

**FRUITA CITY COUNCIL MEETING
DECEMBER 3, 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 Jeannine Purser
City Councilor Rich Parrish
City Councilor Andrea Downs
City Councilor Amy Miller
City Councilor James Williams

Excused Absent: None

City Staff Present: Interim 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
Public Works Director Kimberly Bullen
Planning and Development Director Dan Caris
Parks & Recreation Director Marc Mancuso
Engineering Project Manager Steve Martinez
Acting City Engineer John Boulden

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 the Pledge of Allegiance.

3. AGENDA - ADOPT/AMEND

City Clerk Deb Woods noted that there were no changes to the agenda.

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

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – BIENNIAL UPDATE FROM THE FRUITA AREA CHAMBER OF COMMERCE

Executive Director Kayla Bowers got strep throat, so Assistant Director Allie Daniel filled in for her. She thanked the Council for allowing them to present. Over the past year, the Chamber has conducted surveys across multiple businesses. Three key issues were identified: the need for more access to talent, business growth and development opportunities, and investment in community industry collaboration. The Chamber has worked with educators, other Chambers, and workforce resources to recruit more talent. They also have multiple committees and clubs for businesses. She encouraged City Council and Staff to attend such meetings to stay updated. The Chamber has been working with businesses on how to benefit during large events such as the Fruita Fall Fest. Businesses highlighted that during the off season, they struggle greatly, and they suggested exploring options to help, including the City having a tax incentive for businesses to open downtown storefronts. They are also advocating for the Fruita Farmer's Market to move back to Civic Center Park to boost attendance and help businesses see more foot traffic. The parking lot would need to be closed. This would also make the market more accessible. Daniel shared three letters of support from downtown businesses for this change.

Councilor Hancey thanked Daniel for all the Chamber's hard work to keep businesses thriving. Councilor Purser asked how many businesses are on the Downtown Business Committee, Daniel answered it is currently 10 and they are hoping to have the first meeting in January. Mayor Breman said if they are hearing concerns from businesses, to let the Council know as soon as possible.

Daniel invited business owners to come speak if they wanted to. Toni from Designs with Altitude came to the podium and expressed her support for the market moving downtown so that there is more traffic, as Saturdays are their slowest days in the summer. She said she would like to see ours look similar to Palisade's. Gavin Brooke representing F.A.R.M. and a future restaurant is also advocating for the move. He would like to see it closer to the central downtown. It would be a massive boost to traffic. Councilor Purser asked for clarification on whether or not the City needs to do something about this change, since they were not involved in the original move to Reed Park. Mr. Vassen answered that the Chamber will just need to go through the process of a Special Event Application, and they will work out parking and closures as needed, there is no formal action from the Council needed. He noted that the City does not have a preference on location.

5. PUBLIC PARTICIPATION AND CONSENT AGENDA

A. PUBLIC COMMENT

Gavin Brooke came to the podium to announce that the powder-coating building sold to the owners of Fidel's in Palisade, and they will be opening an Italian restaurant there, hopefully in about a year.

Hearing no other comments, Mayor Breman closed public comment and proceeded on to the Consent Agenda.

A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 28, 2024 SPECIAL MEETING

B. ORDINANCE 2025-01 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE OF THE CITY OF FRUITA VACATING CERTAIN STREET RIGHT-OF-WAY FOR 18 ROAD SOUTH OF I ROAD LOCATED WITHIN THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 7, 2025 (LAKE WEEDUNNO RIGHT-OF-WAY- VACATION)

C. RESOLUTION 2024-38 – APPROVING THE LEASE OF A ROOM LOCATED IN THE FRUITA CIVIC CENTER LOCATED AT 325 E. ASPEN TO MESA COUNTY FOR MOTOR VEHICLE REGISTRATIONS AND RELATED SERVICES

D. RESOLUTION 2024-45 – ADOPTING THE CITY COUNCIL 2024-2027 STRATEGIC PLAN

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

6. PUBLIC HEARINGS AND ACTION ITEMS

A. RESOLUTION 2024-39 – ESTABLISHING THE SCHEDULE FOR FEES AND CHARGES FOR THE 2025 BUDGET YEAR

The fee changes this year are related to inflationary costs for core services. There will be a 2% increase for sewer charges, a 6% increase for trash, and no changes to the irrigation water. The eligibility criteria for senior rates require you to live in Fruita, be over the age of 62, and meet certain income limits (similar to other state program requirements). The income limits are changing to \$19,584 for a single person and \$26,580 for a couple. Last July, Council updated code language for impact fees, and we are seeing about a 7% increase and a 2% increase for post-impact fees. The City does not anticipate any other changes.

Mayor Breman opened the public hearing on Resolution 2024-39.

Tessa Binam came to the podium and stated that fees for chip sealing are increasing, and that the budget says chip sealing occurred in 2024, but in a Council meeting on August 27, 2024, Mr. Vassen said there was no chip sealing or maintenance done this year. She asked what the plan was and why fees would increase if no chip sealing was completed. Mr. Vassen responded that the City will not be increasing chip sealing fees in 2025, and in 2024 they went out to bid twice and received quotes that were incredibly expensive, even after the scope was reduced. The City is hoping for more favorable bids in 2025, as usual partners were working on other projects, and they were unable to partner with Mesa County. The funding from this year will be reappropriated into next year's fund. Any inaccurate information will be updated in narratives.

- **COUNCILOR PURSER MOVED TO APPROVE RESOLUTION 2024-39 - ESTABLISHING THE SCHEDULE FOR FEES AND CHARGES FOR THE 2025 BUDGET YEAR. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. RESOLUTION 2024-40 – ADOPTING THE 2025 ANNUAL BUDGET – PUBLIC HEARING CONTINUED FROM NOVEMBER 19, 2024 – INTERIM CITY MANAGER SHANNON VASSEN

Since the last meeting, there have been no changes to the budget. The 2025 budget has a fiscal impact of around \$30.6 million and revenues of \$26.6 million. The transfer between funds is \$2.3 million and use of available funds is \$1.7 million overall. Staff recommends approval of this resolution. Councilor Hancey thanked staff for their work on the budget and told Mr. Vassen that he managed it very well. Mayor Breman said he has seen other municipal budgets and Fruita's stands out and the ADA portions were well thought out and very important.

- **COUNCILOR MILLER MOVED TO REOPEN THE PUBLIC HEARING, ACCEPT PUBLIC COMMENT, AND APPROVE RESOLUTION 2024-40 - ADOPTING THE 2025 ANNUAL BUDGET. COUNCILOR DOWNS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

C. RESOLUTION 2024-41 – APPROPRIATING FUNDS FOR THE 2025 ANNUAL BUDGET - INTERIM CITY MANAGER SHANNON VASSEN

This Resolution officially appropriates funds so the City is able to spend them.

- **COUNCILOR DOWNS MOVED TO APPROVE RESOLUTION 2024-41 - APPROPRIATING FUNDS FOR THE 2025 ANNUAL BUDGET. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

D. RESOLUTION 2024-42 – ESTABLISHING THE PROPERTY TAX MILL LEVY FOR THE 2025 BUDGET YEAR – INTERIM CITY MANAGER SHANNON VASSEN

The mill tax levy is 10.146 mills to be assessed on both residential and nonresidential property in the City of Fruita, and about \$1.9 million in revenues is anticipated. The final evaluation from the assessor was received earlier in the week. This mill levy remains unchanged.

- **COUNCILOR PARRISH MOVED TO APPROVE RESOLUTION 2024-42 - ESTABLISHING THE PROPERTY TAX MILL LEVY FOR THE 2025 BUDGET YEAR. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

E. RETAIL ESTABLISHMENT PERMIT – A REQUEST TO APPROVE A RETAIL ESTABLISHMENT PERMIT APPLICATION FOR CANVAS 35 GALLERY, LLC LOCATED AT 160 S. PARK SQUARE, UNIT A – CITY CLERK DEB WOODS

Ms. Woods presented the request for a retail establishment permit application. The application and fees were submitted to the City Clerk office on October 23, 2024, and a notice of this public hearing was posted at the site on November 13. Notice was published in the Daily Sentinel on October 30. On August 6, 2024, City Council adopted Ordinance 24-13, which allows for administrative approval of certain liquor license applications, but the Ordinance does not apply to new applications, which is why this one is before Council tonight. CRS Section 44-3-424 contains Colorado Liquor Code regulations and retail establishment permits, formally referred to as Art Gallery Permits. The City previously approved a permit for Lithic Bookstore and Gallery at 138 S. Park Square, but it has since lapsed. State Liquor Code expanded the definition of establishments that are allowed to serve complimentary alcoholic beverages. There are several limitations on this, which have been provided to the applicant to ensure compliance. This does not require that the local licensing authority consider the two factors that must be considered when approving other classes of liquor licenses, which are the character of the applicant and the needs and desires of the neighborhood. Upon initial application, the applicant must list each day alcoholic beverages will be served, and these days must not be changed without a minimum of 15 days' written notice. The applicant has submitted a list of these days, and she does understand that the notice must be handed in 15 days prior. The staff recommends the Council approve this resolution.

- **COUNCILOR DOWNS MOVED TO APPROVE A RETAIL ESTABLISHMENT PERMIT APPLICATION FOR CANVAS 35 GALLERY, LLC LOCATED AT 160 S.**
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PARK SQUARE, UNIT A. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

9. ADMINISTRATIVE AGENDA

10. INTERIM CITY MANAGER'S REPORT

Interim City Manager Shannon Vassen noted that the Strategic Plan was adopted in the Consent Agenda, and he wanted to thank the Council and Department Heads, specifically the Communications and Engagement Manager Ciara Amann, who did a significant amount of work. This plan was highlighted in the budget presentations given to each department.

The RFP for the Community Survey was posted today and hopefully work with the consultant will begin when the new City Manager is named. The City does this survey every four years and hopes to see positive changes. Staff is also hoping to share the results in the *State of the City* video.

On December 17, the Special City Council meeting will begin at 5 p.m. and the Regular meeting will be at 7 p.m. Food will be provided from Reckless Roadhouse. At the last meeting, Councilor Williams brought up the broken latch at Bark Park and it should be fixed by the end of this week. Staff also received a quote for the block party trailer, which came out to \$17,200, which includes the trailer, wrapping, yard games, and a variety of other things. The City can revisit this in the new year.

11. COUNCIL REPORTS AND ACTIONS

COUNCILOR AARON HANCEY

The new pickleball courts will be ready soon and they heard from a former mayor at the Parks and Recreation Commission meeting.

COUNCILOR RICH PARRISH

He and the mayor interviewed potential candidates for the Fruita Tourism Advisory Council and for the Board of Adjustments, which hasn't met since 2019. They are going to meet with Mrs. Amann about the new appointee and decide from there.

COUNCILOR JEANNINE PURSER

The downtown lighting went very well, and she thanked everyone who helped make it happen. She asked about the PD collecting packages for people, "Operation Porch Pirate", and if the police are liable for damaged packages. Mr. Vassen said he would confer with them and get back to her.

COUNCILOR JEANNINE PURSER

Multiple people have expressed that the new wheel park is amazing and a great asset to the community.

MAYOR MATTHEW BREMAN

Mayor Breman said there are a large amount of highly qualified candidates that applied for City Manager and at the next meeting, they will narrow it down to the top six, who will then be interviewed. An additional executive meeting will need to be scheduled.

There are signs now on the building that say no firearms are permitted in the Civic Center. Because it houses the City Manager, the City Council Chamber, and Municipal Court, the City is not able to opt out of this bill from the Colorado Senate.

12. EXECUTIVE SESSIONS - IF REQUESTED

A. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND THE CITY’S CIRSA COUNSEL WITH REGARD TO MESA COUNTY DISTRICT COURT CASE NO. 24CV62

- **COUNCILOR MILLER MOVED TO ENTER EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(b). COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. EXECUTIVE SESSION – 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

- **COUNCILOR PURSER MOVED TO ENTER EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(b). COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

C. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION PURSUANT TO CRS SECTION 24-6-402(4)(B) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND PURSUANT TO SECTION CRS 24-6-402(4)(E) FOR DEVELOPING STRATEGY FOR NEGOTIATIONS AND INFORMING NEGOTIATORS WITH REGARD TO THE EAST OTTLEY AVENUE PEDESTRIAN EASEMENT

- **COUNCILOR PARRISH MOVED TO ENTER EXECUTIVE SESSION PURSUANT TO CRS SECTION 24-6-402(4)(b). COUNCILOR DOWNS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

D. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION PURSUANT TO CRS SECTION 24-6-402(4)(B) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND PURSUANT TO CRS 24-6-402(4)(E) TO DEVELOP STRATEGY FOR NEGOTIATIONS AND INFORMING NEGOTIATORS REGARDING THE 19 RD PROJECT

- **COUNCILOR PURSER MOVED TO ENTER INTO EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(b). COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

At 10:40 p.m., Mayor Breman called the meeting back into open session to discuss the negotiation of agreement with GVIC to remove the end fee portion from the recital. City Attorney Mary Elizabeth Geiger

explained that it is in relation to construction of a new, larger culvert for the 19 Road project. The City is already working with GVIC to acquire the property to install this. The agreement formalizes this.

- **COUNCILOR HANCEY MOVED TO ALLOW THE CITY ATTORNEY TO REMOVE THE IN FEE FROM THE RECITAL AND AUTHORIZE THE CITY ATTORNEY AND STAFF TO NEGOTIATE THAT AGREEMENT, AND UPON APPROVAL, ALLOW THE MAYOR TO SIGN SAID AGREEMENT. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

13. ADJOURN

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

Respectfully submitted,

Kaydee Lucero
Executive Assistant to the City Manager
City of Fruita

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