

**FRUITA CITY COUNCIL MEETING (*VIRTUAL ONLY*)**  
**MAY 16, 2023**  
**10:00 A.M. (*TIME CHANGE*)**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 10:07 a.m. The meeting was held with *virtual access only* provided through Zoom.

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

**Excused Absent:** City Councilor Jeannine Purser

**City staff present:** City Manager Mike Bennett  
Assistant City Manager Shannon Vassen  
Deputy City Clerk Deb Woods

**Also present:** American Legion Post 2006 Commander KJ Kline  
Public Works Heavy Equipment Operator Mike Bramlett  
Rotarian Lou Mudd (applicant for a Special Event Liquor Permit)  
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 APPROVE THE AGENDA AS PRESENTED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

- A. PROCLAMATION – PROCLAIMING MONDAY, MAY 29, 2023 AS OBSERVANCE OF MEMORIAL DAY TO BE ACCEPTED BY AMERICAN LEGION POST 2006 COMMANDER KJ KLINE**

Councilor Breman read the Proclamation, which was accepted by Commander KJ Kline. Cmdr. Kline announced that on Friday, May 26<sup>th</sup> at 9:00 a.m., the American Legion will be placing flags on veterans' graves at New Elmwood Cemetery. He encouraged others to participate, saying the American

Legion would love to have the help as there are approximately 400 veterans that are buried at the cemetery. Cmdr. Kline added that on Monday, May 29<sup>th</sup> (Memorial Day) at 10:00 a.m. at New Elmwood Cemetery, the American Legion will be conducting a small ceremony to honor those that have fallen.

Cmdr. Kline also shared the text of General Order #11 issued on May 5, 1868 by General John A. Logan, Cmdr. in Chief of the Grand Army of the Republic designating May 30<sup>th</sup> for the purpose of strewing with flowers (or otherwise decorating) the graves of comrades who died in defense of their country during the late rebellion. This is how Memorial Day eventually came to be.

**B. PROCLAMATION – PROCLAIMING MAY 21 - 27, 2023 AS “NATIONAL PUBLIC WORKS WEEK: CONNECTING THE WORLD THROUGH PUBLIC WORKS” IN THE CITY OF FRUITA TO BE ACCEPTED BY MIKE BRAMLETT, HEAVY EQUIPMENT OPERATOR ON BEHALF OF THE CITY OF FRUITA PUBLIC WORKS DEPARTMENT**

Councilor Hancey read the Proclamation, which was accepted by Mike Bramlett, Heavy Equipment Operator for the City of Fruita Public Works Department. Mike thanked the Council for recognizing National Public Works Week and for always supporting the work the Public Works Department does. He also thanked the men and women in the Department for the work that they do every day.

## **5. PUBLIC PARTICIPATION**

There were no comments from the public.

## **6. CONSENT AGENDA**

Mayor Kincaid asked if there were any requests to remove any item(s) removed from the Consent agenda for further discussion. There were no such requests. Mayor Kincaid asked the same question of the City Council and there also were no such requests.

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

*\*Deputy City Clerk's Note: There were no items on the Consent Agenda.*

## **7. PUBLIC HEARINGS**

### **A. QUASI-JUDICIAL HEARINGS**

- 1) **SPECIAL EVENT LIQUOR PERMITS APPLICATION – A REQUEST TO APPROVE AN APPLICATION FROM THE FRUITA ROTARY CLUB TO PROVIDE A BEER GARDEN AT THE MIKE THE HEADLESS CHICKEN FESTIVAL AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVENUE – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave staff's presentation. She briefly reviewed the contents of the Council packet including a diagram illustrating the proposed licensed area at the Fruita Civic Center to include the parking lot and one block of Aspen Avenue that will be completely fenced in. There are four entrances proposed in the application and Ms. Woods stated that in the Rotary Club's narrative, the Rotary affirmed that they would be monitoring the entrances to ensure that no alcohol enters or leaves the licensed area and that patrons will be monitored for signs of becoming noticeably intoxicated. She stated that Fruita Chief of Police Dave Krouse reviewed the application and provided his statement that there was nothing that would prohibit the issuance of the license being requested.

Ms. Woods said it was staff's recommendation that the Council approve the application for the Special Events Liquor Permits for the Mike the Headless Chicken Festival subject to the following conditions:

1. The entrances and exits shall be monitored closely and continuously by event staff.
2. The licensee needs to be aware that they are solely responsible for control of the licensed premises.
3. All other procedures presented by the Rotary Club will be followed.

Ms. Woods noted that Rotarian Lou Mudd was present virtually as the applicant's representative. Mr. Mudd stated that the Rotary has been providing beer gardens for events in Fruita for at least 16 or 17 years now and that they have never had any issues with unruly attendees. He added that the Mike the Headless Chicken Festival has always been a good fundraiser for the Rotary, who puts most of the money right back into the community for worthwhile events to support kids.

Mr. Mudd added that this year, the Rotary Club will feature "Mike's Decapitation Red" on tap from the Copper Club, which he thinks will be a big seller and is something that exemplifies the goodness of Mike. It is a red IPA that the Copper Club has had for several years now that is made specifically for Mike the Headless Chicken days. He asked for the Council's approval of the application for the Special Events Liquor Permits.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the Council.

- **COUNCILOR KREIE MOVED TO APPROVE THE APPLICATION FOR THE SPECIAL EVENTS LIQUOR PERMITS FROM THE FRUITA ROTARY CLUB TO PROVIDE A BEER GARDEN DURING THE MIKE THE HEADLESS CHICKEN FESTIVAL AT CIVIC CENTER MEMORIAL PARK ON THE DATES AND TIMES REQUESTED SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **B. LEGISLATIVE HEARINGS**

There were no legislative public hearings on the agenda.

## **9. ADMINISTRATIVE AGENDA**

There were no Administrative items on the agenda.

## **10. CITY MANAGER'S REPORT**

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

- He and Assistant City Manager Shannon Vassen met with executives at Waste Management the previous day. Mike said they were very open to the interests the City of Fruita has in single-stream recycling and in honoring their contract like they did during the pilot program for 96-gallon containers. Waste Management is going to bring back some options to staff so negotiations can continue and staff will be scheduling their presentation to the City Council at an upcoming meeting.
- Staff is planning the North Mulberry Plaza celebration beginning Thursday, May 25<sup>th</sup> through Saturday, May 27<sup>th</sup>. Scheduled events include:
  - On Thursday, May 25<sup>th</sup>, there will be a trivia contest with Fruita logo prizes at 6:00 p.m. After that, Cavalcade will host an open mic night on the plaza.
  - On Friday, May 26<sup>th</sup>, Fruita Fourth Friday will expand into the plaza and there will be a community mural painting as part of the “I Love Fruita” campaign.
  - On Saturday, May 27<sup>th</sup> at 6:00 p.m., there will be live music on the plaza sponsored by The Vintage Common.
- The “State of the City” six-minute video will be completed in early June. On Wednesday, June 7<sup>th</sup> at 5:30 p.m., Rocky Mountain PBS is going to host a screening of it at FARM at 160 S. Park Square and will likely add other Fruita-related stories.
- For the Juneteenth event, Matthew offered to read part of a Juneteenth Proclamation at an event held by Black Citizens and Friends Grand Junction on June 17<sup>th</sup>. The Proclamation will also be on the Council agenda for the June 6<sup>th</sup> meeting, and Mike noted that the Fruita City Council has been issuing this Proclamation for several years now. Joel noted that it would be a split reading; the City of Grand Junction, City of Fruita and Town of Palisade will each read a section of the Proclamation.
- Staff is gearing up for the Mike the Headless Chicken Festival and plans to close the Civic Center building to the public in order for staff to adequately manage all the events. They will begin setting up for the festival after the Civic Center building closes for the day on Thursday, June 1<sup>st</sup>.

## **11. COUNCIL REPORTS AND ACTIONS**

### **A. SCHEDULING TWO SPECIAL CITY COUNCIL MEETINGS**

City Manager Mike Bennett proposed that a Special Council Meeting be scheduled for Tuesday, May 23, 2023 at 6:00 p.m. prior to the regularly scheduled Council workshop meeting that starts at 6:30 p.m. for the purpose of convening in Executive Session related to the purchase of property.

Mayor Kincaid confirmed that all Council members will be able to attend.

Mr. Bennett also proposed to schedule a City Council workshop meeting on Tuesday, June 6, 2023 at 6:00 p.m. prior to the regularly scheduled Regular City Council meeting that starts at 7:00 p.m. The purpose of this meeting is to have the City Attorney provide some refresher training for elected officials. Because it will be a longer night for the Council, staff will be providing dinner during the workshop discussion.

Mayor Kincaid confirmed that the other Council members would be able to attend with the exception of Councilor Ken Kreie, who has a scheduling conflict on June 6<sup>th</sup> and will therefore be excused absent. Mike noted that Councilor Jeannine Purser (absent at this meeting) had previously told him that both dates of the two meetings work for her.

Mayor Kincaid said he had talked with Mr. Bennett about having staff send a calendar invite to the Council members for meetings that are scheduled for dates outside of the normal meetings so that no one misses the special meetings.

## **B. COUNCIL REPORTS AND ACTIONS**

### COUNCILOR JAMES WILLIAMS

James reported that the Enoch's Lake issue is beginning to cause concerns among residents on social media and he asked if staff could put together some talking points, especially regarding the amount of expense the City incurs and how the property isn't really useful because the City does not own the property around the lake. He added that he has also received a couple of emails about it that he'd like to answer, but he'd like the Council to first put forth a concerted effort to explain the City's position on a united front.

Mike said staff will send summaries and talking points to the Council as well as the location of the information on the City's website that the Council can refer to. He added that there are also City Link articles that contain helpful information.

### COUNCILOR KEN KREIE

Ken referred to what James was just talking about and added that when it comes to social media postings about the Enoch's Lake issue, it seems to be the same six or so points and that these are the same things that the Council has grappled with over decades. He suggested that staff draft something that includes what people are saying and then include the real stories behind those concerns to help the public understand. Ken said he wrote a list at dinner the previous evening and that he would likely send it to Mike just in case there's some points on there that would be beneficial.

There was discussion among the Council about the best way to communicate with the public and when. Staff will be making sure the information on the City's website includes the items Ken was talking about and that it educates the public to address their concerns.

### COUNCILOR AMY MILLER

Amy reported that she attended the housing non-profits update/breakfast at Western Colorado Community Foundation Center for Philanthropy hosted by Bray and Co. and called it really amazing. Five different housing non-profit resources in the valley gave presentations and Amy said she had absolutely no idea about the scope of services that are available for some of the community's unhoused and those that are struggling to find property. She said she would love to have some of these agencies potentially present an overview of their services to the City Council at a workshop meeting. Amy added that the non-profits would be holding more speaking events and encouraged everyone to try to attend one of them.

Joel asked Amy to forward the contact information about the non-profits to Mike so that they could be invited to present to the Council. He recommended that they be scheduled a couple at a time.

#### MAYOR PRO TEM MATTHEW BREMAN

Matthew noted that Joel led the meeting with the Boy Scout Troop and they actually heard about the Enoch's Lake water rights issue at the end of that meeting. He said they asked some good questions and Matthew commended the Mayor for effectively passing on his knowledge to the kids.

Joel noted that the Troop is going to have a couple of Eagle Scout projects coming up. He pointed out that the dinosaur skeleton on the bicycle that is in front of the Civic Center pavilion was an Eagle Scout project. He added that if anybody had any ideas for an Eagle Scout project, he could get those passed onto the Troop.

Aaron added that the Parks and Recreation Advisory Board is looking forward to their presentation to the City Council next week and are wrapping things up so they will be prepared.

Aaron also added that a few people including Mike just happened to be in the right place at the right time to meet the third great-grandson of William Pabor, who was in town to look into his family history. He met with Historic Preservation Board member Yvonne Peterson, who showed him the Lower Valley Heritage Room at the Civic Center.

#### **12. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 10:45 a.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita