

**FRUITA CITY COUNCIL MEETING  
OCTOBER 1, 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  
City Clerk Deb Woods  
Planning & Development Director Dan Caris  
City Attorney Mary Elizabeth Geiger

**Also present:**

Rim Rock Elementary Principal, students and teachers  
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 noted that at the request of City Attorney Mary Elizabeth Geiger, Resolution 2024-31 – Ratifying and authorizing City staff's actions regarding real property closings for the 19 Road Improvements Project right-of-way acquisitions – needed to be added to the Administrative Agenda as Item 8 (B).

Mayor Breman also noted that Councilor Parrish would have to leave the meeting early around 8:00 p.m.

- **COUNCILOR PARRISH MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

**A. PRESENTATION – FRUITA TEACHERS/STUDENTS OF THE MONTH FOR OCTOBER, 2024: RIM ROCK ELEMENTARY SCHOOL**

Mayor Breman asked the City Council members to take turns calling out the names of the students and teachers who were nominated as students and teachers of the month. Principal Sally Huddle commended them all and each student and teacher received a certificate, day pass to the Fruita Community Center and an I-heart Fruita pin.

**5. PUBLIC PARTICIPATION**

**Monique Ramirez, Glade Park**, requested an update to Mesa County's response about the Pinyon Mesa mountain water properties when available.

There were no further comments from the public.

**6. CONSENT AGENDA**

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 27, 2024 CITY COUNCIL WORKSHOP MEETING**
- B. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF CARRIE BECHTEL TO THE FRUITA ARTS AND CULTURE BOARD AS A REGULAR MEMBER FOR A THREE-YEAR TERM TO EXPIRE IN OCTOBER OF 2027**
- C. ORDINANCE 2024-18 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE FOR A LONG-TERM LEASE WITH CAPITAL BUSINESS SYSTEMS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA PUBLIC WORKS DEPARTMENT FOR PUBLICATION OF PUBLIC HEARING ON NOVEMBER 5, 2024**
- D. ORDINANCE 2024-19 – FIRST READING - AN INTRODUCTION OF AN ORDINANCE FOR A LONG-TERM LEASE WITH CAPITAL BUSINESS SYSTEMS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE WASTEWATER RECLAMATION FACILITY FOR PUBLICATION OF PUBLIC HEARING ON NOVEMBER 5, 2024**

Mayor Breman opened the Consent Agenda for public comment. Hearing no comments, he closed the public hearing and referred it the City Council.

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

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

Mayor Breman acknowledged the appointment (on the Consent Agenda) of Carrie Bechtel to the Fruita Arts and Culture Board. He thanked her for serving the community.

## 8. PUBLIC HEARINGS

### A. **LEGISLATIVE PUBLIC HEARING: ORDINANCE 2024-17 – SECOND READING – AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 17 OF THE FRUITA MUNICIPAL CODE CONCERNING CONDITIONAL USE PERMITS IN THE DOWNTOWN MIXED-USE ZONE, CALL-UP PROVISIONS, APPEALS AND THE SIGN CODE – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill provided a PowerPoint presentation on the amendments to the Land Use Code (Title 17 of the Fruita Municipal Code) that have previously been discussed by the Planning Commission at their meeting of July 9, 2024 and the City Council at their workshop meeting of July 23, 2024. He reviewed:

- Legal notice methods and dates
- Review criteria pursuant to Section 17.09.080(B)
- Conditional Use Permit will be required for fuel sales (drive-through) in the Downtown Mixed-Use Zone
- Call-Up provisions allow for additional communication to City Council and/or the Planning Commission on Preliminary Plans and Site Design Review applications.
- Appeals are not to “rehear” an application in question. Finding that there was a denial of due process or the administrative body has acted arbitrarily and capriciously, exceeded its jurisdiction or abused its discretion.
- Sign Code: Supreme Court rulings directly related to the 1<sup>st</sup> Amendment of the United States Constitution regulating what a sign says requires changes to exempt signs (signs that don’t need a permit) to include flags, yard signs (including political), religious symbols, etc.
- Planning Commission recommended approval of the changes to the City Council by a vote of 5 to 0 at their September 10, 2024 public hearing.
- Suggested motion of approval/adoption of Ordinance 2024-17

Mayor Breman opened the public hearing. Hearing no comments, he referred the Ordinance to the City Council.

- **COUNCILOR PARRISH MOVED TO APPROVE ORDINANCE 2024-17 – SECOND READING – AMENDING CERTAIN SECTIONS OF TITLE 17 OF THE FRUITA MUNICIPAL CODE CONCERNING CONDITIONAL USE PERMITS IN THE DOWNTOWN MIXED-USE ZONE, CALL-UP PROVISIONS, APPEALS AND THE SIGN CODE. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

### B. **LEGISLATIVE PUBLIC HEARING: RESOLUTION 2024-28 – A RESOLUTION ELECTING TO JOIN THE COLORADO RETIREMENT ASSOCIATION AND ADOPTING 401(A) RETIREMENT PLANS AND 457 DEFERRED RETIREMENT PLANS – ASSISTANT CITY MANAGER SHANNON VASSEN**

Assistant City Manager Shannon Vassen noted that the Employee Relations Committee (ERC) has been reviewing Requests for Proposals (RFPs) from Financial Planning firms for employee retirement benefits and recommends the Colorado Retirement Association in hopes of receiving

improved customer service and additional investments options. The Resolution authorizes the City of Fruita to join the Colorado Retirement Association, and also adopts 401 (a) Retirements Plans, and a 457 Deferred Compensation Retirement Plan.

The fiscal impact to adopting the 401(a) and 457 plans is that employees will now be required to make a 3% contribution to the plan. The City has budgeted dollars for the 6% match as that is not a deviation from the current structure.

Mr. Vassen recommended approval of Resolution 2024-28.

- **COUNCILOR WILLIAMS MOVED TO APPROVE RESOLUTION 2024-28 – ELECTING TO JOIN THE COLORADO RETIREMENT ASSOCIATION AND ADOPTING 401(A) RETIREMENT PLANS AND 457 DEFERRED RETIREMENT PLANS. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**C. LEGISLATIVE PUBLIC HEARING: RESOLUTION 2024-30 – AMENDING THE 2024 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR SPECIAL PROJECTS, CAPITAL PROJECTS AND EXPENSES RELATED TO DEBT SERVICE – ASSISTANT CITY MANAGER SHANNON VASSEN**

Assistant City Manager Shannon Vassen reviewed the Budget amendments contained in Resolution 2024-30. The budget amendment appropriates funds raised by the Arts and Culture Board for the three artists chosen to display their artwork in downtown Fruita, and the supplies for the installation. It also provides for funding to be transferred from the General Fund to the Capital Projects Fund for the construction of Pickleball Courts at Orr Park, using funds from the sale of Enoch Lake. Finally, this budget amendment approves funds for expenses related to rebate the federal government from the profits earned from arbitrage.

Mr. Vassen provided staff's recommendation of approval/adoption of Resolution 2024-30.

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

- **COUNCILOR DOWNS MOVED TO APPROVE RESOLUTION 2024-30 – AMENDING THE 2024 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR SPECIAL PROJECTS, CAPITAL PROJECTS AND EXPENSES RELATED TO DEBT SERVICE. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**D. QUASI-JUDICIAL PUBLIC HEARINGS**

There were no Quasi-judicial public hearing items on the agenda.

**9. ADMINISTRATIVE AGENDA**

**A. RESOLUTION 2024-29 – A REQUEST TO APPROVE A RESOLUTION UPDATING THE CITY OF FRUITA’S COLORADO OPEN RECORDS ACT POLICIES AND PROCEDURES – CITY ATTORNEY MARY ELIZABETH GEIGER**

City Attorney Mary Elizabeth was present at the meeting virtually and gave staff’s presentation of a proposed Resolution adopting an updated Open Records Policy and Procedures. She explained that the purpose of the Resolution was to conform with recent state changes and that the proposed policy mirrors the CORA policy adopted by a state agency. The policy also includes updates on deadlines when responding to an Open Records Request, information on clarifying or narrowing requests, procedures for multiple, repeated or duplicative submissions, updated 2024 fees and responding to abusive or harassing requests.

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

- **COUNCILOR MILLER MOVED TO APPROVE RESOLUTION 2024-29 – UPDATING THE CITY OF FRUITA’S COLORADO OPEN RECORDS ACT POLICIES AND PROCEDURES. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**B. RESOLUTION 2024-31 – APPROVING A RESOLUTION RATIFYING AND AUTHORIZING CITY STAFF’S ACTIONS REGARDING REAL PROPERTY CLOSINGS FOR THE 19 ROAD IMPROVEMENTS PROJECT RIGHT-OF-WAY ACQUISITIONS**

City Attorney Mary Elizabeth Geiger explained that Resolution 2024-31 authorizes staff to execute closing documents on right-of-way property acquisitions for the 19 Road Improvements Project. Because a couple of these properties have already closed, the Resolution also ratifies those contracts as authorized by the City Council and executed by staff.

- **COUNCILOR DOWNS MOVED TO APPROVE RESOLUTION 2024-29 – UPDATING THE CITY OF FRUITA’S COLORADO OPEN RECORDS ACT POLICIES AND PROCEDURES. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**10. CITY MANAGER’S REPORT**

City Manager Mike Bennett reported that staff received a notice via email from Mesa County Administrator Pete Baier that the county will accept the donation of the City’s mountain water property. The City has to first send out letters to Colorado Parks and Wildlife and the US Forest Service to offer the donation to them, but if they decline, the county may be working on establishing a Special District for the property and a potential agreement with the Glade Park Pipeline Water Users (GPPWUA).

**11. COUNCIL REPORTS AND ACTIONS**

**A. COUNCIL REPORTS AND ACTIONS****COUNCILOR RICH PARRISH**

Rich reported that the Fruita Tourism Advisory Council (FTAC) has narrowed down the Requests for Proposals (RFPs) for promotion and marketing of the City from 22 to 5, 2 of which are local. At their next meeting, the board will review these RFPs and try to make a decision.

**COUNCILOR JEANNINE PURSER**

Jeannine was very pleased with how Fruita Fall Festival turned out this year.

**COUNCILOR AMY MILLER**

Amy agreed with Jeannine on Fall Festival and added that the History Fair was a success.

*Mayor Breman called for a five-minute break at 7:51 p.m. and Councilor Parrish left the meeting. The meeting reconvened at 7:58 p.m.*

**A. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSES OF RECEIVING LEGAL ADVICE FORM THE CITY ATTORNEY PURSUANT TO C.R.S. 24-6-402(4)(B) REGARDING CONSIDERATION AND SELECTION OF RECRUITMENT FIRMS FOR HIRING A NEW CITY MANAGER**

- **COUNCILOR MILLER MOVED TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSES OF RECEIVING LEGAL ADVICE FORM THE CITY ATTORNEY PURSUANT TO C.R.S. 24-6-402(4)(B) REGARDING CONSIDERATION AND SELECTION OF RECRUITMENT FIRMS FOR HIRING A NEW CITY MANAGER. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

*The meeting reconvened at 8:22 p.m.*

**B. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSES OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO C.R.S. 24-6-402(4)(B) AND DETERMINING MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY WITH REGARD TO NEGOTIATIONS AND INSTRUCTING NEGOTIATORS PURSUANT TO C.R.S. 24-6-402(4)(E) ALL REGARDING THE HIRING AND CONTRACT FOR AN INTERIM CITY MANAGER**

*The regular meeting reconvened at 8:28 p.m.*

The Council discussed the Interim City Manager position and the possibility of offering it to Assistant City Manager Shannon Vassen. They also discussed what the contract may look like.

**12. ADJOURN**

With no further business before the Council, Mayor Breman adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Deb Woods  
City Clerk  
City of Fruita

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