

**FRUITA CITY COUNCIL  
VIRTUAL MEETING  
APRIL 6, 2021  
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 7:01 p.m. The meeting was held with virtual access provided through Zoom.

**Present via teleconference:**

Mayor Joel Kincaid  
City Councilor Ken Kreie  
City Councilor Kyle Harvey  
City Councilor Heather O'Brien  
City Councilor Matthew Breman

**Excused Absent:**

City Councilor Karen Leonhart  
Mayor Pro Tem Lori Buck (absent at roll call, but expected to join meeting later)

**Also present via teleconference:**

City Manager Mike Bennett  
City Clerk/Finance Director Margaret Sell  
Management Analyst Shannon Vassen  
Deputy City Clerk Deb Woods  
City Attorney Paul Wisor  
City Planner Henry Hemphill  
Planning & Development Director Dan Caris  
Parks and Recreation Director Ture Nycum  
Recreation Superintendent Tom Casal  
Public Works Director Kimberly Bullen  
VRBO applicants Eric & Jody Lusby  
Green Play Project Manager Keri Konold  
Members of the public

**2. PLEDGE OF ALLEGIANCE**

Councilor Harvey led in the Pledge of Allegiance.

**3. AGENDA – ADOPT/AMEND**

Mayor Kincaid asked if there were any additions or changes to the agenda. Deputy City Clerk Deb Woods responded that there were no changes to the agenda.

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

#### **4. PROCLAMATIONS AND PRESENTATIONS**

- A. PROCLAMATION – PROCLAIMING APRIL 30, 2021 AS “ARBOR DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY PARKS AND RECREATION DIRECTOR TURE NYCUM**

Councilor Kreie read the Proclamation, which was accepted by Parks and Recreation Director Ture Nycum and Recreation Superintendent Tom Casal.

Mr. Nycum noted that this is the 25<sup>th</sup> year of the City of Fruita being a “Tree City USA” Community. Most every year (with the exception of last year due to COVID), the City’s Recreation staff works with local elementary schools to host a “Tree City USA” poster coloring contest for 5<sup>th</sup> graders. The winner of the contest gets their poster hung at the State Capital, where it is entered to compete in a state-wide contest.

Fruita’s Arbor Day Celebration is scheduled for April 30, 2021 at 1:00 p.m. at Shelledy Elementary School. Shelledy 5<sup>th</sup> grader Veda Cram won the poster coloring contest, which means the school gets a free tree planted by the Fruita Parks and Recreation Department. Mayor Kincaid noted that he would be reading the Proclamation at the event that day and would present it to Veda Cram.

#### **5. PUBLIC PARTICIPATION**

There were no comments from the public.

#### **6. CONSENT AGENDA**

- A. MINUTES:**

- 1) A REQUEST TO APPROVE THE MINUTES OF THE MARCH 16, 2021 REGULAR (VIRTUAL) CITY COUNCIL MEETING**
- 2) A REQUEST TO APPROVE THE MINUTES OF THE MARCH 17, 2021 COUNCIL WORKSHOP (VIRTUAL) MEETING**

- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FOR IMONDI WAKE ZONE, LLC LOCATED AT 1583 CIPOLLA ROAD**

- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL & RESTAURANT LIQUOR LICENSE – MALT,**

**VINOUS AND SPIRITUOUS FOR KARMA KITCHEN, INC. LOCATED AT 229 E. ASPEN AVENUE**

- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER & WINE LIQUOR LICENSE – MALT AND VINOUS FOR PABLO’S PIZZA OF FRUITA LOCATED AT 456 KOKOPELLI BLVD., UNIT C**
- E. RESOLUTION 2021-07 – AMENDING THE 2021 FEES AND CHARGES FOR THE CITY OF FRUITA AND ESTABLISHING AN APPLICATION FEE FOR SHORT-TERM RENTALS AND BED AND BREAKFAST ESTABLISHMENTS**

Mayor Kincaid opened the public hearing on the Consent Agenda. Hearing no comments from the public, the Mayor directed the Consent Agenda to the City Council.

- **COUNCILOR O’BRIEN MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

**7. PUBLIC HEARINGS**

**A. QUASI-JUDICIAL HEARINGS**

- 1) ROSS CONDITIONAL USE PERMIT FOR VACATION RENTAL BY OWNER – A REQUEST TO WITHDRAW LAND DEVELOPMENT APPLICATION 2021-07 FOR THE ROSS VACATION RENTAL CONDITIONAL USE PERMIT – *CITY PLANNER HENRY HEMPHILL***

City Planner Henry Hemphill gave staff’s presentation. He explained that the applicant for the Ross Conditional Use Permit (to operate a Vacation Rental by Owner) had requested to withdraw his/her application and that the reason that it was on the Public Hearings Agenda was because the public hearing had already been noticed both in the newspaper and with a physical sign on the property. Because the application was scheduled to be heard at this Council meeting, staff included it on the agenda in order to inform people of the request to withdraw. Mr. Hemphill noted that the applicant was not present in the virtual meeting.

Mayor Kincaid opened the public hearing and heard no public comment.

City Attorney Paul Wisor advised the Mayor and Council that a motion was not necessary because the application had been withdrawn and therefore, the meeting could just proceed.

- 2) RESOLUTION 2021-08 – APPROVING A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 139 SOUTH MAPLE STREET (LUSBY) - *CITY PLANNER HENRY HEMPHILL***

City Planner Henry Hemphill entered his PowerPoint presentation into the record, which consisted of five slides containing the following:

- Project description
- Legal notice dates and methods
- Planning Commission recommendation of approval to the Council and the conditions of approval
- Staff's recommendation of approval and a suggested motion to approve the Resolution

Mr. Hemphill stated that because the application meets or can meet all of the approval criteria in the Land Use Code that must be considered by the Council, staff was recommending approval of the Conditional Use Permit. In addition, at their meeting of March 9, 2021, the Planning Commission recommended approval of the application to the City Council.

Applicants Eric & Jody Lusby introduced themselves and let the Council know that neighbors of the short-term rental have their contact information and that they are only fifteen minutes away. Mr. Lusby assured the Council that he and Jody would keep a sharp eye on the property. He also commended Sorter Construction for their work on the sewer project on South Maple Street, saying that they are doing an excellent job, have been very professional and have done very well in communicating with all affected homeowners in the area.

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

- **COUNCILOR BREMAN MOVED TO ADOPT RESOLUTION 2021-08 – APPROVING A CONDITIONAL USE PERMIT TO OPERATE A VACATION RENTAL BY OWNER (BED & BREAKFAST) IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 139 SOUTH MAPLE STREET. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

## **8. ADMINISTRATIVE AGENDA**

- A. RESOLUTION 2021-09 – ADOPTING THE PARKS, HEALTH, RECREATION, OPEN SPACE AND TRAILS (PHROST) MASTER PLAN – *PARKS AND RECREATION DIRECTOR TURE NYCUM***

Parks and Recreation Director Ture Nycum explained that Green Play Project Manager Keri Konold would be reviewing some of the major highlights of the Master Plan, but since the main concepts had been previously presented to the Council on several occasions, they were going to attempt to keep the presentation relatively brief.

Mr. Nycum also explained that the PHROST Master Plan, when adopted, will provide further detail on Chapter 5 of the *Fruita in Motion Comprehensive Plan*, which is a recommending document that doesn't have the force of law, but does provide direction for City decision makers regarding the

physical and social development of the City in relation to Parks and Recreation. Mr. Nycum provided the history of the development of the plan including the dates and methods of public input that was solicited and received. He noted that the Parks and Recreation Advisory Board met the previous evening and briefly discussed the plan prior to making a recommendation by motion that the City Council adopt the PHROST Master Plan.

Mr. Nycum stated that the PHROST Master Plan, in short, provides the City with the current state of Fruita Parks and Recreation, allows staff to document growth since the *Parks, Open Space and Trails Master Plan* was adopted in 2009 and will allow the City to benchmark progress for the next ten years.

In addition to the snapshot in time, the Master Plan, based on all the community feedback and inventory of services, will provide the City with a series of recommendations. Not only does the plan recommend Capital Improvements to the Parks and Recreation system, but it also makes recommendations for improvements to programs and events that further improve the community's health.

While adopting the PHROST Master Plan will not have a direct physical impact, implementing the recommendations in the future will. Developing, adopting and ultimately implementing the PHROST Master Plan will have the intended outcomes of improving the Quality of Place, Economic Health, and the overall lifestyle in Fruita.

Green Play Project Manager Keri Konold provided a PowerPoint presentation to review the highlights of the PHROST Master Plan. Chapters of the plan include:

1. **Introduction** (plan purpose, how to use the plan, community involvement, community-informed issues, relevant plans)
2. **Who Plays Here** (demographics)
3. **Play in Fruita Today** (recent accomplishments of Parks and Recreation, Parks and Recreation today, partners and collaborators, recreation programs inventory, national and local recreation trends, health initiatives & factors, facilities inventory and descriptions, current levels of service)
4. **Key Themes and Recommendations** (parklands and facilities infrastructure and improvements recommendations, recreation programs and special events, organizational improvements)
5. **Progressing Play – An Action Plan** (mission, vision and values, goals, policies and actions)
6. **Funding Play** (current funding sources & uses, potential future funding)

Councilor O'Brien thanked Kerri and Ture's team for being so open to all of the revisions that had been made to the plan, which she said is now more readable and manageable, although still unwieldy because there's so much information that had to be incorporated within it.

*Councilor Buck joined the meeting at approximately 7:30 p.m.*

- **COUNCILOR O'BRIEN MOVED TO ADOPT RESOLUTION 2021-09 – ADOPTING THE PARKS, HEALTH, RECREATION, OPEN SPACE AND TRAILS (PHROST) MASTER PLAN. COUNCILOR**

**HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**9. CITY MANAGER'S REPORT**

City Manager Mike Bennett introduced the City's new Public Works Director, Kimberly Bullen, who has extensive experience in local government and emergency management and started working for the City the previous week. Kimberly said she was excited to be part of the City of Fruita and that she looks forward to working with the City Council.

Mike noted that the county is anticipated to reach the "Green Level" fairly soon and made the suggestion that the Council tentatively switch to meeting in person beginning with the May meetings but having a virtual meeting on April 20<sup>th</sup> and an in-person workshop on April 27<sup>th</sup>. He asked the Council members to let him or the Mayor know if they had any concerns. Mike added that City Attorney Paul Wisor will likely attend virtually moving forward.

Mike also mentioned that he and Planning & Development Director Dan Caris reached between 21 and 23 business owners to talk about the downtown spaces and to get their feedback. Mike reported that there was a mixture of opinions, but one common and strong theme was to open up Peach Street and keep the Mulberry Street dining space for a while.

The second theme that came up was to make the Mulberry Street dining space look nicer. Mike said probably the biggest issue is the temporary road signs, but with a temporary closure, the City has to keep the signs. Staff does, however, plan on doing a little bit more maintenance inside the Mulberry space.

Mike noted that the third theme is that the City needs to start having conversations about the Mulberry space in the long-term because there was quite a bit of feedback about keeping the space permanently even though the materials that are there are not meant to be permanent. Staff has internally discussed identifying some funding with the Council's support and submitting some Requests for Proposals from qualified groups that could help put together a full project and make the space an actual City plaza (with input from the public). Mike said staff will be bringing more concrete information to the Council unless the Council decides to pause the conversation for the time being.

Mike also pointed out that Peach Street is more highly traveled going north and south and opening it would unblock access to the Civic Center parking lot, which contains lots of public parking and is used heavily during special events.

Mike said staff would continue to talk with downtown business owners but pointed out that the Parks and Public Works Departments are going to be very busy for the first two weeks of the start of irrigation season. Staff plans to move as many tables as possible to the Mulberry Street dining space to add more seating and work out what the options for materials might be based on the US Treasury language and purchasing requirements. Some of the tables will be placed on the stage at Civic Center Memorial Park's pavilion, which will have to be moved when the City gets back to the Thursday Night Concerts beginning in June. There were suggestions that the City look at the empty lot next to Bestslope Coffee, which is a private lot, so there is more that is entailed with using it.

Mike noted that having tents on both sides of the street is not an option because of fire restrictions.

Mike also pointed out that the yurt was originally looked at as a great winter option, but the way things had happened with the pandemic, it was kept locked instead. Staff plans on pulling off the side paneling and placing tables and chairs inside to create more shaded seating at the Mulberry Street dining space. The Parks Department will check the space about once per week.

Mike said that Fred at Suds Brothers had said that they have been doing some clean up and maintenance of the Mulberry Street dining space to help out.

Councilor Kyle Harvey stated that he saw on social media (the Fruita, Colorado message board on Facebook) a pretty vibrant thread of community members and business owners who were weighing in on the two dining spaces and there were a variety of opinions. He encouraged the other Council members and staff who use Facebook to check it out.

Kyle said he would like to see a way that the City could significantly engage the public concerning the idea of having a permanent space on Mulberry Street and to make sure that the public is well-informed on it because there were some people on social media who seemed to feel as though the City didn't reach out to them and have those conversations. He said reaching as many people as possible would be to everyone's benefit moving forward.

Mike said that staff still needed to gather some initial information, but the intent would be to eventually have some open houses and other opportunities for people to weigh in on a concept and design (to a certain degree) while keeping it within the City's means. He noted that for it to become a permanent feature of Fruita's downtown, it would take some dramatic changes that would be much different than what the temporary space looks like now.

Mike also reported that staff has created a short-term rentals Q & A, new application form and a checklist for applicants, as well as a draft letter that will go out to those who were granted a Conditional Use Permit for a short-term rental to ask them to confirm whether they are currently operating or not. Hopefully by sometime in May, staff will be able to generate a regular report of updated data for the City Council that will be prepared each month.

Mike continued that staff has been spending a lot of time in webinars and that he, earlier in the day, sat in at a meeting with Senators Bennet and Hickenlooper and cities across the state concerning the American Recovery Program and funding for municipalities. Everyone is waiting for the US Treasury language because that specifies what the money can be spent upon.

Mike said there have been discussions about potential broadband opportunities to get fiber optic cable to every home and staff will be bringing more information about that to the Council as it gets more narrowed down. He said there has also been staff time spent on the myriad of other funding opportunities that could be available soon and that hopefully, Council will be able to hold another workshop session to discuss the different ways to approach the big priorities of the community with the new funding structures.

Mike reminded the Council that staff was beginning to plan for a “Multi-jurisdictional Dinner” (formerly known as the “Municipalities’ Dinner”) on Thursday, May 6<sup>th</sup> at either one of the City parks or the Mulberry Street dining space.

City Attorney Paul Wisor advised that Councilor Karen Leonhart has filed an application for subdivision of a piece of property she owns and that under normal circumstances, the application could be processed administratively. However, given her position on Council, he thought it would be beneficial to both her and to staff to have the Council review the final subdivision, which will be added to an upcoming Council agenda fairly soon.

## **10. COUNCIL REPORTS AND ACTIONS**

### COUNCILOR MATTHEW BREMAN

Matthew reported that at the last Grand Junction Economic Partnership (GJEP) meeting, the board discussed fundraising, the Bureau of Land Management’s new administration and the effort/desire to keep the BLM where it is. The board wants a housing committee to start looking at the issue of affordable housing across the Valley.

Matthew asked which staff was involved with the NorthStar Report (economic opportunities to help promote businesses coming to the Valley) in the past because it is time to update it again. He noted that GJEP is also starting to look for funding to do a Freight Market Analysis to determine what it might take to not only have a rail spur, but also an offloading center.

### MAYOR PRO TEM LORI BUCK

Lori reported that the Grand Valley Regional Transportation Committee (GVRTC) had a special meeting the previous Friday to approve the Greyhound contract. The contract must now go before the Board of County Commissioners, but the entire GVRTC facility is moving toward the hub, which is about a block away from the old Greyhound bus station.

Lori also reported that the Bureau of Land Management’s Resource Advisory Council (separate from BLM Headquarters) has been reorganized, but there’s not much to be done right now because Fruita is still part of the Southwest District Office, which also contains Montrose, Durango and Gunnison. There will be another reorganization and Fruita will again be back in the Northwest District Office (Craig and Moffat County), so there might be an opportunity for the City of Fruita to be influential on what happens on BLM land around Fruita.

### COUNCILOR HEATHER O’BRIEN

Heather reported that the Planning Commission would be meeting the following week. At the Parks and Recreation Advisory Board meeting the previous evening, the major update was about the county moving to the “Green” Level and the reopening with no capacity limits at the Fruita Community Center (FCC). She said that Tom Casal’s plans were inline with Mesa County’s guidelines in that staff will be highly recommending that people wear masks, but he has decided to not put his staff in a position of getting in a fight with people who don’t want to wear them.

The weights that are now downstairs will remain there for now instead of being moved back upstairs just in case there is another outbreak of the virus. The Parks and Recreation Advisory Board members felt that having the FCC open back up to pretty much how it was before the pandemic is what most people want since so many are vaccinated and there's a need for mental health. Heather said if anyone had reservations, they could either call Ture Nycum, Tom Casal or herself.

Mayor Joel Kincaid asked when Heather will need someone to fill in for her at the Parks and Recreation Advisory Board meetings this summer and Heather asked Joel to fill in on the May 3<sup>rd</sup> meeting for her for now. Joel said he would be able to fill in.

#### COUNCILOR KYLE HARVEY

Kyle reported that the Historic Preservation Board had asked him to check with the Council about meeting in person and that he was assuming that it was okay, based on the protocol that Mike had spoken about.

Kyle also reported that the install of a couple of the first sculptures for the roundabouts had been scheduled for the morning, but because of the wind, they had to cancel the crane operation. The installs were rescheduled for the following day.

#### MAYOR JOEL KINCAID

Joel reported that he had a lunch meeting with Janet Rowland to discuss issues with each of the municipalities in Mesa County and what they have going on currently. He said that Collbran and De Beque are dealing with water and sewer issues and that Palisade is working on marijuana issues. Joel said he clarified that the City of Fruita will be hosting the next Multi-jurisdictional Dinner and encouraged the Council members to attend if possible. The City of Grand Junction was unable to attend the lunch meeting.

Joel announced that he would be absent from the Council workshop meeting on May 25<sup>th</sup> and also the regular Council meeting of June 1<sup>st</sup>. He asked Mayor Pro Tem Buck to fill in for him.

With no further business before the Council, the Mayor adjourned the meeting at 8:02 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita