

**FRUITA CITY COUNCIL
VIRTUAL MEETING
JUNE 2, 2020
5:00 P.M.**

Public Link to Meeting

When: June 2, 2020 7:00 PM Mountain Time (US and Canada)

Topic: City Council Meeting – 6/2/2020

The link to join the meeting electronically will be posted on 6/2/20 prior to the meeting at www.fruita.org/covid19 under City Council meetings. You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Kincaid gave the Invocation and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Mayor Joel Kincaid called the Regular Meeting of the Fruita City Council to order at 7:01 p.m. The meeting was held with virtual access provided through Zoom.

Present via teleconference:

- Mayor Joel Kincaid
- City Councilor Ken Kreie
- City Councilor Karen Leonhart
- City Councilor Heather O'Brien
- City Councilor Kyle Harvey
- City Councilor Matthew Breman
- Mayor Pro Tem Lori Buck

Absent:

- Deputy City Clerk Deb Woods

Also present via teleconference:

- City Manager Mike Bennett
- City Clerk/Finance Director Margaret Sell
- Management Analyst Shannon Vassen
- Planning & Development Director Dan Caris
- City Planner Henry Hemphill
- City Engineer Sam Atkins
- Parks and Recreation Director Ture Nycum
- Applicant's representatives Dane Griffin and Scott Sorensen
- Kim Kerk, Land Consulting & Development, LLC
- Robert Jones, II, Vortex Engineering
- Daniel Gartner, Chamberlain Architects
- Members of the public

3. AGENDA – ADOPT/AMEND

Mayor Kincaid confirmed that all Council members had received the revised packet that included the addition of two Proclamations and asked if there had been any revisions to the Council packet since then. The City's Management Analyst/Zoom meeting host Mr. Shannon Vassen (filling in for Deputy City Clerk Deb Woods) confirmed that there were no additional changes to the agenda apart from what had been sent out previously.

- **COUNCILOR BREMAN MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION – PROCLAIMING MONDAY, MAY 25, 2020 AS MEMORIAL DAY IN THE CITY OF FRUITA TO BE ACCEPTED BY AMERICAN LEGION POST 2006 COMMANDER KJ KLINE**

Mayor Kincaid read the Proclamation.

- B. PROCLAMATION – PROCLAIMING SATURDAY, MAY 16, 2020 AS ARMED FORCES DAY IN THE CITY OF FRUITA TO BE ACCEPTED BY AMERICAN LEGION POST 2006 COMMANDER KJ KLINE**

Mayor Kincaid read the Proclamation. Both Proclamations were accepted by Cmdr. KJ Kline, who was present virtually. Cmdr. Kline expressed appreciation for the City Council's support and Post 2006's partnership with the City of Fruita. He explained that his request for the Proclamations was late but staff was able to add them into the current agenda.

5. PUBLIC PARTICIPATION

Mayor Kincaid gave attendees who had joined the meeting virtually instructions on how to submit public comments. Shannon Vassen confirmed that there were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE MAY 19, 2020 CITY COUNCIL VIRTUAL MEETING**
- B. MINI-GRANT AWARD – A REQUEST TO APPROVE A RECOMMENDATION FROM THE TOURISM ADVISORY COUNCIL FOR ONE MINI-GRANT AWARD TO COLORADO CANYONS ASSOCIATION FOR TRAIL MAPS**

Mayor Kincaid opened the public hearing on the Consent Agenda. After Mr. Vassen confirmed that there were no public comments, Mayor Kincaid closed the public hearing and invited the

Council to ask questions, comment, remove Consent items for further discussion or make a motion to approve.

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

7. PUBLIC HEARINGS

A. LEGISLATIVE HEARINGS

1) ORDINANCE 2020-03 – SECOND READING – A REQUEST TO VACATE CERTAIN STREET RIGHT-OF-WAY ALONG NORTH SYCAMORE STREET LOCATED WITHIN THE CITY OF FRUITA

City Planner Henry Hemphill gave staff's presentation. He noted that the applicant's representatives Dane Griffin and Scott Sorensen were virtually present in the Zoom meeting.

At the May 12, 2020 Planning Commission (virtual) meeting, a few members of the public had concerns regarding the trail connection between East Columbine Avenue and Pabor Avenue because it currently provides a widely used trail that efficiently goes through the area and into downtown Fruita. Mr. Hemphill explained that the vacation of the right-of-way should not affect the connection and that the City has every intention of preserving the trail.

It was staff's recommendation that the Council approve Ordinance 2002-03 – Second Reading – Vacating certain street right-of-way along North Sycamore Street located within the City of Fruita.

Mr. Dane Griffin noted that Scott Sorensen with civil engineering firm Austin Civic Group would provide the applicant's presentation. Mr. Sorensen shared a few other highlights of the project such as:

- Currently, there is an asphalt pedestrian path with a City of Fruita 12-inch sanitary sewer main and a six-inch Ute Water District water main that extends 100 to 150 feet north of Pabor Avenue.
- According to the Fruita area Street Classification & Traffic Control Plan, the section of Sycamore Street is classified as a "residential" street and furthermore, residential streets under the Street & Driveway Standards in the City of Fruita's Design Criteria for Construction are identified as streets with an ADT (Average Daily Traffic) load of 0 to 1,000 with a 44-foot road right-of-way. This means that this type of traffic functions satisfactorily on a 44-foot right-of-way width, which is 28 feet of asphalt and 6 ½ feet of curb, gutter and sidewalk on each side.
- The vacation will not create any landlocked parcels.

- The vacation will also not impact any existing utility services nor create conflicts or concerns with any future utilities that may be put into the street when future development occurs.

Mayor Kincaid opened the public hearing on Ordinance 2020-03 – Second Reading. Hearing no comments from the public, the Mayor closed the public hearing and brought the matter before the Council.

Councilor O'Brien noted that at the Planning Commission (virtual) meeting, Tracey Garchar had provided written emails containing questions about irrigation and asked if staff had answered those.

Mr. Sorensen responded that he thought the question was related to the east side of 945 E. Pabor where there is a sliver of land that is owned by Mesa County where an irrigation line runs north/south. It was thought that Mr. Garchar was in favor of the property owner at 945 E. Pabor requesting to have that property vacated and taken under the applicant's ownership, potentially so that it could be maintained, but Mr. Sorensen said he wasn't sure what the full intent(s) of Mr. Garcher's comments were.

City Engineer Sam Atkins said he wasn't sure why that sliver of land exists; it does not show up as being platted, so it almost appears that it was an error whereby the City got the original plat for the Town of Fruita in 1905 and then subsequent plats may have married up to that line but left a gap, so he suspects the gap ended up in the hands of Mesa County. Mr. Atkins added that he doesn't believe it had anything to do with the irrigation line itself; otherwise it would have extended to Pabor Avenue, which it doesn't; it terminates somewhere north of there.

The Council and staff discussed the meaning of vacating a right-of-way and how that affects property owners, developers and the City.

Mayor Kincaid pointed out that the City's standard streets in residential zones are 44 feet wide, so there would still be more space than what is traditionally required by the City.

- **COUNCILOR BUCK MOVED TO APPROVE ORDINANCE 2020-03 – SECOND READING – AN ORDINANCE OF THE CITY OF FRUTIA, COLORADO VACATING CERTAIN STREET RIGHT-OF-WAY ALONG NORTH SYCAMORE STREET LOCATED WITHIN THE CITY OF FRUITA. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX VOTES.**

B. QUASI-JUDICIAL HEARINGS

- 1) **CIDER MILL PRELIMINARY PLAN – A REQUEST TO APPROVE A PRELIMINARY PLAN APPLICATION FROM CIDER MILLS – HENRY HEMPHILL, CITY PLANNER**

Mayor Kincaid explained the quasi-judicial public hearing process and gave the public meeting attendees instructions on how to virtually participate.

City Planner Henry Hemphill gave staff's presentation on the Preliminary Plan application. All written public comments were received by staff prior to the completion of the presentation and were included in the Staff Report. Mr. Hemphill explained that all review comments included in the Staff Report must be adequately resolved with the Final Plat application and that staff feels that those can be met without any major changes to the application or a significant redesign of the project.

The project is in conformance with the City's Master Plan, Land Use Code, Design Criteria, Construction Specifications Manual and other City policies and regulations.

The applicant proposes to use an irrigation system and a stormwater detention pond that have already been incorporated into the Garden Estates Subdivision, which is currently under construction. Staff feels that this utilization of shared systems is efficient because no additional areas for these systems must be set aside for each development.

Mr. Hemphill outlined the following issues that need to be resolved with the Final Plat application:

1. Plan needs to be modified to incorporate open space and trails.
2. The layout of Stone Mountain Drive needs to be designed to discourage speeding.
3. A traffic study recommends improvements at the intersection of Frontage Road and South Maple Street and at the intersection of Kaley Street and the Frontage Road. The details of these turn lanes were not submitted with the application.
4. Irrigation shares must consist of 1 to 1 ½ shares per irrigated acre.
5. More information should be provided to staff concerning the shared irrigation and stormwater detention systems (with Garden Estates).

Mr. Hemphill requested Council's approval of the Cider Mill Estates 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.

Kim Kerk with Land Consulting & Development, LLC and Robert Jones, II with Vortex Engineering were present as panelists in the Zoom meeting and provided the applicant's presentation for the public hearing.

Ms. Kerk shared a brief PowerPoint presentation with the Council.

Ms. Kerk noted that although Cider Mill and Garden Estates Subdivisions will be sharing irrigation and stormwater detention systems, documents are currently being created for the two HOAs which will contain specific details concerning the maintenance, scheduling and expenses of the joint system. It is understood by the developer that 15 shares of irrigation are needed for Cider Mill Estates' and Garden Estates' combined use, who is in the process of transferring the existing irrigation shares to the HOA and will provide proof of those shares once received from Grand Valley Irrigation Company.

Ms. Kerk also noted that the phased plan earlier presented by Mr. Hemphill had just been revised to reflect that only six lots will be developed in Filing 1 (instead of 13) in order to get a good look at the neighborhood and the way that the project will be received.

Ms. Kerk pointed out that Robert Jones II was virtually present as a panelist to answer any technical or engineering questions as well.

Mayor Kincaid opened the public hearing after providing instructions on how to submit questions or comments to the public. Hearing no comments from the public, he closed the public hearing and brought the matter to the Council.

Councilor Buck asked if the developer was able and willing to add open space and trails as well as traffic calming features for Stone Mountain Drive as was requested by staff without having to do a major redesign. Ms. Kerk responded that these were things that could easily be incorporated into the design of the project. Councilor Buck urged the developer of Cider Mill Estates to address the traffic on Stone Mountain Drive because she foresees it being a problem in the future.

Councilor Buck asked if the developer was willing to include fencing along Santa Ana Drive for the neighboring residents at River Rock Subdivision. Ms. Kerk assured the Council that there would be a plan for traffic calming on Stone Mountain Drive but that a fence along Santa Ana Drive was not included in the plan.

Councilor Buck asked if there weren't mostly existing fences in the backyards on River Rock Court and Mr. Jones confirmed this to be true. He added that there is only one lot that doesn't have fencing and it is owned by the gentleman at 640 Beech Road who wrote the letter to City staff. Mr. Jones said that this right-of-way and the plans for a road to be constructed through that area have been in place ever since the School District purchased the property.

Mayor Kincaid asked what the restrictions would be for emergency service access behind River Rock Court during the phasing of the project. City Engineer Sam Atkins responded that as long as there are not more than 25 units on the First Filing (which there aren't), then a secondary emergency access point would not be required.

Councilor Kreie asked if the existing cul-de-sac on the northwest side that dead ends at the subject property could ever be used to access the subject property. Mr. Atkins explained that the little piece was a pedestrian connection which was basically created when earlier development putting in curb, gutter and sidewalk on that street.

- **COUNCILOR HARVEY MOVED TO APPROVE THE CIDER MILL ESTATES 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 VOTES.**

2) RESOLUTION 2020-25 – A REQUEST FOR APPROVAL OF A SITE DESIGN REVIEW WITH AN ADJUSTMENTS APPLICATION FOR 158 SOUTH PARK SQUARE AND APPROVAL OF VESTED RIGHTS (LITHIC ARTS BUILDING PROJECT) – DAN CARIS, PLANNING & DEVELOPMENT DIRECTOR

Councilor Kyle Harvey recused himself from the above agenda item because he is an employee of Lithic Press, LLC dba Lithic Bookstore & Gallery. Councilor Kreie also recused himself as he is on the Board of Directors for Cavalcade, who intends to become a tenant in the Lithic Arts Building. City Attorney Paul Wisor noted for the record that both Councilors Harvey and Kreie turned off their cameras and exited the Zoom meeting until the conclusion of the public hearing.

Planning & Development Director Dan Caris gave staff's presentation and Project Manager for Chamberlain Architects Daniel Gartner was present as a panelist on behalf of the applicant.

The applicant proposes to make modifications to the exterior of the building and partition out several spaces within the existing structure to accommodate tenants who would lease the space.

The building's primary existing material consists of metal, which is considered a legal, non-conforming use since there has not been a tenant within the building for over a year. Even with all the various updates to the City's Land Use Code over the years, the building does not meet the City's design specifications that were previously adopted and are in effect today. The deviations from the Fruita Land Use Code that are being requested are as follows:

1. Overall Form – Section 17.11.030(B)(3)(a)
 - Architectural elements address all sides of a building
2. Materials and Color – Section 17.11.030(B)(9)
 - Building materials to be brick, stone, adobe, adobe brick, slump block, stucco, split block and painted or natural wood
3. Mechanical Equipment – Section 17.11.030(B)(11)
 - Rooftop mechanical units to be screened and not visible from the street

Mr. Caris stated that no comments have been made nor written public comments received to date with any objections to the land development application and that the applicant has responded to staff's comments that were included in the Staff Report. He noted that at the May 12, 2020 virtual Planning Commission meeting, a member of the public did weigh in on the application, but he felt that staff was able to adequately address those comments during Planning Commission deliberations.

Mr. Caris submitted staff's recommendation of approval of Resolution 2020-25 due to staff's conclusion that the development meets or can meet the intent of all applicable city regulations and policies. He also pointed out that the applicant was requesting Vested Rights.

Mr. Daniel Gartner provided the applicant's presentation, during which he addressed each of the above proposed deviations from the Land Use Code requirements.

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

- **COUNCILOR BUCK MOVED TO APPROVE THE LITHIC ARTS BUILDING SITE DESIGN REVIEW WITH ADJUSTMENTS APPLICATION AND VESTED RIGHTS FOR 158 SOUTH PARK SQUARE. COUNCILOR BREMAN SECONDED THE MOTION. WITH COUNCILORS HARVEY AND KREIE RECUSED FROM THE VOTE, THE MOTION PASSED WITH FOUR VOTES.**

Councilors Harvey and Kreie rejoined the meeting at 8:40 p.m.

8. ADMINISTRATIVE AGENDA

A. OVERVIEW OF FRUITA COMMUNITY CENTER PHASE 2 REOPENING PLAN – TURE NYCUM, PARKS & RECREATION DIRECTOR

Parks and Recreation Director Ture Nycum gave the Council an update on the reopening of the Fruita Community Center (FCC), which had been closed since March 15, 2020 due to the coronavirus pandemic.

Phase One of reopening took place on May 11, 2020 and included limited activities for the public to reserve space and equipment for working out. Phase Two at the FCC offers more to the community including the opening of the indoor swimming pool for lap swimming, open water fitness, Lazy River and limited water aerobics. The outdoor pool will open on June 13, 2020 for leisure swimming as well.

Mr. Nycum reviewed the other services at the FCC that will now be expanded. He pointed out that the Council had been provided with the FCC reopening plans in the Council packet as well as a brief and modest Activity Guide that includes Frequently Asked Questions.

9. CITY MANAGER'S REPORT

Mike provided the following updates:

- A local community member who reached out to City staff about getting a permit to utilize Civic Center Park for a vigil for George Floyd. The resident will meet with Lieutenant Nick Peck at the Fruita Police Department to discuss the plan and Mike said he would keep the Council updated.
- Funding from the federal stimulus package (the CARES Act) will now be available to smaller communities who opt in through a process that has a 30-day window and involves cities working with their county governments to create a plan for usage of the funds. Mesa County stands to receive \$13,229,230, but it is only for eligible those expenses that were not planned for or included in a budget and were related to COVID-19 responses. Fruita does have expenses that were unplanned for such

as Zoom subscriptions and other things, but the biggest issue is shortfalls in revenues, which CARES Act funding will not cover. Staff will continue to work with local governments, Mesa County and the Department of Local Affairs (DOLA) and would keep the Council up to speed on any new information received over the next 30 days related to CARES Act funding.

- Mike had an opportunity to speak about Fruita at an educational and training session of the Colorado Rural Academy for Tourism (CRAFT) at the request of the Colorado Tourism Office and western Garfield County governments were in participation at the session. Mike said it was a lot of fun to tell the Fruita story and focus on the City's achievements, which was a refreshing change of pace.
- Mayor Kincaid has also been asked to speak to a different group through CRAFT on Thursday, June 4th. CRAFT is a program that communities sign up for through the Colorado Tourism Office to learn about how they can increase tourism and the state often looks to Fruita to be an example of success to share with others.
- The Governor's office just released guidelines for how short-term rentals can begin renting to anyone again. The Planning & Development Department would be contacting Fruita short-term rental owners to provide them with a link to public health operating guidelines.
- The Fruita Civic Center will resume normal business hours starting Monday, June 8th and staff will be implementing all County Public Health guidelines.
- The Fruita DMV plans to open on June 16th and from that point on, they will be open from 8:00 am to 5:00 pm on Tuesdays and Thursdays.
- The City received the sad news that Bill Holstein, the Chair of the Arts and Culture Board and an outstanding resident of Fruita who was extremely involved in the community passed away unexpectedly due to an accident at his work. Staff's hearts are broken at the news and many are reaching out to his wife, Donna, to do what they can to share their support.

10. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken reported that the Downtown Advisory Board met and discussed all the special events that they had to postpone. It is possible that a few Fruita Fourth Fridays may be held later in the year.

COUNCILOR KYLE HARVEY

Kyle said he didn't have anything to report, but he did want to mention that he was very impressed with the Chief of Police in Grand Junction and his involvement in meeting with the new Colorado

Mesa University (CMU) football coach to address policing and the relationship between the Police Department and minorities in the valley.

Kyle said he wondered if Chief Krouse or someone from the Fruita Police Department might like to be a part of that conversation by reaching out to Chief Shoemaker because he feels it is an important and positive step moving forward.

Mike said he knew that Chief Krouse and all area law enforcement have been meeting recently but he would pass along Kyle's request as well.

Kyle said there will be regularly scheduled meetings moving forward between the CMU football team, the coach and Chief Shoemaker and he thought it would be valuable for Fruita to have a seat at that table. Mike said he would make sure to speak to Chief Krouse about it.

COUNCILOR HEATHER O'BRIEN

Heather asked Mike for an update on the City's small business loan fund; whether staff had received any more applicants and how the program is working. Mike said that so far, the City has not had any applicants. There are seven or eight businesses that are working with the Business Incubator Center on survival plans and business coaching, but no applications have been submitted yet.

COUNCILOR MATTHEW BREMAN

Matthew reported that the Grand Junction Economic Partnership (GJEP) met and discussed the Rural Jump Start program, which is still receiving funding. It is one of the primary tools available to GJEP for attracting companies to the valley.

The board also discussed the meeting between President Trump and Governor Polis when Mesa County was mentioned somewhere between three and five times. Matthew said that the next day, a number of individuals contacted realtors in the valley wanting to move here based on that conversation. and that ironically, he was having a meeting with one of them on June 4th. In addition, a number of companies have been contacting GJEP about the potential of relocating here based on that conversation between the President and Colorado's Governor.

MAYOR JOEL KINCAID

Joel reported that he and Heather conducted three interviews before the Council meeting for the vacant seat on the Parks and Recreation Advisory Board and the appointment would be made at the next Council meeting after he contacts the applicant to let them know.

Joel also reported (as Mike had mentioned earlier) that he would be giving a short presentation for the Montezuma County CRAFT 101 seminar on June 4th. This will be the second one Joel has done; he did one a few years ago and he feels it is a great sign that people are always looking to Fruita on how our City handles tourism.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita