property in anticipation of incorporating this subdivision into the overall HOA and covenants within the Village at Country Creek. It appears that this is either in the process of getting accomplished or has been accomplished.
- Compatibility between the subject property and surrounding residential neighborhoods will be seamless and will integrate very well into what is already existing.
- The lots will be utilized for single-family detached homes on lot sizes that range from 7,000 square feet to just over 12,000 square feet.
- Access off Periwinkle Lane will go onto a cul-de-sac known as Snowdrop Court.
• The property comes with two irrigation shares which will be transferred into the Village at Country Creek HOA, bringing the total number of shares for Village at Country Creek to 51.

• Staff and other review agencies do not see any major issues or review comments associated with the project.

• The applicant will be required to adequately resolve any review comments or issues with the Final Plat application.

• Dates of postcard and property legal notices completed by staff prior to the public hearing at the Planning Commission meeting.

• The Planning Commission voted 7 to 0 to recommend approval of the application to the City Council.

• No public comments were received by staff to date.

• Staff’s recommendation was that the Council, by motion, approve the Village at Country Creek North Preliminary Plan application with the condition that all review comments and issues identified in the staff report be adequately resolved with the Final Plat application.

Applicant John Moir, 278 N. Mesa Street, stated that annexing the property into the Village at Country Creek HOA was approved by the majority vote of 72% of the people who voted to annex it in, which resulted in the need to create a new boundary with the HOA. The HOA will now encompass the subject property and most of the residents of the existing subdivision would like to see it develop as part of the 55 and over community to maintain that type of integrity throughout the subdivision.

Mr. Moir continued that something he wanted to mention was that a detention pond was incorporated on the subject property which will then tie into the Grand Junction Drainage District. He said that there is an existing pumphouse right next door to the detention pond and he plans on tying into it because it has adequate capacity to serve the subject property as well. Mr. Moir said the Village at Country Creek currently has 49 irrigation shares and probably uses about half of that simply because everything is master-metered and part of a Master Irrigation Plan so it is pretty efficient.

Mr. Moir concluded that he thinks most of the details have been worked out with the City of Fruita in terms of the engineering design, but there are still a few details left concerning utility providers. He said most of these are fairly simple to resolve, so he didn’t foresee any issues with the project.

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

Mayor Kincaid made the comment that he liked that developer John Moir was putting in a gravel trail on the strip of parcel; he thinks that is a great way to tie in some trails for the City.

Councilor Buck said she thought the project was fabulous and she was glad to see that Mr. Moir is adding more single-family to the subdivision because she knows that it is in a very high-demand area. She asked how many of the lots have been pre-sold at this point.
Mr. Moir responded that he really hasn’t marketed the subdivision simply because he hates putting something on the market before it has been approved.

Councilor Buck asked Mr. Moir when he anticipates moving dirt on the first house and Mr. Moir responded that he has to build the street first, which will probably happen sometime this summer and maybe as soon as this fall he would be able to remove dirt on the first house. He said if that doesn’t happen, it will be in about one year from now.

Councilor Buck asked what the price point of the houses is going to be. Mr. Moir answered that the single-family homes that he is selling presently are in the $320,000 to $350,000 range.

Councilor Leonhart said Village at Country Creek is such a great, high quality subdivision and she really liked reading all the comments about the economic impact and other very informative pieces that were in the application.

Councilor Karisny added that the Village at Country Creek has also been a very consistent development over more than two decades and that it is really nice to have the subdivision in Fruita. He commended Mr. Moir for his dedication and hard work.

- **COUNCILOR LEONHART MOVED TO APPROVE THE VILLAGE AT COUNTRY CREEK NORTH PRELIMINARY PLAN APPLICATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

8. ADMINISTRATIVE AGENDA

A. SCOPE AND PRIORITIZATION OF K.4 ROAD, FREMONT STREET AND OTHER CAPITAL PROJECTS – PRESENTED BY PUBLIC WORKS DIRECTOR KEN HALEY

Public Works Director Ken Haley gave staff’s PowerPoint presentation. He said he wanted to make sure staff was heading in the direction desired by the City Council concerning what the City is going to accomplish for Capital Project in 2020.

Mr. Haley noted that the 2020 adopted Budget includes $2.9 million in the Capital Projects Fund for capital projects and that they are primarily all transportation related. Staff has tried to prioritize projects in order to maintain the City’s existing infrastructure that involve safety improvements because these are core services that impact Quality of Place and are consistently something that the City hears about from residents (quality of streets and flow of traffic).

For the 2020 Budget, $2.0 million (out of the total of $2.9 million) was budgeted for K.4 Road for the new Elementary School, but this was aligned heavily with leveraging some dollars with Department of Local Affairs (DOLA) grant funds as well as matching dollars from Mesa County.
Mr. Haley announced that unfortunately, the City was not successful in getting the DOLA grant and has not been able to identify or secure any other grant dollars, so City streets capital projects will have to be scaled back or even delayed.

Mr. Haley continued that Mesa County is able to provide the matching dollars for the K.4 Road project based on the thought that they are trying to leverage their dollars as well to get as much done as possible, but they also have some other options that they might try to leverage that money with, so City staff is not really counting on their match for this year unless the City of Fruita can find some other dollars.

Mr. Haley’s presentation illustrated the reductions to the 2020 Capital Projects Fund of the -$1 million from (DOLA), Mesa County’s -$500,000 and the Multi-Modal Options Fund -$35,000 for a total reduction of just over $1.5 million less than what the City has requested. To adjust for that and make sure staff is headed in the right direction, Mr. Haley discussed the K.4 Road project with the Council because it was the biggest project budgeted. The hope was to get a complete street from Pine Street all the way to Fremont Street. Monument Ridge Elementary School is on the east end of the project and the Little Salt Wash Park is on the west end. Mr. Haley said it will become a pretty important corridor for pedestrians and for vehicular traffic to get to and from the new school. This is why it was advanced in the 2020 Budget.

Mr. Haley pointed out that in order to do a complete street, 2,000 feet of storm drain and 1,000 feet of sewer line is necessary before the street is put in. The City’s preference would be for sidewalk on both sides of the street and because it would be such an important corridor for elementary school students. The street was designed as such that it would have a widened sidewalk of 8 feet (on the south side) compared to the typical 5-foot wide sidewalks on arterial roadways.

Mr. Haley said that with having less than ¼ of the necessary funds available, staff has looked at a reduced scope alternative for the K.4 Road project of putting the surface improvements in at the highest traffic/pedestrians areas, already developed frontages and areas where there is no future underground work needed. Staff identified this to be the south side of K.4 Road, but with the funds that are currently available, there is only enough money to do a certain section of sidewalk from Benson Estates to Fremont Street.

Mr. Haley said that staff’s recommendation would be for the reduced scope alternative for the K.4 Road project.

Mr. Haley also discussed the Fremont Street project and its east pedestrian alternatives for getting to the new school. He stated that City staff has tried to work with the School District on installing a portion of pedestrian facilities, but that didn’t happen. The City did include $350,000 in the 2020 Budget for a full widening and sidewalk on Fremont Street and staff has gotten a little further in the design process to see what it will take. Mr. Haley said that these improvements could be constructed for the budgeted amount, but unfortunately, it does require that for an existing house that is very close to but lower than the road will actually need close to $50,000 to construct a retaining wall to get by the house. He said that there may be some sacrificial expenses in doing the full project if the property redevelops, so one of the alternatives contemplated is getting some type of pedestrian facility without doing a retaining wall and relying on the rest of the development to happen. One of the alternatives staff came up with was to simply pave the widened shoulder similar
to what is on J.3 Road, which would at least provide some pedestrian connection other than walking in the dirt on a slope between the asphalt and the existing fence. Mr. Haley stated that this alternative would cost about $170,000 and would not include any sacrificial-type work. Mr. Haley pointed out that a full widening of the street will require moving a fence, fire hydrant, trees and other utilities back as well as putting in the retaining wall.

Mr. Haley also discussed the pedestrian alternatives for the west side of Fremont Street from Aquarius south to Ottley where there is a missing connection on the west side of the road (opposite from Brandon Estates). He said there is edge of road, utility poles and rock and weeds right now, but potentially there could be some pedestrian improvements here and up by north of Brandon Estates for the $350,000 rather than doing the full road build. He continued that a complete street here would cost about $280,000, which is beyond the City’s budget. For about $170,000, the City could put in a detached trail along the section behind the utility poles. Mr. Haley said this is not a long-term solution because there still is the need to widen the road and put in underground utilities, but this would be an intermittent step towards pedestrian improvements alone.

Mr. Haley mentioned that staff has been looking at this without knowing where the attendance boundaries for the new school are going to be, but that the School District will be holding upcoming public meetings to discuss it. Scenarios that the District has right now show that Ottley Avenue is the dividing line between Monument Ridge and Rim Rock Elementary, which means that there won’t be student pedestrians crossing Ottley Avenue. Mr. Haley said that because of this, he didn’t think this project would get as much use as was originally intended. He noted that there is a trail south of Ottley that heads down to Rim Rock Elementary, but if the dividing line is Ottley, staff doesn’t anticipate a lot of pedestrians in this location. Mr. Haley said that anybody west of there that is within the attendance boundary can cut through the subdivision on sidewalks with the exception of about 14 houses on Phyllis Drive.

Mr. Haley stated that staff has considered other capital needs in the City but has also discussed prioritizing and maintaining what the City has (while addressing safety needs) before building new improvements. He said that the biggest capital need the City has right now is high-priority road overlays at $1 million plus at the following locations:

- Maple Street – Needs utility work
- S. 18 ½ Road – Combine with Transportation Impact Fees (TIFs)
- Ottley Avenue – Combine with ADA ramps
- Redcliffs Drive – Combine with Ute Water
- Laura Court – Beyond chip seal planned
- Elm Street – Combine with ADA ramps

Mr. Haley reviewed all the above for the Council. He noted that the City only budgeted $200,000 for overlays in 2020 because a lot of the overlay dollars were going towards the K.4 Road project instead.

In addition, staff has been trying to come up with a Master Plan for some of the drainage improvements along the washes and how to fund those. A critical issue that has come up is that on the Big Salt Wash right behind the Santa Fe Ranches Subdivision, there is a section that is eroding.
the bank. Trees have fallen into the creek and the trail has cracked and settled in a number of spots and Mr. Haley said if the City doesn’t do something, it will continue to get worse. He added that this is something that should be a priority although it wasn’t included in the 2020 Budget and the City needs to find some money for it as soon as possible. The project would be done in-house with rented equipment and purchased boulders and other soil treatments to stabilize the area and then the damaged sections of the trail would need to be repaired. Mr. Haley estimated that the materials for this project would cost about $22,000.

Mr. Haley wrapped up his presentation with an overview of all the City’s high priority Capital Projects, their cost estimates and comments about pending grants and available funds in the City’s General Fund. Altogether, General Fund contributions total $902,500, which is the same as the adopted 2020 Budget. Mr. Haley said staff is trying to fit the projects with the available or pending funds so that the City doesn’t have to spend Sewer Fund dollars that were budgeted for 2020 for the K.4 Road project.

Mr. Haley requested general direction from the Council on which projects should be priorities while taking into account that the City needs to make sure it is maintaining its infrastructure but also maintaining the public perception of what the City has committed to for the new Elementary School. He acknowledged that the big project on everyone’s mind is the pedestrian trail on the west side of Fremont Street and asked if the Council was interested in prioritizing that it or if the dollars should be going toward overlays or other priorities.

Councilor Kreie asked if the widening of the street and the sidewalk would be one or the other and Mr. Haley responded that on the east side closer to the Elementary School, the City could do the widened asphalt and the trail further south or the City could do the full build up closer to the school (the full widening and full sidewalk).

Councilor Ewing recalled that Mr. Haley had mentioned that Transportation Impact Fees (TIFs) could be used for certain capital projects. Mr. Haley confirmed that this was correct and added that in the City’s current budget, the only project that was budgeted to use $250,000 of TIFs is the K.4 Road project. There is an additional $75,000 budgeted towards Fremont Street. He said this is about how much the City has collected and it actually matches up pretty close to what the proposed attendance boundaries are for the new Elementary School.

Mayor Kincaid asked what the opportunities for grants (other than DOLA) might be in the next couple of years for finishing the K.4 Road project. Mr. Haley responded that unfortunately, a lot of those grants for road improvements are getting more competitive, in fact, DOLA has changed some of their policies so that they are not funding road improvement projects anymore unless the project is on a haul route for an energy use such as oil and gas. Mr. Haley noted that DOLA told the City of Fruita not to reapply because they did not believe the City would have a successful application in the future.

City Manager Mike Bennett added that Fruita has a close relationship with its DOLA Regional Representative and with DOLA as a whole and that staff received great feedback on the grant application as far as putting it together correctly; it’s just that road projects that don’t get oil and gas workers to and from work are not being considered for grant funds any longer. He said the
City cannot rely on DOLA for road projects and there really are no other grants that provide that level of funding.

Mr. Haley noted that the Safe Routes to School grant funds only total about $100,000 per year.

Mayor Kincaid asked what opportunities there might be for Fruita to partner with Mesa County on the K.4 Road project in the future. Mr. Haley replied that Mesa County has been very supportive of the project. They had the money originally budgeted for the bridge replacement on Fremont Street near L Road, but they were going to push that project back and advance some of those funds towards the K.4 Road project. He added that Mesa County needs to leverage their dollars to get the bridge project funded as well. Mesa County has said that they are not planning on constructing the bridge this year and they are holding those funds to put them towards the bridge project, but if Fruita has a critical need for funds, they will work with the City to try to partner together.

Councilor Leonhart asked Mr. Haley to speak about the Circulation Plan and the design for Fremont Street. Mr. Haley said that the Circulation Plan is a continuation of the Transportation Chapters of the Comprehensive Plan that the Council would be discussing soon. He added that with the changes in densities, the City needs to look at how it impacts the transportation network and use those kinds of analyses to help the City prioritize projects in the future, as well as helping to identify not just vehicular transportation, but also multi-modal and how those all tie together in order to update the Land Use Code accordingly.

Councilor Karisny and Mr. Haley discussed the different options for the pedestrian routes kids could use to the new Elementary School from the Monument Glen and Holly Park Subdivisions.

Mayor Kincaid asked each of the Council members what they thought about the K.4 Road project.

Councilor Karisny stated that based on where kids would be walking from the Holly Park and Monument Glen Subdivisions, he thinks K.4 Road would be the highest priority project and that it would be something that would be permanent and not sacrificial. Councilor Leonhart added that this section would be complete on both sides for that length of roadway at least. The other Council members agreed.

Mayor Kincaid asked the Council members to give staff direction on the east side of the sidewalk. Councilor Ewing said she feels like there are some safety concerns with widening the street with asphalt. Mr. Haley noted that staff had discussed putting in some temporary flexible bollards along the transition to help with those concerns. Councilor Leonhart said she liked that idea and added that whatever the City could do to make it a safer pathway would be to everyone’s benefit. Councilor Kreie said he was still concerned about having a way of keeping drivers out of the pedestrian lane and asked if there were other ways to demark that area instead of just painting a white line. Mr. Haley confirmed that staff could look at alternate marking and striping patterns and reiterated that on J.3 Road, there is a five-foot wide shoulder on the east side and it could look very similar to that.

Councilor Buck said she preferred to widen the pavement on the east side. Councilor Karisny said he thought widening would work. He asked how far the school zone extends from the school. Mr. Haley responded that the standard is to have the flashing school zone start 200 to 300 feet before
the school property. Councilor Harvey said he was not crazy about the paved shoulder idea; he would prefer the full widening and the sidewalk. He said that as a second option, he likes the idea of having some separation between the actual paved road and where kids will be walking because if there is a break in the pavement, that would signify where vehicles need to be. Councilor Ewing said she wonders if it wouldn’t be worth waiting on and evaluating the actual situation to see what happens; to see how many kids and how much use there would be before funding it in full and doing it right. She added that regardless, she wants it to be safe. Councilor Leonhart said she liked the idea of doing it the right way, not cutting corners, but instead making it safe. Councilor Kreie said he wants the City to do the project as appropriately as it can, so if the pavement was going to be widened, he wants it to be marked very clearly. Mayor Kincaid said it was also his opinion that the K.4 Road project be done the right and safe way, just like the City is requiring the School District to do. He added that he didn’t think the Council came to a consensus; that they were pretty much split. He asked if the Council needed to take the discussion to a workshop meeting.

Mr. Haley pointed out that some of the projects are very critical timewise to make sure they get done by the time school starts or that utilities get done before irrigation season starts. He said he would probably need to come before the Council in two weeks with a Budget Amendment, so staff just needs to know which direction they are headed in. He explained that the K.4 Road and Fremont Street projects would most likely be one construction contract, so staff tied those all into one project.

Mayor Kincaid asked which Council members wanted to see the full road build out on K.4 Road. Councilors Kreie, Ewing and Harvey all said yes. Mr. Haley said that was enough direction from the Council and noted that it means the City won’t have the money to do the section to the south.

Mr. Haley also stated that if the City wasn’t reshuffling the Capital Projects, staff would probably have been coming to the Council for a request to use Contingency Funds for the Big Salt Wash project and that as staff reorganizes projects, they will try to incorporate that project in there somehow because it is a priority.

**B. RESOLUTION 2020-09 – ADOPTION OF “FRUITA IN MOTION” COMPREHENSIVE MASTER PLAN – PRESENTED BY PLANNING & DEVELOPMENT DIRECTOR DAN CARIS**

Gabby Voeller with the City’s consulting firm, SE Group, presented the plan to the Council in its finished form. She led them through the highlights and the final changes that have been made over the last couple of weeks. Gabby explained that her team would be going through the document with a fine-tooth comb to make sure there were no small mistakes over the next week. She added that in the Plan, there was acknowledgement of all those who participated in the planning effort including the City Council, Planning Commission, City staff, Advisory Steering Committee and many, many others.

Throughout this comprehensive plan process, residents brought up how much they value living in Fruita, its small-town character, and the City’s commitment to preserve the most desirable community qualities into the future.
This plan is an update of the 2008 Community Plan, to better reflect where the city is today, and its desired growth into the future. The goals, policies, and actions of the plan are intended to support and preserve the community values. In 2014, the City Council developed strategic outcomes to guide and ensure that City’s actions and policies align with Core Services, Quality of Place, Economic Health, and Lifestyle. These four items helped guide this planning process and are embedded in the document to serve as context on how every critical decision was evaluated. The vision of this plan is, “The City of Fruita values quality of place. It’s an inclusive city, with a small-town feel and a vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the city facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The city governs in a way that’s responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation.” Five themes emerged based on the community values and vision which include: efficient development, community first, tourism second, a thriving downtown, connectivity, and strategic economic development.

The plan’s policies and actions include funding strategies for achieving the goals to ensure that all elements of the plan can be implemented as appropriate.

Ms. Voeller pointed out that for the public process, there were Advisory Committee stakeholder discussions, two big Open Houses, a design workshop and a planned Roadshow where the City Manager and Planning & Development Director spent many evening hours in public meetings at various locations as well as the meetings for the adoption process that have taken place over the last month.

Ms. Voeller reviewed each of the analyses, conclusions and visions in the Chapters of the “Fruita in Motion” Comprehensive Master Plan. She explained that the document will be very helpful when the City begins to update its Land Use Code (a process that has begun)

The Comprehensive Master Plan includes a new future Land Use Map that will replace the old one that was adopted in 2008. Ms. Voeller explained that developed areas are now a different color but in terms of desired land use, the developed and undeveloped residential areas are really the same desired land use, so this gives the map a little bit of a cleaner look. She reiterated that it was not a “Zoning Map;” it is a future Land Use Map of desired future conditions for what the land use is going to be in all areas. It will take additional ordinances to adopt any new zoning that the City might want to create or change based on the future Land Use Map.

Ms. Voeller added that the plan also divides commercial uses into C1 (red) and C2 (pink). Currently, Fruita has just one commercial zone, so through the Land Use Code update (if the Comprehensive Plan is implemented) the City will need to work to separate the commercial into those two different zones and figure out what the appropriate uses are for red and pink (based on their descriptions in the Plan). This map and Chapter will set the stage for future decisions about zoning and land use.

Councilor Buck expressed concerns about the new zone titled “Innovation and Flexibility Zone.” She said the people who own property in the industrial zone are going to be very upset when they find out it is not labeled “industrial” anymore, even though the use isn’t being changed. She recalled when the City ran into this issue when the name of the zoning on Highway 6 & 50 was
changed and people assumed their commercial status was taken away. Planning & Development Director Dan Caris named the big landholders in the area and said that staff hasn’t spoken specifically with them, but that the description of the “Innovation and Flexibility Zone” in the Plan speaks to a whole host of different categories where all those previous uses will remain, but the City will gain the ability to build different standards and potentially take advantage of a lot of different uses. He said he understood that there was still an issue of public perception and Councilor Buck agreed that public perception was 100% the problem. She suggested that the Plan still needs to keep the word “commercial” in it.

Mr. Caris said he thought the Highway 6 & 50 issue had more to do with the fact that Downtown Mixed Use actually feathered out into those areas and people felt like they lost some commercial entitlements along with that.

Ms. Voeller said that in terms of uses in the C1, the only additional use that was imagined is potentially having multi-family housing allowed along with commercial and that the dimensional standards of buildings and parking might look a little bit different along the 6 & 50 corridor so that it starts to feel like more of a downtown area. She added that the descriptions are still relatively general, so the City could have a lot of the same uses in both C1 and C2 with the exception of trying to promote some multi-family in the C1 zone. Ms. Voeller explained that differentiating the two commercial zones would really be more about design and circulation than land uses. Mr. Caris added that the zones will remain commercial.

Councilor Ewing asked if it was intentional to have BLM land within the City limit boundary on the future Land Use Map. She said she was referring to the area to the west of the Kingsview area, which is encompassed in City limits.

Councilor Karisny said he thought the area being referred to is the Devil’s Canyon parking area, which is maintained by the City of Fruita, although he didn’t know if it was owned by the City.

Ms. Voeller gave the example of Snowmass, CO where almost the entire front side of the surrounding mountain is within the town limits even though it is technically federal land and they have no jurisdiction over it. She added that this is a common issue, but that it is beneficial because if something is going to happen with (for example) the forest/mountain, the town of Snowmass will be allowed to be at the table to talk about it.

Councilor Ewing said she wanted to make sure that it was intentional. Mr. Caris explained that the Plan was trying to address the road, so that is the reason it was included in the map. He said he and the consultant would double-check it to see if the map needs to be revised.

Ms. Voeller emphasized that the new Plan is not trying to take away any type of development; it is opening it up for new conversations and new ideas.

Mr. Caris noted that he had just looked at the BLM property that Councilor Ewing referred to and matched it up with the current City limits. He clarified that when Kingsview got annexed, the BLM property came in to encompass the Kingsview right-of-way, so that is why it is in City limits and has a future land use of Community Services and Recreation. He continued that although it is
technically federally-owned land, the zoning is similar to how the City would classify it if it was City-owned property.

Councilor Ewing reiterated that she just wanted to make sure it was clear that the property is BLM land and that it wasn’t an unintentional error in the Plan.

Councilor Karisny pointed out that the Planning Commission had recommended approval of the Plan to the City Council. He added that the amount of the community outreach was unprecedented and the way the Plan was presented to the public, there was a lot of real positive comments that held pretty consistently through the whole process.

Councilor Karisny also said he thought it would be interesting to have a question or two in the next Community Survey regarding the process to see who participated, what part they participated in, and whether they feel like the City is doing what they thought and wanted to happen to the community.

Finally, Councilor Karisny made the comment that the Plan is going to be of tremendous value for all the current and future staff and Councils to work with.

Councilor Leonhart agreed and said it was great to see the community members that came in and helped put the Plan together, which she said all comes back to Fruita’s values.

- COUNCILOR EWING MOVED TO ADOPT RESOLUTION 2020-09 – APPROVING THE “FRUITA IN MOTION – PLAN LIKE A LOCAL” COMPREHENSIVE MASTER PLAN. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

9. CITY MANAGER’S REPORT

City Manager Mike Bennett announced that the agenda for February 18th would be a little lighter than usual and then on February 25th, the Council will have a fairly short workshop with the Arts and Culture Board members as well as the roundabouts project artist and the landscape architect to review renderings of the project. He noted that at the Art Gala, the board wants to display the renderings in a booth to get some reaction back, even though public input has already been gathered.

Mike reminded the Council members who planned to attend that the Chamber Annual Awards Banquet is scheduled for the upcoming Saturday, February 8th at the Fruita Community Center starting at 5:30. He noted that the City still had two remaining seats at its banquet table and if no Council members wanted to attend, he would ask staff to see if anyone was interested.

Mike also pointed out that the following day, he would be heading to the Colorado City/County Managers Association Annual Conference for the rest of the week but that he would have his cell phone if anyone needed him.
10. COUNCIL REPORTS AND ACTIONS

COUNCILOR LORI BUCK

Lori had nothing to report.

COUNCILOR DAVE KARISNY

Dave reported that he attended the local Coordinating Council Meeting the previous month. It consists of a number of non-profit organizations and some for-profits, but the goal is to work with about sixty different agencies (including municipalities) to try to eliminate duplicate services. They discussed Mesa County’s 2045 Plan, and in particular, the 5310 Fund, which is a budget item that has to do with providing services for older adults, people with disabilities or the poor.

Dave continued that the 5310 Fund comes through the Federal Transit Administration (FTA) and is used as a match to purchase equipment such as buses and lift buses. At the meeting, they discussed potential projects that certain agencies might have, which if they do, must be included in Mesa County’s 2045 Plan to be considered for funding.

Dave said that Sarah Brooks and Dan Brosevic had suggested that Fruita look at doing a circulation bus that would be limited to Fruita, which he thought might be a good project for the 5310 Fund. It would have to end up on the 2045 Plan in order to be eligible and the Plan is expected to be adopted on February 24th.

Dave said there would be no commitment for the project. He said it would require more discussion among the City Council and perhaps the Livability Commission, but he asked the other Council members if they thought it would be worth to include a circulation bus project for Fruita in the Mesa County 2045 Plan knowing that the City wouldn’t have to commit to anything; it would just allow the potential of pursuing it if the City wanted to do it in the next five years.

Mayor Kincaid said he was not comfortable making a quick decision on something that the Council didn’t have a chance to discuss wholly. He said the Council needs more information and needs it soon enough to take the issue to a workshop session in order to make a wise decision.

Dave reiterated that there would be no commitment on the part of the City, but the Mayor reiterated that his concern was that all the information was not available to the Council. He asked the other members what they thought.

Dave said the reason that it was brought up is because the 2045 Plan is a five-year plan and so, if the City in the next five years, thought it might want to pursue something like a circulation bus and looking at FTA funds to do it, the project would have to be included in that 2045 Plan. He said it would be included on a list of projects in the Coordinated Public Transit and Human Services Plan of the 2045 Mesa County Comprehensive Plan.

Dave also reiterated that the City would need to have many more discussions at workshop meetings and even possibly through a Community Survey to determine what the need is. He said it would
just provide the potential for Fruita to use 5310 Funds, but it really didn’t matter to him what the Council decided to do.

Kyle wondered if the Council could have some sort of report on it for the February 18th Council meeting as to whether being on the list would be legally binding in any way or whether it would cause problems with meeting expectations.

Mike said that he does know that being on the list does not commit the City of Fruita in any way; there’s hundreds of projects on those type of lists that never get funded. He continued that it would be one thing to get funding to buy a bus, but to operate the system would be a much bigger concern. He added that staff would not be able to come up with solutions to those kind of the issues by February 18th. Mike also said it would take much longer to even determine the need before a decision could be made as to whether to include it in the 2045 Plan or not.

The Council discussed potential downsides such as unintended expectations and Dave said that he thought it would certainly be something worth pursuing, but he agreed that it would take more time to determine if there was even a need.

Lori stated that a circulation bus in Fruita has never been a priority and that she didn’t think it would become one in the next five years, so the time was not right for it.

Joel noted that the Council seemed to be split on a decision moving forward. His advice was that when a decision is made quickly, it is usually not the right decision, therefore, he was opposed to the idea.

Dave said he would get back to the group to say that the City is not interested at this time.

Joel requested that if Dave e-mail the other Council members with more information if he receives it.

COUNCILOR KYLE HARVEY

Kyle had nothing to report.

COUNCILOR AMANDA EWING

Amanda reported that the Parks, Health, Recreation, Open Spaces and Trails (PHROST) Plan is underway with the Parks and Recreation Advisory Board and that on February 19th from 5:30 to 7:00 p.m., a Steering Committee meeting will be held and the Council was going to be invited. Mike noted that the Council would be receiving an e-mail about the meeting.

COUNCILOR KAREN LEONHART

Karen had nothing to report.

COUNCILOR KEN KREIE
Ken had nothing to report.

MAYOR JOEL KINCAID

Joel reported that the Tourism Advisory Council met and the board is moving forward with their plan for marketing for Fruita in 2020 with Slate Communications. He noted that there was a vacant seat on the board and asked the Council to refer people if they knew of someone that might be a good fit. They are hoping for someone who is either in retail or lodging and the vacant seat will remain open for another couple of weeks while staff waits to receive applications.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita