

**FRUITA CITY COUNCIL MEETING
DECEMBER 19, 2023
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid 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 Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Amy Miller (virtual)
City Councilor Aaron Hancey

Excused Absent: (None)

City staff present: City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Finance Director/City Clerk Margaret Sell
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Public Works Director Kimberly Bullen
Planning and Development Director Dan Caris
City Attorney Mary Elizabeth Geiger

Also present: 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

Deputy City Clerk Deb Woods added to the agenda as Item 7. Acknowledgment of newly appointed and reappointed Boards and Commissions members after the Consent Agenda and before Public Hearings.

- **COUNCILOR BREMAN MOVED TO ADOPT THE AGENDA AS AMENDED. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAMATION – PROCLAIMING MONDAY, JANUARY 15, 2024 AS MARTIN LUTHER KING, JR. DAY IN THE CITY OF FRUITA TO BE ACCEPTED BY DAVID COMBS (AND POTENTIALLY OTHERS) WITH BLACK CITIZENS AND FRIENDS OF GRAND JUNCTION

The Proclamation was read by Councilor Miller and accepted by Mr. David Combs. Mr. Combs noted that typically, the Martin Luther King, Jr. Day Proclamation occurs in January, but because the January 2nd City Council meeting had been cancelled, the Proclamation was instead placed on the December 19th Council agenda.

Mr. Combs also stated that he was grateful for the Fruita City Council because there are some municipalities out there that are not necessarily refusing to read the Proclamation, but are not taking the opportunity to read it because either their Council isn't in agreement with the reading of such a Proclamation or the governing body in charge decided to no longer read Proclamations simply because media doesn't attend their meetings and they are not publicized.

Mr. Combs said that Black Citizens and Friends has always been impressed with the governing body of Fruita because they take the time to recognize MLK Day, not simply because it is something to do, but because it is the right thing to do.

Mr. Combs provided information about upcoming Martin Luther King, Jr. Day events in Grand Junction including a movie on Saturday, January 6, 2024 at the Avalon Theater (Black Panther: Wakanda Forever), Saturday Evening Service at the Church of the Nativity in the Redlands, two Children's Read and Dream events at the Central Branch and Clifton Branch of Mesa County Libraries, Express Yourself poster contest at Good Judy's, Community Meal & Award Ceremony at the Clifton Community Hall and an MLK Day Program at Colorado Mesa University (CMU). He invited all to attend but added that only Fruita City Council member would be needed to read the City of Fruita's Proclamation at the MLK Day Program at CMU.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF SHANNON WADAS TO THE PARKS AND RECREATION ADVISORY BOARD FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN DECEMBER OF 2026**
- B. RESOLUTION 2023-40 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2023 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND AND FRUITA COMMUNITY CENTER CONTINGENCY ACCOUNTS FOR LEGAL EXPENSES, SUPPLIES AND UTILITIES AND BUILDING MAINTENANCE EXPENSES**
- C. DEBTBOOKS MULTI-YEAR AGREEMENT – A REQUEST TO APPROVE A THREE-YEAR SUBSCRIPTION BASED INFORMATION TECHNOLOGY ARRANGEMENT (SBITA) AGREEMENT WITH DEBTBOOKS FOR MANAGEMENT OF LEASE AND SBITA AGREEMENTS IN ACCORDANCE**

WITH GOVERNMENTAL ACCOUNTING STANDARD BOARD (GASB) STATEMENTS 87 AND 96 AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT

- D. FINANCIAL REPORTS – A REQUEST TO APPROVE THE NOVEMBER 2023 FINANCIAL REPORTS**
- E. ORDINANCE 2024-01 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING SECTION 2.10.040 OF THE FRUITA MUNICIPAL CODE REGARDING COMPENSATION OF THE CITY COUNCIL AND MAYOR FOR PUBLIC HEARING ON JANUARY 16, 2024**
- F. ORDINANCE 2024-02 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE APPROVING A LONG-TERM LEASE WITH CAPITAL BUSINESS SYSTEMS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA POLICE DEPARTMENT FOR PUBLIC HEARING ON JANUARY 16, 2024**
- G. ORDINANCE 2024-03 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON JANUARY 16, 2024 (1873 K ROAD ANNEXATION)**

Mayor Kincaid asked if there were any requests from the public to remove any items from the Consent agenda for further discussion. There were no such requests.

Mayor Kincaid asked the City Council if they had any items they would like removed from the Consent agenda for further discussion. There were no such requests.

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

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

Mayor Kincaid noted that Shannon Wadas was reappointed to the Parks and Recreation Advisory Board on the above Consent Agenda and thanked her for serving. He commented that Fruita's Boards and Commissions are so important to the community and they help the City Council make wise decisions.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

There were no Quasi-Judicial Hearings on the agenda.

B. LEGISLATIVE HEARINGS

1) ORDINANCE 2023-17 – SECOND READING – AN ORDINANCE AUTHORIZING THE CONVEYANCE OF WATER RIGHTS AND REAL PROPERTY OF THE CITY REFERRED TO AS ENOCH’S LAKE LOCATED ON PINON MESA – PUBLIC WORKS DIRECTOR KIMBERLY BULLEN AND CITY ATTORNEY MARY ELIZABETH GEIGER

City Attorney Mary Elizabeth Geiger noted that all the public hearings on the agenda were Legislative hearings; therefore, there would be no applicants.

Public Works Director Kimberly Bullen provided a recap of the recent history of Enoch’s Lake and the City of Fruita up to its current status. She stated that in March of 2023, the City received an appraisal of \$425,000 for the property referred to as “Enoch’s Lake.” In April, the City received an unsolicited offer by Mr. Tipping, Mr. Powers and Mr. Muhr for the purchase of Enoch’s Lake and the water rights in the amount of \$500,000 cash and the release of a non-monetary obligation that the City has had with Mr. Tipping to provide him with water.

Staff prepared the information for Council following the City’s Charter, Section 2.11 for the conveyance of property, which sets a public hearing (Ordinance) process.

On June 20th, the City approved the First Reading of Ordinance 2023-07 – Setting the public hearing for Second Reading on July 18th. At the July 18th meeting and Second Reading of Ordinance 2023-07, the City Council decided to continue the public hearing based on some of the comments from the public and questions the Council had raised; primarily concerning road access and questions about how Glade Park Pipeline Water Users Association (GPPWUA) makes decisions in some of their functions.

On August 29th at the continuance of the Second Reading of Ordinance 2023-07, the City Council then took a vote to deny the Ordinance and set a meeting for September 19th to talk about the sale process because there were so many comments and questions about the City’s process and its transparency. The City Council then felt like there needed to be a discussion with the Real Estate Agent about listing the property so that it would be more public-facing in terms of the actual sale of the property.

The property was listed on October 1st for sale through the City’s realtor on the MLS at the appraised value of \$425,000 and the listing will remain there until November 8th, which is the due date for any and all proposals to the City. The listing includes the information about the First Right of Refusal for Ute Water and the non-monetary obligation with Mr. Tipping.

On November 13, 2023, the City Council held a Special Meeting to present all offers received. The City received one offer from the same individuals that submitted the original unsolicited offer for the same amount of \$500,000 cash and removal of the non-monetary obligation the City had. The Council directed staff at that point to proceed with submitting the information to Ute Water for consideration of the First Right of Refusal and to publish the First and Second Readings of an Ordinance to come back to the Council pursuant to the City Charter’s process.

The First Reading of the Ordinance occurred on November 21st and the Second Reading of the Ordinance was published to occur at this meeting of December 19, 2023.

City Manager Mike Bennett added that the City has been updating the status of its “mountain water properties” on the City’s website since the beginning of last year. This information includes everything related to Enoch’s Lake as well as all the other reservoirs and the Council issued a Resolution on explaining why the City is looking into ways to handle these properties including the fact that the City is not able to use the water in the City and has been seeking local partners over the course of many years who might be willing to receive donation of the properties. Bennett concluded that information on the City’s website and in the Weekly Information Update is updated after each public meeting and action that the Council has taken.

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

Mayor Kincaid asked for confirmation that the City had taken the Enoch’s Lake property to Ute Water for the First Right of Refusal. City Attorney Geiger confirmed that staff had submitted the second offer to Ute Water, who came back and said they did not want to exercise their Right of First Refusal and that is why the City is able to move forward with the Ordinance process.

Councilor Breman thanked all the other Council members and staff, including legal, for the help on the matter, which he said was not an easy topic, but one that the City handled right.

Councilor Kreie said he wanted to reiterate that. He stated that when he was first talking about running for Fruita City Council, his co-worker who is a Water Engineer said that the mountain water properties were an issue that the Council needed to figure out. In addition, the first phone call he ever received as a City Councilor was from someone who begged him not to get rid of Enoch’s Lake after they read an article published by the Daily Sentinel. Councilor Kreie pointed out that it was something that has been known about for a long time and he sort of felt like it was going to continue to get kicked down the road, so he was proud of everyone for tackling such a difficult situation. He concluded by saying that he thinks the City has done the right thing so far.

Councilor Purser agreed with both of those sentiments and added that all of the participation by the public was well worth it; it helped the Council process everything and move along in the way that they did, so she really appreciated all that feedback.

Attorney Geiger advised that if someone was inclined to make a motion to adopt the Ordinance, they should add the language “including the forgiveness of the remainder of the non-monetary debt to be paid by the City to Ronald Tipping” instead of an approximate dollar amount, as was reflected in the current Ordinance text.

- **COUNCILOR KREIE MOVED TO ADOPT ORDINANCE 2023-17 – SECOND READING – AS WRITTEN WITH AN AMENDMENT TO THE THIRD WHEREAS TO DELETE THE PARANTHETICAL “APPROXIMATELY \$145,393.36” AND THE LAST SENTENCE OF SECTION 2 TO READ IN THE LAST PHRASE, “INCLUDING THE FORGIVENESS OF ALL DEBT STILL OWING TO BE PAID BY THE CITY TO RONALD TIPPING. COUNCILOR PURSER SECONDED THE MOTION.**

2) RESOLUTION 2023-37 – ESTABLISHING THE SCHEDULE FOR FEES AND CHARGES FOR THE 2024 BUDGET YEAR – ASSISTANT CITY MANAGER SHANNON VASSEN

Assistant City Manager Shannon Vassen gave staff's presentation. He explained that the Resolution was part of the final approval of the 2024 Annual Budget and said that after months and months of presentations and discussions of Council and staff concerning the Budget, the actual adoption of it is usually completed in less than five minutes. He thanked staff, the Council and the leadership team for all their hard work on it.

Vassen pointed out that the City's Budget is adopted in four different motions, the first one being adopting the Fee Schedule for 2024. These have been discussed at length over the last couple of meetings, but basically, all the fees and charges before the Council are ones that have been discussed. Mostly, the changes over last year are increases related to utility expenses such as sewer and trash, an increase in Fruita Community Center day passes and a few Land Use Code changes as well for Transportation Impact Fee and the Parks, Open Space and Trails (P.O.S.T.) Fee that the Council actually approved earlier in July but is now being implemented beginning next year. Vassen noted that all changes for the upcoming year were highlighted in the Fees and Charges Schedule.

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

- **COUNCILOR PURSER MOVED TO APPROVE RESOLUTION 2023-37 – ESTABLISHING THE FEES AND CHARGES FOR THE 2024 BUDGET YEAR. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

3) RESOLUTION 2023-38 – A RESOLUTION ADOPTING THE 2024 ANNUAL BUDGET – PUBLIC HEARING CONTINUED FROM NOVEMBER 21, 2023 – ASSISTANT CITY MANAGER SHANNON VASSEN

Assistant City Manager Shannon Vassen provided staff's presentation. He explains that Resolution 2023-38 formally adopts the 2024 Budget as has been presented to the City Council. He said there have been a few changes to the Budget since staff last presented at the November Workshop meeting and as with any new draft, he likes to consolidate those changes and provided them in a bulleted list for the Council as part of the Council packet.

Vassen stated that there was nothing in the Resolution that staff and the Council haven't already discussed. There were a few minor changes such as adding \$46,000 for one-time purchases related to replacing the Council Room furniture and having funding for audio/visual upgrades in the same room. A part-time intern position has been added for the Communications and Engagement Program and the City has a CMU Senior that's been doing that through the Mesa County Workforce Center for the past couple of months and Vassen said she is doing incredible work, so staff wants to keep her on until May of 2024 and that has been added as well. Vassen also stated that staff increased the City's Intergovernmental Agreement (IGA) expense for the Regional Transportation Planning Office (RTPO) due to an incorrect number being included in the previous draft. \$40,000 must also be carried forward in Marketing and Promotion dollars that was budgeted for 2023, but won't be spent until next year.

Vassen stated that there were no other changes than what can be seen on the list of changes in the Council packet. He noted that he also provided an updated draft of the 2024 Budget, but that won't be the final draft because staff will continue to comb through it to find and fix any grammatical errors and add alternate text for accessibility purposes.

Mayor Kincaid opened the public hearing on Resolution 2023-38 – adopting the 2024 Annual Budget for the City of Fruita. Hearing no comments, he closed public comment and turned the hearing over to the City Council.

Councilor Hancey thanked staff and the Council for having a good budget process this year and said he thought the City has been successful in developing a very efficient Budget that will be beneficial to the Fruita community.

Councilor Miller also thanked staff for all their hard work.

- **COUNCILOR HANCEY MOVED TO APPROVE RESOLUTION 2023-38 – ADOPTING THE 2024 ANNUAL BUDGET. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4) RESOLUTION 2023-39 – A RESOLUTION APPROPRIATING FUNDS FOR THE 2024 ANNUAL BUDGET – ASSISTANT CITY MANAGER SHANNON VASSEN

Assistant City Manager provided staff's presentation. He noted that this Resolution accomplishes the formal appropriation of funds for the 2024 Annual Budget that was just approved. He said he was happy to answer any questions.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed public comment and referred the agenda item to the Council.

Councilor Hancey asked for confirmation that Resolution 2023-39 did not contain any changes to the mill levy itself. Mr. Vassen noted that for the next agenda item, staff was not making any changes to the mill levy.

- **COUNCILOR BREMAN MOVED TO APPROVE RESOLUTION 2023-39 – APPROPRIATING FUNDS FOR THE 2024 FISCAL YEAR IN ACCORDANCE WITH THE ADOPTED 2024 ANNUAL BUDGET. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

5) RESOLUTION 2023-41 – ESTABLISHING THE PROPERTY TAX MILL LEVY FOR THE 2024 BUDGET – ASSISTANT CITY MANAGER SHANNON VASSEN

Assistant City Manager Shannon Vassen stated that this Resolution establishes a mill levy of 10.146 mills to be assessed on property throughout Fruita next year for the 2023 property tax year. He said staff has learned that Fruita is one of the later organizations to adopt its Budget; everyone else just kind of moved forward as is with the same mill levy that they've had, which is what staff was

recommending to the City Council; to move forward with the same mill levies. He added that based upon conversations he has had with the Mesa County Assessor, he thinks Fruita is pretty close to the number that will be in there, so he feels pretty good about it. Vassen stated that he was happy to answer any questions the Council may have.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed public participation and brought the agenda item back to the Council.

- **COUNCILOR MILLER MOVED TO APPROVE RESOLUTION 2023-41 – ESTABLISHING A MILL LEVY ASSESSED ON PROPERTY IN FRUITA FOR THE 2024 BUDGET YEAR AT 10.146 MILLS FOR GENERAL OPERATIONS AND AUTHORIZING THE CITY CLERK TO CERTIFY THE MILL LEVY TO THE MESA COUNTY COMMISSIONERS. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

6) ORDINANCE 2023-15 – 2ND READING – AMENDING CHAPTER 3.18 OF THE FRUITA MUNICIPAL CODE CONCERNING EXCLUSIONS FOR THE SALE OR PURCHASE OF LODGING AND AMENDING THE DEFINITION OF LODGING – FINANCE DIRECTOR/CITY CLERK MARGARET SELL

Finance Director/City Clerk Margaret Sell provided some history on when the City of Fruita implemented the Lodgers' Tax in 1996 on the sale of lodging in the City via the adoption of an Ordinance. In 1988 the Ordinance was amended to exclude the collection of lodging tax on sales by the United States Government, State of Colorado or political subdivision of the State in order to facilitate the development of the James M. Robb – Colorado River State Park by Colorado Parks and Wildlife.

Effective July 1, 2023, rules were adopted by the Colorado Department of Revenue clarifying definitions of accommodations and negating the need for this exclusion. Both sales and lodgers' taxes are currently being remitted to the City by Colorado State Parks and Wildlife.

Mrs. Sell added that the definition of lodging in the Fruita Municipal Code needs to be updated to include short-term rentals, auto camps and bed and breakfast establishments. She stated that the removal of the exclusion will provide fair and equitable treatment of establishments providing similar services in the City of Fruita and that staff's recommendation was for approval of Ordinance 2023-15.

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

- **COUNCILOR WILLIAMS MOVED TO ADOPT ORDINANCE 2023-15 – AMENDING CHAPTER 3.18 OF THE FRUITA MUNICIPAL CODE CONCERNING EXCLUSIONS FOR THE SALE OR PURCHASE OF LODGING AND AMENDING THE DEFINITION OF LODGING. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

9. ADMINISTRATIVE AGENDA

There were no Administrative Agenda items on the agenda.

10. CITY MANAGER'S REPORT

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

- Mike expressed his gratitude to each of the Council members for their leadership throughout the budget process and more specifically, for being able to narrow down into a year the long-term, 10-year + strategic plans that the Council shapes and defines into the goals and efforts required to accomplish those. He said this allows staff to have very specific guidance and the ability to execute what is included in the budget from both an Operational and Capital Projects standpoint.

Mike also expressed gratitude to City staff, the Leadership Team and each individual department for working with Assistant City Manager Shannon Vassen on the budget and spending a lot of time with a new process this year that really engaged the organization heavily. He added that he was very proud of the efforts through many presentations, discussions and feedback to get to the point of final Budget adoption.

- Mike reported that at the Fruita Community Center (FCC) the previous evening, City staff responded to a patron's medical emergency. Three of the individuals were high school seniors who are lifeguards at the pool and the fourth person was their young supervisor who provides CPR training and helps get staff certified.

The person having the emergency was without a pulse and staff used the Automated External Defibrillator (AED) and CPR and were able to revive his pulse by the time first responders got there. Mike called it a tremendous effort. Mike said he and Shannon went to the High School and met with the Principal and the three young men that are seniors to sit and talk with them and thank them. Their supervisor and the EMTs said they did everything by the book. Mike said he would invite them to a Council meeting after the holidays and when things have settled to recognize them. He added that the updates staff has received on the patron in the hospital have been positive.

- Staff would like to get the new draft of the City Council Handbook posted to the website so that people considering running for Council will be able to access it. Mike noted that the document can be updated at any time moving forward should the need or want arise. He asked the Council for any feedback they may have before staff uploads it to the website even if there are things that need to be discussed in the future.

Mayor Pro Tem Breman noted that he had printed out the City Council Handbook but hasn't had a chance to read it. Councilor Purser said she needed a little more time to review it, too.

Councilor Hancey asked what the Handbook says about relatives of Council members working for the City because he has a couple of children and one currently wants to work at the FCC. Mike said that was a great question and one that he thinks the Council should discuss in the future to add some clarity. He stated that staff has somewhat defaulted to the City Employee Handbook (which is separate from the Council Handbook), but the

Employee Handbook technically doesn't apply to City Council. Mike noted that the Employee Handbook has a nepotism rule where there is a definition of relatives and relatives cannot supervise one another. Relatives can work at the City of Fruita except for the City Manager because employees indirectly report to him through supervisors and department heads.

Mike said the practice with City Council over the years has been to prohibit full-time employees that are relatives of the City Council because there is still that indirect oversight through the City Manager, but the City historically has not really applied that rule to part-time employees that are relatives of the City Council. He noted that there definitely have been children of Council members in the past that have worked for the Parks and Recreation Department part-time, but there really isn't a place where the rules are clearly defined. Mike thought the Council Handbook would be a good place to put it. He added that staff wasn't prepared to review it at this meeting, but that it could easily be added as a future Council discussion and action agenda item.

The Council came to a consensus to direct staff to upload the City Council Handbook to the website now and if later changes need to be made, it could be updated then.

Jeannine noted that there is clarity on the topic in the Boards and Commissions Policy for the City's Boards and Commissions members. She asked if it was mentioned in there that family members of Council members cannot serve on City Boards and Commissions. She thought that would also be good information for a person considering running for City Council. Mike noted that in the Council Handbook, there is a link to the Council-approved Boards and Commissions Policy, where it does list the rule that relatives of a Council person cannot serve on the Boards and Commissions.

Mike continued that the Council Handbook does not contain any policy changes; there are updated policies that the Council has approved that are referenced and instead of cramming in the long CML or CIRSA publications, the Handbook just links to those. It was also reorganized to be a little more friendly to go through. Mike pointed out that staff did add in information for Council members such as "What to Expect at Your First Meeting," which might be an area where staff left out some things. Clarity was also added regarding the time commitment required of a Council member. He asked the Council to note any ideas they may have as they go through the Handbook that staff can collect at the second meeting in January.

Joel asked if the Council Handbook mentions anything about the Fruita Housing Authority, which is also a responsibility of Council members. Mike said that was a great point and that staff could easily add that and reference the Resolution that created the Authority and its bylaws.

Matthew asked if there would be a little bit more information about what it means to be a member of the Fruita Housing Authority because he thinks if someone is going to run for Council and if by default, elected Council members are on the Housing Authority, people should understand that is part of the job, too. Mike agreed and said he thinks that it is all spelled out in the Resolution the City Council adopted in creating the Housing Authority which could be added to the handbook.

Joel reiterated Council's direction to go ahead and post the City Council Handbook to the website and changes could be made to it subsequently. He wondered if there should be a discussion at an upcoming workshop meeting about a nepotism policy for Council members. Mike stated it could be added to the January 2024 Council Workshop Meeting.

11. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken reported that the contractor that operates the Grand Valley Transit system (TransDev) notified the Grand Valley Regional Transportation Committee (GVRTC) that they are not opting to renew their contract after 2024. He suspects it is probably so that they can put in for the new contract at a more competitive rate. GVRTC will be working on an RFP during 2024 and however that ends up will impact Fruita's contribution to them. Ken said there will be more information forthcoming.

COUNCILOR AMY MILLER

Amy reported that she received a phone call from a citizen regarding the City's position on School District #51's reconfiguration of school buildings. She said she didn't really have the opportunity to clarify with the caller what the Fruita City Council's positions have been, but she was sure the Council would be hearing more about that.

COUNCILOR AARON HANCEY

Aaron reported on discussion items at the Museums of Western Colorado (MWC) Board of Directors meeting. The MWC is continuing to have challenges on future decisions with an Executive Director. There were some ideas proposed that he couldn't go into due to the fact they were discussed in Executive Session, but said he was strongly encouraged to make sure Fruita looks out for its own assets.

Aaron addressed staff regarding the camper trailers in the Dinosaur Journey parking lot by saying he has noticed within the last month or so that there is some real camping going on there that is getting encouraged by the campers that are already sitting there. Mike responded that staff assisted the MWC in listing the campers on Govdeals.com to be sold. The MWC would not allow City staff to move them to the back of the building because they said two of them were going to be moved to the Cross Orchards location. Parks and Recreation Director Marc Mancuso continues to follow up and Fruita Police Department officers are having to ask any new campers that show up to move along. James asked what the headline of the listing on Govdeals.com is. Mike said he didn't know off the top of his head, but he could find out and would follow up. Aaron said he thought staff could talk to the MWC Board or the current Assistant Director to give them an ultimatum of some kind. Mike said staff will figure something out with them. Aaron said he would be keeping an eye on Dinosaur Journey and its parking lot to make sure they are being well taken care of. He added that he has encouraged the MWC to reach out to the City to make sure that their commitments for reporting are being met in a timely manner, but they might need some encouragement on that as well.

MAYOR PRO TEM BREMAN

Matthew reported that there was a Grand Junction Economic Partnership (GJEP) holiday party the previous week at Pat Tucker's house and it was very well attended. The next GJEP meeting will be held tomorrow morning at 7:30 a.m.

Matthew also reported that he attended the Fruita Area Chamber of Commerce's Board meeting and provided an overview of the City's 2024 draft Budget. He said he also went over the City's development projects that were in it, which was very well received. He noted that he had mentioned to Shannon earlier that the Chamber Board did have some questions on the Budget in terms of the demographics section as it relates to business licenses and thanked him for his willingness to get an updated number for the discrepancy to them. Matthew announced that there is going to be a lot more conversation in the future about events and what to do about those moving forward. He added that he thinks there will need to be some joint meetings of the Chamber and the City to iron some things out concerning the events. Matthew reported that he has encouraged the Chamber to really be more of a voice for Fruita's businesses in the community; for example, there have been or are going to be six downtown businesses that are closing in this last quarter of the year. The Chamber will be doing exit interviews to find out why, and Matthew said the Council needs to be very aware of those reasons.

Matthew also reported that he attended a Mesa County Workforce meeting earlier in the day and a lot of it revolved around how the Workforce groups have a lot of great information out there, but nobody knows about it. The discussion addressed how to make sure that students that are in need of that information can actually get it. He said it was also interesting to hear how kids that show up for mock interviews are unaware of things that older people take for granted such as how to dress, so it is also about how to prepare kids for success in being interviewed.

Matthew noted that he, Winston and Fiona spent some time at the Fruita Bark Park and he noticed an electrical box on the small dog side of the park that has a switch on it with no lock and it was off, but he was very tempted to turn it on just to see what it does. He suggested that staff place a lock on it, but added that he still wants to know what it does.

Matthew said that when coming off the interstate and heading into downtown from the Circle, there is a sign with "EV Charging" on it that points to the right, so it looks like people should be turning right to get to it versus going straight to the Civic Center. He said it was a little confusing and thinks it should probably be an "Up" arrow. Mike said he saw it, too and agreed, so he would look into it.

COUNCILOR JEANNINE PURSER

Jeannine reported that the Localism Committee met for its second meeting and it went really well. She called Ciara a rockstar for how she ran the meeting and filtered the ideas. She added that Ciara provided a great presentation and has gotten all the information to the Committee members so they will be prepared for their next meeting, which is January 9, 2024. The Committee will likely have that meeting and one additional one after that, although it could end up being two additional meetings depending on how the next two pan out. The Committee will then appear before the Council with their recommendations.

Jeannine also reported that the Arts and Culture Board had their meeting the previous week and they looked at what to do with the merry-go-round. There were some concept proposals offered and the board is moving forward on one or two of those to learn more about them.

Jeannine noted that the Livability Commission meeting had been cancelled and that the Downtown Advisory Board will no longer be having any meetings.

COUNCILOR JAMES WILLIAMS

James reported that he and Matthew got to be in the Holiday Lights Parade and he thought that the Chamber did a great job. He added that the feedback he has received from the community is that it was better than another certain municipality's in the Valley, which he wasn't bummed to hear.

James said he also received the phone call about the School District's reconfigurations and that Superintendent Hill did a very good job of describing exactly why certain things were going to be done and other things could not be done. He continued by saying that when it was all broken down, there seemed to be a path forward that looks like it would be the better path, but legally, it doesn't really work with the state. James said it would be nice if the City Council could get a debriefing from Superintendent Hill because he broke it down so well (although it is a very lengthy conversation). He asked staff to see about scheduling that.

Jeannine pointed out that there was a very informative article in the Daily Sentinel that allowed Dr. Hill a lot of time to explain things.

James thanked City staff for the entire year, saying that there is a lot that the City as a whole has gotten done over the course of the past year. He said staff has done a great job and it makes it a lot nicer for the City Council to do what they have to do.

Matthew added that he thinks it's time that the Council have another talk with a certain individual. He said he was at an event downtown and this person came up and hit him in the stomach and announced to everybody that it was okay because "he is on Fruita City Council and they make stupid decisions." Matthew said he didn't think it was appropriate behavior and he has concerns that previous conversations with this person may not have registered. He asked the other Council members what they thought should be done. City Attorney Mary Elizabeth Geiger suggested that if that was a conversation that the Council would like to have, there would be legal advice associated with how to move forward and it would be done in Executive Session. Matthew said he would like to and that he thinks the Council should have a policy and set a precedent about the matter. Joel asked the City Attorney if an Executive Session had to be posted first or if City Council could call an Executive Session at this meeting. Attorney Geiger explained that the Council can always add an Executive Session to any agenda and wording to that effect is specifically written on the Council agenda. Mike suggested that the City Council add another Executive Session to the agenda and make it the first one of the three.

MAYOR JOEL KINCAID

Joel reported that he did a video shoot the previous week for a fun event that's coming to Fruita and everyone will find out in January about that.

Joel also reported that he forwarded the email that he and Mike received about the Five Loaves and Two Fishes Food Pantry. He said it is great that they are helping the community but then was a little dismayed when he read that they went from 45 families to 139. Amy and Jeannine noted that it could be a combination of increased awareness of Five Loaves plus the closures of both Canyon West Worship Center and the Agape Food Bank. Joel said he still wanted the public to know that the Five

Loaves Food Pantry went from 45 families to 139, meaning they are feeding 340 people per month in the Fruita community. He said there is getting to be a greater and greater need for those type of services, just like the need for affordable housing. Communications and Engagement Specialist Ciara DePinto confirmed that staff put the link to Five Loaves on the City's website.

Joel said he was driving past Triangle Park in the morning and he saw a tent and somebody camping. He said he also saw that Lieutenant Peck and another officer were there talking to the person. Joel asked Mike if he knew whether homelessness has gone up in Fruita since Grand Junction has made changes with their homeless population. Mike responded that Chief Krouse is scheduled to give the Council an update at the first meeting in February. He added that anecdotally and in internal discussions, staff has not seen a dramatic change since the changes happened in Grand Junction, but staff does continue to share where resources are available for people they come in contact with that need them.

Mike explained that typically, it's not an immediate issuance of trespassing. Officers first determine whether the person/people are on private or public property, the latter of which does not allow camping in the City and then they are given information about available resources. He added that while it's not tied to the changes at Whitman Park in Grand Junction, the City has seen an increase in homelessness over time.

B. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SEC. 24-6-402(4)(B) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING A FRUITA CITIZEN'S BEHAVIOR TOWARDS THE FRUITA CITY COUNCIL

- **COUNCILOR KREIE MOVED TO MEET IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING A FRUITA CITIZEN'S BEHAVIOR TOWARDS THE FRUITA CITY COUNCIL. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

The Fruita City Council took a five-minute break before convening in Executive Session at 8:16 p.m. The Council reconvened the regular meeting at 8:56 p.m.

C. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SEC. 24-6-402(4)(E) FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS AND PURSUANT TO C.R.S. SEC. 24-6-402(4)(A) FOR THE POSSIBLE SALE OR LEASE THEREOF WITH REGARD TO THE REDEVELOPMENT OF 169 N. MULBERRY STREET

- **COUNCILOR MILLER MOVED TO MEET IN EXECUTIVE SESSION PURSUANT TO C.R.S. SEC. 24-6-402(4)(E) FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS AND PURSUANT TO C.R.S. SEC. 24-6-402(4)(A)**

FOR THE POSSIBLE SALE OR LEASE THEREOF WITH REGARD TO THE REDEVELOPMENT OF 169 N. MULBERRY STREET. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

The Fruita City Council convened in Executive Session at 9:04 p.m. The Council reconvened the regular meeting at 9:38 p.m.

- **COUNCILOR KREIE MOVED TO DIRECT STAFF TO SELL/LEASE THE 169 S. MULBERRY STREET PROPERTY. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

D. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) REGARDING THE CITY MANAGER’S ANNUAL FORMAL REVIEW WHERE THE CITY MANAGER HAS NOT REQUESTED AN OPEN MEETING

- **COUNCILOR HANCEY MOVED TO MEET IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) REGARDING THE CITY MANAGER’S ANNUAL FORMAL REVIEW WHERE THE CITY MANAGER HAS NOT REQUESTED AN OPEN MEETING. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

The Fruita City Council convened in Executive Session at 9:42 p.m. The Council reconvened the regular meeting at 10:24 p.m.

- **COUNCILOR HANCEY MOVED TO GIVE THE CITY MANAGER AN 8% PAY INCREASE PLUS A \$5,000 BONUS TO BE EFFECTIVE JANUARY 1, 2024. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 10:27 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita