

**FRUITA CITY COUNCIL MEETING
JANUARY 7, 2025
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Breman 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 Matthew Breman
Mayor Pro Tem Aaron Hancey
City Councilor Jeannine Purser
City Councilor Rich Parrish
City Councilor Andrea Downs
City Councilor Amy Miller
City Councilor James Williams

Excused Absent:

(None)

City Staff Present:

Interim City Manager Shannon Vassen
Executive Assistant to the City Manager Kaydee Lucero
Communications and Engagement Manager Ciara Amann
Finance Director Joe Zaher
City Clerk Deb Woods
Planning and Development Director Dan Caris
Special Projects Coordinator Matt Carson
Engineering Project Manager Steve Martinez
City Planner Henry Hemphill
Parks and Recreation Director Marc Mancuso
Chief of Police Dave Krouse
City Attorney Mary Elizabeth Geiger

Also Present:

Members of the public (in person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Breman called for a moment of silence for reflection. He then led the Pledge of Allegiance.

3. AGENDA - ADOPT/AMEND

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

4. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAMATION – PROCLAIMING JANUARY 2025 AS “CRIME STOPPERS MONTH” IN THE CITY OF FRUITA TO BE ACCEPTED BY BOARD MEMBERS OF CRIME STOPPERS OF MESA COUNTY

Councilor Parrish read the Proclamation, which was accepted by Shari Zen and Deb Mosher with Crime Stoppers of Mesa County.

B. PROCLAMATION – PROCLAIMING MONDAY, JANUARY 20, 2025 AS MARTIN LUTHER KING, JR. DAY IN THE CITY OF FRUITA TO BE ACCEPTED BY DAVID COMBS, FOUNDER OF BLACK CITIZENS AND FRIENDS OF GRAND JUNCTION

Councilor Hancey read the Proclamation, which was accepted by David Combs with Black Citizens and Friends of Grand Junction.

5. PUBLIC PARTICIPATION AND CONSENT AGENDA

Mayor Breman explained that any audience members who wanted to provide public comment concerning the Xcel Energy appeal needed to speak during this Section of the agenda and not later on in the meeting where that item appears under the Administrative Section of the agenda.

PUBLIC COMMENT:

Daniel Emery, 930 Squire Court, Fruita, stated that he wished he would have had an opportunity to provide input sooner in the appeal process concerning Xcel Energy’s transmission lines because although he thinks the decision that was reached by the Planning Commission is better than the other option of hanging all the power lines overhead, he still does not think it’s the best option out there. He said that Xcel was simply trying to put the power lines in as cheaply as they can and that Xcel appears to have no interest in investing in Fruita’s future.

Mr. Emery continued that everyone knows power lines that are underground are far safer and better and that although Xcel has stated that it would cost upwards of \$11 million to do that, he thinks most people understand that’s a highly inflated number that wouldn’t even be a rounding error on Xcel’s quarterly budget. He added that there are risks in putting the power lines where Fruita’s citizens recreate, that Xcel was simply trying to line their pockets at the expense of the City of Fruita and that Xcel has the resources to underground the power lines.

Mr. Emery said he hopes that the City Council does not capitulate to Xcel and allow the suspension of the power lines because it would significantly decrease the value of his home as he overlooks Riverfront Park. He stated that he would’ve never bought the property knowing that could be a possibility.

Mayor Breman explained that the City Council would be going into Executive Session at the end of the meeting and there would not be time for people to speak then, either. He reiterated that this was the time for the public to provide their input.

Paul Schultz, Red Rocks Subdivision in Fruita, urged the City Council to immediately stop the condemnation of private property at the Bedow’s Reminisce Farm and to end the City’s effort to force out family farms east of Fruita. He said the farms are vital to Fruita’s agricultural heritage and community and that the expansion of 19 Road is unjustified and based on improper and aggressive right-of-way acquisition practices. He said he and others support appropriately upgrading roads, but Fruita’s 19 Road expansion is excessive because 19 Road is a major collector and not a major arterial requiring 80 to 100 feet of right-of-way. He added that traffic counts do not support the proposed road expansion and Fruita’s

planning relies on aspirational future road classification and outdated thinking, disregarding modern transportation trends that require less roadway, not more.

Schultz continued by saying that “Fruita claims to support local agriculture and farmers’ right to farm, but these actions contradict those promises. The threat of condemnation of private property at Bedow’s Reminisce Farm threatens the agricultural identity of Fruita, undermines public trust and prioritizes unnecessary development over community values.”

Schultz urged the Council to act now; stop the condemnation of private property at Bedow’s Reminisce Farm, protect the farms that sustain Fruita’s economy and character and commit to transparency and collaboration with property owners and the broader community. He also urged the Council to let Fruita “be a leader in preserving farmland; not destroying it.”

Shelby Bedow, Unincorporated Mesa County on 19 Road, stated that she and her husband own and operate Bedow’s Reminisce Farms, which serves over 200 members in Mesa County and also members in Delta and Montrose counties. Bedow stated that she was at the Council meeting to ask City Council to stop the threat of condemnation on her property. She said that the City wanting a 20-foot right-of-way for the 19 Road expansion is excessive, undermines the Right to Farm Act and breaks promises to support local agriculture.

Bedow continued that Fruita could be a leader in preserving its agricultural land and agricultural identity instead of pushing forced growth on the community and making the farmers and ranchers feel like they are being pushed aside. She added that it’s not only hurting the agricultural community, but also the Fruita community as a whole for those that want to shop local and know where their food is coming from.

Daniel Haney, 1868 J 6/10 Road, Fruita, said he bought (his property) because of the agricultural area and that his home is actually zoned agricultural as long as he fights for it. He stated that the area is not a subdivision, that there is no reason or need to make that area suitable for building houses and that if the City wants revenue, it should put a police officer on J Road between 7:00 and 8:00 a.m. when the teachers are driving to school. He added that it wasn’t the kids; it’s the teachers.

Haney requested that the City keep its agricultural identity and the Bedow Farm because it’s been around a long time and is a beautiful area. He concluded by saying he doesn’t want the City to destroy it with a bunch of “cookie cutter” homes.

AJ Armstrong, 1870 J 6/10 Road, Fruita said he lives a little north of the Bedows and has driven by there every day for 18 years. He stated that he and his wife inherited the property for her future benefit and put in hundreds of thousands of dollars’ worth of irrigation improvements that will now have to be ripped out as a result of the expansion project. He said they will have to relocate the ditches somehow and that he knows a lot about construction because he’s been in construction for 35 years and now also teaches Mesa County land building code and other things at Colorado Mesa University.

Armstrong said he knows a lot about roads as well and that he agreed with the previous comments that an expansion is not necessary. He said he and his neighbors didn’t buy their properties to be developed and didn’t have any idea that when they bought them, they were in the east boundary of the Fruita development area. He strongly urged the Council to reconsider the agreement with the Bedows and all of the projects in the east expansion zone.

Hearing no further public comment, Mayor Breman closed Public Participation and referred to the Consent Agenda.

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF NOVEMBER 19, 2024 – SPECIAL CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF NOVEMBER 19, 2024 – REGULAR CITY COUNCIL MEETING**
- C. MINUTES – A REQUEST TO APPROVE THE MINUTES OF DECEMBER 3, 2024 – REGULAR CITY COUNCIL MEETING**
- D. MINUTES – A REQUEST TO APPROVE THE MINUTES OF DECEMBER 17, 2024 – REGULAR CITY COUNCIL MEETING**
- E. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF CONNIE OVERTON TO THE LIVABILITY COMMISSION FOR ANOTHER THREE-YEAR TERM THAT WILL EXPIRE IN JANUARY OF 2028**
- F. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF MOLLIE SHEPARDSON TO THE FRUITA TOURISM ADVISORY COUNCIL (FTAC) FOR A THREE-YEAR TERM TO EXPIRE IN JANUARY OF 2028**
- G. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF AMANDA QUIGLEY TO THE BOARD OF ADJUSTMENTS FOR A THREE-YEAR TERM TO EXPIRE IN JANUARY OF 2028**
- H. ASSOCIATE MUNICIPAL COURT JUDGE ONE-YEAR CONTRACT RENEWAL – A REQUEST TO APPROVE A ONE-YEAR PERSONAL SERVICES AGREEMENT WITH GREG MUELLER AS ASSOCIATE MUNICIPAL COURT JUDGE FOR THE CITY OF FRUITA**
- I. RED FLAG POLICY – COUNCIL’S ANNUAL REVIEW OF THE CITY’S RED FLAG POLICY (IDENTITY THEFT PROGRAM)**
- J. RESOLUTION 2025-01 – DESIGNATING THE PLACE FOR POSTING OF NOTICES OF MEETINGS OF THE FRUITA CITY COUNCIL AND ALL BOARDS AND COMMISSION OF THE CITY OF FRUITA**

Mayor Breman asked staff if they take credit cards from the public over the phone. City Clerk Deb Woods responded that staff does take credit cards for business licenses, but not for utility bills. The Mayor asked if there had been any identity theft issues over the past year and Ms. Woods said there had not.

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

Mayor Breman acknowledged and thanked Connie Overton, Mollie Shepardson and Amanda Quigley for serving on the City’s Boards and Commissions.

6. PUBLIC HEARINGS AND ACTION ITEMS

A. QUASI-JUDICIAL PUBLIC HEARING – ORDINANCE 2025-01 – SECOND READING – AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, VACATING CERTAIN STREET RIGHT-OF-WAY FOR 18 ROAD SOUTH OF I ROAD LOCATED WITHIN THE CITY OF FRUITA (LAKE WEEDUNNO RIGHT-OF-WAY VACATION) – CITY PLANNER HENRY HEMPHILL

City Planner Henry Hemphill provided staff's presentation, which included the following:

- Description of location of the street right-of-way to be vacated
- Legal notices dates and methods
- Aerial map showing vacation location
- Aerial map showing vacation location showing lift station and 8-inch sewer line
- List of four (4) Fruita Land Use Code criteria for the Council to consider pursuant to Section 17.09.090
- No concerns from reviewers of application
- No written public comments received by staff
- Planning Commission's recommendation of approval at their November 12, 2024 meeting
- Staff recommendation of approval of Ordinance 2025-01

The property owner's representative was present at the meeting but had no comments to add.

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

- **COUNCILOR MILLER MOVED TO APPROVE ORDINANCE 2025-01 – SECOND READING – AN ORDINANCE OF THE CITY OF FRUITA VACATING CERTAIN STREET RIGHT-OF-WAY FOR 18 ROAD SOUTH OF I ROAD LOCATED WITHIN THE CITY OF FRUITA (LAKE WEEDUNNO RIGHT-OF-WAY VACATION). COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. LEGISLATIVE PUBLIC HEARING – RESOLUTION 2025-02 – AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT TO PURCHASE PROPERTY IN DOWNTOWN FRUITA – INTERIM CITY MANAGER SHANNON VASSEN

Interim City Manager Shannon Vassen provided staff's presentation of Resolution 2025-02, which authorizes the Interim City Manager to execute all documents related to the purchase of property in downtown Fruita. The property is the parking lot north of the Hot Tomato and east of the Copper Club that the City has been leasing for the purpose of providing public parking in downtown Fruita for the past year. The property owners' original asking price was \$2 million for the lot, but in September, the Council encouraged staff to engage with the property owners to hopefully arrive at a price that would work for the City of Fruita. A few months ago, the property went under contract with the City of Fruita for \$650,000.

Mr. Vassen explained that the funds to purchase the lot are available in the 2025 Budget and noted that the closing on the property was scheduled for the following day (January 8, 2025).

Mayor Breman opened the public hearing on Resolution 2025-02. Hearing no comments from the public, he closed the public hearing and referred the matter to the City Council.

Councilor Hancey said he thought buying the property was a great opportunity for the Fruita community because as the City grows, the need for parking is increasing as well.

Councilor Williams commended staff for their negotiations on the purchase of the property.

- **COUNCILOR PURSER MOVED TO APPROVE RESOLUTION 2025-02 – A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT TO PURCHASE REAL ESTATE IN DOWNTOWN FRUITA. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

7. ADMINISTRATIVE AGENDA

A. APPEAL – APPEAL BY PSCO OF THE PLANNING COMMISSION’S CONFIRMATION OF THE ADMINISTRATIVE DECISION THAT THE PORTION OF THE PROJECT WITHIN THE CSR ZONE DISTRICT MUST BE UNDERGROUNDED IN ORDER TO BE COMPATIBLE WITH THE RIVERFRONT PARK - *CITY PLANNER HENRY HEMPHILL*

City Planner Henry Hemphill provided staff’s presentation, which included the following:

- Legal notice dates and methods
- Timeline of the review process, meetings and public hearings
- Planning Commission’s motion to approve Xcel Energy’s application for a Conditional Use Permit with the condition that the transmission line in the CSR (Community Services & Recreation) zone district be installed underground in order to be compatible with the Riverfront Park
- Location map of proposed transmission line highlighting three (3) power pole locations (#7, #8 and #9 DE)
- Photos looking east toward Grand Mesa from the Snooks Bottom and Kingsview Road intersection (showing how noticeable the power poles would be)
- Photo looking southwest from Highway 340 toward the Riverfront Park and Kingsview Estates Subdivision (showing how noticeable the power poles would be)
- Photo looking west at the Kingsview lift station and the parking lot for the Riverfront Park (showing how noticeable the power poles would be)
- Photo looking northwest directly toward the Riverfront Park (showing how noticeable the power poles would be)
- Appeal application details including four (4) review criteria to be considered by City Council pursuant to Fruita Land Use Code Section 17.25.040(E)(i-iv)
- Appeal application findings
- Land Use Code analysis
- Options available to the City Council
- Staff’s recommendation of approval of the Conditional Use Permit with the condition that the transmission lines be undergrounded for line structure numbers

In his presentation, Hemphill clarified that in an appeals process, the party filing the appeal has the burden of proving the necessary facts to warrant reversal or amendment of the decision being appealed. Such proof shall include applicable and specific Land Use Code Section references and shall be provided with the application.

Hemphill explained that the appeal on the decision to require undergrounding of the transmission lines in the CSR zone district was based on three factors:

1. Inconsistency with Fruita's Land Use Code
2. Violation of Colorado case law
3. High costs of undergrounding

Hemphill stated that concerning inconsistency with Fruita's Land Use Code, compatibility standards are generally applied to every application that is submitted to the City of Fruita. He then provided the following past examples:

1. The Dairy Queen – in 2016, staff had to apply the compatibility criteria because the adjacent and existing land use (the RV Park) was not compatible with the noise of the proposed drive-through, so a noise restriction was placed on the project along with additional landscaping to provide a buffer between the uses.
2. The True Value and O'Reilly Auto Parts stores – in 2001 – 2012, in order to be compatible with existing residential land uses, there were conditions placed on the applications to include landscape buffering, lighting, parking and access.

Hemphill argued that the aforementioned projects offer evidence that the City has been consistent in applying compatibility standards. He added that Fruita's Parks, Health, Open Space and Trails Master Plan contained in Fruita's Comprehensive Plan should also be considered since the subject property exists as a natural, riparian environment that should be preserved now and into the future.

Hemphill continued that the applicant provided some exhibits in their Appeal and made some statements that seem a little misleading such as that as a policy, the City of Fruita allows by right above-ground transmission lines through its CSR zone. He said that staff researched the City's records and could not find any documentation of such approvals and firmly believes that this is the first time the City has seen an application for transmission lines to be installed overhead in any City park.

The applicant submitted an exhibit known as the "Powerline Trails Act," which was approved in the Colorado General Assembly in 2022. Hemphill stated that the act is more geared towards existing transmission lines that have already existing easements and the reuse of those easements for public trails or pedestrian access, not vice versa where the pedestrian amenity/open space is already existing and then the powerlines follow afterwards. He suggested that the Act also doesn't necessarily apply given the fact that the decision was not to deny the application entirely, but to place a condition upon it in order to meet the compatibility standards in the Fruita Land Use Code.

Hemphill conceded that transmission lines are allowed in the CSR zone but pointed out that they are only allowed *subject to compatibility with surrounding properties* pursuant to Section 17.05.080(C). This Code Section is what was used to determine whether or not to recommend denial, approval or approval with conditions of the Conditional Use Permit.

Hemphill noted that the Planning Commission is the decision-making body of the City on Conditional Use Permits. They have a process that they must go through including taking comments from the public into consideration, asking questions of the applicant, garnering responses and having discussion. He said staff feels the Planning Commission made a fair decision, but now it was up to City Council to decide whether to uphold, reverse or amend the Commission's decision.

Mayor Breman invited the representatives of Xcel Energy to deliver their presentation.

Brad McCloud, Xcel Energy's Area Manager for Community Relations in Western Colorado, said that Xcel actually began the development process in good faith back in 2021 after hosting a public meeting at the Fruita Community Center and another online to gather as much public input as possible. He said Xcel looked at many alternative options and pointed out that they currently still have the easement where the line is in place and goes directly through the Kingsview Subdivision. He added that one of the concessions Xcel made in good faith as they were looking at options was to try not to go back through a subdivision, which he felt was important for the Council to remember.

McCloud said that according to the Public Utility Commission (PUC), the actual cost of undergrounding the transmission lines was estimated at \$9.7 - \$11 million (construction costs only) that would have to be borne by the taxpayers of the City of Fruita. He added that he hoped to find some resolution in moving the process forward so Xcel can replace 70+ year-old powerlines that definitely need to be upgraded to keep the system safe.

Jennifer Chester, Senior Manager of Xcel's Sighting and Land Rights Team provided a PowerPoint presentation consisting of the following:

- Map illustrating the existing 65-year old transmission line and proposed rebuilt-to-current design-standards transmission line
- Background of development that occurred since the original transmission line was built that includes Kings View Estates Subdivision and Sunset Pointe Subdivision
- Routing Study that included 120 initial iterations of end-to-end transmission line routes covering approximately 32 miles
- Agency and Jurisdiction Coordination Timeline beginning in early 2021 and ending on July 5, 2024 when the application was submitted to the City of Fruita
- Community Outreach details
- Route selection based on input from Fruita, Mesa County, Bureau of Land Management (BLM), Bureau of Reclamation (BOR) and the community. Other routes were not selected due to factors such as:
 - Safety concerns along Highway 340 due to the small road corridor
 - Conservation easement near Snooks Bottom
 - Visual concerns from Kingsview Estates residents if the line stayed in the same location or went south of the current alignment
- Statement that Xcel worked with the Fruita Parks and Recreation Department to not interfere with the disc golf course alignment and to route the line away from trees within Riverfront Park
- Motion from Planning Commission at their October 8, 2024 meeting
- Appeal issues:
 - City staff's conclusion that undergrounding is necessary to make the facilities "compatible" with Fruita's CSR zone district is unsupported, contrary to fact and inconsistent with the Land Use Code
 - The Planning Commission's application of its compatibility provision is contrary to Colorado's zoning law
 - The Planning Commission's condition to underground Line 6683 will only be enforceable if the City is willing to pay for that undergrounding
- Statement that PSCO's transmission line can "coexist" with surrounding uses
- Photos of existing transmission lines in open space in other areas of Colorado

- Aerial photo of existing disc golf course area shared by trails, disc golf course and Transmission Line 5359
- Micro-siting through Riverfront Park to facilitate coexistence: aerial maps of the original route and the updated route (overlaid on Sunset Pointe plans)
- Statement that undergrounding requires local government contribution per PUC direction
- Aerial photos of alternative underground routes discussed with City staff (not approved by the Planning Commission):
 - Kingsview Road
 - Emergency Access Road

Chester's presentation also included the following statements:

1. Colorado Public Utilities Commission does not allow local jurisdictions to require public utilities to underground transmission facilities as a permit condition of approval and for local benefit if such undergrounding is more costly than installing the same facilities above ground (Decision No. C04-0093; Docket No. 03A-192E).
2. As has been discussed with City staff, Xcel Energy may agree to install its facilities underground if the local government pays for the difference in cost between building the facilities above ground and underground.
3. Xcel Energy is willing to enter into a Relocation Agreement with the City of Fruita for the requested underground construction of facilities. This cost difference is preliminarily estimated to be between \$9,740,000 and \$11,300,000 dollars, dependent upon route chosen and other factors.
4. City staff has been provided cost estimates for their two preferred underground routes along with the Relocation Agreement and associated documentation for review.

Chester explained that "Distribution Undergrounding," is more common in communities and can usually be accomplished by putting in a very small trench and laying cable in the trench and pulling it through underground. She stated that the Underground Transmission construction is significantly different and comes with a fairly large footprint that is impactful to the area. It consists of placing underground vaults that allow crews to access and pull through the cable or conduct repairs as needed. The vaults are large enough to accommodate four people. The conduit is then placed in a grid pattern and is backfilled with an appropriate fill equivalent to concrete for the length of the underground line. Soil is then backfilled on top of that.

Chester said that as provided in the Council packet and communicated to staff in October, the PUC has reviewed a number of cases and found that case law does exist in Colorado around jurisdictions requiring undergrounding and when those decisions have been appealed to PUC, the results of those were that utilities cannot be forced to pay the cost of undergrounding when it is more expensive than the equivalent overhead alternative.

Chester stated that Xcel Energy is willing to work with the City of Fruita on undergrounding the line through Riverfront Park, but the City would have to enter into an agreement agreeing to cover the cost of it.

Chester provided Xcel Energy's request as follows:

1. For the City Council to reverse the Planning Commission's decision requiring PSCo to underground Transmission Line 6683 to be deemed compatible with the uses in Riverfront Park.

OR

2. If the City Council decides it wants to underground the transmission line within Riverfront Park and is willing to pay the cost of doing so, to impose the following condition on the project's approval:

PSCo may install a portion of the transmission line underground along Kingsview Road or the Emergency Access Road depicted in the Sunset Pointe development plans, provided that such route alignment and undergrounding is contingent upon the City of Fruita staff: (1) selecting which alternative route as between the two it is proposed the Line 6683 should follow; (2) acquiring all necessary land rights for said route; (3) entering into PSCo's Relocation Agreement by no later than 30 days after the date of this decision. If the City has not met these requirements within 30 days of the date of this decision, PSCo shall proceed with overhead installation of the route included in the application.

The last slide in the presentation was a color-coded map of Sunset Pointe Subdivision illustrating the existing overhead Transmission Line, the proposed overhead Transmission Line and the proposed underground segment options. Chester stated that if the City of Fruita is going to cover the cost of undergrounding, a decision would need to be made on where to locate it, whether that be the Emergency Access Road or Kingsview Road. She added that in order to transition an overhead line to underground, the eastern and western structures would have to be "transition structures" where the line dives underground and pops back up, which doesn't accomplish what the City is interested in, but which is why Xcel was earlier talking about undergrounding the line in other locations for a longer distance.

Chester concluded by saying that Xcel Energy continues to post information about the project on its website and continues to take public comment through either the website, email or the hotline number.

Mayor Breman asked City Attorney Mary Elizabeth Geiger (present in person at the meeting), to introduce herself, which she did. The Mayor then asked the Council members to ask their clarifying questions or provide their input.

Councilor Hancey asked staff to further describe how they consider and apply the matter of compatibility to a project. City Planner Henry Hemphill cited Fruita Land Use Code **Section 17.05.080(C) Land Use Compatibility Criteria** as follows:

The City seeks to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Comprehensive Plan, existing adjacent land uses, applicable zoning district requirements and other city codes and regulations. Nothing in this Section shall prevent the City of Fruita from denying a land use application based on relevant Code requirements or taking enforcement action against a property owner where a nuisance or other Code violation occurs. For all land uses, compatibility is provided when a proposed use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on other use or uses. The applicable city's decision-making body may consider other uses existing and approved and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable given the range of land uses allowed in the zone. The review authority may require conditions of approval to promote compatibility between uses.

Hemphill stated that staff's analysis for all projects that need to be considered under this Code Section originates from the basis of the overall context of the Fruita Comprehensive Plan, existing land uses, applicable zoning district requirements and other city codes and regulations. He added that these are implemented on anything that is foreseeable in existing zone districts in which a project is being established.

Hemphill explained that staff considered how applications like Xcel's have been handled in the past, what design standards apply pursuant to the Fruita Land Use Code and what guidance is provided in the City's Comprehensive Plan in order to make the determination on the Appeal. He added that the Planning Commission did not deny Xcel's application, but rather provided a condition on it of undergrounding the transmission line through the CSR zone in order to be compatible and be an allowed use by right.

Hemphill also pointed out that on Page 6 of the Comprehensive Plan states,

"Goal #6: Preserve the natural features of the City and surrounding landscapes through partnerships with local land managers and organizations."

He said he thinks it's important to consider preservation of natural features of the City and surrounding landscapes, which is further implemented in the City's Parks, Health, Recreation, Open Space and Trails (PHROST) Master Plan, which speaks to the Riverfront Park more specifically:

"As the Riverfront Park was previously named "Kingsview Open Space," the parcel is located adjacent to Snooks Bottom along the Colorado River and state Highway 340. The Riverfront Park is approximately 37 acres in size. This park provides a high-quality open space resource for the Fruita community and is an important riparian location. Fruita Riverfront Park contains a disc golf course, social trails and natural and undeveloped river access."

Councilor Miller asked for clarification whether the City is committing to the cost burden if the Council upholds the Planning Commission's decision. Councilor Williams asked if that was part of what the Council should consider or not. City Attorney Mary Elizabeth Geiger responded that the information is in the record and is part of what Xcel did present at the Planning Commission hearing, which is that undergrounding would require payment by the City of Fruita for the difference between the two options of undergrounding versus installing an overhead transmission line. She further advised that the cost estimate that was included in the Council packet and that was presented was actually not for the undergrounding through the CSR zone; that was for undergrounding if the line went through Kingsview Road or the Emergency Access Road, and if that was a question the Council had, they might want to ask Xcel if they have a cost estimate instead for the difference in the undergrounding through Riverfront Park.

Mayor Breman said when he first looked at the Council packet, he saw \$11.3 million for going through Riverfront Park, but then he saw that it was actually for undergrounding through Kingsview. He pointed out that when he looked on the Xcel website, it said the average cost of undergrounding on flat level ground is about \$1.5 million per mile. The Mayor said he was curious if he was wrong on that estimate for flat and level undergrounding and why it was "either/or" in terms of looking at the cost. He asked for clarification.

Chester stated that the condition as written requires undergrounding of three poles in the park and what is being attempted with the condition is to say that within the park, the transmission line needs to be undergrounded to be compatible, which means Xcel needs to not only consider those three poles, but also the associated wires that cross the park all the way from Highway 340 and the lift station area up to Kingsview Road. She said there would also be two bookends, so there would actually be five points total

and in looking at the two cost estimates, the one that approximates going through Riverfront Park and undergrounding everything in the CSR zone is the one at the Emergency Access Road.

Chester continued by saying that if Xcel were to only focus on the three poles mentioned in the condition, the first pole would be a transition, which would be an above-ground pole that has additional equipment attached to it that would take the line underground and it would be undergrounded from that transition pole to the third pole, where it would come back up above ground. She added that what they discussed with staff in order to generate the cost estimates is that there is the planned Emergency Access Road through the park and Xcel would co-locate through that to get back up to Kingsview Road entirely underground so that everything in the CSR zone is below ground. She added that technically, Xcel has to actually use that access road which has to be in place to allow them to get up the hill.

Parker Rosak, Transmission Line Engineering Manager for Xcel Energy in Colorado, stated that realistically, if Xcel is not able to have any overhead transmission lines in the CSR, then the estimate to underground it from the highway up to the road using the 20-foot Access Road is what Xcel thinks it would cost to comply. He said that there are a lot of complicating factors in the project because there is no road there currently and there are a lot of assumptions about how the road would be built and commodities drive underground cable costs significantly because there's a large amount of copper in the underground cable. Rosak stated that the most recent cable price Xcel received for this type of project was \$140 per foot, which is just for the material alone and doesn't include installation, which would be approximately \$420 per foot. There is also potentially consideration of the project being a radio line, which is one of the reasons Xcel was looking at a new right-of-way. Rosak stated that because undergrounding takes awhile to restore, if there is a fault/cable failure or someone digs into the cable, it typically takes some time between three and six weeks to put the line back in service.

Concerning the cost, Rosak said that Xcel typically sees undergrounding at 10 to 30 times the cost of overhead lines depending on the voltage or \$1 to \$1.5 million per mile depending on what is in the way. He also explained that the cable is very heavy (20 to 30 pounds per foot), so if it is installed too vertically, it pulls itself apart and then the line faults and the cable must be replaced. He concluded that there is a lot to do to actually figure out what the actual cost of undergrounding would be as far as the upfront engineering, bidding out the contracting cost and working on where the cable is going to go in the road.

Councilor Purser asked if the question before the City Council was whether the Fruita Planning Commission was within its rights to make the decision they made. City Attorney Geiger responded that it was actually the Community Development Director's administrative decision that was confirmed by the Planning Commission, but that is the only piece that's on appeal because Xcel did receive the Conditional Use Permits for the other zone districts, so it is just the narrow question as to whether or not the Community Development Director as confirmed by the Planning Commission properly applied the City's Code provisions.

Mayor Breman said it was his understanding that it was Xcel's expectation that the PUC would come back and say the City would have to pay for the undergrounding, but that it was not a foregone conclusion. He asked the City Attorney if that was correct and Geiger confirmed that it was. She added that the City Council could not commit to paying anything due to TABOR; they would have to go through appropriations first and foremost before the Council could even say that they would pay something. She said if the Council decided to uphold the Planning Commission's decision on the undergrounding through the CSR zone district and challenge the requirement for there to be any additional cost to the City, her understanding is that Xcel would then take that to the PUC for a decision on who would bear that cost. If it was determined that the City needs to bear the cost, Council would obviously get some hard numbers and would have to appropriate for that in the Budget to be able to actually commit to paying it.

Councilor Purser noted that it had been mentioned by Xcel that if the undergrounding were for local benefit only, it is typically done at the expense of the local government. She said she was curious what the criteria would be for a project to not be considered as “for local benefit.”

Chester said that she was referring to prior decisions made by the PUC in reviewing other local jurisdictions’ requirements of undergrounding where they determined that undergrounding in a specific location at the request of a jurisdiction was of local benefit and not a system-wide benefit. She added that generally, that’s what Xcel sees and often has to consider when explaining the cost to the PUC, especially if it’s a cost that’s outside of the normal. The PUC will look at whether the undergrounding would be something that benefits the larger system or if it’s something that benefits a local area because if Xcel is asking their rate payers to bear that cost, it’s every rate payer in Colorado, not just the local jurisdiction.

Mayor Breman asked whether it would mean that there couldn’t be additional future discussions on other possible solutions if Council decided to uphold the decision to underground the transmission line. Attorney Geiger she said generally, that would be correct; whatever decision the Council made at this meeting, if Xcel is not satisfied with that decision, they can also file a Rule 106 Action in the District Court challenging whether or not the decision-making body for the City acted arbitrarily and capriciously in upholding the Planning Commission decision. She said the Mayor was correct, however, that there’s never “shutting the door” on trying to reach other solutions unless of course, the other party decides they don’t want to have those discussions. She added that if there were different discussions about potential different alignments for the line, it would require a new application because it would depend on where that alignment is going to go and what the applicable portion of the Land Use Code would be. She said depending on what zone district that alignment is in would determine whether the undergrounding/overhead discussion comes into play.

Mayor Breman commented that there were other factors that would go into the Council’s decision other than the cost of undergrounding.

Councilor Hancey said the cost aspect was a distraction and that what the Council should consider was whether the overhead transmission line is compatible or not. He added that he thought the dollar amount was more of a “scare tactic” and a distraction because it was his understanding that the Council was restricted to discussing compatibility only, so for him, it was a simple decision at this point because everything else is outside the scope of the hearing. Hancey stated that if the line would go through the same area as where it currently exists, there are no issues of whether the City is keeping its natural features but moving the line as proposed does not allow the City to keep natural features and thus, there is no compatibility.

Mayor Breman said he appreciated the fact that Xcel Energy was looking at the ability to move the transmission line so that it doesn’t go through Kingsview, but he agrees with Councilor Hancey in that the Council should be looking at the consistency of the application of the Land Use Code as it relates to the City’s PHROST Plan in terms of natural beauty and the fact that the City of Fruita has never had overhead power lines in any CSR zones.

Councilor Williams asked if the Council would be putting themselves in a situation where the City would have to pay the \$9 to \$11 million if the Council were to uphold the decision that was made by the Planning Commission.

Attorney Geiger reminded the Council that they were considering whether the Community Development Director, as confirmed by the Planning Commission, properly applied the Code in deciding that the

transmission line needs to be underground in order to be compatible and that what happens next is really not part of the criteria for that decision.

Councilor Williams stated that he thought it was part of the argument and he wanted to dive into it a little bit. The Mayor stated that if the Council upholds the decision, it doesn't mean it's the end of the conversation. He said he wondered if Xcel understood that even if overhead transmission lines are allowed pursuant to the Code, it doesn't mean it's a guaranteed approval.

Councilor Hancey stated that although he felt the Council would love to have further conversations with Xcel to find a solution, the decision before the Council was confined to the matter of whether or not to uphold the Planning Director's and Planning Commission's decision.

Councilor Williams said he thought the parameters set forth by the City Attorney made the Council's decision pretty "cut and dried."

Councilor Downs asked if the matter about the Trails Act ever came up during the Planning Commission discussions. Attorney Geiger responded that it was in the staff report but did not come up in the hearing.

Attorney Geiger stated that it was worth asking Xcel's attorney whether the City would absolutely have to pay the cost difference that had previously been made part of the record if the PUC decides that it is the City's burden.

Councilor Williams said he also wanted to ask what would happen if the PUC decides the City isn't responsible; would there be a possibility that Xcel just wouldn't do the project?

Sarah Kelner, outside Counsel for Xcel Energy, stated that there have been multiple instances where local jurisdictions have required the public utility to underground part of a project like the one being discussed as a condition of approval or of the project and in all of the instances that she is aware of, the PUC has required the local jurisdiction to not only pay for the undergrounding but also to pay for the engineering required to determine the cost of undergrounding and any additional costs associated with the condition. She said there are certainly preliminary estimates that Xcel had been able to provide, but pointed out that it is a big process to even engineer and underground line. She explained that earlier in the day, they were physically on the site of the project and saw that there is a big hill/incline that needs to get from across the street over the park area and up back to tie into the rest of the line, so it is going to be a difficult underground transmission line to engineer. She added that it is going to be costly no matter which of the options the City ultimately decides upon and because Public Service Company and Tri-State are public utilities that are regulated by the Colorado PUC, the PUC has specifically found that the rate payers of the state of Colorado cannot bear the cost of undergrounding lines like the ones proposed. Kelner pointed out that Xcel attached and cited many of those court cases to make the Council aware of how these situations have played out in the past.

Kelner also stated that she was hoping the Council looked at how the Code defines incompatibility as "something is not compatible if it cannot co-exist." She said Xcel tried to provide instances where overhead transmission lines like this have co-existed with all of the different land uses that are within the park and referred to the photo that was shown of overhead lines in another park with a disc golf course in Dillon, Colorado. Kelner said the state legislature specifically found that the two things can co-exist and are compatible with one another. She explained that the statute actually says that if someone is going to build a new transmission line, they are supposed to let the local jurisdiction know about the opportunity to have a trail (for example) that can co-exist with transmission lines.

Mayor Breman argued that the bill referred to parks and trails that haven't yet been built but not existing parks. Kelner conceded that this was true but also contended that they are two uses that are good co-existing together because the state wants to encourage trails, parks and open space within transmission line corridors.

Councilor Purser referred to the Land Use Code's mention of "severe impact" and how all current and existing uses can be considered. She stated that it appeared to her that this is exactly what was applied in the making of the decision by the Planning Commission; that the transmission line would have a severe impact had it been approved as originally proposed. Purser concluded that the Planning Commission applied the Fruita Land Use Code, Comprehensive Plan and PHROST Plan correctly in making the decision and it was well within their realm to do so.

Kelner said she thought that it was important for the Council to understand that there is going to be a road going through the park that will be built as part of the new development located next to the Kingsview Estates Subdivision. She thought it might be helpful for the Council to consider the impact of installing the underground transmission line as trenches must be dug and cement put in around the line.

Mayor Breman called it a huge but temporary inconvenience.

Councilor Purser said she was interested in what kind of impact the undergrounding would have versus the other option, but that it was actually not what the Council was supposed to be looking at.

Chester responded that it was Xcel's position that the Council can interpret the Land Use Code with the facts before them on their own. Councilor Purser agreed and thought in that regard, the interpretation of the Code had been done accurately. City Attorney Geiger cautioned the Council to not engage in a back-and-forth argument with the applicant.

Councilor Downs asked whether any of the previous cases were located on Bureau of Land Management's (BLM's) (or some other entity's) land where the PUC required that the difference in undergrounding be paid for by the local jurisdiction to bolster the argument that it wasn't just for a local benefit. Chester responded that she didn't recall specifically whether the BLM intervened in any of the cases.

Mayor Breman asked if any of the other involved entities such as the BLM or Mesa County had approved an above-ground transmission line through their properties. Chester responded that Xcel has submitted an application with Mesa County for their portions of unincorporated county property that is involved and is working through it with the county at the moment. She added that they didn't yet have that approval but have also not had a request from them to consider undergrounding the line. Xcel has also submitted materials to the BLM for the federal authorization and those materials are for an overhead line. Chester said the BLM has not given any indication that they are looking at undergrounding the line.

Councilor Purser asked if Xcel covers the entire cost of the installation of an overhead transmission line. Chester responded that Xcel and the ratepayers cover the cost.

Councilor Downs asked who Xcel is accountable to when the actual cost numbers become available. Chester stated that Xcel's Relocation Agreement identifies how they estimate costs and is the same form that is used for every jurisdiction. Xcel also oversees and provides a True-up to the other party in the agreement, which is an explanation of the actual costs. Councilor Downs asked for confirmation that there is no other entity that can verify whether the cost numbers are accurate and Chester confirmed that to be true and added that in certain instances, Xcel has to report to the PUC, who then evaluates the cost estimates, but this does not necessarily occur in all instances.

Councilor Purser commented on how she noticed in the Council packet that all communications between staff and Xcel were professional and considerate.

Councilor Hancey said he felt that the Council, community and staff were all happy to have further discussions with Xcel, but that currently, the Council was operating within specific guidelines for what they were allowed to consider.

- **COUNCILOR WILLIAMS MOVED TO AFFIRM THE PLANNING COMMISSION'S DECISION TO APPROVE THE ADMINISTRATIVE DECISION THAT THE TRANSMISSION LINES MUST BE UNDERGROUND WITHIN THE RIVERFRONT PARK. THIS WOULD KEEP THE PLANNING COMMISSION'S ORIGINAL DECISION TO UNDERGROUND THE TRANSMISSION LINE IN THE CSR ZONE.**

City Attorney Geiger advised Councilor Williams that he should amend his motion to reflect that the request for undergrounding is to make the project compatible with the Riverfront Park. Councilor Williams amended his motion as such.

- **COUNCILOR DOWNS SECONDED THE AMENDED MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

At 9:16 p.m., the Mayor called for a ten-minute break. The meeting resumed at 9:26 p.m.

8. CITY MANAGER'S REPORT

Interim City Manager Shannon Vassen reported the following:

- Shannon thanked the audience members for their public comments, especially on "Save Fruita Farms." He noted that this was something the Council has been hearing a lot about recently, therefore, staff drafted a response which will be posted on the City's website. Shannon said staff hopes the response will address some of the concerns about the "illegal" right-of-way acquisition and the City "taking farms" rumors, neither of which are actually occurring. He read the statement in full as follows:

"This information is in response to the story KKCO is interested in covering today, January 7, 2025 regarding Save Fruita Farms. The information below is to help the community better understand the situation and the City of Fruita's process when it comes to the right-of-way acquisition process. We hope you find this information helpful and appreciate you reaching out to help share the full story.

Any claims about the City unlawfully acquiring farms are false. When the City purchases right-of-way, it is generally for the purpose of expanding a road. The City of Fruita only acquires right-of-way that is necessary for the project, which includes road expansion and installation of utilities. The City only purchases the amount of land necessary for road expansion and utility installation, not full parcels, and is required to follow the statutory and other processes to do so, which includes negotiating with landowners to reach an agreement for the purchase, at fair market value, of the property needed for right-of-way. The City has also been acquiring needed right-of-way dedication from the subdivisions along 19 Road.

The expansion of 19 Road is for a three-lane road with pedestrian and bicycle facilities. With the development occurring along 19 Road, the Colorado Department of Transportation is requiring that Fruita make improvements to the intersection of 19 Road and Highway 6 & 50. The subdivisions' various traffic studies have also required turn lanes at Iron Drive and Skiff Avenue in response to development occurring in the area. The City is expanding 19 Road to accommodate transportation and traffic flow needs.

The City does extensive community outreach for all long-term and short-term planning documents, which are the leading documents that help the City make decisions. For example, in Community Surveys over the last several years, residents identified the quality of City streets and the overall traffic flow and congestion management as the two top priorities the City should focus on. With this input, the City invests most of its capital resources on transportation circulation.

In addition to the Community Survey results, the expansion of 19 Road has been identified as a priority for many years. Several years of planning go into these road projects. The details and construction updates about the 19 Road project specifically have been shared and communicated to residents in the community for over a year using different channels of communication including mailers, the City of Fruita's website, social media, partners, the media and more. In addition, the City of Fruita held two Open Houses regarding the 19 Road project on July 17, 2024 and October 3, 2024. During these meetings, staff listened to community input and made changes to the design based upon this feedback.

The City just prevailed in a lawsuit entitled Schultz v. City of Fruita, Mesa County District Court Case No. 24CV62. In that case, the plaintiff claimed that the City's road classifications in the 19 Road/J Road/J.2 Road and J.6 Road were unlawful and the City was unlawfully moving forward to take private property with road expansion projects. The City prevailed in having the lawsuit fully dismissed and the City was awarded its attorney fees for the same, which have been paid in full.

Pursuant to state statute, the City cannot institute court proceedings until it has failed to reach an agreement with a landowner for the purchase of the necessary right-of-way property. With regard to the Bedow's Reminisce Farms, the amount of land the City needs to acquire as necessary for the 19 Road project is only a total of 6,000 square feet (0.14 acres). The majority of this small piece of land is already burdened by a platted multi-purpose easement dedicated to Mesa County for utility purposes.

The City encourages the public to visit its website at fruita.org/growth to learn more about growth and development in Fruita. For updates on the 19 Road project, please visit fruita.org/19Road.

We hope this information is helpful in understanding the City's processes when it comes to right-of-way acquisition and the 19 Road project. The City of Fruita's number one priority is operating a transparent local government that serves the community to its full ability each and every day."

There were no further reports from Interim City Manager Shannon Vassen.

9. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS**COUNCILOR JEANNINE PURSER**

Jeannine reported that she was able to again join the Fruita Youth Action Council (FYAC) the previous evening and commented that the members are just so full of ideas and energy. She added that it is so great to see their engagement in the community and in making their contribution to and difference in Fruita. Jeannine said she let them know that the City Council would highly encourage them to provide another update like they did last spring.

Jeannine asked if the City-owned parking at 169 S. Mulberry Street (where the new Italian restaurant will be located) is still available for people to use. Shannon confirmed that it is still available and James requested that staff install signage so that people don't think the parking is for the restaurant only. Planning and Development Director Dan Caris added that staff is working on signage for the parking lot and he recalled that the agreement stipulated that it has to remain public parking for a minimum of five years or it can be relocated along the block face with the specific number of parking stalls (25 – 30). The new property owner is doing a property line adjustment to encompass the entire parking lot because it does encroach into the sidewalk and to get the actual property lines to match up. No changes were made, however, to the Parking or Redevelopment Agreement.

COUNCILOR AARON HANCEY

Aaron asked if the City will see a bigger variety of businesses being promoted in advertisements done by the City's new marketing firm. He said it seems like in the past, it's only been narrowed to a handful of businesses. Councilor Rich Parrish advised that right after the Council approved the contract with Barnhart, the Fruita Tourism Advisory Council (FTAC) met with them to discuss and begin the process of giving them sufficient information and guidance as to what the Council wants them to do going forward into the new year. The FTAC had questions for the City Council, who is in the process of providing those answers. The FTAC will meet with the marketing firm again after the first of the year.

Shannon stated that as part of Barnhart's planning, they met with a small group of stakeholders individually (10 total) including a representative from Fruita's public lands, local business owners, some Council members and some FTAC members. Currently, Barnhart is focused on outreach and learning from the community how to best prioritize their marketing and promotion efforts. Amy said one of her recommendations was that more businesses be included in the City's marketing. James stated that he would have really liked to have been involved with that.

Communications and Engagement Manager Ciara Amann stated that staff made a recommendation to speak with 10 stakeholders within the community and really tried to diversify who Barnhart would be talking to. Also chosen were the Fruita Area Chamber of Commerce, Colorado Canyons Association and community members to get their input on what they would like to see the City work on for tourism. She stated that Barnhart will be back in Fruita later in January to continue the process with the FTAC. Matthew asked if there was a means for other interested parties to talk with them and provide input. Ciara responded that the Council members could reach out to staff, who would then provide the input to Barnhart and the FTAC members. She added that the FTAC meets every fourth Thursday and the public is welcome to come and speak during those meetings and provide input. Ciara added that she could provide more information on the discovery process as staff continues on with Barnhart. Matthew said that would be appreciated.

Aaron also stated that there's been a lot of talk about the 19 Road Expansion Project and he wanted to make a couple of general statements. He said that part of the Council's responsibilities is looking out for the rights of property owners and he lives in a particular place where he is seeing a bit of what folks are talking about on 19 Road. He stated that he bought a piece of property knowing that the property behind him could be developed and now he has something like 150 units being built around his property. Aaron said that while he is not necessarily a fan of it, the people who own the land behind him also have property rights, so they can develop as they see fit. He commented that he loved seeing the cows on the property behind him and added that he lost a couple of feet of property at the front of his house due to how things have worked out and he hasn't been compensated at all.

Aaron said he was a good example of a property owner that other people could talk to about the 19 Road Project because he knows that sometimes growth is hard, but he still has to support people's property rights if they want to develop any allowable uses.

COUNCILOR AMY MILLER

Amy reported that she attended the first Historic Preservation Board meeting of the year. She said the board members are so fun and now have some bigger goals; they want to be more involved in helping to fundraise for some of the City's bigger projects. She added that those conversations will be happening next month.

COUNCILOR ANDREA DOWNS

Andrea recalled a certain day back in the summertime when she had the big idea to present a proposal to the Colorado Office of Economic Development and International Trade (OEDIT) for the Colorado Creative Industries Summit that included the Fruita City Council representing what a creative Council is. OEDIT accepted the proposal, so Andrea invited everyone on Council who wanted to be a part of that to the Summit, which is scheduled for May 1st and May 2nd, 2025 in Grand Junction, although she didn't know on which of those two days the Fruita City Council panel would be presenting. She added that she presented her proposal in a way that expressed how the Fruita City Council members work with creatives in the community and approach things in a different type of way, so she thinks the idea of creativity in municipal responsibilities will be really interesting.

Aaron asked Andrea to email all of the information to the other Council members.

Andrea also said she wanted to see about re-opening the discussion on the City's Creative District application in the upcoming few months, such as in April or May. She pointed out that the Council never reached a consensus.

MAYOR MATTHEW BREMAN

Matthew noted that the Council had a busy week ahead of them with the hiring process (interviewing and decision making) for the City Manager position. He said he wanted to publicly call out Executive Assistant (to the City Manager) Kaydee Lucero, Communications and Engagement Manager Ciara Amann and Human Resources Director Odette Brach for all the additional work and effort they've put in on the process along with recruiting consultant Drew Gorgey with Columbia, Ltd. Matthew said they were greatly appreciated by the Council. Amy pointed out that Matthew had put in a lot of work as well.

Matthew asked if staff had heard back from the Colorado Municipal League (CML) regarding the Council's submittal to be presenters at two sessions of the CML Annual Conference. Shannon responded

that he received a standard response email that one of the sessions was not approved, but staff had not yet heard back on the second session, nor which one was not approved, so he reached out to them and is still waiting for a response. Jeannine requested that staff follow up on it.

Matthew reported that the Fruita Area Chamber of Commerce's Memorandum of Understanding (MOU) is now official; all parties have signed.

Matthew also reported that he has had a couple of conversations with the Colorado-Israel Chamber of Commerce, who has also spoken with the Grand Junction Economic Partnership (GJEP), Business Incubator and Colorado Mesa University. No action has been taken; Matthew said he just wanted the other Council members to know.

James thanked Parks and Recreation Director Marc Mancuso and his team for getting the dog park fixed.

B. EXECUTIVE SESSION - TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) FOR DEVELOPING STRATEGY FOR NEGOTIATIONS AND INFORMING NEGOTIATORS WITH REGARD TO THE 19 ROAD PROJECT

- **COUNCILOR PURSER MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) FOR DEVELOPING STRATEGY FOR NEGOTIATIONS AND INFORMING NEGOTIATORS WITH REGARD TO THE 19 ROAD PROJECT.**
 - Mayor Breman invited the City Council, Interim City Manager Shannon Vassen, Planning and Development Director Dan Caris, Engineering Project Manager Steve Martinez and City Attorney Mary Elizabeth Geiger to the Executive Session.
- **COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

The Council convened in Executive Session at 9:47 p.m. The Regular meeting of the City Council reconvened at 10:51 p.m.

- **COUNCILOR PURSER MOVED TO ADJOURN THE REGULAR (OPEN) CITY COUNCIL MEETING. COUNCILOR DOWNS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE VOTES. COUNCILOR WILLIAMS VOTED NO.**

11. ADJOURN

With no further business before the Council, Mayor Breman adjourned the meeting at 10:52 p.m.

Respectfully submitted,

Deb Woods

City Clerk
City of Fruita

DRAFT