

**FRUITA CITY COUNCIL MEETING  
OCTOBER 3, 2023  
7:00 P.M.**

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

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

**Present:**

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

**Excused Absent:**

City Councilor James Williams

**City staff present:**

City Manager Mike Bennett  
Deputy City Clerk Deb Woods  
Communications and Engagement Specialist Ciara DePinto  
Planning and Development Director Dan Caris  
Public Works Director Kimberly Bullen

**Also present:**

Staff and students from Rim Rock Elementary School and their families  
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 KREIE MOVED TO ADOPT THE AGENDA AS PRESENTED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

**A. PRESENTATION – FRUITA TEACHERS/STUDENTS OF THE MONTH FOR OCTOBER 2023: RIM ROCK ELEMENTARY SCHOOL**

Mayor Kincaid read the names of the students and teachers chosen by Principal Sally Huddle and her staff as the “Students of the Month” and “Teachers of the Month” along with remarks as to why they were chosen. There was one student for each grade and one teacher for each grade. Each student and

teacher received a Certificate of Recognition, an “I Heart Fruita” pin and a day pass to the Fruita Community Center. Photos were taken of the students and school staff with the City Council.

**B. PRESENTATION – CONSERVATION DIRECTOR ILANA MOIR OF THE COLORADO WEST LAND TRUST WILL GIVE THE CITY COUNCIL AN UPDATE**

Mrs. Ilana Moir, Director of Conservation at Colorado West Land Trust (CWLT), gave the Council a PowerPoint presentation, which consisted of slides containing information about the Land Trust and how its work relates to the City of Fruita.

Mrs. Moir explained that CWLT is a non-profit that does land conservation work. They were started 40 years ago but since then have expanded to now cover seven counties in Western Colorado. The CWLT focuses on partnerships with landowners and municipalities to protect wildlife habitat, agriculture and open space for us and future generations. Specifically, the CWLT works with the City of Fruita through the Community Separator Program, which was established in 2000 as an agreement between all the municipalities to not develop or annex into designated buffer areas to maintain distinctness of communities. The CWLT stewards and monitors the conserved properties every year and answers questions to make sure that the terms of the agreements are being followed.

The presentation also included the following information:

- CWLT’S Mission Statement
- Map of the region showing all the properties that CWLT has conserved (over 127,000 acres of land in western Colorado)
- Over 600 different agreements with families that want to conserve their land
- About 3,300 acres of total 127,000 is in the Grand Valley Floor.
- List of CWLT’S achievements 2000 – 2023
- Map of East Grand Valley Conservation Easements
- Photo of Ruckman Family Farm
- Map showing Fruita Buffer
- Photo of Dixie Williams (one of the first people in Fruita to conserve her farm)
- Photos of conserved areas near the Colorado River, Horsethief Ranch and Snooks Bottom
- Plans for 2024:
  - Pursue conservation easements on working farms
  - Increased CO state tax incentives
  - Partner with municipalities on public access projects as needed
  - 2023 request of the City of Fruita: \$9,000 (\$7,000 for operations and \$2,000 for project work) (same amount as has been requested the last few years)
- Quote by Bruce Talbott (Bruce’s Dad helped found the CWLT in 1980)

Mayor Kincaid asked how else the City Council could help CWLT. Mrs. Moir stated that the CWLT is currently working on a Comprehensive Conservation Plan for their whole service area. Her colleague (who is a GIS wizard) has also talked to a number of people about what it is that their community really loves and wants to see protected long-term and overlap that with drought resiliency data, where there is really wonderful habitat and viable agricultural land. She said the idea is to compile that all together to come up with a list of areas where the CWLT can really do some focus work. Mrs. Moir said she would be delighted to come back and share the finished Plan in whatever

way is most appropriate. At that time, the CWLT is going to try to figure out how to roll out programming in the different areas that pop up as part of the Plan and Mrs. Moir said that would be a great time to get more engaged with the City in reaching out to land owners or gaining public access in a partnership role.

Councilor Purser asked if CWLT could help a landowner of a farm in Fruita who would prefer to keep his land agricultural but is also looking to retire, so it might make monetary sense for them to sell to a developer. Mrs. Moir said it depends. Sometimes, CWLT can write grants to get funds to pay for conservation easements that enable a landowner to retire out of farming, get some equity out of their farm, still conserve the whole thing and be able to sell the farm as a whole piece that will stay the way it is. She said that's also helpful when a landowner may have a couple of kids that may or may not want to stay in farming and it's a way to give the kids some equity out of the property. In some instances, the CWLT will step in and purchase properties. The CWLT has six properties along Monument Road in Grand Junction that they've done that with so far and those were for public access.

Mrs. Moir added that the CWLT has been thinking a lot more about what their role as an organization is in young farmer access and new farmer access. She said there is a lot going on right now about CWLT stepping in to help purchase properties and get them into farmers' hands. They are waiting to hear back on a grant on whether they get funded to do some of that work a little more specifically and Mrs. Moir said that would definitely be a focus area for that kind of work Councilor Purser asked about.

City Manager Mike Bennett added that some of the long-term goals that came out of Fruita's Comprehensive Plan centered around having a hard edge of development or a definite separator, so the buffer helps with that. He said it gives the City of Fruita an opportunity to work closer with the CWLT, which is something that's been briefly talked about.

Mr. Bennett concluded by saying that Fruita is fortunate to have so many public lands nearby to access and recreate on, but it doesn't leave out opportunities that Fruita has for conservation in strategic areas around, outside of and even within the City of Fruita.

## **5. PUBLIC PARTICIPATION**

Pastor Travis Schroeder, 226 Narrowleaf Dr., said he is the Pastor at Bethel Assembly in Grand Junction, offered his prayers for the meeting and City Council.

Arlene Jackson, 411 Comstock Dr., said she wanted to publicly thank and commend City Manager Mike Bennett for regularly holding City engagement opportunities that feature special guests, interesting topics and for always leaving time at the end to answer questions from the group, regardless of how relevant they are to the topic.

Mrs. Jackson continued that in September, she and her husband attended the session that featured Dr. Klein from Family Health West. She said they were looking forward to the conversation, but unfortunately, two citizens rudely broke into Dr. Klein's time demanding answers to questions unrelated to the subject and made veiled threats to Mike. She said he professionally handled the situation, provided concise answers to questions, and stayed calm and collected. Mrs. Jackson thanked Mike for his cool demeanor and his professionalism. She added that she hopes he continues to hold his engagement series as they are a great way to understand things that are going on in the City.

Mayor Kincaid noted that there was a boy scout troop seated at the back of the room and asked one of the leaders to speak about why the troop was at the Council meeting. Andy Rosling said he is a resident of Grand Junction and Troops 353B and 353G stationed out of the Redlands United Methodist Church were present at the meeting to work on their Citizenship and Community Merit Badges. One of the final requirements for this badge is to attend a City Council meeting, take notes and go back to the Merit Badge Counselor and report on what happened at the meeting. Mr. Gosling thanked the Council and Mayor for the welcome. Mayor Kincaid thanked the Troops for coming.

There were no further comments from the public.

## **6. CONSENT AGENDA**

- A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 15, 2023 CITY COUNCIL MEETING**
- B. ORDINANCE 2023-13 – 1<sup>ST</sup> READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 131 ACRES OF PROPERTY LOCATED SOUTH OF SNOOKS BOTTOM AND WEST OF THE INTERSECTION OF KINGS VIEW ROAD AND HIGHWAY 340 TO A PLANNED UNIT DEVELOPMENT ZONE FOR PUBLIC HEARING ON NOVEMBER 7, 2023 (SUNSET POINTE PUD)**

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 PURSER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HANCEY 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 FOR THE REXY, QUEEN OF THE DESERT GRAVEL BIKE RACE ON SATURDAY, OCTOBER 7, 2023 FROM 2:00 TO 10:00 PM AT THE LITTLE SALT WASH PARK LOCATED AT 651 N. PINE STREET – *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 9:30 p.m. to allow 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 Greater Grand Junction Sports Commission will be followed.

Ms. Woods noted that the representative from the Greater Grand Junction Sports Commission was unable to attend the meeting, so in his place, the founder of Desert Gravel, Morgan Murri, was present virtually as the applicant's representative. City Manager Mike Bennett noted that there was an emergency Mr. Murri had to attend to, so he wasn't able to attend the meeting.

Mayor Kincaid opened the public hearing on the Special Event Liquor Permit application. Hearing no comments from the public, he referred the matter to the City Council.

Councilor Purser asked if there was a capacity limit for the area that was sectioned off for the beer garden at Little Salt Wash Park. Ms. Woods said she did not know and asked the City Manager if he knew. Mr. Bennett stated that he thought that typically for outdoor events, there are not capacity limits.

- **COUNCILOR BREMAN MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FROM THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SELL BEER FOR THE REXY, QUEEN OF THE DESERT GRAVEL BIKE RACE AT LITTLE SALT WASH PARK SUBJECT TO THE CONDITIONS STATED ABOVE. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

- 2) **NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE AN APPLICATION FOR A NEW FERMENTED MALT BEVERAGE (FMB) AND WINE RETAIL LIQUOR LICENSE (OFF-PREMISES) FOR FAMILY DOLLAR STORES OF COLORADO, LLC DBA FAMILY DOLLAR #27356 LOCATED AT 1668 W. HIGHWAY 6 & 50 – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave staff's presentation. She stated that the applicant filed the application, supporting documents and fees with the City Clerk's Office on August 14, 2023. A notice of public hearing poster was hung at the Family Dollar Store by the applicant on September 18, 2023 and a notice was published in the Daily Sentinel on September 13, 2023 for the public hearing to inform the citizens that the City Council would be considering the application for a new liquor license and provide them with an opportunity to participate in the hearing should they wish to do so.

Ms. Woods explained that pursuant to the Colorado Liquor Code in state statutes, when a local licensing authority is considering a new liquor license application, there are two factors that must be considered. One is the character of the applicant and the other is the needs of the neighborhood.

She also explained that Family Dollar has a "Master File" liquor license with the state Liquor Enforcement Division, which means that they have several locations in Colorado. Ms. Woods further

explained that for “Master File” applicants, it is the state licensing authority (and not the local licensing authority) who arranges for fingerprints of the individuals listed on the application to be taken and checked by the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) for any evidence of criminal history. Ms. Woods pointed out that the Liquor Enforcement Division provided its letter to the Fruita City Clerk’s Office that there were no records of criminal history found for any of the three individuals whose Individual History Records were submitted to the state by Family Dollar. This is the information Council needs to consider concerning the character of the applicant.

Ms. Woods stated that concerning the Needs of the Neighborhood and the Desires of the Adult Inhabitants, the Needs are supported by the survey that was circulated by Alcohol Petitioning Services and submitted to the City Clerk’s Office with the application for the liquor license. In summary of the signatures obtained in favor or against issuing the license, 39 residents and businesses were in favor of the license being issued and 29 residents and businesses were opposed. Statistically, 57.35% of residents and businesses were in favor while 42.65% were against.

Ms. Woods said that because staff feels that there is sufficient evidence that the applicants are of good moral character and that the Needs and Desires of the Neighborhood are in favor of granting the liquor license, it is staff’s recommendation that the City Council approve the application submitted by Family Dollar Stores of Colorado, LLC.

Ms. Woods introduced the applicant’s representative, Mr. Tommy Jackson of Decisions Consulting, who was present virtually. Mr. Jackson said that ultimately, what Family Dollar is looking to do is (by listening to the customer base) provide beer and wine to their customers. He stated that any Family Dollar employees who are involved in selling alcohol have to go through TIPS Training (Training for Intervention Procedures), which is recognized throughout the country. Mr. Jackson added that Family Dollar also has an internal training as well called, “BARS” Training, which allows individuals who work with the sale of alcohol to be trained in terms of knowing how to look out for false identification, among other things. He said there is now technology that allows employees to scan different identification cards to make sure that they are authentic.

Mayor Kincaid opened the public hearing on the liquor license application for Family Dollar Stores of Colorado, LLC. Hearing no comments from the public, he closed the public hearing and referred the matter to the City Council.

Councilor Breman said he didn’t ever recall seeing such a split on a Neighborhood Survey and asked if there was a standard or precedent that has been set concerning a minimum number of signatures in favor of issuing a liquor license. Ms. Woods stated that there are no such standards. Councilor Breman asked the other Council members what they thought about it.

Councilor Purser thought this was the first new liquor license application she has seen since she’s been on City Council; she recalled seeing only renewals.

Councilor Hancey asked Mr. Jackson how the roll out of adding the alcohol has gone at other Family Dollar stores. Mr. Jackson responded that so far, things have gone well. Councilor Hancey said that the Family Dollar store wasn’t too close to any schools, but it wasn’t too far away, either. Mr. Jackson noted that the applicant had made sure to be well within the distance requirements in the Colorado Liquor Code. He added that as far as the roll out, Family Dollar is just like any other store such as Kroger or Publix that offer their customers beer or wine. He stated that typically, each store has about

one cooler and the employees who are able to sell alcohol watch over it to make sure that nothing unlawful is happening.

Councilor Purser asked if the Needs of the Neighborhood Survey was just subjective or what it meant. Ms. Woods explained what the two questions are on the actual survey and pointed out that this was the first application she'd seen that used a petitioning service. Councilor Kreie thought that might be why the survey looked a little different. Ms. Woods noted that she has seen anywhere from 4 signatures up to 40 with other applications and that the Family Dollar Store survey had the most responses that she'd ever seen in her 15 years with the City.

- **COUNCILOR KREIE MOVED TO APPROVE THE APPLICATION FOR A FERMENTED MALT BEVERAGE (FMB) AND WINE LIQUOR LICENSE FOR FAMILY DOLLAR STORES OF COLORADO, LLC DBA FAMILY DOLLAR STORE #27356 LOCATED AT 1668 W. HIGHWAY 6 & 50. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **B. LEGISLATIVE HEARINGS**

There were no Legislative Hearings on the agenda.

## **8. ADMINISTRATIVE AGENDA**

There were no Administrative Agenda items on the agenda.

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

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

- The previous day (October 2, 2023), the official listing for Enoch's Lake was posted live to the public through Chesnick Realty. It is posted to receive offers through 5:00 p.m. on Wednesday, November 8, 2023. Staff will put out a packet on Thursday, November 9<sup>th</sup> by 5:00 p.m. with any offers received for the Special Council Meeting on November 13, 2023 at 6:30 p.m. Mike said the City's realtor is already getting questions.
- City Attorney Mary Elizabeth Geiger asked Mike to ask the Council members to give their permission to go ahead and release the appraisal document for Enoch's Lake (only the appraisal amount has been released). At this point, staff would recommend having every bit of information the City has available to the public via links on the City's website. Staff is definitely going to provide it to the realtor, which then opens it up to the public. Councilor Miller said she was okay with releasing the appraisal document and Mike said staff would do it.
- Mike thanked the Council for providing him the ability to attend the International City/County Managers' Association Conference, adding that he had just flown in at 6:30 p.m. from it. He said it was an awesome conference and that he looked forward to either sharing some of the things at a Council workshop meeting or writing something up and sharing it with the Council.

## 10. COUNCIL REPORTS AND ACTIONS

### A. ESTABLISHING A COMMITTEE TO REVIEW POSSIBLE “LOCALISM” BOARD

Mr. Bennett noted that this was a continuation of a discussion from the one had by the City Council at the Council workshop meeting. That discussion was an overview of all of the City’s Boards and Commissions that resulted in the desire of the City Council to look into dissolving the DAB and creating a committee that includes the three members left on the DAB. The purpose of the committee would be to help with the DAB’s final Christmas lighting event in December and subsequently look into establishing a “Localism” Board of the City that would make recommendations to the Council. The goal would be to begin the process of establishing the new board at the beginning of next year.

Mr. Bennett continued that past and present City Councils, staff, the DAB, many members of other Boards and Commissions and other co-creators in the Fruita community have always aimed to find more ways to inform Fruita’s growing community of residents about what is happening in Fruita and about the businesses, events and activities that are in the City. He said he thinks a “localism” board would likely work with the City’s new Communications Department and also help the City’s marketing consultant on tourism social media for the City. Mr. Bennett said it would involve taking Fruita’s local communication efforts to the public, not in place of what City staff does, but to help take it further into the community. He added that it will be an opportunity to invite three or four more people to participate in addition to the three DAB members who will be a part of the effort moving forward.

Mr. Bennett explained it would be a committee, so it wouldn’t fall under the Boards and Commissions rules of the City and if the Council wanted to invite people from other Boards and Commissions, that would be fine. It would also be an opportunity for the Council to invite some people that they know have an understanding of where the City is trying to go and that have the ability and drive to put some time into it over the next few months before bringing back recommendations to the City Council.

Mayor Kincaid said the committee would then recommend the people who could make up an official “localism” board based on feedback received. He said he didn’t think the committee needed to be limited to seven people necessarily and Councilor Purser said it would kind of depend because it could end up that there are too many people with too many ideas spinning around, which could make it hard for the group to focus. She suggested a 7- to 9-member committee.

Councilor Hancey said he liked the idea of having an application process by invitation because that would give the Council more control over it and it wouldn’t be first come, first serve of who gets appointed.

Councilor Purser imagined that the current DAB members could have their regular meeting first (which starts at 6:30 p.m. on the third Wednesday of the month) and then they could move into a committee meeting at 7:00 p.m. if they still want to be on it. Councilor Breman said he wanted to make sure the Council gets geographically diverse candidates and Councilor Kreie agreed.

Mr. Bennett said having the Council invite people to apply works great because he didn’t want to just put the application on the City’s website and see what happens; he preferred that the Council actively recruit people and then, during Council Reports and Actions, Council members could definitely share which people they’ve reached out to or which areas the Council needs to reach out to.



Councilor Breman wondered whether committee members would need to be residents of Fruita or have a business in Fruita. Councilor Miller said she thought it might be nice if the Council could include non-citizens because “local” to her didn’t necessarily mean “within Fruita city limits.” She added that there are people living in the more rural areas that would be eager to participate and this would be a great opportunity for them to jump in.

Councilor Hancey asked at what point the “localism” Board would be adopting by-laws and Mr. Bennett said he thought the committee would look more into the purpose of the board and it would be the Council working with the City Clerk’s Office and City Attorney to create the by-laws. He said that didn’t mean the committee couldn’t recommend things for the by-laws such as the number of members on the board and other membership guidelines, but it would be the City Council that shapes the structure of the board.

There was some discussion about appropriating funding for the “Localism” Board after Councilor Hancey said he hoped that the Council would approve it in the 2024 Budget. Mayor Kincaid and Councilor Breman said that they didn’t want to do that until the board figures out what its purpose is exactly. Mr. Bennett suggested that staff and the Council review the amount for the general Boards and Commissions line item in the 2024 Budget for a potential increase since there have been discussions about funding during the fairly recent presentations from each of the boards at Council meetings. He explained that the line item has been traditionally used for an annual appreciation event and gift for Boards and Commissions members. He also explained that the funding for the Fruita Tourism Advisory Council is generated from a lodging tax increase that was approved by the voters.

Councilor Kreie asked when the Council wants to have its recruiting of the committee members done and Mayor Kincaid said he thought it should occur as soon as possible. Mr. Bennett noted that staff could modify the City’s existing Boards and Commissions application to be specific to the new committee and will email it to the Council members. The Council was in agreement that committee members should be business owners, residents and people that are active or vested in the community. Mr. Bennett clarified that there was no requirement that committee members be residents living inside Fruita city limits. Mayor Kincaid put forth the goals of the end of the month of October for people to get their applications in and around the first of November for the appointments to occur. Councilor Purser stated that she had already asked the three DAB members to be on the committee and would confirm with them that they do. She also agreed to be the Council Liaison to the committee.

## **B. COUNCIL REPORTS AND ACTIONS**

### **COUNCILOR AARON HANCEY**

Aaron reported that a candidate for the position of Executive Director for the Museums of Western Colorado (MWC) came out and took a tour of Fruita and Dinosaur Journey. He noted that the MWC has some events coming up and that their Education Director would be reaching out to the City’s Communications and Engagement Specialist, Ciara DePinto. At the end of October at Dinosaur Journey, the MWC will host an experience for individuals who have sensory challenges and the Mayor and Council should be receiving an invitation to the event. At the MWC Board meeting, they also discussed building repairs and maintenance at Dinosaur Journey that they are trying to accomplish and Aaron said he reminded them about the annual reporting responsibilities to the Council. He also told them to contact the City’s Finance Director and City Clerk, Margaret Sell to make sure they are in compliance. Mike added that he had Public Works Director Kimberly Bullen contact MWC staff to see if the City could help with the building repairs and maintenance. Aaron

said apparently there is one office at Dinosaur Journey whose temperature is very cold, so they are trying to fix that in addition to other general issues.

Aaron also reported that he attended a Parks and Recreation Advisory Board (PRAB) meeting the previous night at Reed Park, but the board is going to stop meeting there for the rest of the year until it gets a little warmer. The board will also start meeting at Snooks Bottom in late winter or early spring. The bid process is going out for different aspects of Reed Park and Parks and Recreation Director Marc Mancuso has heard that the skate park contractors are scheduled 18 months out to do the work. The PRAB also talked about the Request for Proposal (RFP) process for the merry-go-round artwork.

Aaron also reported that he would be attending the Religious Summit on Saturday morning, which focuses on religious freedom in the community.

Aaron mentioned Proposition HH that will be on the ballot in November and said he talked to someone who offered to come to a Council meeting to talk about how it will affect Colorado's citizens. Matthew stated that he was uncomfortable with that being part of a Council meeting. Mike noted that there was a lot of information on Proposition HH put out by the Colorado Municipal League (CML) and said he could forward CML's overview on it to the Council. He added that there are some cities that are starting to take some action and CML is working on a template Resolution concerning the measure. Joel pointed out that if the City Council starts inviting supporters of proposed legislation, it would be difficult to know when to say yes to some and no to others and he didn't think that was a role of the City Council.

Aaron stated that he appreciated Mrs. Jackson coming to the Council meeting to talk about the City Manager's engagements with the public and asked Mike if he cared to elaborate on the experience she spoke about and asked if it was the same group of people who had previously made negative comments. Mike explained that at the event that Mrs. Jackson spoke about, it was mentioned that there had been those kind of negative comments in the past and the reaction of someone there was that it was a good thing. Mike recalled an Open House in 2017 when a certain person rhetorically threatened him out loud, but none of the staff felt threatened in any way at it then. He said at the last engagement, the same person accused staff of rushing the process on the mountain properties, so he explained to the person that the City has been working on the issue for decades. Aaron said he thought it was just not acceptable behavior of a citizen and he thought there needed to be some kind of decisive action to make it stop because it was the third time he had heard something like that in the last couple of months. Joel said he would have a talk with the individual.

#### MAYOR PRO TEM MATTHEW BREMAN

Matthew thanked Mike and staff for putting the Riverfront Developments tour together; saying he learned a ton and was still thinking about it. Mike said that 2Fork Ventures would be sending the Council a link to the videos and photos from the tour as a way for the Council members to add their thoughts so that they are all in one place. He added that for those who weren't able to go on the tour, this would also be a way for them to review it in advance of future discussions.

Matthew noted that there has been some conversation about Colorado Open Records Act (CORA) requests and whether the requests themselves are public records and he wondered what the City of Fruita's policies are. Mike said he needed to look into it a little bit more because it had just recently come up. He explained that the City of Glenwood Springs came up with a policy that basically says

that when they receive a CORA request, they provide the records to the requestor and also make them public. Mike said staff did not have any concerns. Matthew said he just didn't know if the City already has a policy or if what he referenced was something that staff needed to follow up on from a regulatory standpoint. Mike explained that the City has a policy for responding to Open Records Requests; just not for automatically making them public somewhere and that staff plans on taking a look at Glenwood Springs' policy. He added that there was a very good chance that CML would start looking into it further as well.

#### COUNCILOR JEANNINE PURSER

Jeannine echoed Matthew's gratitude for the Riverfront Developments tour that the Council went on the previous week and said it was fantastic in every way.

#### COUNCILOR AMY MILLER

Amy reported that one of the displays in the lobby of the Civic Center has already been updated and that the Historic Preservation Board will be talking about the kind of timeline there should be for changing out displays going forward, whether that be every six months or annually. She said the board has a lot of exciting ideas for new displays and Amy said she would keep the Council updated.

Amy also echoed the comments concerning the Riverfront Developments tour; adding that she would love to set up a time to tour the City's property for "The Beach" development now that the Council had seen some possibilities. The Council scheduled the tour with staff for Tuesday, October 17<sup>th</sup> at 6:00 p.m. before the next regular Council meeting.

#### COUNCILOR KEN KREIE

Ken also agreed that the Riverfront Developments tour was great and that he, too, had been thinking about it ever since. He said he was glad that the Council was starting to create a new place where Fruita residents will make memories as they once did at Enoch's Lake.

#### MAYOR JOEL KINCAID

Joel said he thought the tour was great, too, and reminded the Council that he would be making a call to the citizen that was discussed previously during Aaron's Council report.

### **11. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:33 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita