

**FRUITA CITY COUNCIL  
IN PERSON AND VIRTUAL MEETING  
JUNE 7, 2022  
7:00 P.M.**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Pro Tem Matthew Breman called the regular meeting of the Fruita City Council to order at 7:00 p.m. He explained that Mayor Kincaid was going to be late. The meeting was held both in person and with virtual access provided through Zoom.

**Present:** Mayor Joel Kincaid (arrived late at 7:08 pm)  
Mayor Pro Tem Matthew Breman  
City Councilor Jeannine Purser  
City Councilor James Williams  
City Councilor Amy Miller  
City Councilor Heather O'Brien (virtually)

**Excused Absent:** City Councilor Ken Kreie

**City staff present:** City Manager Mike Bennett  
Assistant to the City Manager Shannon Vassen  
Deputy City Clerk Deb Woods  
Communications and Engagement Specialist Ciara DePinto  
Chief of Police Dave Krouse  
City Planner Henry Hemphill  
Public Works Director Kimberly Bullen  
City Engineer Sam Atkins

**Also present:** Sandstone Concerts Owner Ron Wilson  
Colorado Riverfront Foundation Principal Officer Paul Nelson  
Members of the public (in-person and virtually)

**2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Matthew Breman 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 stated that there were no changes to the agenda; however, a correction had been made to Consent Agenda Item 6.G RESOLUTION 2022-12, which contained an incorrect date. She said the correction had been made just prior to the meeting and an amended packet had been uploaded to the website.

- **COUNCILOR O'BRIEN MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

#### **4. PROCLAMATIONS AND PRESENTATIONS**

##### **A. PROCLAMATION – PROCLAIMING SUNDAY, JUNE 19, 2022 AS “JUNETEENTH DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY DAVID COMBS, PRESIDENT OF BLACK CITIZENS AND FRIENDS**

Councilor Miller read the Proclamation, which was accepted by David Combs of Black Citizens and Friends. Mr. Combs invited any of the Council members to read the Proclamation at the Black Citizens and Friends' Celebratory function being held on Sunday, June 19<sup>th</sup>.

*Councilor Breman noted that Mayor Kincaid arrived at the meeting at approximately 7:08 p.m.*

##### **B. PROCLAMATION – PROCLAIMING JUNE 2022 AS “PRIDE MONTH” IN THE CITY OF FRUITA TO BE ACCEPTED BY JARED PROCHNOW**

The Proclamation was read by Councilor Purser and accepted by Jared Prochnow.

##### **C. TMDL UPDATE – PUBLIC WORKS DIRECTOR KIMBERLY BULLEN WILL INTRODUCE CARRIE GUDORF, MESA COUNTY REGULATORY PROGRAMS MANAGER, WHO WILL PROVIDE AN UPDATE ON THE TOTAL MAXIMUM DAILY LOADS (TMDL) PROCESS**

Public Works Director Kimberly Bullen introduced Regulatory Programs Manager Carrie Gudorf with Mesa County, who had previously presented to some of the Council members in 2022 prior to the three new Councilors being seated. Ms. Bullen explained that this was an update on some recent activity concerning TMDLs.

Ms. Gudorf gave an overview of what a TMDL is (Total Maximum Daily Load). Stream segments in Colorado get put on a list which has information about streams that are impaired with any of the following:

- Phosphorous
- Metals
- Selenium
- E-coli

A TMDL is an allocation of amounts of stream pollutants that a stream can receive and still meet water quality standards. Sources of pollutants are identified including:

- Point sources (MS4 or industrial facilities)
- Non-point sources (agriculture)
- Background loading

Ms. Gudorf stated that the expense that the Colorado Department of Public Health and Environment (CDPHE) is putting on Mesa County is not going to be well-received. She said the effects of the state's approach on water quality would result in:

- Huge economic responsibility for sampling, monitoring, reporting of standards that must be met
- Impact on development community

Ms. Gudorf provided the Council with an overview of the history beginning in August of 2021 after the CDPHE issued the first draft TMDL and Mesa County subsequently submitted a Notice of Appeal (September of 2021). She is currently waiting for the next TMDL draft to come out. Once it is in place, it cannot be removed; there will always be a waste load allocation on Mesa County's MS4 and although Mesa County is spending money now, it is a small amount.

Funding is needed for Mesa County to continue moving through the hearing process with the Water Quality Control Division (WQCD). Numbers from 2007 – 2008 were at about \$1 million per year just in water quality. Ms. Gudorf stated that with inflation, Mesa County does not yet know what those numbers are going to be, but the cost is going to be significant and the expectation on the MS4 permit is going to be big.

Mesa County holds the MS4 municipal separate stormwater permit for Fruita, Palisade and Grand Junction. Including two non-standard partners, the costs are to be split as follows:

- |                                  |     |
|----------------------------------|-----|
| • Mesa County:                   | 40% |
| • City of Grand Junction:        | 40% |
| • City of Fruita                 | 10% |
| • GVVUA contribution:            | 5%  |
| • School Dist. #51 contribution: | 5%  |

Ms. Gudorf stated that Mesa County took the CDPHE on a tour of the Grand Valley in April to show them the canals and how they are contributors to the streams and the water flow in stream segments. She said the CDPHE was told then that once the canals are lined (or piped), there won't be much water going into the stream segments, but they didn't really seem to understand. Ms. Gudorf said she wrote them a letter requesting another meeting and was still awaiting a response, although they did acknowledge that one was needed.

Mesa County is also waiting for their comments to be addressed that were filed with the 2<sup>nd</sup> draft TMDL. If they are not addressed, they will not go back out to public comment and within 30 days, if Mesa County does not submit an appeal by taking the CDPHE to water court, the CDPHE will finalize the TMDL and will send it to the Environmental Protection Agency (EPA) for approval. Ms. Gudorf said she believes Mesa County needs to continue the fight like they've been doing and stay in front of the issue.

Councilor Breman asked if the CDPHE at all has considered the water that comes in from outside of Mesa County as being a contributor to selenium or any of the other pollutants. Ms. Gudorf said that is what Mesa County told them and even showed them where Grand Valley Water User Association's

ditch comes off of the Colorado River, how it is irrigating Mesa County lands and then it goes back into the river. The CDPHE then said they were just trying to minimize the possibilities of people getting sick.

Councilor Breman also asked if there was a timeline for compliance once the TMDL goes to the EPA and what the penalties may be for non-compliance. Ms. Gudorf said there were no penalties, but the CDPHE will rewrite Mesa County's permit to tell them when to sample, among other things. When asked what it was going to look like, the CDPHE said they didn't know yet. Ms. Gudorf said as soon as she gets the permit, then Mesa County will know a little bit more about what it is going to entail. She added that as far as she knows, it will be documenting, reporting when sampling as outlined in the permit, implementing any projects that might help with reductions and submitting a yearly report.

## **5. PUBLIC PARTICIPATION**

**Wendi Wood, 1891 J.6 Road**, said she first wanted to let everyone know that Mike O'Donnell, who is running for Colorado Secretary of State, scheduled a Meet and Greet in Fruita for Sunday, June 12<sup>th</sup> from 5:00 to 7:00 p.m. and that anyone who was interested in attending should private message her on Facebook at Wendi Wood. Additionally, Mike will be appearing on Monday, June 13<sup>th</sup> at the Ale House from 4:00 to 5:30 and then at "Stand for the Constitution" at 6:30 that evening at Appleton Christian Church.

Wendi additionally offered her prayers for the City, the Council and the meeting's proceedings.

There were no further comments from the public.

## **6. CONSENT AGENDA**

- A. MINUTES – A REQUEST TO APPROVE THE APRIL 5, 2022 REGULAR CITY COUNCIL MEETING MINUTES**
- B. MINUTES – A REQUEST TO APPROVE THE APRIL 19, 2022 REGULAR CITY COUNCIL MEETING MINUTES**
- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICESNSE FOR IMONDI WAKE ZONE, LLC LOCATED AT 1583 CIPOLLA RD.**
- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) LIQUOR LICENSE FOR THE FRUITA CONSUMERS COOPERATIVE ASSOCIATED (FRUITA CO-OP) LOCATED AT 1650 HIGHWAY 6 & 50**
- E. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF CONNIE OVERTON TO THE LIVABILITY COMMISSION TO FULFILL AN UNEXPIRED TERM THAT WILL EXPIRE IN MARCH OF 2024**

- F. ONE RIVERFRONT APPOINTMENTS – A REQUEST TO APPROVE THE APPOINTMENTS OF LOU PATTERSON, GEORGE MANNING, STEPHANIE HARVILLE AND NICOLE GRIDER TO THE ONE RIVERFRONT COMMISSION FOR THREE-YEAR TERMS TO EXPIRE ON JULY 31, 2025, THE APPOINTMENT OF KATE RAMSAY FOR A TWO-YEAR TERM TO EXPIRE ON JULY 31, 2024 AND THE APPOINTMENT OF ERIC FLUKEY AS AN “ANTERNATE” MEMBER IN THE EVENT OF A MID-YEAR VACANCY**
- G. RESOLUTION 2022-12 – A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT AND DEVELOPMENT AGREEMENT FOR THE GRAND VALLEY ESTATES**
- H. MINI-GRANT AWARD – A REQUEST TO APPROVE A RECOMMENDATION FROM THE FRUITA TOURISM ADVISORY COUNCIL FOR A MINI-GRANT AWARD TO THE FRUITA AREA CHAMBER OF COMMERCE**
- I. RESOLUTION 2022-13 – SETTING A HEARING DATE FOR JULY 19, 2022 TO DETERMINE THE ELIGIBILITY OF ANNEXATION OF APPROXIMATELY 4.99 ACRES OF PROPERTY AT 1384 J ROAD TO BE ANNEXED INTO THE CITY AND TO CONSIDER INITIATION OF ANNEXATION PROCEDURES**
- J. RESOLUTION 2022-14 -- SETTING A HEARING DATE FOR JULY 19, 2022 TO DETERMINE THE ELIGIBILITY OF ANNEXATION OF APPROXIMATELY 15.05 ACRES OF PROPERTY AT 1024 19 ROAD TO BE ANNEXED INTO THE CITY AND TO CONSIDER INITIATION OF ANNEXATION PROCEDURES**

Mayor Kincaid opened the Consent Agenda to public comments. Hearing none, he closed the public hearing and referred the Consent Agenda to the Council.

- COUNCILOR BREMAN MOVED TO APPROVE THE CONSENT AGENDA TO INCLUDE THE CORRECTION MENTIONED BY THE DEPUTY CITY CLERK AT THE BEGINNING OF THE MEETING. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **7. PUBLIC HEARINGS**

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

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE COLORADO RIVERFRONT FOUNDATION, INC. TO SELL ALCOHOL BEVERAGES AT THE JAMES M. ROBB – COLORADO RIVER STATE PARK 2022 CONCERT SERIES ON FRIDAY, AUGUST 12, 2022 FROM 5:00 TO 10:00 PM AND ON FRIDAY, SEPTEMBER 9, 2022 FROM 5:00 TO 10:00 PM – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation. She reviewed the application documents and the statement from Chief of Police Dave Krouse that he saw nothing that should hinder the issuance of the Special Events Liquor Permit. The recommendation from staff was that the application be approved subject to the following three conditions:

1. Alcohol will discontinue be served at 9:30 p.m., allowing patrons 30 minutes to finish their beverages and leave the licensed area.
2. The licensee needs to be aware that they are solely responsible for control of the licensed premises.
3. All other procedures presented by the Colorado Riverfront Foundation will be followed.

Ms. Woods noted that Ron Wilson with Sandstone Concerts and Paul Nelson, Chair of the Colorado Riverfront Foundation were present in the audience as the applicant's representatives.

Mr. Ron Wilson noted that the Riverfront Concerts were in their 20<sup>th</sup>-something year at the State Park and that they do find that the crowd they normally draw (average age of 45) are easier to work with. He provided the dates of the concerts as Friday, August 12<sup>th</sup> and Friday, September 9<sup>th</sup> and noted that 2022 has been a very busy year for the music business with two or three shows at the amphitheater (Los Colonias) every week. Mr. Wilson thought part of it was COVID holdover events that were previously cancelled or postponed in 2020 and 2021.

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

- **COUNCILOR PURSER MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FOR THE COLORADO RIVERFRONT FOUNDATION, INC. TO SELL ALCOHOL BEVERAGES DURING THE SUMMER 2022 CONCERT SERIES AT THE JAMES M. ROBB – COLORADO RIVER STATE PARK SUBJECT TO THE CONDITIONS PRESENTED BY STAFF. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **B. LEGISLATIVE HEARINGS**

There were no legislative public hearings on the agenda.

## **8. ADMINISTRATIVE AGENDA**

### **A. PRESENTATION ON 2022 CAPITAL PROJECTS AND PENDING GRANT APPLICATIONS – ASSISTANT TO THE CITY MANAGER SHANNON VASSEN AND CITY ENGINEER SAM ATKINS**

Assistant to the City Manager Shannon Vassen began his presentation by announcing that staff had just received good news earlier in the day on two pending grant applications:

1. The City was awarded \$1.7 million from the Colorado Department of Transportation's (CDOT's) Revitalizing Main Street Program for improvements to South Mesa Street. This is the next phase of the project to include a lot of traffic calming features, increasing the number of diagonal parking spaces and making sure they are uniform all along South Mesa Street, repairing the road and replacing about 200 feet of sewer line.
2. Staff just heard that Senator Hickenlooper will be recommending an additional \$250,000 through the Federal Appropriations process for the Reed Park Renovations Project.

Mr. Vassen reviewed other pending and recently awarded grants as follows:

<b>Project Name</b>	<b>Status</b>	<b>Description</b>	<b>Grant type</b>	<b>Comments</b>
Reed Park Renovations	Pending	Skatepark Project	GOCO: Resilient Communities	\$10,000 (August Cycle)
Reed Park Renovations	Approved		Playcore Request	\$120,000
Prospector Park	Approved		Playcore Request	
Broadband Middle Mile including Carrier Neutral Location	Recommended for Funding	Energy Assistance Impact Funding – Broadband	DOLA	Total Project Cost - \$740,000 50/50 Grant, match and request is \$370,000
H2S Mitigation Project	Pending	Replacing deteriorating sewer lines and manholes due to high levels of Hydrogen Sulfide Gas	DOLA	Project Request: \$600,000/Match \$600,000
North Fruita Desert Master Plan Implementation	Awarded	Between the two grants, have funding to build 7–8 miles (beginner level).	Colorado Tourism Office: Tourism Management Grant	\$20,000
North Fruita Desert Master Plan Implementation	Awarded	Between the two grants, have funding to build 7–8 miles (beginner level).	GOCO: Colorado Youth Conservation Corps Grant	\$27,000
Electric Vehicle Charging Stations	Awarded	Xcel Energy EVSI Program – Two (2) 62.5kW Electric Vehicle Charging Stations	Charge Ahead Colorado	\$700,000
FCC Community Garden (south side)	Not Selected for funding		AARP Community Challenges	AARP received 2,400 applications and only 60 were funded

FCC Community Garden (south side)	Pending		Next 50	
Other Requests	Awarded	<b>Senator Hickenlooper</b> for four (4) projects: S. Mesa St., Fremont St. Build, J Road intersection, Maple St. Bridge and Pine St. Bridge	Congressional Directed Spending Requests	\$250,000
Other Requests	Pending	<b>Senator Bennett</b> for four (4) projects: S. Mesa St., Fremont St. Build, J Road intersection, Maple St. Bridge and Pine St. Bridge	Congressional Directed Spending Requests	

Councilor Williams asked where the Electric Vehicle Charging Stations will be located and Mr. Vassen responded that they will be installed in the north parking lot of the Fruita Civic Center because that is closest to the electrical that the stations will require.

Councilor Breman asked for confirmation that there would be a 90%/10% split on the revenue. Mr. Vassen stated that the City will be saving about \$10,000 per charging station due to the approval to purchase through the State of Colorado's purchasing agreement. Through the vendor that was selected, the City will get 90% of the revenue and 10% is set aside for the vendor for processing and administrative fees. Mr. Vassen added that staff hopes the revenue will offset the cost; Xcel Energy is supportive of the project and will bill the City a standalone special rate for the stations so that staff can determine how much electricity is being used and can track it.

Councilor Williams wondered if it may be worthwhile for the City to look at purchasing an extra one or two charging stations at this point in time. Mr. Vassen responded that the funds that the City will get from the Colorado Energy Office are limited to up to \$70,000 for the two charging stations; however, if there is a lot of use, charging stations can always be added to the same location later. Staff's recommendation was to start with the two stations to determine how much they will be used first and Mr. Vassen confirmed that there is plenty of room for more if they become necessary. Councilor Breman noted that the two closest chargers would be located in Green River, UT and Grand Junction, CO.

Councilor Williams stated that he was very much in favor of the project and asked for the expected installation date. Mr. Vassen responded that Xcel Energy is currently finalizing the design and the stations take about three months to arrive once they are ordered. If a transformer is needed, there could be a delay for that. Councilor Williams commented that he recently returned home from California, where he saw that seven out of every ten cars were Teslas. He asked Mr. Vassen to keep the Council informed on the project.

City Engineer Sam Atkins provided an overview of the following Capital Projects for 2022:

Project Name	Description	Cost	Timeframe
Sidewalk Replacements	Broken, spalling, uneven ADA ramps Concrete grinding	\$100,000 (General Fund)	Fall construction

North Mulberry Street Outdoor Space	April/May Public Survey done Next steps: <ul style="list-style-type: none"> <li>• Concept Design</li> <li>• Getting Cost Estimates</li> <li>• Final Design</li> </ul>	\$450K for construction, \$50K for Design	3 months
16 Road Rail Crossing (UPRR to replace wood panels on west and east side with concrete panels)	Just got estimate from UPRR Give go ahead to UPRR City paves afterwards	\$362K \$50K (MCFMLD grant)	Waiting on Union Pacific Rail Road
Maple Street Improvements (Phase 3 to replace clay sewer line and overlay street)	Highway 6 emergency sewer caused postponement	\$430K (\$130K General Fund/\$300K Sewer Fund)	Move to next year
2022 Overlay on North Mesa	Asphalt Specialists	\$285K	Milling week of 5/30-6/3/22 Paving on 6/12-6/13
Pine Street Bridge	Design Build GA Western/SGM Design complete Right-of-way acquired	\$2 million	Utility Relocates: late summer Bridge construction: 11/1/22 5-7 months
Fremont Street Land Acquisition	A Project Resource, LLC Right-of-way acquisition	\$410K	12-month process
Maple Street Bridge	Designed in 2017 Right-of-way is being acquired with consultant No grant money yet (was submitted to Senator Bennett's Office)	\$2.2 million	After Pine Street Bridge is completed
Peach Way Drainage	Designed in-house	\$103K	Completed this spring
Civic Center Remodel	Design by Chamberlain	\$1.3 million	CMGC GMP: August (Construction Drawings late fall)
Highway 340 Trail Design	Will get RFQ/RFP solicitation	\$90K (fully grant funded)	Design this summer
Bike Park Improvements	Single Tracks is under contract New armored features	\$50K	Fall construction
Pabor Way Irrigation Line Improvements	Open ditch piped Public Works construction	\$5K	Completed this spring

Councilor Williams asked about the process for getting citizens' sidewalks repaired or replaced. Mr. Atkins explained that staff will accept a request from a resident and then evaluate that sidewalk to see if it meets the criteria for replacement or repairs. It is then prioritized by staff with all the other sidewalk issues throughout the City. He noted that all the current problems have been estimated to take between

seven to ten years to resolve. Schools and higher-trafficked areas are typically prioritized, but after that, sidewalks are evaluated based on grade. Last year, staff evaluated every segment of concrete in the City and created a list of priority projects for repairs or replacement.

Councilor Miller asked how the City deals with tree roots that cause sidewalk issues. Mr. Atkins stated that that primarily, that issue is located downtown with its mature trees and that staff has not often run into that problem with areas that have curb, gutter and sidewalk, but if there was a problem, staff would have to discuss taking the tree out in order to correct the cracking. This can be an issue if the tree is on private property.

Councilor Breman asked how much individual concrete repairs like the above would cost. Mr. Atkins responded it costs around \$6 or \$7 per square foot to replace concrete and typically, the City would not allow for a piece of concrete to be replaced that doesn't result in at least a five-foot (length) section replacement minimum. He added that the City has an 80%/20% sidewalk replacement program where the City pays 80% and residents pay 20%.

Mayor Kincaid asked how staff handles a situation where a resident can't pay their 20% and Mr. Atkins stated that City Clerk/Finance Director Margaret Sell works out payment plans for residents when she can, but he added that she is also authorized to file a lien on the property if they don't pay.

City Manager Mike Bennett explained that the Finance Department has been empowered to do things like working with residents on payments and last year was the first year where staff started contacting residents based on the ratings of the worst sections of sidewalk in the City. This is also the first year of the sidewalk replacement budget line item being increased to \$100,000.

Councilor Miller suggested that the Sidewalk Replacement Program might be a good "Question of the Week" for staff's Weekly Information Update newsletter that goes out every Friday.

Mr. Bennett added that the consultant for the North Mulberry Outdoor Space project advised staff that they can do two Concept Designs with the current contract but to do a Final Design of the chosen Concept Design, it will be another \$20,000 - \$25,000. He stated that if there is a full, permanent closure of North Mulberry, Engineering staff determined that there could be three permanent parking stalls on both the north and south sides of the closure. He added that getting feedback on the Council would be helpful on whether or not to have the consultant do two Concept Designs. Mayor Kincaid stated that he would prefer that the Council make an immediate decision on whether the consultant should work on one or two Concept Plans (one with the permanent closure of Mulberry Street and one with a more flexible, seasonal closure).

Councilor Williams said it was upsetting to him to learn that the project wasn't funded fully with grant funds because that is what he and others have been thinking and that his preference would be to move forward with two Concept Plans.

Councilor Breman said that in the conversations he has had with people, the assumptions they had were that it was all City money going towards the North Mulberry Street Outdoor project. He agreed with Councilor Williams that he wanted to proceed with two Concept Plans.

Mayor Kincaid pointed out that the previous Council had budgeted \$500,000 for the project when they adopted the 2022 Budget last December and Mr. Bennett clarified that the grant was half the cost for the engagement and design of the project.

Councilor Miller agreed with Councilors Williams and Breman on the subject of having two Concept Designs done instead of just one.

Councilor O'Brien disagreed, saying that the City Council has been discussing this issue for a long time, staff has spent a lot of time gathering public input and talking to business owners and she recalled the survey being very definitive that the public wants to see North Mulberry Street closed permanently, but they are concerned about the parking. She added that she was reticent to spend another \$20,000 for an extra Concept Plan that will take even more time than has already been spent on it.

Mr. Bennett said he failed to mention that Design Workshop had asked staff to pass on a reminder that from the survey results, 10% said they wanted to see a flexible design, close to 20% were in favor of not closing the street at all, and over 60% said they wanted to have a permanent road closure to accommodate the outdoor dining area. He said that this is worth considering as is the point that regardless of whether the City does one or two Concept Designs, staff will still be going back to the public for their input.

Councilor Purser stated that was leaning toward what Councilor O'Brien had said. She thought that at the workshop discussion, the parking was thing that everyone wanted to double check and because it sounded like that was addressed and because of the overwhelming results from the survey as well as the focus groups and all prior discussions the Council had, she would rather not spend the extra \$20,000 as well.

Mayor Kincaid noted that there were three Council members in favor of having the consultant do two Concept Designs and two Council members in favor of having them do only one.

- **COUNCILOR WILLIAMS MOVED TO DIRECT THE CITY'S CONSULTANT FOR THE NORTH MULBERRY STREET OUTDOOR PROJECT COMPLETE TWO SEPARATE CONCEPT DESIGNS AS WAS DISCUSSED PREVIOUSLY IN THE WORKSHOP. COUNCILOR MILLER SECONDED THE MOTION.**

Councilor Breman asked for confirmation that the survey results were as follows:

- 10% - Interested in a flexible design (could be closed or opened)
- 20% - Did not want the street closed at all
- 60% - Wanted the street closed permanently

Mr. Bennett confirmed this was accurate, adding that the 60% was "60-something percent" (Councilor O'Brien recalled that it was 63%).

Councilor Williams stated that there was a poll taken on the Fruita Community Facebook page that over 300 people participated in and it was very much the opposite; that there were 300 different people

said they wanted it open and 75 people said that they wanted it closed permanently. He added that he also heard the other survey could be taken by people over and over again. Mr. Bennett responded that the survey was designed to recognize individual IP addresses and not allow for duplication.

Councilor O'Brien argued that the consultant who managed the survey does it professionally all the time and that it was the one that counted, not the one on Facebook. She added that it seemed to her like when there are 1,500 people who responded to the survey and over 60% of those wanted the street closed, that was the community talking to the Council, who is there to do the will of the people. Councilor Williams said that he would just really like to see two different Concept Designs just in order to see what the options really are.

Mayor Kincaid called for a vote on Councilor Williams' motion that was seconded by Councilor Miller (see above).

**THE MOTION FAILED FOUR TO ONE. COUNCILORS MILLER, O'BRIEN, BREMAN AND PURSER VOTED NO AND COUNCILOR WILLIAMS VOTED YES.**

- **COUNCILOR BREMAN MOVED THAT THE CITY MOVE FORWARD WITH ONE CONCEPT DESIGN FOR A PERMANENT CLOSURE (ON NORTH MULBERRY STREET). COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FOUR VOTES. COUNCILOR WILLIAMS VOTED NO.**

Councilor Williams stated that he was still very concerned about traffic such as the possibility of the alley and the parking lot behind Suds Brothers Brewery becoming roads for vehicles. He said hopefully the consultant will address his concerns when they do the Concept Design.

Mr. Bennett advised that staff would be walking the area around North Mulberry Street at Aspen Avenue to try to identify areas for public parking and signage and working with both the Police Department and Public Works on how to provide education for owners of larger vehicles to try to direct them to the Civic Center parking lot. There will need to be discussions about enforcement and staff is starting that process.

Mayor Kincaid asked how many spots would be created with the improvements on South Mesa Street and Mr. Atkins' response was that there is a gain of only a few parking spaces.

Mayor Kincaid also noted that he has heard complaints about manhole covers with sinking concrete around them on North Maple Street.

## **B. OVERVIEW OF THE WASTEWATER RECLAMATION FACILITY AND COLLECTIONS SYSTEM – PUBLIC WORKS DIRECTOR KIMBERLY BULLEN**

Public Works Director Kimberly Bullen noted that a few of the Council members were able to take part in a tour of the earlier in the day.

Ms. Bullen provided an overview of the Wastewater Reclamation Facility (WWRF), which was constructed in 2011. She explained the permit the facility holds, its capacity (2.33 million gallons/day and just under half capacity of the plant), and many features of the facility such as the two ditches and aeration system.

Ms. Bullen also explained that when the plant is at 80% capacity, the City of Fruita must be in the design stages of an expansion of the facility. At 95% of capacity, the City must be under construction pursuant to rules promulgated by the Colorado Department of Public Health and Environment (CDPHE). She said that right now, the City still has some time before reaching those stages.

Ms. Bullen reviewed the history of the development of sewer service rate structures using common practice to ensure equity among rate payers. The history was explained as follows:

- 2018 rate study completed for a five-year period (2019 to 2023) to see how much rates need to be to provide sufficient revenues for ongoing operation, maintenance and Capital Infrastructure
- Study showed a 2% increase in rates each year for the last five years to meet required revenues.
- In 2020, rates were not raised in response to the impacts of the COVID pandemic to the community. In 2022, the rates were raised by 4% to make up the difference.

Ms. Bullen also reviewed reporting requirements of the WWRF that are completed with the help of Tetra Tech Consulting and Engineering. Her presentation also included information concerning the anticipated growth and impacts on the WWRF. Highlights included:

- Currently over 5,000 residents on system
- 84 taps added last year
- Anticipate about 1.8 years before the City will have to have aeration system in the 2<sup>nd</sup> ditch designed and constructed
- 30% of design of aeration system was completed last year
- Will keep progressing on design to be ready for construction
- 2010 Needs Assessment update – great info re: needs of WWRF for the next ten years
- Many items identified in assessment have been accomplished.
- Updated assessment done last year based on information of what has been completed, what remains and any new items.

Additional highlights of Ms. Bullen's presentation included:

- Two projects from Sewer Fund – H<sub>2</sub>S Mitigation Project and Sludge Vortex Project (will help with phosphorus removal that will be required and filament bacteria that forms at the WWRF)
- List of projects that were identified in the 2021 Needs Assessment to be spread out over the next six years at a cost of \$4.7 million
- Collections system switched to pipe in the ground (responsible for helping to control the inflow and infiltration by taking care of the sewer lines in the system)
- Sewer lines are camera-ed and jetted to clean based on age, material type and condition of the pipe to prioritize which lines get replaced.

- Sewer line replacements typically done in conjunction with road improvement projects so the road isn't dug up twice
- City is responsible for about 75 miles of collection system
- Public Works collections division has had staffing issues this year with one employee injured at the end of last year who still isn't back to work fully.
- Goal is to clean about 1/3 of the collections system and currently, staff is at about 1/4 of the system for this year.
- Alternatives were developed and analyzed for H2S problem.
- Emergency sewer line replacement was a result of H2S in the line that helped deteriorate the concrete.
- City has a pending grant application with the Department of Local Affairs (DOLA) for \$600,000 to put in a biofilter system to treat foul odor at the WWRF and replace 17 manholes along the line that feeds to the plant
- Staff has developed some best management practice in conjunction with Tetra Tech Consulting and Engineering on the grease issue in the City of Fruita.
- On a weekly basis, staff uses the vactor truck to pump out grease at the I-70 lift station and hauls it to the WWRF.
- Staff has implemented a questionnaire for businesses to communicate the methods of current fixtures in their buildings and whether they have grease traps and grease interceptors, best management practices for how to handle grease in a restaurant and will continue to work through that program with the local businesses.

Ms. Bullen's presentation also included a map showing the City's sewer (collections) system by pipe material type and pointed out all the areas where there is pvc pipe, which is not susceptible to H2S gas. A lot of the older lines that are clay, concrete, ductile iron and orangeburg are located in the core downtown area and that is the Public Works Department's focus to look at those for replacement. Ms. Bullen explained that there are different mechanisms for fixing the lines that will be explored by staff as well.

Presentation highlights of the 2022 H2S Mitigation Project included:

- Construction of an exhaust fan in an enclosure located near the WWRF
- Biggest concern is that a manhole could potentially collapse based on the deterioration caused by H2S
- Installation of a foul air biofiltration treatment system
- Replacement of 17 manholes
- Structural engineering
- Electrical engineering

Councilor Purser asked whose responsibility it is if a resident has an issue with a sewer line. Ms. Bullen stated that typically, it is a homeowner's issue and when it ties into the City's line is when staff will get involved. She added that staff is very good about fielding questions from people and offering any ideas they may have for mitigating the problem.

Ms. Bullen added that there has been an issue on Aspen Avenue with a few of the businesses who she said have all worked great with each other and there has been frequent communication with between

them and staff to help troubleshoot what the issues are. She thinks everyone is on a good path going forward in getting the issue resolved.

Councilor Breman asked if staff has any idea of the percentages of households that contribute to the grease issue versus the percentages of businesses. Ms. Bullen said there really isn't any way of knowing that, but staff does know that when COVID hit and it shut down a lot of the restaurants, that the grease issue dropped dramatically for the collections system. Therefore, staff is of the belief that a lot of the grease does come from the restaurants.

Councilor Breman recalled that about six years ago, there was talk about a "zero discharge" law from the EPA coming through and asked if that was being discussed again. Ms. Bullen said it wasn't, as far as she was aware.

Councilor Miller commented that after taking the tour of the WWRF earlier that day, she was very reassured that the City's wastewater is in amazing hands; that the staff there are innovative and very passionate about what they do. She thanked staff for the tour.

## **9. CITY MANAGER'S REPORT**

City Manager Mike Bennett had the following to report:

1. Mike reported that a youth group called the "Preserve America Youth Summit" was in Fruita for the week and is made up of almost 50 kids, mostly from the Denver area. The group focuses on historic preservation and toured the Old Fruita Bridge. The following day (June 8<sup>th</sup>), Parks and Recreation Director Marc Mancuso will be working with the kids on a couple of things related to open space and coordination with public lands agencies and Mike said he would be spending time with them that night fielding their questions at the Fruita Community Center. The group will also be at the Cavalcade-provided space for one of their events the following day where they will hear from different speakers.
2. Mike also reported that today was the scheduled hearing for the Mesa County marijuana cultivation, manufacturing and testing Ordinance and it was attended by Mayor Joel Kincaid. The Mesa County Commissioners did reschedule the public hearing to June 28<sup>th</sup> and will have a Community Workshop on June 22<sup>nd</sup>. Mike noted that the Town of Palisade and a number of people in the development community have also been expressing their comments to the Commissioners. Joel said he would be sure to attend the Community Workshop on June 22<sup>nd</sup> since Mike and four City Council members would be attending the Annual Colorado Municipal League Conference in Breckenridge that week.

## **10. COUNCIL REPORTS AND ACTIONS**

### **COUNCILOR AMY MILLER**

Amy reported that at the Historic Preservation Board meeting, the big topic was Fruita Fall Festival and preparing for the History Fair that is now part of the festival. The board was going to check with Councilor Jeannine Purser to make sure it was still okay to use the Cavalcade space and board members

are looking for more tactile display items rather than photos or pages of text for the History Fair. The board is also talking about doing a float in the parade for Fall Festival.

#### COUNCILOR HEATHER O'BRIEN

Heather stated that anything she had to report about the Parks and Recreation Advisory Board had already been covered in the 2022 Capital Projects presentation by staff.

Heather reported that she missed the Arts and Culture Board meeting because they changed the date and then changed it back after she had already scheduled other things. She said she would be meeting with Nancy Patterson next week for coffee, who is going to get her updated.

#### COUNCILOR JEANNINE PURSER

Jeannine reported that the Livability Commission meeting focused mainly on what they presented to the Council at the last meeting, but they also talked a lot about trying to figure out ways to engage with the youth and be more in the public eye, so one idea was having a booth space at the Farmers Market. In addition, Communications and Engagement Specialist Ciara DePinto talked about the City's radio spot on KAFM.

Jeannine noted that she would be attending the Downtown Advisory Board meeting the following day.

#### COUNCILOR MATTHEW BREMAN

Matthew reported that the Grand Junction Economic Partnership (GJEP) is beginning the interview process for the Executive Director position.

Matthew also reported that the Fruita Area Chamber of Commerce was having a meeting in the morning, but added that he did attend a Chamber board training the previous day and they did a great job; it was great to see the schedule of all the events laid out on a yearly basis.

#### MAYOR JOEL KINCAID

Joel reported that the Fruita Chamber was having their Business After Hours on Thursday, June 9<sup>th</sup> at Timberline Bank from 5:30 to 7:30 p.m. He explained to the new Council members that the City has complimentary passes to the After Hours events.

Joel added that at the Mesa County Commissioners' public hearing (on marijuana cultivation, manufacturing and testing) he asked Commissioner Cody Davis to give the City of Fruita an update at a future Council meeting.

### **11. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:11 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita