

**CITY COUNCIL AND FRUITA HOUSING AUTHORITY
REGULAR JOINT MEETING
DECEMBER 5, 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 7:01 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 (virtual)
City Councilor Amy Miller

Excused Absent: City Councilor Aaron Hancey
Deputy City Clerk Deb Woods

City staff present: City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Communications and Engagement Specialist Ciara DePinto
Planning and Development Director Dan Caris
Public Works Director Kimberly Bullen

Also present: City of Fruita Public Works Employees
Nicholas Westfall, President of Base Camp Provisions, LLC (virtually)
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

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

4. PROCLAMATIONS AND PRESENTATIONS

- A. PRESENTATION – RECOGNITION OF PUBLIC WORKS EMPLOYEES COMPLETING THE 2023 PUBLIC WORKS SUPERVISOR TRAINING PROGRAM**

Public Works Director Kimberly Bullen stated that several members of the Public Works team were present in the audience to be recognized for completing the credentialed 2023 Supervisor Training Program, which is associated with the American Public Works Association (APWA). She said that this was the first time that the City has offered this program to Public Works employees.

Bullen noted that there are a number of Public Works employees who have had long careers with the department and have recently retired, so the department's succession planning efforts are built around trying to prepare the next generation of Public Works employees to take on those roles as people leave the organization.

Bullen noted that Mike Bramlett, Streets Divisions' Crew Leader, had to leave because he got called out for a locate. Wastewater Reclamation Facility Class A Operator Jeff Brondum was also not present due to another commitment. She acknowledged the Public Works employees who were present in the audience including:

- Jesse McClaskey, Street Maintenance Worker II (who is preparing to take an exam to be promoted to Heavy Equipment Operator)
- Tony Fuoco, Fleet Supervisor
- Matt Haifley, Wastewater Reclamation Facility Class A Operator

Bullen stated that the Supervisor Training Program was offered to all Public Works employees and seven (7) employees signed up for it. Two employees have since left employment with the City. She listed the components of the program, which include:

- Public Works Administration
- Operations
- Finance
- Communications

Staff was given about two hours every week to study and review the material and everyone got together approximately every couple of weeks to discuss the units and go through a practice exam. Bullen stated that it was almost a year-long commitment between January 19th and November 29th to get through the program and that the employees will have the opportunity to sit for the Credentialed Certification by APWA if they choose.

Mayor Kincaid thanked the employees for their efforts. Councilor Breman said that in looking at their reading material, it looked very challenging.

Mayor Kincaid presented certificates to the Public Works employees and photos were taken of them with the City Council.

5. PUBLIC PARTICIPATION

Craig Lombard, 407 W. Pabor Ave., stated that he was present at the meeting to voice his concerns regarding the potential City Market service station proposed to be placed on the corner of Aspen Avenue and Coulson Street. He said that having a gas station within 500 feet of his home was concerning, but that his main concern was the increased traffic on Aspen, Willow and Coulson. Lombard stated that the entrance, or ingress, off of Aspen Avenue could likely be a potential stacking point for cars onto the thoroughfare and would prevent traffic from moving freely.

Lombard continued that unlike Coloramo next door, which can compound cars on its property, the half-acre lot cannot do that, and he's worried about it. He added that the egress or exits onto Willow would greatly increase the traffic there, which is a short, one-block street and would cause problems on the quiet, residential street in his neighborhood.

Lombard stated that furthermore, increased traffic at the corner of Aspen Avenue and Coulson is also concerning for emergency vehicles' access to Highway 6 & 50. He said they use Pabor Avenue when they are called to Loma and Mack and so, they will make that turn and with the egress and exiting and entering off of Coulson, he wonders if that might be a problem.

Lombard said that there are four low-income houses that will be destroyed or taken down to make room for the gas station. He said there are also several mature trees on that site that would be lost. Finally, he said, if the gas station was approved, he was wondering why EV charging wasn't a part of the plan in the beginning.

There were no further comments from the public.

6. CONSENT AGENDA

- A. **MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 17, 2023 REGULAR CITY COUNCIL MEETING**
- B. **MEMORANDUM OF UNDERSTANDING – A REQUEST TO APPROVE THE DESERT RIVERS COLLABORATIVE MEMORANDUM OF UNDERSTANDING (MOU)**

Mayor Kincaid asked if there were any requests from the public to remove any items removed 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 BREMAN MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) **LIQUOR LICENSE REPORT OF CHANGES – A REQUEST TO APPROVE A CORPORATE REPORT OF CHANGES ON A BREW PUB LIQUOR LICENSE FOR BASE CAMP PROVISIONS, LLC DBA BASE CAMP PROVISIONS LOCATED AT 155 N. MULBERRY ST. – FINANCE DIRECTOR/CITY CLERK MARGARET SELL**

Finance Director/City Clerk Margaret Sell provided staff's presentation. She noted that currently, Laura Fischer owns 100% of the stock of the Corporation and the stock is being transferred to Nicholas Westfall. She said the background checks were completed by staff through the FBI, CBI,

Mesa County Sheriff's Office, Grand Junction Police Department and the Fruita Police Department and there are no records of arrest; all background checks came back clear.

She said it was staff's recommendation that the Report of Changes be approved by City Council for Base Camp Provisions, LLC's Brew Pub Liquor License located at 155 N. Mulberry Street to transfer 100% of the ownership interest from Laura Fischer to Nicholas Westfall.

Mr. Westfall appeared before the City Council virtually as he was out of town. He said he appreciated everything the Council has done for the community. He continued by saying that there was not a lot of change happening with the liquor license because he was one of the original owners and founders of Base Camp; he was the one who slaved over the remodel, but kind of existed in the background because he has a day job and a commitment to the medical community.

Westfall said that a recent divorce of his business partners' was the reason for the transfer of the owner's interest of the liquor license from Laura Fischer to himself.

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

- **COUNCILOR BREMAN MOVED TO APPROVE THE REPORT OF CHANGE FOR BASE CAMP PROVISIONS, LLC DBA BASE CAMP PROVISIONS BREW PUB LIQUOR LICENSE LOCATED AT 155 N. MULBERRY ST. TRANSFERRING 100% MEMBERSHIP INTEREST IN THE CORPORATION FROM LAURA FISCHER TO NICHOLAS WESTFALL. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. LEGISLATIVE HEARINGS

- 1) **ORDINANCE 2023-14 – SECOND READING – SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024 A BALLOT QUESTION CONCERNING THE RETENTION OF REVENUE IN EXCESS OF TABOR LIMITS – FINANCE DIRECTOR/CITY CLERK MARGARET SELL**

Finance Director/City Clerk Margaret Sell noted that the City Council had previously formed a TABOR Committee to review the proposed TABOR question and how it looks for the April 2, 2024 Municipal Election. She explained that the TABOR Committee came back with the recommendation that the City move forward with what it has done in the past, which is a six-year timeframe on the TABOR restriction limits being lifted. This way, the City can spend those revenues on Capital Projects and the maintenance of them. Sell explained that the Ordinance before the Council essentially sets the ballot question before the voters in April.

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

- **COUNCILOR WILLIAMS MOVED TO ACCEPT THE TABOR COMMITTEE'S RECOMMENDATION AND ADOPT ORDINANCE 2023-14 – SUBMITTING TO THE VOTERS ON THE APRIL 2, 2024 REGULAR MUNICIPAL ELECTION A BALLOT QUESTION PROVIDING FOR THE RETENTION OF REVENUES**

GENERATED IN EXCESS OF THE TABOR LIMITATIONS FOR THE PERIOD JANUARY 1, 2025 TO DECEMBER 31, 2030 FOR THE PURPOSE OF IMPLEMENTING THE CITY'S CAPITAL IMPROVEMENT PLAN AND THE MAINTENANCE OF THOSE IMPROVEMENTS. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The City Council recognized and thanked the Citizen TABOR Committee for the review they performed and their subsequent recommendation to the City Council.

8. ADMINISTRATIVE AGENDA

A. PRESENTATION – SCOTT GORDON WITH ROADWAY ASSET SERVICES WILL PROVIDE THE CITY COUNCIL WITH AN OVERVIEW OF THE PAVEMENT ASSESSMENT REPORT

Public Works Director Kimberly Bullen recalled that the City entered into an agreement with Roadway Asset Services (RAS) to provide a pavement assessment of Fruita's roadway system, as well as some of the other infrastructure such as curb and gutter, sidewalks, street signs and ADA ramps. She pointed out that the City's streets were the number one priority named by residents in the Community Survey that was conducted several years ago.

Bullen explained that RAS has transitioned the City from using PACER scores to using PCI scores instead. One of the performance measures in the Public Works Department's Annual Budget is to maintain a PACER score of 7.0, or what's now going to be referred to as a PCI score of 70 or higher and a condition rating with less than 10% below a PACER score of 5, or a PCI score of 50.

Bullen noted that Scott Gordon with RAS was in attendance virtually at the Council meeting to present the findings of the assessment itself and talk about some of the things the City is going to do using a Budget Optimization Street Selector System provided by RAS, which will help with some budgetary modeling. He will also address what deferred maintenance would do to the City's road system if treatments are not kept up.

Bullen noted that the City would not have been able to accomplish a pavement assessment without the help of an Administrative Great Outdoors Colorado Organization (GOCO) grant that the City of Fruita received for \$25,000 to help offset some of the costs.

Mr. Scott Gordon introduced himself and shared his screen using Zoom. He is a professional engineer licensed in the state of Colorado who has been doing pavement evaluation/pavement design work for over 30 years. He stated that RAS provides agencies with a comprehensive analysis of pavements that employs the latest technology in GIS and imagery to more efficiently evaluate pavements and actually be more accurate by taking a lot of the subjectivity out of it.

Gordon explained the basics of Pavement Management Theory and preservation technique so that the life of pavement can be prolonged at a cheaper cost rather than letting it deteriorate to a lower condition, which costs a lot more money to repair.

Gordon described some of the equipment that RAS brought to Fruita to evaluate the City's roads such as lasers, photos and GIS coordinates, among other things. He also explained the processes used by RAS to evaluate roads and City assets within the right-of-way, which at the end will result in a full-

scale report that RAS can present to the City. The report includes a map showing that RAS drove all the roads within the City's network and a table that basically looks at how the roads are rated based on the 0 to 100 scale (with 0 being the worst and 100 being the best condition). There are also descriptors (adjectives) explaining the condition of the roads.

Gordon said that RAS measured driving a little over 75 centerline miles of road in Fruita. The resulting report breaks down the mileage into color-coded categories and Fruita currently has over 50% of its roads in "good" or "satisfactory" condition. He stated that Fruita's average PCI is at a 79, which he called a fairly healthy network of roads. RAS also evaluated Mesa County and the City of Grand Junction and their scores were a little bit lower than Fruita's, but Gordon said they are still in pretty good shape.

Mr. Gordon added the following items of note:

- Fruita's percentage of "good" roads is at about 24% (typically RAS wants to see more than 15%).
- Fruita has a lot of roads in the "satisfactory" category, which means that there will likely be a lot preservation opportunities for Fruita.
- The "backlog" category is roads that have to be rebuilt; it's too late for maintenance at that point and RAS likes to see that number less than 10. Fruita is at less than 1% in this category.
- Overall, there is a little bit rougher ride on some of the roads in Fruita than what the condition shows, which can be corrected using maintenance techniques.
- RAS has been working on setting up PCI "trigger levels" of when to apply certain maintenance techniques based on what is seen in the roadway and how it's performing.
- RAS has worked with staff to get unit costs for each of the treatments so that dollar amounts can be applied to specific projects.
- There are also "Improvements Factors" of what RAS expects a road condition to be in after maintenance is applied.

Gordon also explained that RAS has an annual service using software that they developed and is run internally by their trained staff to perform an analysis instead of the City having to buy the licensed software and trying to train City staff on it. Fruita's results from this year would be plugged into RAS' program and using the criteria Gordon had previously showed the Council, RAS will start running scenarios and iterative processes where City staff will be able to look at results and make some tweaks to refine their budget.

Gordon continued that the theory of how to prioritize which street gets maintenance is based on how much it costs. He described how RAS' system determines which roads to treat first to avoid having roads deteriorate into a lower category while spending money the most efficiently.

Gordon stated that once RAS gets into the analysis, they will come back to the City with the results and will run up to ten different scenarios looking at different budget amounts and what the PCI will do over time. He added that more than likely, Fruita will be at one of the mid-level ranges where the City is keeping a steady state (meaning the average PCI will stay in the high 70s) and RAS will be able to help find what budget levels are needed. They will also produce some charts that will look at different dollar amounts, annual budget amounts and what the resulting PCI after a five-year plan would be. The overall network condition can be raised depending on how much money is spent, but RAS will look at what is going to work best for the City of Fruita.

Gordon stated that the RAS recommendation to Public Works is to start producing plans for each year as well as a five-year plan that can be visualized in maps of which roads are going to be treated each year, although it can still be flexible. After year one, RAS takes the results, updates the network, and reruns the analysis to create a new five-year plan and chances are, the second year is going to have a few changes to it. He added that the plan will get tweaked as time goes on based on results of what RAS is finding each year.

Gordon noted that in the next month or so, the next steps would be for RAS to run the scenarios, get with staff to look at results and then come back to the City Council with what they find.

Mayor Kincaid asked for confirmation that utilizing RASs services wouldn't go into effect until the 2025 Budget as far as implementation. Ms. Bullen said that the City didn't have all the data pulled together when the 2024 Budget was being developed. Previously when staff did the PACER Score, staff would go out and visually observe the road and apply some criteria to get points based on the criteria of the PACER system. She said that when staff went back and actually looked at those roads that were presented in the Budget using the PCI Assessment, the scoring of both systems were very much aligned.

Bullen said she didn't think there would be any changes to the 2024 Budget, but staff will continue to evaluate and if there's a road that really stands out that needs to be prioritized above the PACER score, staff will make that change but will stay within the current draft Budget amount.

City Manager Mike Bennett recalled that since the 2021 Community Survey results came out and as revenues have been increasing year over year, staff has been adding more to the roads maintenance and repairs and next year will have one of the largest budgets the City has ever had with streets, although part of that is for the 19 Road project. The rest is for maintenance on the roads that have been or will be identified.

Bennett added that staff is very pleased with the data they've been receiving through RAS and proud that staff's in-house efforts have kept conditions of Fruita's roads above average. He noted that RAS has been able to provide a little bit more specific data as certain projects are tackled year over year and the amount of funds that the City is putting towards those. He reiterated that streets are a priority for the Fruita community.

Bullen added that in 2023, Public Works had a Budget of about \$150,000 for chip seal and patching but next year, staff is expecting to have around \$210,000 pending approval of the 2024 Budget by City Council.

Councilor Miller said RAS' findings speak highly of City staff.

Bullen said she thought RAS would be able to provide very valuable information going forward including being able to plan out over the next five years to determine what the network really needs in terms of treatment.

9. CITY MANAGER'S REPORT

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

- Staff received an official submission for 180-unit apartment complex next to the La Quinta and all the information about the project will be placed online on the City's website.
- Mike thanked Amy for speaking on the City's behalf regarding Fruita's opposition to the changes for the Total Maximum Daily Load (TMDL) of salinity coming from the Bookcliffs and through the valley into the Colorado River. The City of Fruita has teamed up with Mesa County, the City of Grand Junction and the private sector in the development field in funding an opposition. Mike said the hearing was earlier in the day and unfortunately, the increase in the levels of the TMDL was upheld, which was not the outcome everyone was hoping for. There should be additional information going forward.
- Mike said he wanted to know if there was interest among the Council members to reschedule a tour of the Lower Valley Fire Station, who will be getting some dates back to him that he will bring to the next Council meeting. The earliest available date would be January 16th prior to the Council meeting. In addition, sometime in the January/February timeframe, staff would love to get the City Council on a riding tour through Fruita to visit some of the construction sites such as the Fruita Mews, West Aspen Avenue project and some of the subdivisions that have already broken ground to get some visuals. Staff will send out some dates for availability to coordinate that.
- Concerning the Reed Park project, staff had the first construction meeting with Ford Construction, who is mobilized and starting to remove some of the old items that will be replaced such as the playground. Councilor Miller had an idea for the Council to get on the old merry-go-round for a quick video and/or photos before it is taken out. At their next meeting, the Arts and Culture Board will be reviewing proposals for turning the merry-go-round into art that will be featured at the new park. The Council decided to meet at Reed Park at 4:00 pm the following day to take photos/video.

10. COUNCIL REPORTS AND ACTIONS

A. TO ADJOURN AS THE FRUITA CITY COUNCIL AND CONVENE AS THE FRUITA HOUSING AUTHORITY AND TO CONSIDER RECOMMENDING A 2024 BUDGET FOR THE HOUSING AUTHORITY FUND TO THE FRUITA CITY COUNCIL

- **COUNCILOR MILLER MOVED TO ADJOURN AS THE FRUITA CITY COUNCIL AND CONVENE AS THE FRUITA HOUSING AUTHORITY TO CONSIDER RECOMMENDING A 2024 BUDGET FOR THE HOUSING AUTHORITY FUND TO THE FRUITA CITY COUNCIL. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

Executive Director Designee Shannon Vassen stated that at the November 21, 2023 City Council meeting, it was recommended that the City Council adjourn to a Fruita Housing Authority meeting in order to formally recommend a Budget for the 2024 Fiscal Year. As is detailed out in the Housing Authority bylaws, the Housing Authority can submit a Budget to the City Council for approval each year sometime on the traditional Annual Budget calendar for the City of Fruita.

Vassen stated that the Housing Authority has not changed since the first time it was presented in September.

Revenues of \$55,100 included developer reimbursements of \$50,000 and a \$5,100 transfer from the Fruita Economic Development Fund. It is estimated that the Housing Authority will receive \$50,000 in reimbursement of legal fees associated with a LITEC project application in Fruita if specific projects move forward. If not, there will be no revenue or expenses related to the project.

Expenses for the Fruita Housing Authority are budgeted to decrease overall, and that is due to a decrease in general legal expenses related to creating the Housing Authority. Overall expenses of \$55,100 included \$55,000 for legal fees and \$100 for any public noticing/publishing.

Commissioner Breman said he thought the original Budget was \$50,000 to be reimbursed. Vassen explained that the additional \$5,000 was just in case of any general legal expenses that may be incurred. He explained that it's much easier to have some in the Budget instead of having to go through a Budget appropriation later. The \$5,000 is coming from the Economic Development Fund of the City of Fruita. The \$50,000 is for any legal fees associated with any land use applications and the Authority will get reimbursed if it goes through the development process.

- **COMMISSIONER PURSER MOVED TO APPROVE THE HOUSING AUTHORITY BUDGET AS PRESENTED. COMMISSIONER BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. TO ADJOURN AS THE FRUITA HOUSING AUTHORITY AND RECONVENE AS THE FRUITA CITY COUNCIL

- **COMMISSIONER BREMAN MOVED TO ADJOURN AS THE FRUITA HOUSING AUTHORITY, RECONVENE AS THE FRUITA CITY COUNCIL AND RETURN TO THE REGULAR MEETING. COMMISSIONER WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

C. PROCLAMATIONS – ANNUAL REVIEW OF PROCLAMATIONS APPROVED FOR ISSUANCE

Mayor Kincaid noted that Council was doing their annual review of Proclamations for approval of issuance the following year. Finance Director/City Clerk Margaret Sell noted that in the Council packet was a list of Proclamations that have been issued by the City Council in previous years on an ongoing basis. If approved, these will be issued without staff having to come back to the Council for approval at a workshop meeting.

Sell also pointed out that the Council packet also included a draft letter that staff will be sending out to requestors of Proclamations approved by the City Council that reminds them that they will still need to submit a request for their Proclamations to City staff.

Councilor Breman asked how the City can ensure that when the Council issues a Proclamation, there will be someone at the Council meeting to receive it. City Manager Mike Bennett responded that staff will make contact with the people who have previously requested Proclamations to ask that they

submit a request for their Proclamation through the City's website, which will require them to provide the name and title of the person(s) accepting the Proclamation. He pointed out that some of the Proclamations in the list are initiated by the City Council.

Mayor Kincaid recalled a discussion about putting the Martin Luther King, Jr. Day Proclamation on the agenda for the second City Council meeting in January since the first meeting on January 2nd had been cancelled. Bennett said that Deputy City Clerk Deb Woods had made contact with the requestor/acceptor of the Martin Luther King, Jr. Day Proclamation and is just waiting for confirmation to put it on the agenda for January 16, 2024. Alternatively, it may be placed on the agenda for December 19, 2023 so that it is issued prior to the actual day rather than a day afterwards.

- **COMMISSIONER MILLER MOVED TO APPROVE THE ANNUAL REVIEW OF PROCLAMATIONS APPROVED FOR ISSUANCE. COMMISSIONER PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

D. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken noted that the Grand Valley Regional Transportation Committee (GVRTC) would be meeting on Monday.

COUNCILOR JAMES WILLIAMS

James said he had nothing to report other than he feels like the Police Department cheated in the Ugly Sweater Contest and that Mike should have won that fair and square. He said it was a great party (City of Fruita Christmas party) that was a lot more fun than last year. Amy gave kudos to Strayhorn Grill, whom she said did a phenomenal job with the catering. Joel gave kudos to Council because it was the first year he remembers when everyone on the City Council was there. Mike agreed that it was the first time since he started with the City that the full Council attended the party and called it awesome.

COUNCILOR AMY MILLER

Amy said she had a busy week. At the Historic Preservation Board meeting, the members reviewed what the board had accomplished over the course of the year, which was impressive, and they had a little celebration for that.

Amy reported that she took a builder up on an opportunity to tour one of the new properties that's being built on Aspen Avenue and also the older property next door, for which there's been some concern in the community. She said the tour was enlightening and she is thankful because it sounds like the builder is going to be very involved in the Fruita community. The builder said he would be reaching out to the rest of the Council as well.

Amy also reported that she testified at the TMDL hearing earlier in the day and she was thankful that her schedule was flexible enough to accommodate it. She said she only spoke for a minute and a half, but she was glad she could because the City definitely needs to make sure Fruita's voices are heard.

MAYOR PRO TEM MATTHEW BREMAN

Matthew asked if there will be an opportunity to appeal any Total Maximum Daily Load (TMDL) decision that will be made and if so, what that would look like. City Attorney Mary Elizabeth Geiger advised that the official findings won't be issued until the end of December, so that would be the starting deadline for appealing to District Court. She added that it would actually require filing a lawsuit (not an appeal) challenging their decision and there would be 28 days from that deadline to do so.

Matthew reported that earlier in the day, he had the opportunity to be at Colorado Mesa University (CMU) through the Fruita Chamber for mock interviews with a couple of classes, which was a lot of fun. He added that tomorrow is the Leading Edge graduation, Thursday is the Economic Development (ED) partners holiday event and Saturday is the Christmas Parade of Lights, at which he would be a judge again.

MAYOR JOEL KINCAID

Joel reported that he got to go to Shelledy Elementary School and Communications & Engagement Specialist Ciara DePinto and two of Fruita's School Resource Officers were also there. He added that HDR is an international company that had 40 Christmas events and Fruita was picked as one of the locations this year. There were over 20 Strider bikes that they donated to the kindergarten class that will be used year after year as part of the school's gym class. Joel said he was told by Shelledy staff that some of their bikes were stolen from the school last year. He added that it was great to be there and see all the kids and the impact on the community.

E. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) REGARDING THE GRAND VALLEY IRRIGATION COMPANY AND, UNRELATED, THE CITY'S WATER RIGHTS FROM THE COLORADO RIVER AS PENDING IN CASE NO. 23CW3016 DEVELOPMENT

- **COMMISSIONER MILLER MOVED TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) REGARDING THE GRAND VALLEY IRRIGATION COMPANY AND, UNRELATED, THE CITY'S WATER RIGHTS FROM THE COLORADO RIVER AS PENDING IN CASE NO. 23CW3016 DEVELOPMENT. COMMISSIONER PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

The Fruita City Council took a five-minute break before convening in Executive Session at 8:10 p.m. The Council reconvened the regular meeting at 8:54 p.m.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:54 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita

Draft