

**FRUITA CITY COUNCIL MEETING  
SEPTEMBER 17, 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:**

**City staff present:**

City Manager Mike Bennett  
Assistant City Manager Shannon Vassen  
Communications & Engagement Manager Ciara Amann  
City Clerk Deb Woods  
Finance Director Joe Zaher  
Planning & Development Director Dan Caris  
City Planner Henry Hemphill  
Chief of Police Dave Krouse  
Parks and Recreation Director Marc Mancuso

**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**

Mayor Breman amended the agenda to add an Executive Session under Item 10. COUNCIL REPORTS AND ACTIONS for discussion on personnel matters, specifically, the process for hiring a new City Manager.

City Clerk Deb Woods noted that the previous day, staff added a Resolution under Quasi-Judicial public hearings for finding the Karp property eligible for annexation and the Council packet was resent at that time. City Attorney Mary Elizabeth Geiger clarified that because the amended agenda was posted the previous day, it did not need to be amended during the meeting because it was already posted to the public 24 hours in advance and was included on the agenda that was currently before the City Council.

- **COUNCILOR PURSER MOVED TO AMEND THE AGENDA TO ADD THE EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(F)(I) FOR DISCUSSING PERSONNEL MATTERS, SPECIFICALLY, THE PROCESS FOR HIRING A NEW CITY MANAGER AND PURSUANT TO C.R.S. 24-6-402(4)(B) FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE REGARDING THE SAME. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- **COUNCILOR WILLIAMS MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR PARRISH 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**

There were no comments from the public.

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

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 20, 2024 REGULAR CITY COUNCIL MEETING (*REMOVED FROM CONSENT AGENDA*)**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ADOBE CREEK NATIONAL, LLC DBA ADOBE CREEK GOLF COURSE LOCATED AT 876 18 ½ ROAD**
- C. RESOLUTION 2024-27 – AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH 2 FORKS VENTURES, INC. TO EXTEND THE ONE-YEAR EXCLUSIVE RIGHT TO NEGOTIATE A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT TO DEVELOP CERTAIN CITY-OWNED PROPERTY**
- D. FINANCIAL REPORTS – A REQUEST TO APPROVE THE JUNE 2024 FINANCIAL REPORTS**
- E. FINANCIAL REPORTS – A REQUEST TO APPROVE THE JULY 2024 FINANCIAL REPORTS**

Mayor Breman opened the Consent Agenda to public comment.

**Tessa Binam, 255 N. Ash Street, Fruita**, stated that she wanted to discuss the minutes from the August 20, 2024 Regular City Council meeting. She said she wanted to draw attention to a couple of discrepancies because the minutes reflected that she, Deb Woods, Mayor Breman and Councilor Williams all had comments about something on the Consent Agenda but there was no mention of the

Mayor's comments in the exchange that happened and she thinks that it is really important to have the whole story documented for accuracy purposes. Tessa added that she doesn't think a lot of people know that the meetings can be watched on YouTube, so if someone were to pull up the minutes, the whole story's not there.

There were no further comments from the public, so Mayor Breman closed public participation. He asked what the process was to address the public comment about the August 20, 2024 Council minutes. City Attorney Mary Elizabeth Geiger advised that the normal course of action would be for a Council member to remove the minutes from the Consent Agenda for further discussion. Mayor Breman referred the Consent Agenda to the City Council.

- **COUNCILOR MILLER MOVED TO REMOVE THE AUGUST 20, 2024 COUNCIL MINUTES FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- **COUNCILOR HANCEY MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

City Attorney Mary Elizabeth Geiger advised that in general, if any member of the City Council believes there is an error in the minutes, they can always take them off the Consent Agenda and then amend them before subsequently adopting them as amended.

Mayor Breman asked for clarification about what was misrepresented in the minutes.

City Clerk Deb Woods explained that she does summary minutes and not verbatim minutes.

Ms. Binam stated that her concern was that the minutes did not include the Mayor's comment that the City Council would not engage with the public during Public Participation, which she thought was important in order to get the whole story.

City Attorney Mary Elizabeth Geiger noted that the Mayor always reads that statement when he calls for Public Participation and that it is included on the agenda. She said it was up to the Council whether or not they believe the statement was made separate and apart from the agenda and whether it was important to add into the minutes. Mayor Breman pointed out that he reads the statement every time before taking public comment; it's the standard policy, so he felt that the minutes were covered under that.

- **COUNCILOR WILLIAMS MOVED TO APPROVE THE MINUTES OF THE AUGUST 20, 2024 COUNCIL MEETING AS PRESENTED. COUNCILOR DOWNS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **7. PUBLIC HEARINGS**

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

**1) RESOLUTION 2024-26 – FINDING APPROXIMATELY 53.59 ACRES OF PROPERTY LOCATED AT 958 17 ½ ROAD AND ADJACENT 17 ½ ROAD RIGHT-OF-WAY ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (*KARP ANNEXATION*) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill explained that the first step in the annexation process is that the Council adopts a Resolution to set a public hearing date to determine whether or not a piece of property is eligible to be annexed into the City. He pointed out that the Council adopted Resolution 2024-22 – Setting a public hearing date to determine the eligibility of annexation and that this meeting's agenda did include such a hearing. Following that meeting, staff is required (pursuant to state statute) to initiate legal notice for four consecutive weeks in the local newspaper. Those publication dates included:

- August 14, 2024
- August 21, 2024
- August 28, 2024
- September 4, 2024

Mr. Hemphill stated that the subject property is located within the City's Urban Growth Boundary and has at least 1/6 contiguity with existing City limits. According to the Annexation Map, the subject property includes 2,241.42 feet of contiguity with existing City limits.

Mr. Hemphill provided staff's recommendation of approval of Resolution 2024-26 – a Resolution of the Fruita City Council finding approximately 53.59 acres of property located at 958 17 ½ Road and adjacent 17 ½ Road right-of-way eligible to be annexed into the City of Fruita.

Mayor Breman opened the public hearing.

**Tessa Binam, 255 N. Ash Street** said that Fruita Land Use Code Section 17.41.010 states that all streets in the City of Fruita must meet the design criteria and construction specification manual, which states that roads must be 44 feet wide but the plans for the development on the Karp land is set to be 30 feet wide. She added that in February of 2022, the City Council adopted the Fruita Circulation Plan, which states that all residential streets including the existing ones should be 44 feet wide and have 10 to 11 feet of travel lanes in each direction.

City Attorney Mary Elizabeth advised that Ms. Binam's comments were relevant to the Ordinance as to whether the property meets the criteria of the Land Use Code, but the Council was currently only considering the Resolution as to whether it is eligible to be annexed.

Hearing no further comments from the public, Mayor Breman closed the public hearing and brought the matter back to the City Council for questions, comments or concerns.

- **COUNCILOR WILLIAMS MOVED TO APPROVE RESOLUTION 2024-26 - FINDING APPROXIMATELY 53.59 ACRES OF PROPERTY LOCATED AT 958 17 ½ ROAD AND ADJACENT 17 ½ ROAD RIGHT-OF-WAY ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (*KARP ANNEXATION*). COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

- 2) **ORDINANCE 2024-15 – SECOND READING - AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 53.59 ACRES OF PROPERTY LOCATED AT 958 17 ½ ROAD TO A SOUTH FRUITA RESIDENTIAL ZONE (KARP REZONE) – CITY PLANNER HENRY HEMPHILL**

**B. LEGISLATIVE HEARINGS**

- 1) **ORDINANCE 2024-14 – SECOND READING – ANNEXING APPROXIMATELY 53.59 ACRES OF PROPERTY LOCATED AT 958 17 ½ ROAD AND 17 ½ ROAD RIGHT-OF-WAY INTO THE CITY OF FRUITA (KARP ANNEXATION) – CITY PLANNER HENRY HEMPHILL**

Mr. Hemphill clarified that the order of the Quasi-Judicial public hearing (zoning Ordinance) and Legislative public hearing (annexation Ordinance) was incorrectly listed on the agenda because property must be annexed before it can be rezoned. He explained that because there was some redundancy in the information in his presentation, he was going to present both the annexation Ordinance and the zoning Ordinance together, although he would begin with the annexation Ordinance and each Ordinance would require its own motion. He added that this would not change any discussion the Council may need to have with the public, staff or just as a Council.

- **COUNCILOR HANCEY MOVED TO AMEND THE AGENDA TO PLACE THE LEGISLATIVE PUBLIC HEARING (ORDINANCE 2024-14) BEFORE THE QUASI-JUDICIAL PUBLIC HEARING (ORDINANCE 2024-15). COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Mr. Hemphill's presentation of Ordinance 2024-14 – Second Reading (Karp annexation Ordinance) consisted of the following:

- Application details (53.59 acres owned by Thomas, Robin and William Karp currently zoned Agricultural Forestry Transitional (AFT-Mesa County zoning) and located at 958 17 ½ Road)
- Legal notice dates and methods:
  - Post cards: July 19, 2024
  - Sign Posting: July 22, 2024
  - Newspaper: July 24, 2024
- Aerial map photo illustrating subject property
- Future Land Use Map depicting location of subject property (within Urban Growth Boundary)
- 4 of the 9 Review Criteria listed in Section 17.17.050 (A) that must be considered (application meets or can meet the criteria)
- Review comments (no reviewer expressed concerns with the annexation)
- Public comments (no written public comments have been received by staff)
- Planning Commission's recommendation of approval by a vote of 6 to 0 at their meeting of August 13, 2024
- Suggested motion of approval of the Second Reading of Ordinance 2024-14

Mr. Hemphill stated that the Karp Avenue alignment (I ½ Road) is proposed to be a minor collector in the City of Fruita's Circulation Plan and Ms. Binam's earlier comment about the street widths is accurate, but he explained that those are items that will be addressed in the design of a future subdivision at the time the property is developed.

Mayor Breman opened the public hearing for public comment. Hearing no comments, he closed public participation and referred the matter to the City Council, who had no comments, questions or concerns.

- **COUNCILOR PARRISH MOVED TO ADOPT ORDINANCE 2024-14 – ANNEXING APPROXIMATELY 53.59 ACRES OF PROPERTY LOCATED AT 958 17 ½ ROAD AND ADJACENT 17 ½ ROAD RIGHT-OF-WAY INTO THE CITY OF FRUITA. COUNCILOR DOWNS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Mr. Hemphill then presented Ordinance 2024-15 – Second Reading – Amending the Official Zoning Map of the City of Fruita by zoning 53.59 acres of property located at 985 17 ½ Road to a South Fruita Residential Zone. His presentation included the following:

- Legal notice dates and methods:
  - Post cards: July 19, 2024
  - Sign Posting: July 22, 2024
  - Newspaper: July 24, 2024
- Aerial map photo illustrating subject property
- Future Land Use Map (subject property is nearly surrounded entirely by residential development)
- 3 of the 5 Review Criteria that must be considered pursuant to Land Use Code Section 17.09.070 (application meets or can meet the criteria)
- Review comments (no reviewer expressed any concerns with the zoning request)
- Public comments (no written comments have been received by staff)
- Planning Commission's recommendation of approval by a vote of 6 to 0 at their meeting of August 13, 2024
- Suggested motion of approval of the Second Reading of Ordinance 2024-15

Mayor Breman asked the applicant (present in the audience) if he wanted to address the City Council, but he declined.

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

- **COUNCILOR MILLER MOVED TO ADOPT ORDINANCE 2024-15 – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 53.59 ACRES OF PROPERTY LOCATED AT 958 17 ½ ROAD TO A SOUTH FRUITA RESIDENTIAL ZONE. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **9. ADMINISTRATIVE AGENDA**

There were no Administrative items on the agenda.

## 10. CITY MANAGER'S REPORT

City Manager Mike Bennett reported on the following:

- Staff will be updating the City Council headshot and group photos for the website and City Link newsletter and would like to schedule that for 5:30 on Tuesday, October 1, 2024 prior to the Regular Council meeting. There were no conflicts with any Council members' schedules and the photos will be taken at Civic Center Memorial Park and the downtown Fruita area.
- Mike asked Parks and Recreation Director Marc Mancuso to provide the Council with an update on the Pickleball courts at the Fruita Community Center (FCC) for which staff will be bringing a Budget Amendment to Council at the October 1, 2024 Regular Council meeting. Specifically, staff obtained what the additional cost will be for the additional amenities that were discussed at a recent Workshop meeting.

Marc stated that he talked to DARE-CASE Contracting Services about adding a drinking fountain, landscaping trees and an additional item that was requested by the local Pickleball Club of extending the in-lines from eight feet to ten feet to make the courts usable for tournaments. The grand total came in at \$326,445 (the original quote was for \$296,000) to add those features and Marc offered to further evaluate the cantilever shades if the Council wanted to lower the cost.

James asked for a breakdown of the various items related to the Pickleball courts. Marc provided the following:

Description	Cost
General requirements	\$59,916
Existing conditions	\$9,200
Concrete	\$46,303
Masonry	\$7,500
Furnishings	\$12,945
Shade structures	\$26,975
Plumbing (includes water fountain)	\$8,663
Earthwork	\$154,824

Marc explained that staff was currently doing renovations at the FCC and is planning to bring water from the FCC to the building that is located out towards that area to be utilized for the drinking fountain, which will only be seasonally available.

James thanked Marc for including the local Pickleball Club in the process. James asked what the Club's members' response was to the idea of the shades and water fountain. Marc said they were excited and appreciative, but they also requested that the City tear out the whole thing, put in post-tension concrete, for which they would give the City \$10,000. This would not cover much of it at all, so they were told no.

## 11. COUNCIL REPORTS AND ACTIONS

### A. COUNCIL REPORTS AND ACTIONS

#### COUNCILOR JAMES WILLIAMS

James thanked staff for taking care of the nearly downed tree next to the Little Salt Wash trail. He said he wanted to apologize to Public Works Director Kimberly Bullen for his tone at the last meeting when he passionately reported on the tree.

James reminded the other Council members of the September 19<sup>th</sup> deadline for the Colorado Municipal League's (CML's) Fall District Meeting to be held in Grand Junction on September 26<sup>th</sup>. Mike said that staff had already registered a number of Council members for the meeting and if anyone else was interested, they should let Executive Assistant Jennifer Cupp know. James said he wanted to attend.

#### COUNCILOR JEANNINE PURSER

Jeannine said she was curious about the letter that all Council members received concerning The Oaks development and asked whether it could be discussed. City Attorney Mary Elizabeth Geiger stated that she preferred that the Council not discuss any application that has not yet been approved or denied (even administratively). She added that the letters that were received by Council needed to be forwarded to the Community (Planning and Development) Department. Jeannine said she felt that the proper process should be shared with the community so that members of the public understand who would be addressing the matter.

Mayor Breman noted that he and Mike had a conversation about this issue the previous week and he thinks it's in all Council members' natures to want to be responsive to people in the community; that's why they do what they do.

Ms. Geiger recommended that anytime Council members receive public comment on a pending Land Use application, they should respond to that person that they will forward their comments to the appropriate staff member(s) and encourage the person to come to the Council meeting where they can make any additional comments they may have (unless it is an administrative approval). She added that if the entire Council receives comments, it is the Mayor's responsibility to respond back. Matthew asked Ms. Geiger to provide some suggested language via email so that he would have a framework for responding. Mike pointed out that all Land Use applications submitted to the City are included in the Weekly Update and on the website, but if there is a Land Use question, the Council members and Mayor should check with him and/or Ms. Geiger before responding.

#### COUNCILOR AMANDA DOWNS

Andrea stated that the Fruita Arts and Culture Board's sculpture walk had a great turnout. She noted that being held at the same time were "Fruita Community Conversations" held by Fruita for Equality and a film at Rocky Mountain PBS, so there were wonderful celebrations of all those things going on in the same weekend.

#### COUNCILOR AMY MILLER



Amy commended the Parks and Recreation Advisory Board on an amazing Reed Park Grand Opening. She said she heard so many good things from the community members, saw people posting videos and that it was really a fun and well-run event from start to finish. Amy noted that the Fruita Farmers Market even stayed open late because people were lingering there afterward.

Amy also reported that the Livability Commission will be doing a trail cleanup the following week.

She added that the Historic Preservation Board is plugging along on its History Fair and urged staff and the Council to check it out at Fruita Fall Festival.

Concerning Reed Park, Jeannine said she and her husband Cullen took a walk the previous weekend around 8:00 p.m. to Reed Park. Kids of all ages and young adults were still at the skate park, the full moon was coming up and Jeannine called it really magical to see. She heard that lots of kids are at the skate park at 6:15 a.m. before school starts, that's how much they are enjoying it.

#### MAYOR MATTHEW BREMAN

Matthew stated that he now knows ClearNetworx is doing work on the south side of Fruita because he and the Chamber have been getting phone calls with residents' concerns, so he's been giving the callers ClearNetworx's phone number so they can contact them directly.

Matthew requested input from the Council members about the two banners on the Co-Op grain elevator tower of the mountain biker and the dinosaur and pointed out that the banner on the east side is getting rather faded. He asked for feedback from the Council on whether they want staff to work with the City's marketing team to come up with some potential new designs for the banners. Amy pointed out that the Council previously had said they wanted to wait until the closing happens on the property. A couple of the Council members said they'd like to see something different for the banner design(s). Mike said staff will bring some new options for the Council to consider.

**B. EXECUTIVE SESSION - TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(F)(1) FOR DISCUSSING PERSONNEL MATTERS; SPECIFICALLY, THE PROCESS FOR HIRING A NEW CITY MANAGER AND PURSUANT TO C.R.S. 24-6-402(4)(B) FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE REGARDING THE SAME**

- COUNCILOR PURSER MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(F)(1) FOR DISCUSSING PERSONNEL MATTERS; SPECIFICALLY, THE PROCESS FOR HIRING A NEW CITY MANAGER AND PURSUANT TO C.R.S. 24-6-402(4)(B) FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE REGARDING THE SAME. COUNCILOR PARRISH SECONDED THE MOTION. MAYOR BREMAN INVITED THE CITY MANAGER INTO THE EXECUTIVE SESSION. THE MOTION PASSED WITH SIX YES VOTES.**

*Mayor Breman called for a five-minute break at 8:08 p.m. The regular meeting resumed at 8:13 p.m.*

*The City Council convened in Executive Session at 8:13 p.m. The regular meeting reconvened at 9:10 p.m.*

## **12. ADJOURN**

With no further business before the Council, Mayor Breman adjourned the meeting at 9:10 p.m.

Respectfully submitted,

Deb Woods  
City Clerk  
City of Fruita