

**FRUITA CITY COUNCIL MEETING
JANUARY 16, 2024
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:03 p.m. The meeting was held both in person and with virtual access provided through Zoom.

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

Excused Absent: (None)

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

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

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

3. AGENDA – ADOPT/AMEND

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

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION – PROCLAIMING JANUARY 2024 AS “NATIONAL CRIME STOPPERS MONTH” IN THE CITY OF FRUITA TO BE ACCEPTED BY KATHY DANIELS AND OTHER BOARD MEMBERS OF CRIME STOPPERS OF MESA COUNTY**

The Proclamation was read by Councilor Williams and accepted by Mr. Ryan Keeler, who was in attendance in the place of Kathy Daniels from Crime Stoppers of Mesa County. He thanked the City for its partnership and specifically, the Fruita Parks and Recreation Department for their continued support of the Crime Stoppers Annual Golf Tournament and the department's donation of a three-month Fruita Community Center pass for a silent auction. Finally, Ryan thanked Crime Stoppers' 18 board members who work tirelessly each day to help make Crime Stoppers what it is. He concluded by saying that with over 22,000 tips and rewards and over \$300,000 given to Crime Stoppers, they are certainly humbled by how far they've come.

B. PRESENTATION – THE FRUITA ARTS AND CULTURE BOARD WILL GIVE A PRESENTATION REGARDING THE REED PARK MERRY-GO-ROUND ART

Arts and Culture Board member Carlee Burnett shared with the Council an illustration of the selection made by the board for the Merry-Go-Round Project at Reed Park that was submitted by local artists Pavia Justinian and Shanachie Carroll. The metal panels of the old merry-go-round will be fashioned into four Adirondack-style chairs with the center of the merry-go-round formed into a small round table at the center of the chairs.

Parks and Recreation Director Marc Mancuso explained that the art will be placed in the Green Spine area just east of the new shelter. The artwork will not be movable; it will be attached to the concrete.

Councilor Williams asked if the artwork would have any sort of commemorative plaque attached to it. Mancuso said that would most definitely be included.

Mayor Kincaid asked what the timeline is for the whole park process and Mr. Mancuso said that the merry-go-round will first be taken apart and delivered to Pavia and Shanachie and then they can start their process. The hope is that the artwork will be installed around the time that the park project will be finishing up in June.

C. PRESENTATION – RECOGNITION OF FOUR INDIVIDUALS WHOSE ACTIONS SAVED THE LIFE OF A PATRON AT THE FRUITA COMMUNITY CENTER

Parks and Recreation Director Marc Mancuso provided some background on an event that occurred in December with a patron at the Fruita Community Center (FCC). He pointed out that there were many people in the audience that were directly or indirectly involved including Lower Valley Fire Protection District (LVFPD) Chief Frank Cavaliere, Firefighter and Advanced Practice Paramedic Ben Lindsey (EMS that was on the scene) and Colorado Mesa University (CMU) Vice President of College Affairs Brigitte Sundermann.

Mr. Lindsey stated that without a doubt, the reason that the FCC patron is alive and back in school is because of the City staff that were working at the FCC that day.

On December 18, 2023, a patron collapsed on the basketball court while playing a pickup game with friends. Three FCC staff began rendering care while another staff member dialed 911. At that time, the patron was unconscious and not breathing. Using CPR and an AED device that was installed at the FCC, City staff were able to revive the patron just before EMS arrived on the scene, at which time

EMS took over care. The patient, Jace Hinton, was then transported to St. Mary's Hospital, where he made a full recovery. Jace and members of his family were present virtually at the Council meeting.

Mr. Mancuso read a statement about the incident and the FCC staff who, in a moment of crisis, were able to act quickly with their training, care, concern, teamwork and professionalism to save the life of Jace Hinton. He recognized lifeguards Trevor Heer, Jeremy Heer and Leyton Pinedo, and Aquatics Coordinator Susan Bissonette, who were present in the audience.

One of the FCC staff was a student at Colorado Mesa University. CMU President John Marshall recorded a short video message to recognize the heroic efforts that took place on December 18, which was played at the Council meeting as he was unable to attend the Council meeting.

CMU Vice President of Community College Affairs, Brigitte Sundermann presented the "Where We Become Mavericks" Courage Award to the CMU student who received EMT skills and training while attending CMU.

5. PUBLIC PARTICIPATION

Mr. John McKee, 872 Doug Drive in Fruita, said he was filing a complaint against Waste Management and the City of Fruita concerning the new operations. He stated that on January 16, 2024, Waste Management dropped off the new trash can and there was a piece of paper on the top of the container that said that he had to use this trash can and no others and that no sacks and no other bundles of trash outside of the container will be picked up.

Mr. McKee continued by saying that he has three trash cans about as large as Waste Management's and has used all three several times, especially in the summer and fall when he mows the lawn and trims the trees because there is too much to fit into one trash can, no matter what size it is.

Mr. McKee said he asked if he could use his trash cans in addition to the new one from Waste Management, but the answer was no; he has to use theirs. He said he measured both Waste Management's container and his container and his are almost identical to theirs, so he doesn't know why he can't use one of his own along with theirs. He added that he was pretty sure that Waste Management's truck would pick his trash can up after seeing a model of the truck at the Utility Billing counter on the First Floor of the Civic Center.

Mr. McKee reiterated that he was filing a complaint and added that he wasn't notified of the change and he doesn't think that's the way that residents should be handled. He noted that he put his complaint in writing and said he would follow up on the matter.

There were no further comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 24, 2023 CITY COUNCIL WORKSHOP MEETING**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) AND WINE RETAIL LIQUOR**

LICENSE (OFF PREMISES) FOR CF ALTITUDE, LLC DBA ALTA #6317 LOCATED AT 555 W. RAPTOR RD.

- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR EL TAPATIO LOCATED AT 402 JURASSIC AVE.**
- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE STRAYHORN GRILL LOCATED AT 456 KOKOPELLI BLVD.**
- E. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BREW PUB LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FOR SUDS BROTHERS BREWERY LOCATED AT 127 E. ASPEN AVE.**
- F. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR IMONDI WAKE ZONE, LLC DBA IMONDI WAKE ZONE LOCATED AT 1583 CIPOLLA RD.**
- G. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JUSTICE SWEET BAKER TO THE ARTS AND CULTURE BOARD TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN JULY OF 2027**
- H. TRASH COLLECTION SERVICE CONTRACT – A REQUEST TO APPROVE THE FIRST AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF FRUITA AND WASTE MANAGEMENT FOR TRASH AND RECYCLING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE AND SIGN THE AMENDMENT**
- I. ANNUAL REVIEW OF RED FLAG POLICY (IDENTITY THEFT PREVENTION PROGRAM)**
- J. RESOLUTION 2024-01 – DESIGNATING THE PLACE FOR POSTING OF NOTICES OF MEETINGS OF THE FRUITA CITY COUNCIL AND ALL BOARDS AND COMMISSIONS OF THE CITY OF FRUITA**
- K. CITY MANAGER EMPLOYMENT AGREEMENT – A REQUEST TO APPROVE THE AMENDED AND RESTATED CITY MANAGER CONTRACT FOR 2024**
- L. ORDINANCE 2024-04 – FIRST READING – INTRODUCTION OF AN ORDINANCE AMENDING CHAPTERS 2.41 AND 2.42 OF THE FRUITA MUNICIPAL CODE TO ELIMINATE VOTING RIGHTS FOR COUNCIL MEMBERS APPOINTED TO THE POLICE AND PARKS AND RECREATION COMMISSIONS, AND EXCLUDING THEM FROM QUORUM CALCULATIONS FOR PUBLIC HEARING ON FEBRUARY 20, 2024**
- M. ORDINANCE 2024-05 – FIRST READING INTRODUCTION OF AN ORDINANCE AMENDING SECTION 3.18.240 OF THE FRUITA MUNICIPAL CODE CONCERNING MEMBERSHIP REQUIREMENTS FOR THE TOURISM ADVISORY COUNCIL FOR PUBLIC HEARING ON FEBRUARY 20, 2024**

- N. ORDINANCE 2024-06 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD TO A COMMUNITY RESIDENTIAL ZONE FOR PUBLICATION OF PUBLIC HEARING ON FEBRUARY 6, 2024**
- O. ASSOCIATE MUNICIPAL COURT JUDGE ONE-YEAR CONTRACT RENEWAL – A REQUEST TO APPROVE A ONE-YEAR PERSONAL SERVICE AGREEMENT WITH GREG MUELLER AS ASSOCIATE MUNICIPAL COURT JUDGE FOR THE CITY OF FRUITA**
- P. NOTICE OF AWARD – A NOTICE OF AWARD TO MERGE 2 MEDIA FOR CLOTHING AND MERCHANDISE NEEDS FOR THE 2024 SWEETHEART RUN**
- Q. FINANCIAL REPORTS – A REQUEST TO APPROVE THE PRELIMINARY DECEMBER 2023 FINANCIAL REPORTS**

Mayor Kincaid asked if there were any requests from the public to remove any items from the Consent agenda for further discussion. There were no such requests.

Mayor Kincaid asked the City Council if they had any items they would like removed from the Consent agenda for further discussion. There were no such requests.

- COUNCILOR MILLER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HANCEY SECONDED THE MOTION.**

When Councilor Williams was polled, he stated that he was voting “No” on Consent Agenda Item M., (Ordinance 2024-05 – First Reading - Amending Section 3.18.240 of the Fruita Municipal Code concerning membership requirements for the Tourism Advisory Council for public hearing on February 20, 2024), but “Yes” on all the rest of the Consent Agenda items.

- THE MOTION PASSED WITH SIX YES VOTES.**

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

Mayor Kincaid noted that Justice Sweet Baker (not present in the audience) was appointed to the Fruita Arts and Culture Board on the above Consent Agenda and thanked her for serving. He commented that the Council wants to recognize those members who apply to the City’s Boards and Commissions because they help the Council make better decisions in all the different areas of the City.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE A NEW HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR HOT TOMATO PIZZERIA, LLC DBA HOT**

TOMATO PIZZERIA LOCATED AT 124 N. MULBERRY ST. – DEPUTY CITY CLERK DEB WOODS

Deputy City Clerk Deb Woods provided staff's presentation of an application for a new Hotel and Restaurant liquor license for the Hot Tomato Pizzeria, who has had a Beer and Wine liquor license owned by Aaron Knapp since 2021. Prior to that, the Hot Tomato had a Beer and Wine liquor license for many years under different ownership.

Ms. Woods stated that applicant Aaron Knapp submitted all the required paperwork and fees for the new type of liquor license on December 13, 2023. She explained that the difference between a Beer and Wine liquor license and a Hotel and Restaurant liquor license is that a Hotel and Restaurant liquor license will also allow spiritous liquor.

Ms. Woods pointed out that the Notice of Public Hearing poster was hung at the Hot Tomato by the applicant on January 4, 2024 and a notice was published by staff in the Daily Sentinel on December 27, 2023 for this public hearing.

Ms. Woods explained that pursuant to the Colorado Liquor Code, when a Local Licensing Authority is considering a new liquor license application, there are two factors that must be considered. One is the character of the applicant and the other is the needs of the neighborhood. She said the needs of the neighborhood are supported by the neighborhood survey that was signed by eight residents and two businesses that are in favor of the license being issued and that say the reasonable requirements of the neighborhood are not already being met by other existing liquor outlets.

Ms. Woods pointed out that it came to her attention that in the original Council packet, there were some pages missing from the Preliminary Findings Report, so the packet was amended and emailed to the City Council prior to this public hearing.

Ms. Woods continued that in order to help the Council with the character of the applicant, staff conducted background checks through the Colorado Bureau of Investigation (CBI), the Mesa County Sheriff's Office and the Grand Junction and Fruita Police Departments. All checks on Aaron Knapp came back clear with no record of any arrests.

Ms. Woods also noted for the record that the Hot Tomato has sixteen certificates for Alcohol Responsibility Training that are still valid until this April. She explained that she will be scheduling two more training courses this calendar year (2024).

Ms. Wood said that because staff feels that there is sufficient evidence that the applicant is of good moral character and that the needs of the neighborhood are in favor of granting the liquor license, it was staff's recommendation that the City Council approve the application for the Hotel and Restaurant liquor license for the Hot Tomato.

Mr. Aaron Knapp was present in the audience as the applicant for the liquor license and owner of the Hot Tomato Pizzeria.

Mr. Knapp introduced himself to the City Council and offered to answer any questions they had.

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

Councilor Kreie asked City Attorney Mary Elizabeth Geiger if he had to recuse himself from the vote since both of his children are employed by the Hot Tomato. She recommended that he recuse himself and said her preference was that he leave the room, which he did.

Councilor Miller told Mr. Knapp to keep up the good work.

- **COUNCILOR HANCEY MOVED TO APPROVE THE ISSUANCE OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE HOT TOMATO PIZZERIA, LLC DBA HOT TOMATO PIZZERIA LOCATED AT 124 N. MULBERRY STREET. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

2) SITE DESIGN REVIEW – A REQUEST TO APPROVE A PLANNED UNIT DEVELOPMENT (PUD) SITE DESIGN REVIEW APPLICATION FOR WILDCAT RESIDENCES – *CITY PLANNER HENRY HEMPHILL*

Councilor Kreie returned to the Council Chambers.

City Planner Henry Hemphill provided staff's presentation which consisted of a graph depicting the three steps in the process of approving a Planned Unit Development (PUD), the definition of a PUD pursuant to Fruita Land Use Code Section 17.19.010, names of the property owner and applicant's representative (Austin Civil Group), aerial photo showing the subject property, Future Zoning Map, history of the subject property and the Site Plan for the Wildcat Residences.

Mr. Hemphill noted that the City's Comprehensive Plan calls for unique housing opportunities that don't fall into the typical category of single-family detached housing. The Wildcat Residences Development Plan calls for two (2) 20-unit buildings, five (5) 5-unit row home buildings and access from Blair Street (stub) and Wildcat Avenue.

The presentation also included an illustration of what the buildings would look like from a street view, Code requirements for Design Standards and compatibility, and the proposed parking of 143 total spaces and what is required in the Land Use Code regarding those.

There were no major concerns from Review Agencies (Ute Water, LVFPD, Grand Valley Power and City Engineer) and Mr. Hemphill stated that comments provided by these Review Agencies can be adequately resolved with the Final PUD Plan application, which is approved administratively.

Mr. Hemphill stated that the standards for the development were very much Comprehensive Plan-related and require exercising the flexibility of the area. Staff feels the development takes into a lot of things into consideration such as being infill development that provides walkable areas to get to downtown, a mix of housing types and compatibility to surrounding land uses.

Mr. Hemphill stated that for this development, the Fruita Land Use Code requires a minimum of 92 parking spaces based on the type of bedroom that is contained in each unit, but that the proposal is for a total of 143 parking spaces, which does include the requirements for ADA compliance and accessibility.

All public comments received by staff involved concerns about additional traffic and density and were included in the Council packet.

The Fruita Planning Commission recommended approval of the Preliminary PUD Plan by a vote of 6 to 1 at their December 12, 2023 public hearing.

Mr. Hemphill noted that if approved, the next steps for the development are:

- Applicant has 180 days to submit the Final PUD Plan.
- Final PUD Plan is sent out for review to ensure compliance with review comments.
- Decision is made administratively.

Staff's recommendation was that the City Council approve the Wildcat Residences Preliminary PUD Plan application with the condition that the applicant adequately resolve outstanding review agency concerns with the Final PUD application and/or approval of a Building Permit.

Mark Austin, Civil Engineer with the Austin Civil Group, gave Council the applicant's presentation. He said that the project was a little bit unusual in that it is already an existing PUD on which Austin Civil Group has created a Site Plan. He also noted that several of his project team members and property owners were present in the audience.

Mr. Austin's presentation included an illustration of the Site Plan showing five row-homes that are essentially townhome-type units that have garages on the interior core area so that when looking down the street, people are not looking at a bunch of garage doors out on the streetscape and there is a more attractive street frontage. There are also two 20-unit apartment buildings on the northeast corner that have been limited to two stories with flat roofs in order to not impede views. The units are about 28 feet off the property line and there will be some landscape buffers between the apartment buildings and the adjacent residential properties.

Mr. Austin noted that the property has an existing detention facility that was designed to accommodate the ultimate build-out on the property and was constructed in the 2007-2008 timeframe before the water quality regulations with the state changed, meaning that now the detention facility needs to be upgraded to meet current water quality requirements from the state health department and local stormwater regulation agency. As part of the current project, Austin Civil Group will be redoing the landscaping and a retro-fit on the outlet structure.

Mr. Austin added that the other thing that is a little bit unique with this project is that Austin Civil Group included 35 mini storage units internal into the project area of the apartments. There is a curb cut on Wildcat Avenue that can be circulated onsite to get into the internal parking lot and an access location that was constructed with the original subdivision on Blair Street. This means there will be two routes of circulation to get out onto South Pine Street and onto Wildcat Avenue.

Mr. Austin pointed to Mr. Hemphill's statement about the Site Plan containing 143 parking spaces even though the Land Use Code only requires 92. He said this was done so that the adjacent neighborhoods and streets wouldn't be impacted.

Mr. Austin noted that all utilities are pretty much already on the existing site. Originally, there was going to be a mix of multi-family and commercial development, so all the infrastructure is already in place.

Mr. Austin stated that traffic is always a concern with these types of projects. He noted his Traffic Engineer was present in the audience and would be addressing the Council shortly about that issue.

Before that, he introduced Fernando Gomez with Zaga Architects, who reviewed some of the architectural components of the project. Mr. Gomez stated that the proposed development strictly adheres to Fruita's Comprehensive Plan and Land Use Code and is crafted to reflect the City's vision for the future. He noted that a recent community snapshot reveals a pressing need for affordable housing (especially for renters in the City) and said that the Wildcat Residences project aims to alleviate this by offering a range of affordable and "missing middle" housing options and making living in Fruita more accessible to more people.

Mr. Gomez continued that the project is a prime example of infill, utilizing space within the City to avoid sprawl and promote efficient land use. He said the proposed layout optimizes utility use and accommodates increased traffic, ensuring minimal impact on the town's existing infrastructure. He also said the architectural design aligns with the City's standards, focusing on aesthetics, functionality and commuting integration.

Mr. Gomez stated that the plan calls for more parking than required to anticipate the needs for future residents and visitors. He concluded that the proposed project meets, and in some respects, exceeds City design standards including considerations for building entrances, wall aesthetics and materials.

Mr. Austin introduced Traffic Engineer Skip Hudson to review some of the traffic criteria for the project. Mr. Hudson stated that he had prepared a Traffic Study and would like to touch on a few points in it, especially some that were in response to comments received from the public that came up in the Planning Commission meeting.

Mr. Austin explained that in general, those in the Traffic profession consider the proposed application currently before the City Council a "low traffic generating project" because the combined in and out traffic in the afternoon peak hour would be less than 60 vehicles (approximately 55), which equates to one new car on the road every minute. He stated that the zoning for the area calls for much more intensive uses to allow for a fast-food restaurant, a drive-through bank and a retail center, so he calculated the traffic that would come from that development (should it occur), and it is five times more traffic than what the residential project will generate, which is why he was saying it is a "low traffic generating project."

Traffic counts were completed during school session and school times and Mr. Austin reported that the highest flow in the morning occurs from 7:30 to 8:00 a.m., while the highest flow in the p.m. period doesn't even get into the evening; the peak half hour is from 3:15 to 3:45 p.m.. He explained that the traffic would be in an average condition for 23 hours out of the day and that any congestion during those periods could easily be avoided by people adjusting their travel times.

Mr. Austin described the methodology he uses before he does an actual Traffic Study that outlines his assumptions and traffic counts and this is reviewed and approved by the Colorado Department of Transportation (CDOT). He noted that he has analyzed both a near-term condition and a far-term condition including the growth of background traffic (beyond just the project traffic) and the result was that the only improvement that is being recommended right now would be a northbound right turn lane on Pine Street at Wildcat for people coming off Highway 6 & 50 and making a right turn towards the High School. Mr. Austin noted that at the Planning Commission meeting, the City Engineer talked about that turn and said that while it is on the City's radar screen, it's not the highest priority transportation need in the community right now.

Mr. Austin continued that all intersections including the signalized intersection at Highway 6 & 50 and Pine Street would operate at level service “C” or better (utilizing a grading scale of levels of service A through F).

Mr. Austin also pointed out that the recommendations in the Traffic Study were not just his; they also came from CDOT and City staff who agreed with the recommendations in the report.

This concluded the applicants’ presentation.

Mayor Kincaid opened the public hearing.

Joyce Raney, 1171 Legacy Way in Fruita stated that her house is a block off Wildcat Drive and she is concerned about the traffic because of the school reconfiguration that will take place in the fall when there will begin to be 6th, 7th and 8th graders coming to and from the Fruita 8/9 School. She explained that she can see the Wildcat Drive traffic from her window and it’s bumper-to-bumper all the way into Fruita Monument High School now. Ms. Raney added that she does not travel between the peak school hours of 7:30 to 8:30 a.m., 3:00 to 4:00 p.m. or during lunch because nobody can get out onto 18 Road. She called traffic a real problem.

Kristine Ami, 1183 Shady Lane in Fruita stated that her and her husband’s house is in the neighborhood just to the north of the subject property in the Legacy PUD Development and that they purchased the home and moved to Fruita from Illinois in July of 2022. She said they thought the vacant land to the south of their subdivision was zoned commercial but learned at the Planning Commission meeting that they went to in December that it is zoned for both commercial and residential, which came as a bit of a surprise as the open lot is not that large and doesn’t appear to be big enough for a residential development.

Mrs. Ami continued that her subdivision is made up of single-family detached homes. To the east of them on J Road, the subdivisions are also single-family homes and to the east across from Fruita Monument High School, there are businesses that probably fall under the commercial zoning category. She continued that across Pine Street to the west, there’s coach houses and townhouses.

Mrs. Ami stated that at the December Planning Commission meeting, the City Planner said that they try to approve new developments that are consistent with the neighborhood. She said this is not the case with the proposed Wildcat Residences development; it is apartment buildings and rowhomes with Accessory Dwelling Units (ADUs). Mrs. Ami said nowhere has she seen that these units will be owner-occupied, so she is assuming that the new proposed housing will be rentals, which does not seem to follow the City’s guideline of being consistent with the neighborhood.

Mrs. Ami said that while the proposed development might be good for Fruita’s Master Plan to increase affordable housing, the density of the project doesn’t fit the current proposed site or neighborhood makeup. She added that the development should not be approved as proposed to go into the vacant area and that it would be much better served if it was moved somewhere else in Fruita that has more land to develop something with a more consistent neighborhood makeup. In addition, Mrs. Ami stated that she was also concerned about the increase in traffic because being across from Fruita Monument High School, there’s already a significant amount of traffic during the school year. She said Pine Street is also very heavily trafficked north/south street in Fruita that is one of the only north/south streets that accesses the whole City and all of the newer housing developments to the

north. Mrs. Ami concluded that Pine Street is already a very busy street in Fruita at any time of the day.

Mrs. Ami said that because she and her husband just moved to Fruita, they surmised that the stoplight at Highway 6 & 50 and Pine Street was installed there because of increased traffic in the area as it is the only one of very few stoplights in Fruita and that it was very telling. She said they already experience delays on a regular basis exiting Legacy Way to go south on Pine Street and adding all the traffic from the new development will only increase those delays for them and their neighbors.

Mrs. Ami stated that she did bring up the traffic concerns at the Planning Commission meeting on December 12th and although it was discussed, the Commission determined that the traffic issues would have to be dealt with in some other fashion. She said it was stated that the purpose of the Planning Commission is to approve developments, not deal with traffic issues. Mrs. Ami called the traffic issues substantial and said they need to be looked at in more detail before the development plan goes forward.

Donald Ami, 1183 Shady Lane in Fruita, said he wished to voice his opposition to the proposed Wild Cat Residences as currently published. He said his opposition was based on the fact that if the residences are built as proposed, it will destroy the property value of his home. He said he did not believe that housing *anywhere* should take precedence over existing houses that current homeowners have paid a lot of money for. Mr. Ami added that he knows that the developers and even some Council members will tell him that this isn't true and that he's overreacting; however, he has already lived this experience once and that experience left a paper trail of documents that prove his point.

Mr. Ami stated that he has a site map of his subdivision in Palatine, Illinois where he and his wife lived and that the Council should already have a copy of it. He noted that their house was number 905 on Briar Cove and the distance of it to the Countryside Apartments was about the same distance as that of their current house to the proposed Wild Cat Residences. He said they purchased the Palatine house in 2004 and lived there for 18 years, during which time they put in well over \$50,000 worth of improvements into it including installing hardwood floors, replacing all windows and sliding patio doors and remodeling two bathrooms and the kitchen. In 2022 when the Amis moved to Fruita, they sold the house in Palatine for \$26,000 more than they paid for it, which represents a capital gains loss. Mr. Ami said he could produce closing documents, improvement receipts and tax returns proving the capital gains loss. He continued that in spite of a successful Open House when he and his wife were selling their house, over 25 people walked through it but only one offer to buy was received. Mr. Ami said he asked his realtor why no one bid on the house with all the improvements that were made and the answer was the Countryside Apartments that were across the street from his subdivision. He said that like the Wild Cat Residences, the Countryside Apartments were two-story, high-density apartments, even though not affordable housing; rents there are currently \$2,000 per month. That didn't matter, no one wanted to buy a house and live that close to rental apartments and the reason is obvious; renters do not take care of the property the way that owners do, renters have no money invested in the property, so they don't care what happens to it, and there's no private ownership because there's no ownership.

Mr. Ami continued that he and his wife bought their current house in the Legacy Subdivision one year and a half ago and that they paid \$497,000 for it. He said in the short time they have been there, they've made a total of \$40,000 worth of improvements to the house including all new stainless steel appliances in the kitchen and laundry room, new entrance and storm doors for the front patio and a completely remodeled bathroom off the master bedroom. Mr. Ami stated that he and his wife have

pride of ownership and had the Wild Cat Residences been in place when they purchased their house, they would not have bought it and definitely would not have paid almost half a million dollars for it. He continued that there are 40 homeowners in the Legacy Subdivision and if the Wild Cat Residences as proposed are built, the loss of property value to himself and every homeowner in the Legacy Subdivision will be deep and permanent no matter how long everyone owns their home.

Mr. Ami stated that he and his wife are not against affordable housing and he feels that the Wild Cat Residences are really going to negatively affect the value of the homes in he and his wife's subdivision and he can't even imagine how much money they are going to lose on the house. In closing, he said that "just because the City can build something, doesn't mean they should."

Hearing no further comments from the public, the Mayor closed the public hearing and directed the matter to the City Council.

Councilor Miller said she knows that the City is planning on completing Fremont Street soon and wondered if that might alleviate some of the concerns about traffic. City Manager Mike Bennett noted that the City has two major upgrades to roads; the first being 19 Road, which is further east. That project will start this fall and staff is currently finalizing purchase of right-of-way and design with a start date for construction of this fall. Staff has also been working on right-of-way and design for the Fremont Street project (18 ½ Rd.) which is not yet built and will be a few years out.

Mr. Bennett explained that the City has completed the design with the Colorado Department of Transportation (CDOT) for the Fremont Street project and it will actually intersect with Highway 6 & 50. This will be the next big road project in the City after 19 Road is completed.

Councilor Miller said those will both help to alleviate a lot of the traffic congestion that the City currently sees, even if it isn't immediately. City Engineer Sam Atkins (in attendance virtually) agreed and added that staff hopes to get the Fremont Street project completed through J Road if not J 2/10 Road, which will help.

Councilor Miller said she thinks the subject property is probably in the most diverse area in Fruita with the many mixes of housing types. Within 275 feet are single-family homes, townhomes and condos that are selling for around \$300,000, manufactured homes to the south valued at about \$50,000 plus the lot rent and across are apartments that are renting at between \$900 and \$1,200 per month.

Councilor Miller continued that she was reading the new Livability report, and one of the numbers that really stood out to her was that historically, Fruita has had around 20% to 22% of housing types that include apartments and townhomes in the City's total housing units. She pointed out that in just the last ten years, that number has dropped to only 10%, which leaves out an entire demographic of people who are really important to the town including people under the age of 30 who are typically entry level and service industry workers, wait staff, cashiers, kitchen staff, store clerks, new teachers, new police officers and new firefighters. Councilor Miller called them vital to the Fruita community and said the City has cut their housing basically in half while the population has still increased.

Councilor Miller said she's been discouraged by some of the comments that she's heard (outside of this meeting) from others about how they don't want "those people" (those who live in multi-family homes) living in Fruita. She said she's also heard comments that the City's workforce can live in other parts of the Valley and still work in Fruita, but stressed that that's not who Fruita is. She pointed

out again that historically, those people were included in Fruita's City and neighborhoods all over town.

Councilor Miller concluded that the site for the Wild Cat Residences is in such an awesome spot because it's within walking distance of everything people need and added that she also loves the design and the garages.

Councilor Breman asked for clarification that the Wild Cat Residences will have Accessory Dwelling Units (ADUs) because he didn't see them on the Site Plan. Civil Engineer with the Austin Civil Group Mark Austin responded that where the row homes (five-plex buildings) are along the street frontage, each one of those buildings will have two ADUs on them.

Councilor Breman also asked for clarification that the original zoning in 2007 allowed for fast food, a bank and a third item and he asked what the third item was. Mr. Austin explained that the initial vision for the Planned Unit Development had a whole list of allowed uses that included a drive-through, bank and retail, as well as apartments.

Councilor Hancey stated that he appreciated that the plan included more parking than is required. He expressed a concern with the five buildings being three stories and asked how tall developers could build on the subject property if a straight zone instead of a PUD was being proposed. Mr. Hemphill responded that the maximum building height is 35 feet in Fruita's standard Community Residential zone and Mr. Austin explained that the two apartment buildings on the northeast corner are proposed at 25 feet while the row homes are proposed at 33 feet.

Councilor Hancey asked why the developer was claiming that the units would provide affordable housing after noting that other apartments have recently been built in Fruita that he would not necessarily consider affordable. Mr. Austin responded that he also wanted to clarify that on the rear yard setback, 15 feet is the requirement in the PUD. He stated that what is going to happen is that as Fruita gets more and more apartment products built, the lease prices will start to drop.

Councilor Purser agreed with Councilor Miller that she thinks this project could definitely service the workforce group of people that were mentioned, although she didn't want to discount the public input comments, either. She called the traffic in the area crazy during the school year and pointed out that two more grades of students will be added to the traffic counts with the school reconfigurations. She wondered if anyone had a "best guess" at what that impact may be. Mr. Austin noted that he hadn't talked to the School District but thought part of the plan was to move some of the kids to Grand Junction, so it would be the same number of kids. Councilor Purser conceded that this very well could be true.

Councilor Purser wondered if the maintenance of the property would be handled by a property management company or how it would be managed. Mr. Austin deferred to the property owner on this question. MacKenzie Thorne (representing ownership of the property) confirmed that Property Management Firm Griffis Blessing will be hired to maintain the property in addition to rotating onsite staff. She added that this firm currently has five projects in the valley including the new apartments at 111 S. Mesa Street and 204 S. Mulberry.

Councilor Williams requested to again see the applicant's PowerPoint slide showing the street front from Wildcat Avenue because he had a few questions about the parking such as whether the interior parking would be assigned or first come, first served. Ms. Thorne answered that typical policy right

now is to have assigned parking. Councilor Williams also asked if there would be cars parked all along Wildcat Avenue and Ms. Thorne responded that all parking was internal and “No Parking” signs would be placed on Wildcat Ave. because there is no on-street parking there except in front of the Seminary building. Councilor Williams said that was really his own concern, so the answer made him very happy.

Mayor Kincaid asked Mr. Hemphill if the PUD Plan currently before the Council meets all of the guidelines of the original PUD that was approved in 2007 such as density, setbacks and height restrictions. Mr. Hemphill confirmed that this was true.

Councilor Williams recalled there being a stipulation from the state that over a certain amount of time, the City needs to come up with 150 affordable housing units and asked for confirmation that the Wild Cat Residences would not count towards that because its units will be at market rate. Mr. Bennett confirmed this to be the case.

- **COUNCILOR KREIE MOVED TO APPROVE THE PROPOSED WILDCAT RESIDENCES SITE DESIGN REVIEW WITH THE CONDITION THAT ALL REVIEW COMMENTS ARE RESOLVED WITH THE FINAL PUD PLAN APPLICATION AND/OR APPROVAL OF A BUILDING PERMIT. COUNCILOR PURSER SECONDED THE MOTION.**

Councilor Hancey expressed his appreciation for the community members who came to the meeting to express their concerns. He said he hoped that the conversations softened some of those concerns and added that he was grateful the development was residential and not commercial because he thinks it is a great infill project that will provide Fruita with more variety of housing in a well thought out plan.

- **THE MOTION PASSED WITH SIX YES VOTES.**
- 3) **RESOLUTION 2024-02 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (1873 K ROAD ANNEXATION) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill provided staff’s presentation, which included a review of the annexation process and its requirements. Other PowerPoint slides contained the following:

- Application details (application name, location, current zone and description)
- Legal notice dates and methods
- Zoning Map
- Aerial View
- Future Land Use Map
- Nine review criteria pursuant to Fruita Municipal Code Section 17.17.050(A) (Land Use Code)
- Review Comments (no reviewer expressed concerns)
- Public Comments (no written comments received by staff)
- Suggested motion (of approval with conditions)

Mr. Hemphill explained that the purpose of Resolution 2024-02 was to find that the property at 1873 K Road is eligible for annexation into the City of Fruita. He also noted that he was combining this presentation with the one for the following agenda item of rezoning 1873 K Road because they were the same subject property, although each would require its own motion.

With the publishing of the legal notice for four consecutive weeks in a local newspaper (the Daily Sentinel), 1/6 contiguity with existing City limits and the property being located within the Urban Growth Boundary, the fact that the property can be served by municipal services such as trash, sewer public safety and Lower Valley Fire Protection District services, Mr. Hemphill stated that the property at 1873 K Road is eligible for annexation. In addition, the Planning Commission recommended approval of Resolution 2024-02 by a vote of 7 to 0.

Mr. Hemphill further noted that if the Council were to approve Resolution 2024-02, and with the approval of the First Reading of the Ordinance to annex the property already getting approved on the Consent Agenda at this meeting, the Council would be able to take action on the following Ordinance 2024-03 to rezone the property.

Mr. Hemphill added that the recommended conditions of approval included the provision by the applicant of an additional right-of-way, a 14-foot multi-purpose easement along adjacent rights of way and a prepared legal description of all of Ottley.

Applicant Dane Griffin, owner of Griffin Design and Construction, LLC, was present on behalf of the property owner. He stated that he didn't have anything to add.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and referred the matter to the City Council after pointing out that there needed to be two motions; one for Resolution 2024-02 and one for the following agenda item, Ordinance 2024-03.

- **COUNCILOR WILLIAMS MOVED TO APPROVE RESOLUTION 2024-02 – FINDING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. LEGISLATIVE HEARINGS

- 1) **ORDINANCE 2024-03 – SECOND READING – AN ORDINANCE ANNEXING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD INTO THE CITY OF FRUITA (1873 K ROAD ANNEXATION) – CITY PLANNER HENRY HEMPHILL**

(See above for the combined presentation of this Ordinance and Resolution 2024-02 - finding the property eligible for annexation).

- **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2024-03 – SECOND READING - ANNEXING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD INTO THE CITY OF FRUITA (1873 K ROAD ANNEXATION). COUNCILOR MILLER SECONDED THE MOTION.**

City Attorney Mary Elizabeth Geiger advised Councilor Breman that he should include in his motion the conditions of approval stated by staff.

Councilor Breman revised his motion as follows:

- **COUNCILOR BREMAN MOVED TO APPROVE ORDINANCE 2024-03 – THE ANNEXATION OF 1873 K ROAD WITH THE CONDITION THAT THERE WILL BE A DEDICATION OF A 14-FOOT MULTI-PURPOSE EASEMENT ADJACENT TO THE RIGHT-OF-WAY, ADDITIONAL RIGHT-OF-WAY DEDICATION ALONG OTTLEY AVENUE AND A PREPARED LEGAL DESCRIPTION OF OTTLEY AVENUE ADJACENT TO THE SUBJECT PROPERTY. COUNCILOR PURSER SECONDED THE REVISED MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

- 2) **ORDINANCE 2024-02 – SECOND READING – APPROVING A LONG-TERM LEASE WITH CAPITAL BUSINESS SYSTEMS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA POLICE DEPARTMENT – CHIEF OF POLICE DAVE KROUSE**

Fruita Police Chief Dave Krouse explained that he was deferring to Finance Director/City Clerk Margaret Sell to give staff's presentation because as Finance Director, she was more familiar with the conditions of the lease agreement with Capital Business Systems.

Mrs. Sell explained that the lease was on a copier for the Police Department. The department's current copier is currently about two years past the anticipated five-year lease term and the City may only enter into long term lease agreement by adoption of an Ordinance pursuant to the Fruita City Charter.

Mrs. Sell stated that the agreement is fairly standard and has a billable amount of \$325 per month, which includes a base number of copies for black and white and color. Addition charges will apply if the number of copies exceeds either of those base numbers. Over the five-year term of the lease agreement, the base payments can be increased up to 15%, but Mrs. Sell said that typically, they don't go up that much. That concluded staff's presentation.

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

- **COUNCILOR MILLER MOVED TO APPROVE ORDINANCE 2024-02 – SECOND READING – FOR A LONG-TERM LEASE WITH CAPITAL BUSINESS SYSTEMS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA POLICE DEPARTMENT. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

- 3) **ORDINANCE 2024-01 – AN ORDINANCE AMENDING SECTION 2.10.040 OF THE FRUITA MUNICIPAL CODE REGARDING CITY COUNCIL AND MAYOR COMPENSATION – ASSISTANT CITY MANAGER SHANNON VASSEN**

Assistant City Manager Shannon Vassen provided staff's presentation. He explained that the Ordinance before the City Council will amend Title 2 of the Fruita Municipal Code regarding compensation for City Councilors, Mayor Pro Tem and Mayor positions. He pointed out that the Council and staff have been discussing this matter at length during the past couple of years before providing a brief overview of the City's Elected Official compensation, which is actually defined in both the Fruita City Charter and the Municipal Code. The Charter details that pay for Elected Officials must be set by Ordinance and that no pay changes for Elected Officials can take place during the term of those officials who are enacting such an Ordinance. Mr. Vassen said this is common practice throughout the state and nation; Elected Officials cannot give themselves a raise while they are currently in office; those changes always take place after their terms expire.

Mr. Vassen listed the current rates that were set in 2007 for City Council compensation as follows:

- Mayor \$475 per month
- Mayor Pro Tem \$350 per month
- City Councilors \$300 per month

In 2022, the Council had a discussion about Council pay and at that time during the Budget process, the City Council (four of whom were newly elected at the time) directed staff to evaluate potential pay changes for Fruita's Elected Officials. Multiple discussions have also been held during the 2023 and 2024 Budget processes, but since no changes can be made until the current term of each City Council member is over, staff decided to hold off until after this year's and subsequent elections.

As part of the discussion, staff created a comparison of the three positions to a few other municipalities in the state of Colorado. Mr. Vassen explained that some jurisdictions may have different types of City Councils; they may be professional roles with full-time jobs. Staff included ten municipalities as part of the comparison and these were shared with the City Council at the October, 2023 Council Workshop meeting. Staff determined the average of pay for each position in the list if there was a match of having the same positions as Fruita. These averages were as follows:

- Mayor \$481.25
- Mayor Pro Tem \$311.67
- City Councilors \$327.00

Staff tried to include small and big cities that are located on western Colorado that could be a good comparison for the City of Fruita off which to base its data. Council also encouraged staff to look into an annual adjustment to really streamline pay changes in the future, which is becoming more and more common in places like Vail, Gunnison and Rangely. After a certain point, their Council pay is just adjusted by an inflation index to help with future growth.

Mr. Vassen explained that there are a number of reasons for increasing Elected Official pay such as:

- To encourage more residents to become involved in their city government
- To better reflect time spent in the position
- To better reflect inflation in pay
- To streamline the process for future adjustments

At the October Workshop meeting, staff presented a placeholder to increase Elected Official pay by \$50 for each position based on exceeding the average of those ten comparisons as well as presented

a recommendation that the Council pay be adjusted by the Consumer Price Index (CPI) beginning after all the terms on the current Council have expired.

Mr. Vassen explained that beginning in January of 2027, Ordinance 2024-01 increases each position pay by \$50 per month so that the Mayor will be earning \$525, Mayor Pro Tem \$400 and City Councilor \$350. In addition, the CPI adjustment will start adding to those rates annually going forward in the future from then on. It was reiterated that the last time the Elected Officials received a raise was in 2007.

Mr. Vassen stated that it was staff's recommendation that the Council approve/adopt Ordinance 2024-01.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public comment period and referred the matter to the Council.

- **COUNCILOR HANCEY MOVED TO ADOPT ORDINANCE 2024-01 – SECOND READING – AMENDING SECTION 2.10.040 OF THE FRUITA MUNICIPAL CODE REGARDING CITY COUNCIL AND MAYOR COMPENSATION. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

9. ADMINISTRATIVE AGENDA

There were no Administrative Agenda items on the agenda.

10. CITY MANAGER'S REPORT

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

- Earlier in the day, two Automated External Defibrillators (AEDs) were installed and are alive and functional. One is on the 2nd Floor and one is on the 1st Floor. There are also two AEDs at the other City facilities including the City Shops, Fruita Community Center, Police Department and Wastewater Treatment Facility. One of the City's aquatics coordinators, Molly Beth (who is certified to train on the AEDs), will be giving trainings to all City staff. The City's AEDs are standardized with Lower Valley Fire Protection District's AEDs.
- New furniture for the Council Chambers/Municipal Court Chambers is now on order, including the two TVs, which were not functional.
- The newest apartment buildings in the City of Fruita (on Mulberry and Mesa Streets) now have all units rented with the exception of one in each of the two facilities.

Councilor Hancey requested that the Council members also receive the AED training. Mike explained that when someone opens the AED, there are four steps with pictures on the machines themselves that are very easy to read and follow. He added that becoming certified in them will require taking a very easy four-hour online course with the Red Cross, followed by a four-hour in-person class. He suggested that staff look at the future schedule soon to sign up for the training.

11. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONSCOUNCILOR KEN KREIE

Councilor Kreie reported that the Grand Valley Regional Transportation Committee has been canceled for January.

COUNCILOR JEANNINE PURSER

Jeannine reported that she and Ciara wrapped up their third Localism Committee Meeting and that it just continues to go well. She called the amount of work that Ciara is putting into it just amazing and added that she's doing a great job listening to the ideas and then consolidating them into easy points. The Committee will have one more meeting in January and potentially one after that. Jeannine noted that everyone on the Committee definitely thinks that there should be a Localism Board, but they will come before Council with their recommendation at a later date.

Joel asked if the creation of the board would require an Ordinance process and if so, what the timeline would look like considering there is a Municipal Election with a new Council coming up. Mike explained the board could be established via a Resolution, which is a much shorter process than an Ordinance one.

Jeannine also reported that the Arts and Culture Board met the previous week. The Coco Vino event is coming up in March and the board will make sure to let the Council members know before the link to purchase tickets goes live because there were several Council members who were unable to attend last year after the tickets were already sold out. Mike noted that the event is scheduled for Friday prior to Spring Break, or March 15th.

Jeannine reported that a gentleman named Gene Sandoval reached out to her about putting on a Christmas Mart, which is an event he has done in Grand Junction similar to the City's Holiday Craft Fair except it is held at night and includes a Silent Auction, the proceeds of which went to the Court Appointed Special Advocates of Mesa County (CASA) and that totaled over \$4,000. Mr. Sandoval would like to move the event to Fruita after he received some pushback in general that he didn't appreciate and in addition, he feels that the Fruita community supports artists in a very positive and solid way. Jeannine asked if the other Council members thought it would be worth pursuing. The Mayor and Council agreed it was and it was suggested that it might be a good project for the new Localism Board.

COUNCILOR AARON HANCEY

Aaron asked if the Council could have a new link for the future calendar Word document.

Aaron noted that Tuesday, March 5th was Caucus Night and proposed that the Council meeting that night be canceled. Joel advised that there needed to be a majority of the Council members wanting to attend the Caucus before deciding to cancel the Council meeting. Otherwise, he said, Aaron could be excused from the Council meeting.

Matthew announced that he, too, was planning on attending the Caucus, but he wondered if it was for both political parties. Joel added that if it was for only one party, he thought it could look bad. Mike pointed out that the Council always needs to keep in mind that there could be publicly noticed agenda

items scheduled for Council meetings and that it was best to give staff as much possible notice ahead of time as possible for that reason. Joel asked that someone find out whether it was Caucus Night for both parties by the following Tuesday night because of concerns about optics.

Aaron reported that the Parks and Recreation Advisory Board (PRAB) made some good process on the Bylaws adjustments they would like to propose and will be presenting them at a City Council meeting soon.

Lastly, Aaron stated that he had questions concerning three or four different developments in Fruita, so he went on the City's website and really appreciates having the information available there now.

COUNCILOR JAMES WILLIAMS

James reported that he had not had any meetings, but he did have a really cool interaction with a community member. Apparently, there is a transitional group living home for men in Fruita who want to stop using substances. The home has just recently been purchased and opened up and James said the guy who is the Home Manager talked to him and provided more information such as the amount of the weekly rent (\$160/week) and having the resources to help everyone stay sober. James added that he wanted to get the information to Ciara (Communications & Engagement Specialist with the City of Fruita) to see if it was something that the City would like to investigate and potentially include in the City's list of resources for community members. James added that the house is a brand-new house in Fruita and requested that staff look into it to make sure it is viable.

COUNCILOR AMY MILLER

Amy reported that the Historic Preservation Board had a really great first meeting of the year. The board members are really excited about projects that they are working on such as updating the plaques that go on the Historical Register. Now that the board is becoming more active at community events, the members wondered if the City could purchase some custom banners for each of the City's Boards and Commissions so that when they are present at an event, they can be recognized. Mike stated that staff could easily look into some options for those.

Amy also reported that she and the Mayor attended the Martin Luther King, Jr. Day event where the Proclamation was read and there was the march and the City of Fruita was called out for not having an Inclusivity Proclamation. Amy and the Mayor were able to later point out that Fruita was actually the first in the Valley to do one, which resulted in a public apology to the City of Fruita. Amy said she was proud that Fruita was the only municipality that stayed for the last presentation by Dr. Joyce Brooks, who told a super cool story.

MAYOR PRO TEM MATTHEW BREMAN

Matthew agreed that Fruita's representation at the Martin Luther King, Jr. Day events was awesome.

Matthew reported that the Fruita Area Chamber of Commerce meeting focused a lot on its Budget and looking at Budgets. He also announced that he will be switching from the Workforce Committee to the Executive Committee, specifically for purposes of the Budget and role of the Chamber within the City.

Matthew asked his fellow Council members if the Antisemitism Proclamation could be read at the February 20th Council meeting and all were in favor. He noted that it was on the list of pre-approved Proclamations and added that he was coordinating with some people to have them accept the Proclamation.

Matthew also reported having a meeting with Zebulon Miracle with United Way to discuss some of their future plans for the Valley. They also talked about the homeless situation and Matthew said he would likely be leading their Board Retreat in the spring in terms of strategy moving forward.

COUNCILOR AMY MILLER

Amy remembered that she also attended a Mesa County meeting earlier in the day, although not as a Fruita City Council member. The county is working on an Ordinance that will limit trucking traffic in Loma and Amy said the meeting was really well-attended by the local trucking community. She added that while it was an awesome meeting, it raised concerns about Fruita's attitude towards the trucking industry. Amy wondered if the Council could discuss it at a Workshop meeting and requested that the City Engineer bring information such as where the City's truck routes are so that there could be more discussion about future growth and the current farm-to-market movement that utilizes local farmers. She added that she didn't like how Fruita is perceived to be so anti-trucking.

COUNCILOR JEANNINE PURSER

Jeannine remembered that the Livability Commission did not have a December meeting, so she still hasn't been able to say goodbye before the transition to Amy being the Council Liaison for the board. Amy said it would be fine if Jeannine wanted to attend the Livability Commission meeting on January 18th.

MAYOR JOEL KINCAID

Joel reported that he also thought the Proclamation reading at the Martin Luther King, Jr. Day went over well.

Joel also reported that he met with a candidate for Mayor in Palisade's Municipal Election who wanted some feedback about how the Fruita Council functions so well. He praised the Fruita Council and pointed out how other communities really notice how well Fruita's works together.

Mike requested that the Council members look at their schedules for the March 19th Council meeting and let staff know if any Council members are going to be absent, as that is Spring Break week at local schools.

Joel added that he would be absent for the January 23, 2024 Council Workshop meeting as it is his wife's birthday. He asked what items were planned for the agenda. Mike answered that there would be the following agenda items:

1. Economic Development Updates (on various projects that the Council is already aware of)
2. Brief discussion on Council's policy related to relatives of Council members being City employees
3. Update on the Sign Ordinance

Mike explained that essentially, the Town of Gilbert, AZ took a case all the way to the Supreme Court of the United States, who ruled that cities cannot regulate signs based on content. Mike said Fruita (as well as many other communities across the country) had to update their Sign Codes due to First Amendment reasonings, but no one thought to update the regulations on political signs. He said it was a resident of Fruita who raised the question about political signs and Mike and the City Attorney then realized that City could lose in court if it regulates the duration of time that political signs may stay up. Therefore, the City of Fruita needs to start working on an Ordinance to remove those provisions in its Municipal Code, although there was no way that can be accomplished in time for the City's April 2, 2024 Municipal Election. Staff wants to look at the category of Temporary Signs, for which the City *can* set a duration of time. Joel requested that staff provide a list of what constitutes temporary signs.

Jeannine asked how many Nomination Petitions had been pulled and Mike responded that so far, there were three: Matthew Breman for Mayor, Aaron Hancey for City Council, and Frank Graziano for City Council. He also mentioned that the deadline for turning in the Nomination Petitions is Monday, January 22nd at 5:00 p.m. and that if no one else pulls and turns in a Nomination Petition, there will be a vacancy on the Council after the Election since Councilor Breman is running for Mayor. The City will then have a certain period of time (60 to 90 days) to either appoint someone or hold a Special Election. Councilor Kreie asked if someone who had been term limited could be appointed and Mike said that cases related to that in the past have required candidates to be off the Council for a full term.

Joel noted that Emma Leigh Larsen had agreed to be on the Election Commission and he would have to find one other person.

Matthew pointed out that the April Workshop meeting was scheduled on the second night of Passover, which is the big night.

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:59 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita