1. INVOCATION AND PLEDGE OF ALLEGIANCE

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

2. CALL TO ORDER AND ROLL CALL

Council members present were Ken Kreie, Amanda Ewing, Kyle Harvey and Dave Karisny. Councilors Karen Leonhart and Lori Buck were excused absent; however, Councilor Buck was expected to arrive at the meeting a little late. 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 stated that there were none.

- COUNCILOR KARISNY MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – STUDENT/TEACHER OF THE MONTH FOR MARCH: SHELLEDY ELEMENTARY

- Kindergarten – Paige Thompson
- 1st Grade – Kylie Harden
- 2nd Grade – Kristopher Davidson
- 3rd Grade – Teagyn Stewart
- 4th Grade – Emmy Lehmann
- 5th Grade – Logan Steel
- PE Teacher – David Hassler

Mayor Kincaid noted that the Student and Teacher of the Month presentation was incorrectly listed on the agenda under Public Participation instead of Proclamations and Presentations.

Mayor Kincaid stood in front of the dais and presented all six students and one teacher from Shelledy Elementary with a Certificate of Acknowledgment and a day pass to the Fruita Community Center. Audience members took photographs of the students and teacher holding their certificates with the Mayor and Council members.

5. PUBLIC PARTICIPATION
There were no comments from the public.

6. CONSENT AGENDA

A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE FEBRUARY 18, 2020 CITY COUNCIL MEETING

B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR TMPTF8 DEUX, INC. DBA RIB CITY GRILL LOCATED AT 455 KOKOPELLI BLVD.

C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF FRED MARTINEZ TO THE DOWNTOWN ADVISORY BOARD FOR A THREE-YEAR TERM TO EXPIRE IN MARCH OF 2023

D. RESOLUTION 2020-15 – APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE VILLAGE AT COUNTRY CREEK FILING #4 SUBDIVISION

E. RESOLUTION 2020-16 – APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE HARRISON TOWNHOMES

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 FOUR YES VOTES.

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

1) NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE AN OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR IMONDI WAKE ZONE, LLC LOCATED AT 1583 CIPOLLA ROAD

Deputy City Clerk Deb Woods gave staff’s presentation with PowerPoint slides. She reviewed the following for the Council:

- Definition of “Optional Premises” pursuant to Colorado State Statute
- List of documents included in the presentation: (application, neighborhood survey, project narrative, etc.)
Fruita City Council Minutes

March 3, 2020

- Aerial photo illustrating perimeter of requested licensed premises
- Photos illustrating the proposed licensed premises from views of both the lake and the Pro Shop
- Photo of an example of the type of fencing to be used for perimeters of licensed premises
- Illustrations of signage to be used in the proposed licensed premises
- Illustrations of the beverages that were being proposed to be sold and served
- Diagram of the Pro Shop
- Review of review comments from review agencies
- Staff’s recommendation: Approval of the Optional Premises Liquor License with the condition that all review comments be adequately resolved before any alcohol is sold and served on the premises

Deputy City Clerk Deb Woods also noted that applicants Victor and Kodi Imondi were subjected to criminal history record checks with all local law enforcement agencies as well as the San Diego County Sheriff’s Office and San Diego Police Department and that all records checks came back clear.

Councilor Buck arrived at the Council meeting at approximately 7:15 p.m.

Applicants Kodi and Victor Imondi, 1583 Cipolla Road, introduced themselves and said that they didn’t have a presentation because everything was covered in staff’s presentation, but that they would be happy to answer any questions the Council might have.

Mayor Kincaid opened the public hearing on the liquor license application. Hearing no comments, he closed the public hearing. He pointed out that his was one of the signatures on the Needs of the Neighborhood Survey petition for approval of the license.

Councilor Buck commented that the first time she was at Imondi Wake Zone, she thought right away that the business needed to get alcohol because it would get people to stay longer and really enjoy the space.

Councilor Karisny asked for and received confirmation that the issue with the Imondi’s fence being adjacent to the walking trail would be ironed out between the applicants and Public Works Director Ken Haley. He also asked what the Imondis main concern was with respect to locking up a cabinet to store alcohol in the Pro Shop.

Victor Imondi responded that locking the alcohol up would be to keep employees who are not managers out of it because the managers will be the only ones who can mix drinks. He added that it had been decided that they will actually be locking the alcohol up in a separate room and not just in a cabinet to be even more safe and secure.

Councilor Karisny said he thought the application was very thorough and clear and wished the Imondis luck.
Councilor Ewing said she thought it was going to be pretty neat to have the trail right next to the park, even if people are not participating, because they can just observe for entertainment purposes. She called the park a great addition to the City of Fruita.

- COUNCILOR KREIE MOVED TO APPROVE AN OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR IMONDI WAKE ZONE, LLC LOCATED AT 1583 CIPOLLA ROAD WITH THE CONDITION THAT ALL REVIEW COMMENTS BE ADEQUATELY RESOLVED BEFORE ANY ALCOHOL IS SOLD AND SERVED ON THE LICENSED PREMISES. COUNCILOR EWING SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

2) RESOLUTION 2020-13 – APPROVING A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 496 LOGAN LANE (BLACK BEAR HOUSE)

City Planner Henry Hemphill entered a PowerPoint presentation into the record as staff’s presentation. He pointed out that all information including the staff report, project narrative and review comments were included in the Council packet, therefore, he was not going to review each of the approval criteria line by line because there were about twelve of them. Instead, Mr. Hemphill provided a project overview, aerial photo of the location and zoning map, legal notice details and site layout to the Council. He stated that staff believes the application meets all twelve approval criteria that must be considered by the City Council.

Mr. Hemphill stated that no reviewer of the application expressed any concerns over the proposed application and that no written public comments were received by staff regarding the application. A letter of support from the subject property’s Homeowners’ Association (HOA) was included in the Council packet, however.

The Planning Commission voted to recommend approval of the application to the City Council at their meeting of February 11, 2020 by a vote of 7 to 0.

Mr. Hemphill listed the conditions of approval that must be met before the business becomes operational as follows:

- 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
- Limited to 4 bedrooms
- All bedrooms shall contain fire and carbon monoxide alarms
- Annual review of the Conditional Use Permit by the Fruita Code Compliance Officer
- Compliance with all laws and regulations as applicable
Mr. Hemphill stated that it was the recommendation of staff that the City Council approve Resolution 2020-13 – Approving a Conditional Use Permit (CUP) to operate a Vacation Rental by Owner (Bed & Breakfast) in a Community Residential zone located at 496 Logan Lane (Black Bear House).

Connor Dahl, who works with the Visit Fruita management team, said he was present to answer any questions the City Council might have. He had no other comments.

Mayor Kincaid opened the public hearing on Resolution 2020-13. Hearing no comments, he brought the matter back to the Council.

- COUNCILOR BUCK MOVED TO ADOPT RESOLUTION 2020-13 – APPROVING A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 496 LOGAN LANE (BLACK BEAR HOUSE). COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

3) RESOLUTION 2020-14 – APPROVING A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 402 S. PINE STREET (CHRISTMAS FARM)

Mr. Henry Hemphill entered staff’s PowerPoint presentation into the record. He noted that the property owner/applicant, Amelia Bornert was present in the audience.

Mr. Hemphill reviewed the project overview, aerial location and zoning maps and legal notice details. He stated that no reviewer expressed any concerns over the proposed application and no written public comments have been received by staff regarding it. He explained that he would not be reviewing the twelve (12) approval criteria that needs to be considered by the Council as this information had already been included in the Council packet and added that that staff believes that the application meets all the approval criteria.

The Planning Commission voted to recommend approval of the application on their Consent Agenda to the City Council at their February 11, 2020 meeting by a vote of 7 to 0.

Mr. Hemphill listed the conditions of approval before the business becomes operational as follows:

- 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
- Limited to 4 bedrooms
- All bedrooms shall contain fire and carbon monoxide alarms
- Annual review of the Conditional Use Permit by the Fruita Code Compliance Officer
- Compliance with all laws and regulations as applicable
Mr. Hemphill stated that it was the recommendation of staff that the City Council approve Resolution 2020-14 – Approving a Conditional Use Permit (CUP) to operate a Vacation Rental by Owner (Bed & Breakfast) in a Community Residential zone located at 402 South Pine Street (Christmas Farm Short-Term Rental).

Amelia Bornert, 402 S. Pine Street, stated that she was excited to bring more revenue to the City of Fruita and to bring some world-wide travelers into the community to share with them Fruita’s small-town feel.

Mayor Kincaid opened the public hearing on Resolution 2020-14. Hearing no comments, he referred the matter to the City Council.

- COUNCILOR KARISNY MOVED TO ADOPT RESOLUTION 2020-14 – APPROVING A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE Located AT 402 SOUTH PINE STREET (CHRISTMAS FARM SHORT-TERM RENTAL). COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

8. ADMINISTRATIVE AGENDA

A. RESOLUTION 2020-18 – APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH MESA COUNTY FOR STORMWATER COMPLIANCE SERVICES – PUBLIC WORKS DIRECTOR KEN HALEY

Public Works Director Ken Haley provided in-depth background information on the State of Colorado’s Municipal Separate Storm Sewer System program commonly referred to as an “MS-4” program through the state’s Water Quality Control Commission which sets regulations on water quality for stormwater and sewer systems throughout the state.

On December 17, 2019, the Fruita City Council approved Resolution 2019-70 to terminate the Intergovernmental Agreement (IGA) that formed the 5-2-1 Drainage Authority. As part of that action, Council directed staff to work with Mesa County to provide stormwater compliance services moving forward. The Fruita City Council then approved a letter of commitment to Mesa County on February 4, 2020 that formally requested that these services be contracted.

Staff has since been working with Mesa County to refine the scope of these services, resulting in a draft IGA being presented to Council for consideration that defines the scope and fees associated with providing the regulatory stormwater compliance services (not including any services that will address any stormwater quantity (flooding) or stormwater maintenance issues). Mr. Haley pointed out that while the IGA is similar to the one the City of Fruita had with the 5-2-1, one difference is that Mesa County will have enforcement powers concerning violations for illicit discharge or in construction permitting.
He stated that Fruita is on track to have the consolidated MS-4 permit transferred over into Mesa County’s name by April 1, 2020 and Mesa County has already begun the hiring process for dedicated stormwater staff.

The proposed IGA establishes an annual fee of $39,000 to be paid by the City of Fruita to Mesa County based on additional costs anticipated by Mesa County to provide the stormwater compliance services for Fruita city limits. This amount is less costly than if Fruita were to provide these services independently. The amount is also within the amount budgeted by Fruita for 2020, but it is expected to adjust in future years based on actual costs and levels of development.

It should be noted that the costs of implementing this program through Mesa County is expected to include additional upfront costs that are not included in the annual fee. These costs are being requested from the balance of funds held by the 5-2-1 Drainage Authority rather than each additional partnering agency.

Mr. Haley also noted that IGAs with Mesa County from each partnering agency (Palisade, Grand Junction and Fruita) for stormwater compliance services will all be pretty much identical.

- COUNCILOR EWING MOVED TO APPROVE RESOLUTION 2020-18, APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH MESW COUNTY FOR STORMWATER COMPLIANCE SERVICES AS DRAFTED. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

B. RESOLUTION 2020-17 – SUPPORTING A GRANT APPLICATION TO THE MESA COUNTY FEDERAL MINERAL LEASE DISTRICT REQUESTING GRANT FUNDS FOR THE REPAIR AND WIDENING OF THE 16 ROAD RAILROAD CROSSING OF UNION PACIFIC RAILROAD – CITY ENGINEER SAM ATKINS

City Engineer Sam Atkins gave staff’s presentation. He explained that the Federal Mineral Lease District (FMLD) has a total of $200,000 available for the current grant cycle and that applications are due on March 6, 2020.

Mr. Atkins indicated the location of the Railroad Crossing at 16 Road (in the industrial park area) on an aerial map and stated that the City of Fruita has received some complaints about the deteriorating condition of the crossing over the last year. He presented several close-up photographic images displaying the erosion of the asphalt and timber panels at the crossing and commented that they are in pretty rough condition.

Mr. Atkins stated that staff was proposing to replace the timber crossing with concrete panels and widen both crossings to 48 feet along with completing the paving to the full street width.

Mr. Atkins pointed out that the City has made quite a few improvements to the industrial park over the last ten years in an effort to generate a more inviting, functional and safe area for prospective businesses. Therefore, staff would like to apply for $50,000 of the $200,000 that is available
through the MCFMLD grant with $150,000 coming from Transportation Impact Fees generated by development in the industrial park. The total project cost is approximately $200,000, which has about 20% contingency built into it.

Mr. Atkins noted that because the City would need to go through a lengthy process with Union Pacific Railroad to accomplish the improvements, staff estimates that it will take a full two years for total build-out on the project. For this reason, funds were not allocated in the 2020 Budget for it.

Mr. Atkins stated it was staff’s recommendation that the Council approve Resolution 2020-17, as it is a required part of the grant application with the MCFMLD. He added that the Resolution, if approved, would also give the City Manager the authority to sign a grant agreement (if awarded) with the MCFMLD.

Councilor Kreie asked if the City would incur any costs from Union Pacific Railroad for any fees they might have and if so, whether those fees would be substantial. Mr. Atkins responded that Union Pacific Railroad included their fees for flagging in their estimate to the City for their portion of the work and that the fee for the license was built into the total project cost as well. He noted that the cost for the panels when they are new is about $2,000 per foot and that he estimated about $10,000 for the Crossing Agreement fee.

- COUNCILOR KREIE MOVED TO APPROVE RESOLUTION 2020-17 – SUPPORTING A GRANT APPLICATION TO THE MESA COUNTY FEDERAL MINERAL LEASE DISTRICT REQUESTING GRANT FUNDS FOR THE REPAIR AND WIDENING OF THE 16 ROAD RAILROAD CROSSING OF UNION PACIFIC RAILROAD AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE GRANT. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

9. CITY MANAGER’S REPORT

City Manager Mike Bennett reminded the Council that on Thursday, he was holding a short “Bike Ride with the City Manager” at 4:30 p.m. from the Fruita Community Center and that at 6:00 at the FCC, the Chamber would be hosting the Candidate Forum.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR AMANDA EWING

Amanda reported that the next Steering Committee meeting for the Parks, Health, Recreation, Open Space and Trails (PHROST) Plan would be held with consultant Green Play on July 8 – 10, 2020 and that the City was not successful in seeking grant money from the Great Outdoors Colorado (GOCO) for a playground shelter at the new Elementary School.
COUNCILOR KYLE HARVEY

Kyle reminded everyone that the Art Stroll Gala event was coming up on Saturday night at 6:30 p.m. and that tickets could be purchased at 970tix.com.

COUNCILOR DAVE KARISNY

Dave reported that the Grand Valley Regional Transportation Committee (GVRRTC) approved the 2045 Regional Transportation Plan and Dana Brosig is going to be contacting all City Managers of the participating municipalities to schedule a time for her to present the Plan at Council/Trustee meetings in the next couple of months.

Dave also reported that “National Get On Board Day” is April 25th and all Grand Valley Transit (GVT) rides will be free that day. The GVT will be at the Grand Junction Farmers’ Market on July 16th to celebrate its 20 years of service. Steve and Denise Hight will be participating by providing an exhibit about the history of transportation in the valley.

Dave added that he walked through the Red Cliffs Subdivision the previous Sunday when the Victory Life Church was conducting their clean-up project. Volunteers worked with residents for about four or five hours to reconstruct fences, build ramps and patio decks and fill up numerous large dumpsters. Dave said it was a very successful event attended by about 200 people.

Dave also noted that the disc golf course at Devil’s Canyon is getting very full on weekends; the parking lot is overflowing and the course is being well-used.

COUNCILOR LORI BUCK

Lori reported that the Livability Commission met for the first time since the Comprehensive Plan was adopted by the Council and they will be meeting regularly again.

Lori also reported that the Fruita Monument Girls’ Basketball team is an Elite 8 team. The girls will travel to the Denver Coliseum to play on Friday, March 6th.

MAYOR JOEL KINCAID

Joel reported that the Fruita Tourism Advisory Council met the previous week and reviewed two mini-grants, for which the City has set aside money in the budget. Grants were awarded to Over the Edge Sports, Ltd. for the Trails Summit Conference to be held in Fruita in May and to the Fruita Downtown Advisory Board for their Oktoberfest Beer Festival on October 10th.

Joel said he wanted to get feedback from the Council members regarding an invitation from Family Health West’s Stacey Mascarenas, who would like to host a special workshop on a Monday in early May to give the Council a tour of the new hospital and an overview of their operations. The Council came to a consensus to accept the invitation and Joel said he would get with Stacey and Mike to pin down the date.
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) – (CITY MANAGER INFORMAL REVIEW)

- COUNCILOR KARISNY MOVED TO MEET IN EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES UNDERSTANDING THAT DISCUSSIONS OF SUCH ISSUES IN EXECUTIVE SESSION ARE SPECIFICALLY PERMITTED BY THE STATE’S OPEN MEETING LAW C.R.S. SECTION 24-6-402(4)(F) (CITY MANAGER FORMAL REVIEW). COUNCILOR EWING SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The Council convened into Executive Session at 8:10 p.m. The regular meeting convened at 8:36 p.m.

- COUNCILOR BUCK MOVED TO APPROVE A 5% SALARY INCREASE FOR THE CITY MANAGER EFFECTIVE ON THE NEXT PAYCHECK (PAY PERIOD ENDING MARCH 6, 2020). COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 8:37 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita