

**FRUITA CITY COUNCIL MEETING  
OCTOBER 17, 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 7:02 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 Amy Miller  
City Councilor Aaron Hancey

**Excused Absent:**

City Councilor Ken Kreie

**City staff present:**

City Manager Mike Bennett  
Assistant City Manager Shannon Vassen  
Communications and Engagement Specialist Ciara DePinto  
Finance Director/City Clerk Margaret Sell  
Deputy City Clerk Deb Woods  
Planning and Development Director Dan Caris  
Public Works Director Kimberly Bullen  
Parks and Recreation Director Kimberly Bullen

**Also present:**

Ombudsman of the Area Agency on Aging of Northwest Colorado  
Jesse Bond  
TABOR Review Committee member Melissa Anchondo  
TABOR Review Committee member Robin Dague  
TABOR Review Committee member Heather O'Brien  
Greater Grand Junction Sports Commission Event Manager Ben Snyder  
Fruita Area Chamber of Commerce Executive Director Kayla Bowers  
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 ADOPT THE AGENDA AS PRESENTED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

**A. PROCLAMATION – PROCLAIMING OCTOBER 2023 AS “NATIONAL LONG-TERM CARE RESIDENTS’ RIGHTS MONTH” IN THE CITY OF FRUITA TO BE ACCEPTED BY JESSE BOND, LONG-TERM CARE OMBUDSMAN OF THE AREA AGENCY ON AGING OF NORTHWEST COLORADO**

The Proclamation was read by Councilor Miller and accepted by Long-Term Care Ombudsman of the Area Agency on Aging of Northwest Colorado Jesse Bond.

**B. TABOR REVIEW COMMITTEE REPORT – PRESENTATION OF REPORTS AND RECOMMENDATIONS REGARDING PROPOSED COURSES OF ACTION RELATED TO TABOR**

TABOR Committee Review members Melissa Anchondo, Heather O’Brien and Robin Dague presented the City Council with their recommendations after their review of the impacts of the TABOR amendment on the City of Fruita and its residents.

Ms. Anchondo stated that what she felt was nice about the Committee was that she was somebody new who has never been on a Committee and is just starting to get involved in the City, so it was good to hear from those who have been involved for quite some time and those that have not. She said there were really good conversations at the meetings of the Committee involving opinions that were originally all over the spectrum.

Ms. Dague read a prepared statement that expressed her skepticism of government at first but that evolved into an understanding that the City of Fruita has been held accountable to its citizens as to the spending of funds on improvements made to the community. She said after reviewing the history of TABOR in Fruita, she found City staff on the Committee to be dedicated to funding accuracies and keeping citizens duly informed as to how TABOR revenues were spent in the past.

Ms. Heather O’Brien stated that for her, the most significant instance since the last time voters approved the revenue retention measure was that the City was able to accomplish \$9.8 million in Capital Projects (\$6 million of which were in excess revenues) and the excess revenues allowed for the City to apply for and be awarded matching grant funds, which is how the projects were completed.

It was the recommendation of the TABOR Review Committee that it is in Fruita’s best interests to go to the voters again in April of 2024 and ask for approval of another six-year revenue retention measure. Shorter and longer periods of time for the measure were considered by the Committee members, but it was decided that six years was the right amount of time to allow for improvements to be made that could be pointed to in the future while still providing accountability of the City with a periodic review of that spending.

- **COUNCILOR BREMAN MOVED TO ACCEPT THE TABOR CITIZEN REVIEW COMMITTEE’S 2023 FINAL REPORT AND PROCEED WITH THE INTRODUCTION OF AN ORDINANCE TO IMPLEMENT THE RECOMMENDATION OF THE COMMITTEE AND PLACE A QUESTION ON THE BALLOT FOR THE APRIL 2, 2024 REGULAR MUNICIPAL ELECTION FOR VOTER CONSIDERATION. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**5. PUBLIC PARTICIPATION**

There were no comments from the public.

## **6. CONSENT AGENDA**

- A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 22, 2023 COUNCIL WORKSHOP MEETING**
- B. ONE RIVERFRONT APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF DAVID COMBS TO THE ONE RIVERFRONT COMMISSION FOR A TERM TO FULFILL AN UNEXPIRED TERM TO EXPIRE ON JULY 31, 2025 WITH THE RESIGNATION OF LOU PATTERSON**
- C. RESOLUTION 2023-28 – SUPPORTING AN APPLICATION FOR A COLORADO PARKS AND WILDLIFE NON-MOTORIZED PLANNING GRANT FOR THE ENHANCEMENTS TO THE MACK RIDGE AREA OF THE KOKOPELLI TRAIL SYSTEM**
- D. RESOLUTION 2023-29 – SUPPORTING AN APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) FOR THE CONSTRUCTION OF THE GREENWAY DRIVE SEWER LINE REPLACEMENT PROJECT**
- E. RESOLUTION 2023-30 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2023 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNTS FOR LEGAL EXPENSES FOR THE REMAINDER OF THE FISCAL YEAR**
- F. MEMORANDUM OF UNDERSTANDING – AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF FRUITA AND THE GRAND JUNCTION ECONOMIC PARTNERSHIP (GJEP)**
- G. FINANCIAL REPORTS – A REQUEST TO APPROVE THE SEPTEMBER 2023 FINANCIAL REPORTS**

Mayor Kincaid asked if there were any requests from the public to remove any item(s) removed from the Consent agenda for further discussion. There were no such requests.

Mayor Kincaid asked the City Council if they had any item(s) 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 PURSER 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 FROM THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SELL**

**BEER AT THE RIM ROCK MARATHON ON SUNDAY, NOVEMBER 5, 2023  
FROM 6:00 AM TO 6:00 PM AT THE FRUITA COMMUNITY CENTER  
LOCATED AT 324 N. COULSON ST – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation. She reviewed the application and aspects of the event, including the Fruita Chief of Police's statement that there was nothing that would prohibit the issuance of the license being requested.

Ms. Woods stated that it was staff's recommendation that the Council approve the Special Event Liquor Permit subject to the following conditions:

- 1) The applicant will discontinue serving alcohol at 5:30 p.m. to allow patrons 30 minutes to finish their beverages and leave the licensed area.
- 2) All alcohol needs to be secured and removed by 6:00 p.m.
- 3) The licensee needs to be aware that they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws.

Ms. Woods noted that Greater Grand Junction Sports Commission Executive Director Ben Snyder was present virtually as the applicant's representative. Mr. Snyder explained that the runners will run across the Finish Line right in front of the west side of the Fruita Community Center into the backyard, where food and beverages will be provided to them.

Mayor Kincaid opened the public hearing on the Special Event Liquor Permit application. Hearing no comments from the public, he closed the public. He noted that the Special Event Liquor Permit application had an ending time of 6:00 p.m. but that he saw a flyer that said it was over at 5:00 p.m., so he was wondering which was accurate. Mr. Snyder said that honestly, the Commission anticipates being out of the area by 4:30 p.m. at the latest, but there is always the opportunity for some stragglers that turn into walkers by the end of the race.

- **COUNCILOR WILLIAMS MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FOR THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SELL BEER AT THE RIM ROCK MARATHON AT THE FRUITA COMMUNITY CENTER SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

- 1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AND WINE AT “CUPS FOR A CURE” TO BE HELD ON SATURDAY, OCTOBER 28, 2023 FROM 1:00 TO 4:00 PM AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation. She reviewed the application and the event, including the Fruita Chief of Police's statement that there was nothing that would prohibit the issuance of the license being requested.

Ms. Woods stated that it was staff's recommendation that the Council approve the Special Event Liquor Permit subject to the following conditions:

- 1) The applicant will discontinue serving alcohol at 3:30 p.m. to allow patrons 30 minutes to finish their beverages and leave the licensed area.
- 2) All alcohol needs to be secured and removed by 4:00 p.m.
- 3) The licensee needs to be aware that they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws.

Ms. Woods explained that Program Event Coordinator for the Fruita Area Chamber of Commerce Kayla Stack was present virtually as the applicant's representative. She explained that the purpose of the event was to raise awareness for breast cancer and that proceeds from the event would be donated to Family Health West and the Community Hospital Foundation.

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

- **COUNCILOR HANCEY MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AND WINE AT THE "CUPS FOR A CURE" EVENT TO BE HELD ON SATURDAY, OCTOBER 28, 2023 FROM 1:00 TO 4:00 PM AT CIVIC CENTER MEMORIAL PARK SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

#### **B. LEGISLATIVE HEARINGS**

- 1) **ORDINANCE 2023-12 – SECOND READING – AMENDING CHAPTER 2.39 OF THE FRUITA MUNICIPAL CODE CONCERNING MEMBERSHIP OF THE FRUITA PLANNING COMMISSION – *FINANCE DIRECTOR/CITY CLERK MARGARET SELL***

Finance Director/City Clerk Margaret Sell gave staff presentation. She explained that the Ordinance removes the requirement that a City Council member or the Mayor serve as a member of the Fruita Planning Commission, thereby allowing that a citizen of the City be appointed to the Commission.

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

Councilor Miller asked when she was supposed to cease attending Planning Commission meetings, as she has been serving as the Council Liaison to the board. Mayor Kincaid explained that Ordinances go into effect 30 days after they are adopted and City Manager Mike Bennett explained that in

November, there would be a joint workshop of the Planning Commission and City Council, so that would be the last date that Councilor Miller would need to attend the Planning Commission meetings.

- **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2023-12 – SECOND READING – AMENDING CHAPTER 2.39 OF THE FRUITA MUNICIPAL CODE AND REMOVING THE REQUIREMENT THAT THE MAYOR OR A COUNCIL MEMBER SERVE AS A MEMBER OF THE PLANNING COMMISSION. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **8. ADMINISTRATIVE AGENDA**

### **A. 2024 BUDGET PRESENTATIONS – INFRASTRUCTURE AND CORE SERVICES PRESENTATION – ASSISTANT CITY MANAGER SHANNON VASSEN**

Assistant City Manager Shannon Vassen provided staff's presentation on the second of five formal presentations regarding the 2024 Budget. He noted that at this meeting, he would be covering Capital Projects, core services and the City's Enterprise Funds.

Mr. Vassen provided the Council with a general overview of the proposed 2024 Budget as follows:

**EXPENSES:** As a whole, the City has \$33.7 million in expenses (excluding transfers), which is an increase of 14% compared to the prior year Budget. This is mostly due to two projects in 2024: 19 Road and South Mesa Street, which will be carried forward.

**REVENUES:** Are estimated at about \$27.3 million overall, which is a decrease of less than 1% from the 2023 Budget. This is mainly due to the City wrapping up a number of Capital Projects this year (especially at the Wastewater Reclamation Facility) for which the City was awarded grant funding of about \$1.7 million and included the aeration project and the H2S project. Staff hopes to have both of these projects completed by the end of the year.

**USE OF FUNDS:** In 2024, the City will be using about \$6.4 million in Fund Balance to pay for Capital Projects or equipment. Approximately \$4,000 will go toward equipment replacements.

Expenses in 2024 (excluding transfers) consist of:

Operations (personnel, salaries, benefits, purchased professional services, professional development, and purchased property services)	\$18.3 million
Capital (by far the biggest expense in 2024)	\$13.3 million (40% of the overall budget)
Debt for the Fruita Community Center and Wastewater Reclamation Facility	\$2 million

Mr. Vassen reviewed 2024 Capital Projects as recommended by City's Leadership Team including himself, Public Works Director Kimberly Bullen, Parks and Recreation Director Marc Mancuso and City Engineer Sam Atkins. Staff looked at prior year budgets and at some of the City's projects it has been working on and noticed that due to the pandemic and supply chain issues, the City has had to carry forward a number of projects, which Mr. Vassen called frustrating overall. He added that staff's

theme (once the 2024 Strategic Plan projects have been removed) has been to “Get projects done that are achievable, have been communicated about and are projects for which the City can get some of the dollars spent down.”

Mr. Vassen pointed out that streets and traffic congestion were identified as the biggest priorities by Fruita residents in the 2021 Community Survey. Therefore, these are always the City’s biggest Capital Expenses.

Capital Projects in the 2024 proposed Budget include:

**19 ROAD IMPROVEMENTS:**

- \$6 million funded mostly through Fund Balance
- Includes intersection turn lane, pedestrian path, widened section and several drainage improvements
- After ROW, construction to begin in fall of 2024 and project complete in 2025
- Will pursue IJA, IRA and CDS grant opportunities

**MAPLE STREET BRIDGE REPLACEMENT:**

- \$225,000 for updated design
- Recommended by Senator Hickenlooper and Senator Bennet for Congressional Directed Spending of \$1.75 million
- Total project cost estimate: \$2.5 million (\$750,000 from Mesa County)
- Construction estimated to begin in 2025

**OVERLAY PROGRAM:**

- \$560,000 (up from \$300,000)
- Streets identified for overlay include:
  - Lexington Way
  - Concord Drive/Ave.
  - Heritage Court
  - K.4 from Pine St. to Carlotta Court
  - Fremont St. from K.4 Rd. to L Road
  - Pinyon Ct.

**SIDEWALK SAFETY IMPROVEMENTS:**

- \$50,000 budgeted to create a pedestrian crossing at Pabor and Sycamore
- Expected to be completed by summer 2024

**DOWNTOWN IMPROVEMENTS:**

- Installation of a self-cleaning restroom in downtown Fruita
- Anticipated cost of \$350,000:
  - \$250,000 for bathroom
  - \$100,000 for design, utilities, permits, sewer and water taps

- Self-cleaning restroom pros:
  - Less water consumption than non-automated washroom. More control. Estimated to use less than half of the water for flushing/floor cleaning. Bowl is cleaned after every use, floor if cleaned after every 10 to 15 uses.
  - Remote monitoring – less daily onsite visits, locking, supervision and employee cleaning and traveling
  - Energy savings – no hot water heater
- Self-cleaning restroom cons:
  - Still may require staff cleaning at times.
  - Facility could stay wet after cleaning.
  - Potential electronic failures
  - Will need redundant internet to avoid monitoring disruptions.
- Cost/Benefit
  - Roughly the same price as non-automated restroom
  - Based upon 2,000 users per month, it is estimated that the automated bathroom will save 57,000 gallons water/year.
  - Will save on staff time and monitoring. Estimated at \$3,000 to \$4,000 per year.
  - Vandalism-rated materials
  - Energy savings – estimated to save 400,000 watts of energy per year due to no water heater

Mr. Vassen stated that although staff has not yet made any decisions, a location for the self-cleaning bathroom that is being considered includes the parking lot adjacent to Kim's Auto Parts (without losing any parking spots).

Mayor Kincaid asked how much it costs the City to install a vault bathroom like those that currently exist in Fruita's parks. Mr. Bennett responded that it is tough to get an exact comparable between the two types of restrooms because every facility can have different and additional features. He recalled when the Council was on the Riverfront Developments tour, they saw a fairly small brick building-type restroom in Basalt that cost approximately \$800,000, although staff didn't know if there were any exceptional features in it. Parks and Recreation Director Marc Mancuso added that the range varies so much because of the many available finishes for the self-cleaning restroom; for example, if vandal-resistant materials are chosen, the price goes up. He said this is the case for high-end finishes, architecture and art on the outside of the facility, as well as the design, which can be pretty substantial.

Councilor Miller wanted to know if there was a life expectancy on the self-cleaning restrooms and Mr. Mancuso responded that after talking to the manufacturer, the parts are not proprietary and are available in the U.S. He stated that overall, he thinks there is a two-year warranty on the parts and a five-year warranty on the building itself because it comes pre-made. Councilor Miller asked about the actual structure itself. Mr. Mancuso said he asked the manufacturer about issues that other buyers may have had, but they said they haven't had that yet.

Mr. Vassen noted that staff was holding off on doing a formal cost/benefit analysis until staff get some better idea about the costs, but roughly, staff anticipates that the cost will be the same as a non-automated restroom.

Councilor Hancey asked how the City would handle a situation of someone wanting to sleep in the self-cleaning restroom overnight to get out of bade weather. Mr. Vassen said he thinks the restroom



encourages people not to stay in them because it washes the walls and floor as part of its self-cleaning action.

The Council discussed adding signage inside the self-cleaning restroom with information about how to contact City staff in case someone gets stuck inside it. Mr. Mancuso said the unit is fully automatable, so he will make sure that something gets programmed into the system for that. He added that the unit will also tell staff when toilet paper is out, when soap is getting low and if there's a solenoid that's not working; it sends an email, which will save staff time by not having to go check on it.

Councilor Williams asked if the self-cleaning restroom accommodates one person and Mr. Mancuso explained that it accommodates two people and has a mechanical room.

Councilor Hancey asked what the cost might be to replace the computer in the self-cleaning restroom and both Mr. Vassen and Mr. Mancuso said they don't have that information, but Mr. Vassen was sure they could figure that out and get back with the Council on it. Councilor Hancey requested that they do obtain the information.

#### **SNOOKS BOTTOM IMPROVEMENTS:**

- \$100,000
- Installation of a Vault Restroom
- Ready for summer 2024

#### **BUILDING IMPROVEMENTS PROJECT:**

- \$90,000
- Security upgrades at the Fruita Civic Center, City Shops building and Fruita Community Center (key card access for staff areas and upgrade of cameras at Community Center)
- Completed by April 2024

Reappropriated Capital Projects in the 2024 proposed Budget include:

#### **SOUTH MESA STREET REVITALIZATION (REAPPROPRIATED FROM 2023):**

- \$2.4 million
- Final design complete by mid-2024
- Bid – 2024
- Construction anticipated to take 4 – 6 months following bid acceptance

#### **16 ROAD RAIL CROSSING:**

- \$388,870
- Anticipated completed date is summer 2024

#### **DESIGN OF HIGHWAY 340 UNDERPASS TRAIL:**

- \$250,000 (\$160,000 MMOF grant, \$90,000 Riverfront Foundation contribution)

- Anticipated that design will be complete by August 2024

### **MIDDLE-MILE BROADBAND PROJECT:**

- Should be complete by second quarter of 2024
- Mostly funded with a grant through the Department of Local Affairs (DOLA) and American Rescue Plan Act (ARPA) funds

Mayor Kincaid asked if staff had considered charging special events/festival vendors a fee for using the wireless connection to process their payments. Councilor Williams noted that hotels have levels of internet uses and charges and perhaps that was something to think about.

Councilor Breman asked if the City was providing internet service or if a third party would be providing it. Mr. Bennett said that the City is not looking to be an internet service provider. He stated that oftentimes in Colorado when a private business provides internet to a City, anyone from the public can use those connections for free. He added that there are options that the Council could consider such as what Councilor Williams mentioned. Councilor Breman said he knows there are some legal issues concerning providing free wi-fi in parks and downtown areas.

Mr. Vassen stated that there is a ton of grant funding that is available right now through both federal and state agencies such as funding through the Infrastructure Investment Jobs Act (IIJA) and the Inflation Reduction Act (IRA) and staff is currently researching those opportunities to see which might be a good fit for Fruita overall. He added that one that recently came up was from the Colorado Energy Office, who provides building audits and staff thinks that would be very appropriate for the Civic Center building. Mr. Vassen shared his screen showing a list of available grant funds that staff is researching that total \$880 billion.

### **REED PARK UPGRADES:**

- Bid set to close Friday (October 20, 2023). Once the contract has been awarded, Council will rollover funds for appropriation in 2024.

Highlights of the Core Services Delivery segment of Mr. Vassen's presentation included:

### **STREETS AND SIDEWALK PROJECTS:**

- Chip Sealing: \$210,000
- Sidewalk Improvements: \$150,000
- Street Striping: \$71,500
- Patching/Repairs: \$85,000

### **TRENDS ACROSS ALL FUNDS:**

- New line items for service-based IT Agreements (SBITAs)
  - Because of this, there is an increase in purchased professional services and a decrease in purchased property services
- Inflation (slowly) Slowing Down

- Colorado Office of State Planning and Budgeting is estimating an inflation rate of 5%, down from 8% in 2022. This estimate has been increasing slightly throughout the year (original estimate of 4.3% in March)
- Supply and Utilities Costs
  - Expected to increase, but not as much as earlier this year
  - Utility costs skyrocketed in February, seeing more consistency since then
- Personnel Data
  - 8.5% market increase in Colorado Municipal League data, also expected to return to normal growth rates in the future

Highlights of the Enterprise Funds (user fees that by law, cannot be subsidized by more than 10% pursuant to TABOR) section of the presentation were as follows:

#### **TRASH FUND:**

- Revenue/Expenses
  - \$1,175,000
- Fee Increase
  - Waste Management is requesting an increase of 6.7%
- Included for 2024:
  - Spring cleanup
  - Leaf pick up
  - Holiday dumpster

#### **IRRIGATION FUND:**

- No rate changes in 2024
- Revenues – no change
- Expenses – 2% increase over 2023 Budget due to Capital Equipment
- Irrigation trash cleaners - \$12,200 (removes debris from GVIC main irrigation canal before the water enters the Fruita system)

#### **SEWER FUND:**

- Overall decrease in revenue and expenses due to completion of one-time projects
- Revenues - \$5.4 million, decrease of 32% compared to 2023 estimated actuals
- Expenses - \$5.2 million, decrease of 26%
- Revenues:
  - 3% rate increase – from \$51/month to \$52.55/month
- Expenses:
  - 3 Capital Projects totaling \$1.5 million
  - \$272,600 in Capital Equipment
- Capital Projects:
  - Kingsview Lift Station Replacement (physically deteriorated) - \$260,000
  - Downtown Service Area Line Replacement:
    - ✓ Phase 1 includes installation of a new 15” or 18” PVC sewer line from Greenway Drive boring under the railroad and tie into new manhole
    - ✓ \$1 million split between grant funds and investment fees

- South Mesa Street Sewer Line Replacement:
  - ✓ Replacement of sewer line along S. Mesa St. from Circle Park to Highway 6 & 50
  - ✓ Part of larger project funded through a Revitalizing Main Streets Grant from CDOT
  - ✓ Continued from 2023
  - ✓ \$240,000

### **PUBLIC WORKS DEPARTMENT:**

- Capital Expenses are budgeted to increase 5%. Significant capital items scheduled for the 2024 Budget include:
  - Sidewalk repairs/replacements: \$100,000 (not new)
  - Backhoe: 120,000 (new)
  - Grinding Machine: 25,550 (for road maintenance)
  - Replacement of fire door: 23,000 (at Fruita Civic Center)
- Capital Equipment Replacements Fund (CERF) include:
  - Crack Sealer \$120,000
  - Road Maintenance Truck 50,000
- Design & Breaching of Reservoir #2 \$165,000

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

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

- Lower Valley Fire Protection District Chief Cavaliere would like to invite the City Council to take another tour of his facility for those Council members who were not able to attend the last one and Mike said he would schedule it for around the first of the year after the holidays.
- Mike has been trying to schedule meetings with the Fruita Police Department and Planning and Development Department to discuss the draft Ordinance for Unmanned Aircraft Systems (UASs) but has been unsuccessful to date due to everyone's schedules. He added that it could turn into a workshop discussion so that staff can explain some things to the Council that they haven't previously covered.

Councilor Hancey asked if staff had consulted with any other agencies around Fruita that have existing drone experience and policies surrounding them that they utilize. Mike said he knew that staff had compared other agencies' policies, but he didn't know how much discussion about implementation with them had occurred. He said he would check on that.

- Mike stated that the report for the NRCS Study to look specifically at Reservoir #2 has been finalized and staff received a summary of it, but not the full report yet. The study also looks at Reservoirs #1 and #3 and the pipeline that serves the Glade Park Pipeline Water Users Association (GPPWUA). Highlights of the summary include:
  - ✓ The estimate to repair Reservoir #2's dam came in at \$2.5 million.
  - ✓ Repairing the full dam, all the pipeline and other infrastructure combined is estimated at \$4 million.

- ✓ There is an estimate of \$1.3 million to breach and decommission Reservoir #2.
- ✓ The reason the price goes up from \$1.3 million is because the US Forest Service requires that everything that's been breached be also removed.
- ✓ Staff received five bids for breaching and is sifting through them because even though staff requested the full cost of the construction of the breach, there is a range of costs in the bids for varying levels of working with all the agencies that must be involved. This is why it is taking a little longer for staff to get through the bids.
- ✓ Recommendations to the City in the NRCS Report include:
  - To breach Reservoir #2
  - Abandon the pipeline
  - Be mindful that the GPPWUA will need to seek a different source of water such as a well.
  - There is no grant funding for these types of projects because the work would be done on federal land.
- ✓ Staff is still waiting for the full NRCS Report and should be receiving it soon, hopefully.

Councilor Breman asked if staff had shared the summary with Mesa County. Mike said he hadn't yet and would certainly do so if the full report isn't received in the very near future. He said staff has offered to share the summary with Mesa County and all the partners and will be meeting with the US Forest Service in early November. He added that the City's realtor is starting to work on drafting the Letters of Donation and that all the groups involved have been aware of the big price tag of the breach and repairs; it wasn't something new.

Public Works Director Kimberly Bullen added that staff hasn't specifically spoken with NRCS yet and is trying to schedule a meeting with them, but has talked to the engineering firm that actually did the Feasibility Study on the project. Ms. Bullen said she received an email from NRCS that said the project was not being recommended for any funding based on the cost benefit and the economic/financial side of it, although there was lots of public support.

Mike recalled that the whole reason for going after the NRCS Study was the hope of the result being the ability to find funding to do whatever repairs or improvements needed to be done.

James asked what would happen if the City tries to donate the mountain water properties but nobody wants them; would the City have to pay for the repairs? Mike responded that staff is working with the City Attorney on that and is having discussions with the US Forest Service and the state. He said there haven't yet been any 100% clear answers and that the situation is more complicated than the City just being able to walk away because there are responsibilities.

Kimberly said that all of staff's recent efforts are sufficient for now with the Dam Safety Engineer, but it is not the long-term solution they want; they do not want to keep Reservoir #2 on a no-fill order anymore. She said this means that the only two options for the City are to 1) repair or, 2) breach the dam.

Councilor Breman asked Mike if he had any updates on the Total Maximum Daily Load (TMDL) Assessment (for Colorado River tributaries in the Grand Valley). Mike responded that the big public hearing on that is scheduled in December.

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

### **A. CHANGES TO DATES OF CERTAIN UPCOMING CITY COUNCIL MEETINGS – DISCUSSION AND POSSIBLE ACTION TO ADD, CANCEL AND/OR RESCHEDULE UPCOMING CITY COUNCIL MEETINGS**

City Manager Mike Bennett explained that staff's recommendation was to cancel the December 26, 2023 Council Workshop Meeting and the January 2, 2024 Regular City Council Meeting as there could be potential conflicts with the holidays.

Staff also asked that the Council schedule a Special Council Meeting on November 13, 2023 to review offers on Enoch's Lake and a Joint Council and Planning Commission Workshop on November 14, 2023 to discuss the next steps and funding mechanisms for "The Beach" project. Mr. Bennett noted that these two meetings had been previously discussed with the City Council.

- **COUNCILOR MILLER MOVED TO APPROVE THE CHANGES PROPOSED BY STAFF TO THE DATES OF THE AFOREMENTIONED REGULAR, SPECIAL AND/OR WORKSHOP MEETINGS OF THE FRUITA CITY COUNCIL. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

### **B. ESTABLISHING A COMMITTEE TO REVIEW POSSIBLE "LOCALISM" BOARD**

City Manager Mike Bennett stated that this agenda item was an opportunity for the Council to discuss whether or not they had the chance to invite people to apply for a "Localism Board" that would more or less replace the Downtown Advisory Board, which had accomplished its original intent. He noted that staff had received four applications so far.

Councilor Purser said that the three Downtown Advisory Board members would be meeting the following evening and she would talk to them about joining the committee.

There was a discussion about how many members there should be on the committee. Mayor Kincaid said he felt that committees should have more members than regular boards and commissions because the committee's purpose would be more of a one-time effort and there would be a broader range of input. He also thought perhaps past Fruita City Council members might serve on the committee and urged the current Council members to keep trying to find people.

### **C. COUNCIL REPORTS AND ACTIONS**

#### **COUNCILOR JEANNINE PURSER**

Jeannine reported that the Arts and Culture Board met the previous week and mainly reviewed things like how the Art Walk went after the installation and coming to the next meeting with ideas about what next year is going to look like. She noted that she and Joel had two interviews scheduled for the one vacant seat on the Arts and Culture Board. She said she never realized that Council Liaison positions on the City's boards count as an actual board member and was curious what the other Council members thought about it. Jeannine pointed out that staff Liaisons do not count against the maximum number of members.

Joel said he and Jeannine had discussed the possibility of having alternate member positions on the Arts and Culture Board, but he thought there might be restrictions according to the board's bylaws.

Mike said he was fairly certain that the number of board members and Council Liaison seats counting against them was something that the Council could change, whether it be through amending bylaws or adopting Ordinances. He suggested that Council allow staff time to pull that information together for each board and commission so that the Council could discuss them at a future workshop meeting and decide whether they want to take any action to change the membership and/or voting guidelines of each board and commission. Deputy City Clerk Deb Woods noted that there are some membership requirements listed in the Boards and Commission Policy that the Council adopted on August 4, 2020 that might also need to be amended if that is what the Council wished.

Amy said she always felt uncomfortable voting on the Historic Preservation Board because it is similar to the Planning (and Zoning) Commission where she is influencing decisions. She added that the term "Liaison" means to her that someone is just there observing and relaying information from the board to the Council.

Matthew agreed that it can feel like a conflict of interest.

Joel said he was surprised to learn that the City doesn't have a voting seat on the Museum of Western Colorado's Board of Directors since the City of Fruita has interest in property and other things. He wondered what the criteria should be for whether the City should have a voting interest on outside boards. Amy said there are some boards where it makes sense for Fruita to have a voting seat.

Mike mentioned that for the outside, non-City boards that the Council sits on, the Council may want to discuss how they interact with those boards because there are some nuances to consider.

Jeannine asked if the Council wanted to acknowledge all of the current and previous Downtown Advisory Board members at an upcoming Council meeting. There was consensus to do so.

Jeannine asked what the rules were for Council members concerning endorsing candidates for municipal elections. Joel responded that candidates who want to be endorsed by the City Council would have to get the approval from *all* Council members and not just one. He pointed out that the Daily Sentinel will include titles in articles without asking, which can't be avoided. Joel added that if a Council member wanted to endorse a candidate as a *citizen*, they can do that, but warned that it can be hard for members of the public to distinguish which is which, though. Mike said his understanding is that legally, there's nothing that keeps Council members from endorsing candidates, but as a group, the Fruita City Council could decide how they want to handle that. Amy, Matthew and Aaron expressed concerns about public perception and potential backlash or retaliation.

#### COUNCILOR JAMES WILLIAMS

James reported that he was absent from the Fruita Tourism Advisory Council (FTAC) meeting, but he talked to Shannon about it briefly and the board approved their funding request of the Council.

Amy said it drives her insane that the City's marketing firm calls 18 Road "18 Mile Road." She asked if the FTAC could request that the firm drop the "Mile."

#### COUNCILOR AMY MILLER

Amy reported that the Planning Commission had a very engaged meeting with an agenda item that will be coming before the City Council soon.

Amy received permission from the other Council members to issue a Proclamation for the King family that so graciously opened up their sunflower field for the community to take photos after saying it was such a neat and “Fruita” thing to do. She said she would be happy to write it and invite the family to the Council meeting of November 7<sup>th</sup>. The Council also came to a consensus to give the King family an “F in Gear.” James requested that staff take a photo of the field to include as a banner on the Fruita’s website for a week or so.

#### COUNCILOR AARON HANCEY

Aaron reported that the Museums of Western Colorado (MWC) presented an offer to a candidate for the position of Executive Director, but he declined the offer, so the MWC is still looking to fill the position.

Aaron reported that camper trailers are appearing in the Dinosaur Journey parking lot again and thought it would be nice if someone could get them to move back so it doesn’t look like a storage lot. James said he and his wife Sam go to the dog park a lot and noticed that a sign was put up recently that says, “No RV Parking,” but they also noticed a few weeks prior to that, there were literally people sitting there camping and barbecuing, which seems to invite more people to do the same. Mike said that staff has to routinely (about twice per year) request them to move their RVs to the back of the building and would do it again.

Aaron also reported attending the Religious Freedom Conference, which he thought was great. He said someone asked if supporting organizations such as Catholic Outreach was legal. Aaron said the first speaker was out of touch with the rest of the conference and will likely not be invited back, but other than that, it was a great conference. He urged the group to hold it on an annual basis. Matthew said if they do have the conference again, he knows some people that would be very good at replacing the first speaker. Aaron added that he was very impressed with the religious law attorney who spoke at the end. Mike said he had lots of notes from the conference and the last speaker, who also spoke at the City/County Manager Conference.

Matthew asked when the water gets turned off and on at the Bark Park or if the button is broke. Mike said he would look into it and get something into the Weekly Information Update.

#### MAYOR JOEL KINCAID

Joel reported that he had a Police Commission to attend the following night.

### **11. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:39 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk



City of Fruita

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