

**FRUITA CITY COUNCIL MEETING
OCTOBER 15, 2024
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Breman called the regular meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present: Mayor Matthew Breman
Mayor Pro Tem Aaron Hancey
City Councilor James Williams
City Councilor Jeannine Purser
City Councilor Rich Parrish
City Councilor Andrea Downs
City Councilor Amy Miller

Excused Absent: (None)

City staff present: City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Executive Assistant to the City Manager Kaydee Lucero
Communications & Engagement Manager Ciara Amann
City Clerk Deb Woods
Finance Director Joe Zaher
Planning & Development Director Dan Caris
City Planner Henry Hemphill
Engineering Project Manager Chris Dehmel
Engineering Project Manager Steve Martinez
Public Works Director Kimberly Bullen
Parks and Recreation Director Marc Mancuso
City Attorney Mary Elizabeth Geiger (virtually)

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

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Breman called for a moment of silence for reflection. He then led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

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

4. PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations or Presentations on the agenda.

5. PUBLIC PARTICIPATION

Daniel Emery, 930 Squire Court, stated that he had been asked to speak on behalf of Martha Matthews at 922 Squire Court, Katharine Brooks Peters at 922 ½ Squire Court and David & Lindsay Hassler at 926 Squire Court regarding the Xcel Energy power line proposal that will be brought before the Fruita City Council for a decision dsin the near future.

Mr. Emery continued by saying that these three homeowners on the south side of Squire Court are curious as to why such a bad proposal is ending up in front of City Council and that the initial proposal for suspending power lines above River Park is just a bad idea. He stated that apparently, there was also proposal to bury three of those towers through River Park, which he also called a bad proposal.

Mr. Emery shared that he moved to Fruita from Cleveland, Ohio because he thought he found himself a piece of paradise with such a great location: he looks north over the Disc Golf Course, over the river and over the City completely unencumbered by power lines. He added that when he looks to the west, he is also completely unencumbered by power lines and that is why he bought his house. Mr. Emery stated that he bought the property for the view and privacy.

Mr. Emery said that Grand Valley Power buried all of their electric lines out there and the only suspended power line is the one that was there prior to those people buying their homes. He stated that the property values and quality of life have already been “baked in” to that and he understands that some folks even bought a house that had a power line in their backyard, which he would never do. Mr. Emery stated that he certainly can’t fault them for wanting to get that power line out of their backyard.

Mr. Emery said he is disturbed that over the three-year process, Xcel Energy was only able to come up with four options, all of which are for above ground power lines. He mentioned that the Fruita area has problems with fire and he heard some of the Council members talking about the hurricane in Florida. He said that there are some houses down there that were built with concrete and hurricane-proof windows and all their utility lines are underground. He said those people are doing just absolutely fine.

Mr. Emery concluded that if the proposal goes through to suspend the power lines behind his house or partially bury the lines and partially suspend them, the City will be “incurring significant damage,” both in property value and quality of life. He stated that as such, he would certainly expect to be made whole.

There were no other comments by the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 3, 2024 REGULAR CITY COUNCIL MEETING**
- B. RESOLUTION 2024-32 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2024 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO THE CITY COUNCIL PROGRAM FOR EXECUTIVE RECRUITMENT**

C. FINANCIAL REPORTS – A REQUEST TO APPROVE THE AUGUST 2024 FINANCIAL REPORTS

Mayor Breman opened the Consent Agenda to public comment. After hearing no comments from the public, Mayor Breman referred the Consent Agenda to the City Council.

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

7. PUBLIC HEARINGS

There were no Quasi-Judicial or Legislative Public Hearings on the agenda.

8. ADMINISTRATIVE AGENDA

A. SGM INTRODUCTION & CAPITAL PROJECTS UPDATE – *PLANNING & DEVELOPMENT DIRECTOR DAN CARIS*

City Manager Mike Bennett noted that John Boulden with SGM Engineering, Surveying and Consulting was present to give the Council an update on the City's road projects. SGM and staff are working to navigate the nuances of two large road projects in particular that will be naturally disruptive when the City puts in sewer line improvements and staff and SGM hope to mitigate those disruptions as much as possible.

Mr. Bennett explained that SGM was originally hired by the City to help staff with a larger scale of Capital Projects than the City's Engineering team could handle all at once and then the City Engineer left the employment of the City, so staff has been utilizing SGM a little bit more than was initially planned. The arrangement has been incredibly helpful and Mr. Bennett said staff really appreciates the work that SGM is doing. Mr. Boulden is spending one day per week in the City's Engineering office to be able to interact with staff in person on a more regular basis.

Mr. Bennett said staff could not say enough about the suite of services that SGM provides and he thinks the mixture of the City's three-person Engineering team working with the City's Planning & Development Director and SGM has been extremely productive.

Mr. John Boulden introduced himself and provided the Council with some of his background of being on the Western Slope. He has been in Fruita since 2008 and over the years, has made a lot of connections in the community. Mr. Boulden thanked the City for hiring SGM because it helps him be able to work more closely on the things that affect him.

Mr. Boulden noted that SGM's first job in Fruita was on the amphitheater and later, they worked on the Kokopelli Trail. He called it an honor to work with City staff and said they are all great; there's just not enough of them. He made the comment that the three employees in the Engineering Department are doing more work than probably ten people in his company, so the City is lucky to have them.

Mr. Boulden explained that he and staff are currently working on a lot of traffic issues, but in the future, it will likely be something else. He noted that right now, the Engineering Department is

absolutely buried, but at least the City is very fortunate to be able to build some really big and interesting projects, one of them being 19 Road.

19 Road Improvements Project:

Mr. Boulden stated that he and staff selected M.A. Construction to help with the 19 Road project. During this process, an Open House was held in July and it was very well-attended by people who provided a lot of feedback.

Originally on the 19 Road project, there was going to be one bike lane as a separate path. Mr. Boulden stated that this was more intrusive than the area homeowners wanted, so two bike paths on each side of the road with 18" buffers were put in instead. They also realigned the intersections so that they make more sense and actually shortened the project from J.2 Road back to the intersection, which is indicative of staff being fiscally responsible with the City's money. They are still going to run the utilities through there.

Mr. Boulden continued that staff is working really well with a lot of different entities in the Valley including the Grand Valley Irrigation District, who has addressed staff's needs as well as questions from the public. He noted that a lot of people are going to be unhappy with the construction because it will impact people; it is going to close traffic in that direction and is going to be no fun. Staff and SGM are listening to the public and taking steps to minimize those impacts as much as possible.

South Mesa Street Improvements Project:

Mr. Boulden said one of the other projects is the South Mesa Street Improvements project, which goes from the Circle down to Highway 6 & 50. Mr. Boulden said that this one will impact people as well in a serious way, so right now SGM and staff are working with community members to discuss some of challenges such as the Thrift Store, which has corroding posts in the sidewalk. SGM and staff have to figure out how to do the project without impacting them because they get a mountain of donations dropped off every week. The project will likely be phased out, which may draw the project out longer, but it will have less impact. One idea is to have lane closures instead of full road closures.

Staff and SGM are still working through some details such as right-of-way acquisitions but hope to start building the project next spring if everything goes well. Mr. Boulden said it is still going to take a long time and hopefully, the phasing will help the project so that it doesn't impact the Mike the Headless Chicken Festival or Fruita Fall Festival. It is anticipated that members of the community are going to ask why the project is taking so long and Mr. Boulden said the answer will be because staff and SGM will be trying not to incite any permanent impacts like putting someone out of business.

B. 2025 BUDGET PRESENTATIONS – INFRASTRUCTURE AND CORE SERVICES PRESENTATION – *ASSISTANT CITY MANAGER SHANNON VASSEN*

At the workshop in September as is required by the Fruita City Charter, Assistant City Manager Shannon Vassen presented the first draft of the 2025 Annual Budget to the City Council. Now and over the next several meetings, he will present a lot of the detail from the Budget prior to its adoption at the first Council meeting in December. A copy of the proposed budget has been added to the City of Fruita's website here: [Fruita Municipal Budgets](#).

The calendar for the Budget presentation is as follows:

City Council Meeting	Presentation
October 22, 2024	General Discussion and Outside Agency Funding Applications
November 5, 2024	Quality of Place and Personnel
November 19, 2024	Economic Health/Development, Budget Overview, Final Discussion
December 3, 2024	Adoption

At this meeting, Mr. Vassen reviewed the following components of the draft 2025 Budget:

- Infrastructure and Core Services Presentation
 - 2025 Capital Projects Fund and Reappropriated Projects
 - Core Services Delivery
 - Trends Across All Funds – Transmittal Letter, All Funds
 - Public Works General Fund
 - Enterprise Funds
 - Sewer Fund
 - Irrigation Water Fund
 - Trash Fund

Mr. Vassen also presented the following “Budget Snapshot:”

- All Funds Expenses: \$26.5 million (excluding transfers) (decrease of 22% compared to 2024 Budget due to one-time Capital Projects that were included in 2024)
- All Funds Revenues: \$26.4 million (decrease of 3% compared to prior year Budget, mostly intergovernmental revenue and miscellaneous revenues (grants, impact fees, etc.))
- Use of Funds: \$1 million all on Capital Projects, equipment or maintenance items

Mr. Vassen answered a couple of questions from the Council and showed them where to access the draft 2025 Budget on the City’s website.

9. CITY MANAGER’S REPORT

City Manager Mike Bennett reported on the following:

- Construction of the Pickleball courts at the Fruita Community Center will get started soon. By spring, the City will have the final shade structures installed. Mike said he will be sharing the project’s timeline in the Weekly Information Update.
- Mike introduced to the Mayor and City Council the City’s new Finance Director’s (Joe Zaher’s) spouse, Noelle Diederich, who was present in the audience. He added that the City is excited to welcome both Joe and Noelle to the Fruita community.
- Mike also introduced Kaydee Lucero, the new City Manager Office’s Administrative Assistant who has replaced Jennifer Cupp and was also present at the meeting learning how to run the audio/video equipment for Council meetings. Kaydee previously completed a long Communications internship with the City of Fruita while finishing up her degree at Colorado Mesa University and Mike said staff is excited to have her back. Mike pointed out that Kaydee will be the City Council’s point person for arranging RSVPs and registrations for events.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR AMY WILLIAMS

Amy reported that there were a couple of community members who asked her if the City is going to have a farewell celebration for City Manager Mike Bennett, who has accepted the position of City Manager with the City of Grand Junction. Communications and Engagement Manager Ciara Amann stated that staff is in the process of planning such an event.

COUNCILOR ANDREA DOWNS

Andrea reported that the Fruita Arts and Culture Board's meeting was rescheduled to this week, so she will have an update next time the City Council meets.

COUNCILOR JAMES WILLIAMS

James reported that he had a Police Commission meeting the following day.

MAYOR MATTHEW BREMAN

Matthew reported that he will be attending the Fruita Area Chamber of Commerce meeting the following morning at 7:00 a.m.

Matthew had a couple more items "of interest" including the fact that he received a call out of Mumbai, India and apparently, Mike the Headless Chicken is amazingly popular there.

Matthew also reported that he received some feedback concerning the rocks next to the Amphitheater at Civic Center Memorial Park that was interesting because it contained suggestions on how to place the rocks differently and more attractively. He said he had some photoshop drawings of these suggestions that are forthcoming.

Matthew thanked Mike, Shannon and whoever else may have been on the team for facilitating the Colorado Municipal League (CML) presentations at next year's CML Conference in June of 2025. Mike explained that the team consisted of Assistant City Manager Shannon Vassen and Parks and Recreation Director Marc Mancuso, who has been working with Kaydee on two different submittals, one of which has already been submitted and the other will be submitted before the deadline.

James commended City staff and Waste Management for doing such a good job at the E-Recycle event. He said they were very professional, helpful and in good spirits, which made for a great and successful event.

B. CHANGES TO CERTAIN UPCOMING CITY COUNCIL WORKSHOP MEETINGS

Staff proposed changes to the November and December Workshop meetings due to conflicts with the Thanksgiving and Christmas holidays. City Manager Mike Bennett noted that the only thing on the agenda for the November Workshop meeting is a 2025 Budget wrap-up and final discussion before it is adopted at the December 3rd Council meeting.

- **COUNCILOR PURSER MOVED TO RESCHEDULE THE NOVEMBER 26, 2024 CITY COUNCIL WORKSHOP MEETING TO NOVEMBER 19, 2024 AT 5:30 P.M. AND CANCEL THE DECEMBER 24, 2024 CITY COUNCIL WORKSHOP MEETING. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

C. RESOLUTION 2024-33 – APPROVING AN AGREEMENT WITH COLUMBIA, LTD FOR EXECUTIVE RECRUITMENT SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Mayor Breman reminded the City Council of the Special Council Meeting held on Monday, October 7, 2024 when the Council interviewed representatives from three recruitment firms for recruiting services for the position of the City Manager for the City of Fruita. The Council held a discussion and subsequently decided on contracting with Columbia, Ltd.

Mayor Breman and Councilor Purser reached out to a number of Columbia's references and did have a 20-minute conversation with the Mayor of Cortez, CO, who provided a completely brilliant and shining review. The Mayor of Cortez reported that he has contracted with Drew Gorgey, representative of Columbia, Ltd. six times, even when he wasn't working for Columbia. He added that the City of Cortez felt listened to and that Mr. Gorgey was always prompt and professional.

- **COUNCILOR WILLIAMS MOVED TO APPROVE RESOLUTION 2024-33 – APPROVING AN AGREEMENT WITH COLUMBIA, LTD. FOR EXECUTIVE RECRUITMENT SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

11. EXECUTIVE SESSIONS

City Attorney Mary Elizabeth Geiger explained the process going into and out of the following four Executive Sessions. She pointed out that motions to go into Executive Session must be made in Open Session; therefore, in order to comply with Open Meeting Laws and keep the recordings separate, she recommended that the Council go through each motion one by one (with the Mayor inviting different people into each Executive Session) until all four motions have been voted on. Then, after all four Executive Sessions have concluded, the Council will resume the regular meeting, take any action they may wish to and adjourn the meeting.

After all four motions to convene in Executive Session had been made, seconded and passed by votes of six to zero, Mayor Breman called for a break at 8:19 p.m. The regular meeting resumed at 8:26 p.m.

- A. COUNCILOR WILLIAMS MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO CRS SECTION 24-6-402(4)(B) AND SECTION CRS 24-6-402(4)(E) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DEVELOPING STRATEGY FOR NEGOTIATIONS AND INFORMING NEGOTIATORS WITH REGARD TO THE INTERIM CITY MANAGER CONTRACT.**

MAYOR BREMAN AND THE FRUITA CITY COUNCIL INVITED CITY ATTORNEY MARY ELIZABETH GEIGER TO ATTEND THE EXECUTIVE SESSION.

COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

The City Council convened in the first Executive Session at 8:27 p.m. The regular meeting reconvened at 8:42 p.m.

B. COUNCILOR HANCEY MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO CRS SECTION 24-6-402(4)(B) AND SECTION CRS 24-6-402(4)(E) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DEVELOPING STRATEGY FOR NEGOTIATIONS AND INFORMING NEGOTIATORS WITH REGARD TO THE HEADWATERS HOUSING DEVELOPMENT PROPOSAL.

MAYOR BREMAN AND THE FRUITA CITY COUNCIL INVITED THE FOLLOWING PERSONS TO ATTEND THIS EXECUTIVE SESSION:

- **SPECIAL COUNSEL TO THE CITY OF FRUITA DALTON KELLEY**
- **CITY MANAGER MIKE BENNETT**
- **ASSISTANT CITY MANAGER SHANNON VASSEN**
- **PLANNING & DEVELOPMENT DIRECTOR DAN CARIS**
- **CITY ATTORNEY MARY ELIZABETH GEIGER**

COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

The City Council convened in the second Executive Session at 8:44 p.m. The regular meeting reconvened at 10:13 p.m.

C. COUNCILOR PURSER MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO CRS SECTION 24-6-402(4)(B) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND PURSUANT TO CRS SECTION CRS 24-6-402(4)(A) FOR THE PURPOSE OF DISCUSSING THE POTENTIAL PURCHASE OF PROPERTY WITH REGARD TO POTENTIAL FUNDING FROM A PROP 123 GRANT AND POTENTIAL PARTNERSHIP WITH INDIBUILD.

MAYOR BREMAN INVITED THE FOLLOWING PERSONS INTO THE EXECUTIVE SESSION:

- **SPECIAL COUNSEL TO THE CITY OF FRUITA DALTON KELLEY**
- **CITY MANAGER MIKE BENNETT**
- **ASSISTANT CITY MANAGER SHANNON VASSEN**
- **PLANNING & DEVELOPMENT DIRECTOR DAN CARIS**
- **CITY ATTORNEY MARY ELIZABETH GEIGER**

COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

The City Council convened in the third Executive Session at 10:15 p.m. The regular meeting reconvened at 10:22 p.m.

D. COUNCILOR PARRISH MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE WITH REGARD TO NUISANCE ABATEMENT PROCEEDING PURSUANT TO TITLE 9 OF THE MUNICIPAL CODE

MAYOR BREMAN INVITED THE FOLLOWING PERSONS INTO THE EXECUTIVE SESSION:

- **CITY MANAGER MIKE BENNETT**
- **ASSISTANT CITY MANAGER SHANNON VASSEN**
- **CHIEF OF POLICE DAVE KROUSE**
- **LIEUTENANT NICK PECK**
- **OFFICER ED PACHECO**
- **CITY ATTORNEY MARY ELIZABETH GEIGER**

COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

MAYOR BREMAN ANNOUNCED THAT THE FRUITA CITY COUNCIL WILL RESUME THE OPEN SESSION AT THE CONCLUSION OF ALL FOUR EXECUTIVE SESSIONS ON THIS AGENDA.

The City Council convened in the fourth (and on this agenda, final) Executive Session at 10:22 p.m. The regular meeting reconvened at 10:44 p.m.

12. ADJOURN

With no further business before the Council, Mayor Breman adjourned the meeting at 10:44 p.m.

Respectfully submitted,

Deb Woods
City Clerk
City of Fruita