

**FRUITA CITY COUNCIL MEETING  
APRIL 1, 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 James Williams  
City Councilor Jeannine Purser  
City Councilor Rich Parrish  
City Councilor Amy Miller

**Excused Absent:**

(None)

**City Staff Present:**

City Manager Shannon Vassen  
Executive Assistant to the City Manager Kaydee Lucero  
Communications and Engagement Manager Ciara Amann  
City Clerk Deb Woods  
Finance Director Joe Zaher  
Planning and Development Director Dan Caris  
City Planner Henry Hemphill  
City Engineer John Boulden  
Engineering Project Manager Steve Martinez  
Civic Engineer John Vasey  
Parks and Recreation Director Marc Mancuso  
Marketing and Communications Coordinator Ammon Pierce (virtually)  
City Attorney Mary Elizabeth Geiger (virtually)

**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**

City Clerk Deb Woods noted for the record that under Proclamations and Presentations, there was an addition of a Proclamation to honor School District 51's Phoenix Girls Wrestling Team and Coach, a Proclamation honoring Fruita Monument High School (FMHS) Boys' Wrestling Team, a Presentation and acknowledgment written by Council Miller for a student athlete and a Proclamation for "Days of Remembrance." Also, under Council Reports and Actions, there was an addition of one Executive Session and under the Consent Agenda, Resolution 2025-14 – Approving the agreement between the City of Fruita and Clearnetworkx needed to be removed.

Mayor Breman acknowledged the changes to the agenda.

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

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

##### **A. PRESENTATION – FRUITA STUDENTS AND TEACHES OF THE MONTH FOR APRIL 2025: FRUITA MONUMENT HIGH SCHOOL (FMHS)**

Mayor Breman noted that FMHS Principal Newt Klusmire was present in the audience and asked him to come up to the podium to say a few words.

Principal Klusmire noted that at this meeting, the City Council would be honoring “Student of the Month” Maya Pearce, who he called an exemplary Senior at FMHS who takes challenging courses, is well-rounded, involved in the community, and an artist. He added that she’s a good human; she possesses traits such as empathy, thoughtfulness, and kindness. Maya received a resounding round of applause from the room.

Principal Klusmire also noted that Lisa Crabtree was being honored as one of those teachers. She teaches AP US Government and Klusmire stated that she does so in a way that challenges students and gets them to excel. She also helps run the school’s AP programming and Principal Klusmire said it was not an exaggeration to say that FMHS would not be the great school that it is without Lisa Crabtree as part of the school’s staff. Ms. Crabtree received a resounding round of applause as well.

Maya Pearce and Lisa Crabtree each received a Certificate of Acknowledgement, a day pass to the Fruita Community Center and a Fruita sticker. Photos were taken of Maya and Lisa with the Fruita City Council.

##### **B. PROCLAMATION – PROCLAIMING APRIL 26, 2025 AS “MILITARY BOUND GRADUATE RECOGNITION DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY KRISTY HALE AND OTHERS WITH THE WESTERN SLOPE BLUE STAR MOTHERS**

Mayor Breman read the Proclamation, which was accepted by Kristy Hale of the group Western Slope Blue Star Mothers, which is the local Chapter of Blue Star Mothers of America. They are mothers that have children either serving or who have served in the military and want their high school graduates that are going into the military to be recognized in the same way that athletes often are.

On Saturday, April 26, 2025, the Western Slope Blue Star Mothers will hold a ceremony at the Vietnam War Memorial starting at 11:00 a.m. where the graduates are introduced to and recognized by the community and will take the official Oath in front of their friends and family. Afterwards, the Blue Star Mothers will provide a picnic that allows the families to connect with other military families and organizations. Ms. Hale thanked the City of Fruita for being supportive of the event, many veterans’ organizations and a lot of community members as well.

Councilor Williams asked how many graduating students were going into the military and would be attending the Blue Star Mothers’ event. Ms. Hale responded that there will be 30 to 40 students, some coming from as far away as Rangely, CO.

Photos were taken of Ms. Hale with the Fruita City Council.

**C. PROCLAMATION – HONORING THE MESA COUNTY SCHOOL DISTRICT #51 PHOENIX GIRLS WRESTLING TEAM AND THEIR COACH, CHAD DARE, COACH OF THE YEAR FOR THE SECOND CONSECUTIVE YEAR**

Councilor Williams read the Proclamation, which was accepted by Coach Dare, who said the team would not have the success it did without the amazing support and coaching from staff. He added that not only did these girls win the 5A State Championship, the Junior Varsity girls are the heart of the team that most people don't see. He said they went to the JV State Tournament and won that as well, so he wanted to recognize the entire team for an outstanding season.

The Mayor and City Council members presented the girls with FCC day passes and Fruita stickers. Photos were taken of them and Coach Dare with the Council.

**D. PROCLAMATION – HONORING THE FMHS WILDCATS WRESTLING TEAM FOR THEIR OUTSTANDING PERFORMANCE AT THE 2025 CHSAA 5A STATE TOURNAMENT**

Councilor Purser read the Proclamation, which was accepted by the members of the Wildcats Wrestling Team and coaching staff. They also received FCC day passes and Fruita stickers and had a group photo taken with the City Council.

**E. PRESENTATION – “TATUM’S TRIUMPH” POEM WRITTEN BY COUNCILOR AMY MILLER ON BEHALF OF THE FRUITA CITY COUNCIL AND MAYOR**

Councilor Miller read “Tatum’s Triumph,” a poem she wrote for Tatum Williams, who holds the State Champion Title. Councilor Miller said she has known Tatum since he was in kindergarten and wanted to specially honor him for his notable victory.

**F. PROCLAMATION – PROCLAIMING THE WEEK OF WEDNESDAY, APRIL 23 THROUGH WEDNESDAY, APRIL 30, 2025 AS “DAYS OF REMEMBRANCE” IN THE CITY OF FRUITA TO BE ACCEPTED BY LORI BUCK, BOARD OF TRUSTEES FOR COLORADO MESA UNIVERSITY (CMU)**

Councilor Hancey read the Proclamation, which was accepted by Lori Buck, Board of Trustees at CMU and former Fruita City Councilor and Mayor. Mrs. Buck stated that she was honored to accept the Proclamation on behalf of CMU, President Marshall and the Board of Trustees. She reminded everyone to never forget the victims of government-sponsored atrocities of the past and the present. She announced that CMU’s Holocaust Awareness Series would be held April 7<sup>th</sup> – 11<sup>th</sup> and all events are free and open to the public.

**G. PROCLAMATION – PROCLAIMING FRIDAY, APRIL 25, 2025 AS “ARBOR DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY PARKS AND RECREATION DIRECTOR MARC MANCUSO**

Councilor Parrish read the Proclamation, which was accepted by Parks and Recreation Director Marc Mancuso. Mancuso announced that Arbor Day Celebrations include a cleanup and tree planting event at Snooks Bottom hosted by the Parks and Recreation Advisory Board. Approximately 30 cottonwoods will be planted including some ball and burlap cottonwoods that are being funded with a \$6,000 grant that the board received.

Mancuso added that another way the City celebrates Arbor Day is by hosting a poster contest. This year's winner was Kinley A. from Shelledy Elementary School. The theme for the poster contest this year was "The Superpowers of Trees." By this time next year, they will be posted on the windows of Rec Rats at the FCC. Kinley's entry will be sent to the Colorado Tree Coalition, who will vote for the state winner and the winners will be announced next week. The Parks Department will also plant a tree at Shelledy Elementary on Friday, April 24, 2025 at 9:00 a.m.

Mayor Breman pointed out that he received a letter from the Arbor Day Foundation notifying the City of Fruita that it has earned its 31st annual "Tree City USA" recognition.

#### **H. PRESENTATION – MESA COUNTY REGULATORY PROGRAMS UPDATE – CARRIE GUDORF AND JOSHUA MARTINEZ**

Carrie Gudorf, Regulatory Programs Manager for Mesa County, provided the City Council with an update on Fruita's portion of the Total Maximum Daily Loads (TMDLs) in the Stormwater Program, in which the City of Fruita participates. She introduced Josh Martinez, who is the Stormwater Coordinator for the county.

Gudorf explained that the Stormwater Management Manual (SWMM) hasn't been updated since 2008 and has a lot of references that are out-of-date, so Mesa County will be updating it because standards and criteria have changed. The update will integrate arid climate conditions, bring stakeholders into the meetings to incorporate comments and will be spearheaded by Wright Water Engineers out of Denver.

Mesa County's TMDL was finalized in September of 2024 and Gudorf noted that stream segments that are north of the Colorado River such as Adobe and Leach Creeks are impaired for E.coli, total recoverable irons and selenium. Mesa County's Stormwater Team is trying to take a deeper dive into understanding the reasons for the impairments and get better flow data. With the new TMDL, Mesa County will be getting a new COR90000 Stormwater Permit, on which the Mesa County Stormwater Program is based. In that permit, Mesa County will have limits for the TMDLs, so Gudorf said it is really important right now for Mesa County to get ahead of the situation and figure out exactly where the pollutants are coming from.

Gudorf's presentation included a color-coded map showing where the impaired stream segments are located. This is where the U.S. Geological Survey (USGS) has been sampling water quality between 2022 and 2024. In 2025, Mesa County will look at comparing all the results of the samplings to obtain more data to write the reports, better understand interannual variability and further characterize the drainages.

Gudorf's presentation also included information about water quality sampling, existing and proposed Stormwater NOV Processes, rationale for shortened time frame for achieving compliance, SWPP Track Inspection Data (all projects), City of Fruita inspections data, Fruita Authority and Enforcement information, potential enforcement actions and next steps.

Gudorf illustrated Mesa County's Regulatory Program's online Water Quality Data Dashboard Tool and a Sampling and Analysis Project Plan, which will outline sampling and analytical methods for water quality collection, start to characterize influence of various land use types on water quality and support future mitigation activities. She said her goal is to be able to have SGM go out and actually collect those samples for either fall of 2025 when funding may become available or in 2026.

Gudorf introduced Josh Martinez to the City Council and Mayor. Martinez stated that he is the Stormwater Coordinator from Mesa County and that Intergovernmental Agreements have been entered into to ensure that the program operates seamlessly.

Martinez continued that as part of the program, Mesa County is required to do construction stormwater oversight, so anytime there is a development larger than one acre or greater, Mesa County must issue Construction Stormwater Permits to the developer or contractor. Mesa County's permit with CDPHE dictates that Mesa County do 45-day routine inspections to make sure that developers and contractors are in compliance. If a project is found to be non-compliant, a mandatory follow-up compliance inspection must be completed within 14 days, as required by the COR90000 General Permit.

Additionally, Mesa County is required to implement processes and enforcement measures to reduce violations and ensure compliance among chronic and recalcitrant offenders in accordance with the COR90000 Permit and findings from the 2022 EPA Audit.

Martinez presented a flow chart depicting the *existing* Mesa County Stormwater Notice of Violation process as well as a flow chart depicting the *proposed* Mesa County Stormwater Notice of Violation process. The proposal is to reduce the time for enforcement from 42 days to 28 days. Permit holders must then respond to Mesa County within 14 days and if they fail again, they get another Notice of Violation for second and third follow-up Compliance Inspections.

Martinez argued for the case of and provided rationale for limiting additional follow-up inspections to two (2) and if a permit holder still fails to comply for whatever reason, at 28 days, enforcement gets involved. He explained that this was the "ask" of the Fruita City Council.

Martinez provided inspection data in Mesa County as a whole for years 2021 through 2024 as well as the following inspection data for years 2023 through YTD 2025 specifically for the City of Fruita:

- Total number of projects (17 in 2025 (YTD))
- Number of Routine inspections (32 in 2025 (YTD))
- Number of Compliance Follow-up Inspections (5 in 2025 (YTD))
- Total number of inspections (36 in 2025 (YTD))

Martinez reiterated his request that Mesa County be allowed to remove the one additional Follow-up Compliance Inspection, noting that because Fruita has its own Building Department, it's going to require a little bit more cooperation. He said he has had some initial conversations with Planning & Development Director Dan Caris and Public Works Director Kimberly Bullen, but it is Mr. Caris who has the authority to stop work on a jobsite if there is non-compliance.

He added that Mesa County feels that a Fruita Council Resolution might be cleaner to provide clarity and a clear framework and that an additional City of Fruita staff member should be authorized to stop work if Mr. Caris is not available. Essentially, the action to stop the work would be considered a Planning Clearance Revocation. Work would be allowed to re-commence once the project has been brought back into compliance. It was suggested that Revocation be determined on a case-by-case basis with an emphasis on avoiding that step whenever possible.

Martinez added the if non-compliance occurs post but before infrastructure installation, compliance must be achieved before any permits or further work can proceed.

Next steps include:

- Further clarification may be required regarding additional enforcement mechanisms.
- Discussion with the City of Fruita Building and Planning Departments is ongoing to refine enforcement strategies.
- Potential City Council action may be needed to expand enforcement authority and provide clarity.

Martinez stated that these are the only enforcement mechanisms that have been discussed so far, but that he is open to other ideas.

Mayor Breman and Councilors Purser, Hancey and Williams had a few follow-up questions such as:

- How often Mesa County finds compliance right from the start without going to the next step. (Martinez couldn't recall a number off the top of his head and noted that some days are better than others because construction is a messy business. He said Mesa County isn't asking for perfection, but, rather is asking for responsiveness and open communication).
- What sets the standard for compliance. (There is a review done by the Mesa County's stormwater group who looks at the SWMM Manual and the Mile High Flood District's (MHFD's) volumes to determine whether the criteria has been met).
- Clarification on how a developer knows what the governing body's reference is for compliance versus non-compliance. (Developers are required to obtain an MS4 Permit (the local municipality) and a Construction Stormwater Permit (the COR400000) through the state's CDPHE).
- Whether Mesa County's goal is to have the same requirements for Mesa County, the City of Grand Junction and the City of Fruita (It is).
- Whether there are certain groups or developers that are more prone to receiving violations for non-compliance (it is more cyclical and related to circumstances than entity-specific).
- Whether Mesa County has received any pushback concerning the reduction of one Compliance Inspection (so far the policy change has not resulted in pushback and that is why Mesa County is ensuring communication with all entities).

City Manager Shannon Vassen advised that staff does not have any concerns with Mesa County's proposed change.

Mayor Breman directed City Manager Vassen and Planning and Development Director Dan Caris to work through the process with Mesa County to put something together to provide clarity for the public.

Martinez noted that Mesa County Regulatory Programs does provide annual training for developers and contractors at their offices every February.

## **5. PUBLIC PARTICIPATION AND CONSENT AGENDA**

Councilor Hancey asked for confirmation that when a member of the public provides comments, they need to state their specific and complete home address. Mayor Breman confirmed that they do.

### **PUBLIC COMMENT:**

**Paul Schultz, 143 Altimont Court, Fruita,** gave the following statement:

*“The City of Fruita is actively enabling the destruction of historic irrigation infrastructure, family farms, wetlands and the rural character of this valley all to benefit private developers. Let’s start with who exactly approved the piping of the Skiff Avenue Canal. A Fruita official CORA (Colorado Open Records Act) response states, quote, ‘this work is being done by a private developer; it is not a City project. Also, the City does not have any correspondence responsive hereto.’”*

*(Mr. Schultz continued) “That is false. Official documents about Iron Wheel Subdivision are addressed specifically to the City of Fruita, attention Dan Caris, specifically discuss piping of the Palmer Drain. Yet, your response to a legal records request claims the City has no involvement and no records. That’s not transparency; it’s misdirection and it reflects Fruita’s total lack of transparency and accountability.”*

*(Mr. Schultz continued) “On April 11<sup>th</sup>, the City of Fruita is forcing the Bedows into Mesa County Court for you to unnecessarily, improperly and unjustly take private property from Bedow’s Reminesce Farm by Eminent Domain. Solely to observe private developers, there is no community benefit. You’re not protecting agriculture; you’re eliminating it. You’re not balancing growth; you’re clearing a path for developer profits at the expense of our community and you’re not telling the truth; you are hiding behind the complete lack of transparency and accountability just like you’re doing with the Fruita Urban Growth Boundary. You’re destroying history like the 1800s-era carriage house on 19 Road, burying wetlands like the Skiff Avenue Canal and breaking trust.”*

*(Mr. Schultz continued) “We demand the following:*

- 1. That the City of Fruita immediately halt its Eminent Domain taking of private property at Bedow’s Reminesce Farm.*
- 2. That the City publicly acknowledge its role in facilitating the piping of Skiff Avenue Canal.*
- 3. That Fruita stop displacing family farms in favor of high-density development that benefits only private interests.*

*(Mr. Schultz continued) “You Councilors are creating your legacy for the City of Fruita and your personal legacy; a legacy of destruction, concealment and the abuse of power, sacrificing farms, wetlands, local history and public trust to benefit private developers. The people of Fruita deserve better. The record speaks for itself. Protect the land, protect the truth, and protect the people. Thank you.”*

**Tessa Binam, 255 N. Ash Street, Fruita,** stated that she wanted to ask who is going to be enforcing the irrigation rules and regulations because with the drought, there are still a lot of people that overwater and they water their sidewalks and streets. She asked that with the pollution that goes into Fruita’s water and the new Code that says people are not allowed to wash their cars on the streets, why the City is allowing people to overwater their sidewalks, streets and yards to allow pesticides and herbicides and all the other things people put on their yards to go into the street and into the stormwater?

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

#### **A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE FEBRUARY 25, 2025 CITY COUNCIL WORKSHOP MEETING**

- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE MARCH 4, 2025 REGULAR CITY COUNCIL MEETING**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JEFFREY MOHRMAN TO THE LIVABILITY COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN APRIL OF 2028**
- D. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF AL CONDER TO THE LIVABILITY COMMISSION FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN APRIL OF 2028**
- E. RESOLUTION 2025-15 – AUTHORIZING THE MAYOR TO SIGN A LETTER SUPPORTING THE CITY OF FRUITA’S GRAND APPLICATION FOR A HOUSING NEEDS ASSESSMENT**

- **COUNCILOR MILLER MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED WITH THE ADDITION OF RESOLUTION 2025-13. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**6. ACKNOWLEDGMENT OF NEWLY APPOINTED AND REAPPOINTED BOARDS AND COMMISSIONS MEMBERS**

Mayor Breman acknowledged Jeffrey Mohrman and his appointment to the Livability Commission for a three-year term and the reappointment of Al Conder to the Livability Commission for another three-year term.

**7. PUBLIC HEARINGS AND ACTION ITEMS**

There were no public hearing items on the agenda.

**8. ADMINISTRATIVE AGENDA**

**A. INTRODUCTION OF THE NEW CITY ENGINEER – JOHN BOULDEN**

City Manager Shannon Vassen stated that he was very excited to introduce the City of Fruita’s new City Engineer John Boulden, who also serves as the City’s Floodplain Manager and Stormwater Manager as well.

The City Engineer position has been vacant for about six months and during that time, Planning and Community Development Director Dan Caris has been helping out by overseeing the Engineering Department in the interim. Vassen thanked Dan for all his hard work over the last six months.

The City received three applications: one from another local government and two from the private sector. Vassen explained that after going through interviews with Engineering staff and the City’s Leadership Team, it was decided to offer the position to John Boulden, whose first day of work was just the previous day.



City Engineer John Boulden said he has had the opportunity to work previously with Fruita staff and the atmosphere of genuine happiness is what convinced him to apply for the position. He has worked in the private sector his entire professional career except for an internship with the City of Fort Collins. John said he has never worked anywhere with a more welcoming group than Fruita and he loves the great challenges the City has.

Mr. Boulden added that he is not opposed to the 28-day compliance period that Ms. Gudorf and Mr. Martinez with the Mesa County Regulatory Programs Office referenced earlier and are proposing because he thinks it will have a lot of positive impacts on the City's Publics Works by reducing the amount of work they have to do to clean things such as the streets and the underground lines. He briefly explained how taking the training to learn where to put silt fences and inlet protection is not overly burdensome.

Mayor Breman thanked John for being part of the team.

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

City Manager Shannon Vassen provided the following updates and reminders:

- In the morning, Shannon sent out an email and calendar invite for the next tour of the old Fruita Middle School. He was able to confirm that with Eddie for April 22<sup>nd</sup> at 5:30 p.m. Staff has a short list of stakeholders that they will also invite to the tour and Shannon asked the Mayor and City Council to let him know if they want to invite anyone else. Since there will be a Council Workshop meeting immediately following the tour, staff will order dinner for Council and staff.
- There will be a Town Hall with the Board of County Commissioners and other elected officials in Mesa County on April 15<sup>th</sup>. Shannon reminded the Council that they gave staff direction at the previous month's Workshop meeting to set up a meeting at 5:30 prior to the Town Hall to discuss how many candidates the Council would like to interview for the Council vacancy. Several applications have been received by staff and once the vacancy closes in approximately two weeks, staff will forward the applications to the City Council for review and in order for them to decide how many finalists they would like to interview on April 29<sup>th</sup>. Shannon noted that the County Town Hall events are usually reserved for the Commissioners and sometimes, Representatives (such as Soper) and Senators (such as Scott) join the meeting as well.
- The Fruita Academy will start on April 2<sup>nd</sup> at 5:30 p.m. Thirty (30) people enrolled in the Academy, which is the largest class size to date and staff is very excited. The sessions have been expanded so that each one is three hours and other organizations such as the Fruita Area Chamber of Commerce, Ute Water and Lower Valley Fire Protection District are providing sessions as well.

There were no further reports from City Manager Shannon Vassen.

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

### **COUNCILOR RICH PARRISH**

Rich announced that the Fruita Tourism Advisory Council (FTAC) met the previous week and heard mini-grant presentations from the Fruita Area Chamber of Commerce on Fruita Fall Festival and Farmers' Market. The board's policy for events that were previously awarded funding is that the applicants do not have to provide a presentation every year. The FTAC approved the funding for both of the Fruita Chamber's events as well as an award to Dinosaur Journey. The Desert Rats Trail Running Festival presented an application that did not include a dollar amount being requested, so the FTAC awarded them \$500.00. The board has a new matrix designed by Hayden Jansen that allows the board members to more consistently review all mini-grant applications. Rich said he thought it will be a real plus because the matrix will be more equitable for all organizations making requests.

Rich added that there was also talk about the FTAC's presentation at the Council Workshop meeting concerning the I-70 billboard and board members expressed a hope that the Council will truly decide on what the purpose of billboards, silos and other signs is before going forward with a decision. Rich announced that the next FTAC meeting has been rescheduled for a week earlier due to a scheduling conflict.

Aaron asked if the process for the mini-grants is that the Council provides the FTAC with a pool of money and authorizes the board members to spend it on mini-grant applications however they see fit. City Manager Shannon Vassen responded that generally, the FTAC will make a recommendation to Council for the mini-grant funds as part of a Budget presentation, but the events don't change very often; most are the same every year and that's why staff and the FTAC created a sponsorship model where organizations don't have to apply each year as long as they are one of the long-standing events that happen every year. The organizations can then just give the FTAC an oral presentation.

Jeannine commented that the Council has very little oversight of the FTAC and that there is a good chunk of money that is budgeted for tourism every year. She noted that in general, the FTAC makes their own decisions on how that money is spent. James said it isn't a massive amount of money; it is just enough to help events get up and going. Shannon said there are two funding sources; the Special Event funding, which is the bulk of the funding (approximately \$43,000 for this year) and then the mini-grant line item so that organizations can apply for up to \$1,000. He added that it is a dollar-for-dollar reimbursement, so staff has to make sure that the expenses are actually incurred before a check is sent to the event organizer.

Rich recalled that the total budget for the mini-grants is \$5,000 per year.

#### COUNCILOR JEANNINE PURSER

Jeannine said she finally remembered to report to staff that the lights in Mulberry Plaza on the northmost side are not working and haven't been for months. Shannon said staff will get those fixed.

Jeannine asked if anyone had received their Community Survey yet. Shannon said no one has yet, but the online survey is available and everyone gets their own, unique code to access it. The surveys have been mailed via USPS priority mail, so they should be received pretty soon.

Jeannine reported that accepted a request to be a panelist at the Grand Junction Economic Partnership Economic (GJEP) Summit to speak about the topic of creative industry.

Jeannine brought up the topic of irrigation water and a schedule for people to water on certain days. She asked if it was something that is enforced or would be enforced by staff if the City got to the point of significant drought. Shannon said that the City has a recommended watering schedule, especially for all those on the City's irrigation line. Watering schedules have not ever been enforced and even during

drought, Shannon stated it would be difficult to enforce. In most of Fruita's subdivisions, it is the HOAs that are responsible for their watering schedules and enforcement thereof.

Jeannine said to follow-up on something that was brought up at the last meeting concerning easily accessible language, she said she knows the City is working on that. Shannon said that the House Bill that was referenced is actually something that staff has been working on for about a year and a half. There was an extension of the deadline to meet the criteria until July 31, 2025 and staff has worked with the City's website vendor to meet all the accessibility requirements. Shannon said the main problem is converting existing pdf documents, which is a challenge for almost all municipalities. However, Fruita created guides for that and actually, Fruita's guide has become a template for other municipalities throughout the state. Shannon called it a huge undertaking and said it will always be ongoing for sure. He said he's even considered bringing on an intern to assist converting the City's pdfs into accessible pdfs.

#### COUNCILOR AARON HANCEY

Aaron asked about the status of the 1-2-3 Grant for the second phase of the Fruita Mews housing project. Shannon responded that staff has not heard anything yet. IndiBuild submitted a formal grant application but the state has not announced any awards yet.

Aaron requested that Shannon email the list of stakeholders that will be attending the tour of the old Fruita Middle School to the Council members.

Aaron also requested a brief staff review of the history of the piping of the Skiff Avenue/Palmer Drain. Shannon said the City essentially has two projects; there is the 19 Road project where the box culvert was just replaced, but there's also some development improvements that are being done as part of the final filing for the Iron Wheel Subdivision.

City Engineer John Boulden stated that the Grand Valley is full of really sharp, deep, manmade drains that are laid out on a grid pattern and one of the goals from the City of Fruita's point of view is to make roads on the quarter section lines, where a lot of the drains are. When the developer applied for the next filing on Iron Wheel Subdivision, one of the City's requirements was that they complete that grid section line to make it to where Fremont Street will be. Because it is a drain, it's got water in the bottom of it and because it's got water in the bottom of it, there's riparian habitat, but the area may or may not be a wetlands area and John said he wasn't qualified to answer that.

Boulden continued that when the Iron Wheel Subdivision was initially reviewed (it hasn't completed the review process), one of the developer's ask was whether they could start working on the drain because once irrigation water is in, it will be a lot more difficult to pipe the drain, so staff did approve that part of the project. He added that the City is not a wetlands regulatory agency; that would be the Army Corp of Engineers and it is incumbent upon the applicant to make sure they meet those requirements. Boulden said the developer is working with the Army Corp of Engineers and he didn't expect them to have any trouble with it.

#### COUNCILOR JAMES WILLIAMS

James reported that he received another email from the woman who complained about all the brush by the bridge at the corner of North Mesa and Sierra Drive that was causing a line of sight problem and she said it looks so much better; you can actually see around the corner. He thanked staff for attending to the matter so quickly.

James also pointed out that he was at the dog park on Saturday and it was 80 degrees out, so he would have appreciated having the water turned on. He requested that it be turned on when there is no chance of an overnight freeze, which will likely be after Mother's Day.

#### MAYOR MATTHEW BREMAN

Matthew said he couldn't remember who was going to cover former Councilor Andrea Downs' Museums of Western Colorado (MWC) Board meetings and James stated that he would. Shannon pointed out that the meetings are held on the fourth Wednesday of the month at 5:00 p.m.

Matthew also said he noticed in the Fruita Area Chamber of Commerce newsletter that the *Fruita State of the Valley* will be held when many City Councilors will be at the Colorado Municipal League (CML) Conference in Breckenridge and he would be out of town as well. He stated that he reached out to the Chamber to let them know that and that he was going to inquire as to whether he could attend the event virtually, but he has not yet heard back. Matthew said he wanted to make sure Fruita will be represented and would continue to work with the Chamber on it.

Matthew spoke about how there has been interest recently concerning the 19 Road expansion project and asked staff to help ensure the Council is consistent with providing information to the public by pulling together a presentation in the near future that would walk Council through the process the City uses to determine if and when a road should be expanded. He requested that the presentation include:

1. Which factors trigger or are considered for an expansion (such as traffic studies)
2. Which City departments or external agencies are typically involved in that decision-making process
3. Which laws and regulations govern roadway expansions
4. What Fruita's Urban Growth Boundary means for Fruita including:
  - a. How the Urban Growth Boundary is determined and updated
  - b. What the implications are of someone being inside versus outside the boundary in terms of planning, infrastructure and the services that are offered by the City
5. Clarification about which entity controls land uses and zoning for properties that are within the Urban Growth Boundary but not within the City limits.

Matthew said he would be happy to email his above questions/requests for information to staff. Shannon confirmed that staff would work on it.

Jeannine asked whether the Town Hall with the Mesa County Board of Commissioners is a "joint" board meeting with the City Council or not because it's been communicated both ways and she wanted to know whether the Council will be expected by the public to be in attendance. Shannon responded that in the past, there has been one Council member or Mayor in attendance as well as a staff member and the meeting lasted between an hour and an hour and a half.

Jeannine also asked if any other elected officials would be attending the Town Hall and Shannon said it usually depends upon their schedules, but at the last Town Hall, a state Representative and other elected officials such as the County Assessor were in attendance. He said most of the time at the Town Hall meeting time is spent on Fruita residents asking the County Commissioners about matters that are on their minds.

Shannon pointed out that staff recently just met with a few people from Mesa County concerning whether there are any new trends, but now that the proposed recycling plant has been moved to Grand Junction, it

has been quiet. Matthew added that the Commissioners would be controlling the agenda. Amy said she planned on being at the Town Hall because of the things the Commissioners have been putting out to the public.

*Mayor Breman called for a five-minute break at 8:45 p.m. The Regular City Council meeting reconvened at 8:50 p.m.*

## **11. EXECUTIVE SESSIONS**

### **A. DISCUSSION AND POSSIBLE MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF CONFERENCING WITH THE CITY ATTORNEY TO RECEIVE LEGAL ADVICE WITH REGARD TO LAND USE PROCESSES (ADDED TO THE AGENDA)**

- **COUNCILOR HANCEY MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF CONFERENCING WITH THE CITY ATTORNEY TO RECEIVE LEGAL ADVICE WITH REGARD TO LAND USE PROCESSES. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

City Attorney Mary Elizabeth Geiger noted that earlier in the meeting, there was some public comment about the Bedow's condemnation proceeding and said if the Council wanted an update on that, it would require a separate motion to go into Executive Session for legal advice. She added that if the Council wanted to discuss it later, they could choose to do that, too. Councilor Purser stated that she wanted to hear the update.

### **B. DISCUSSION AND POSSIBLE MOTION 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 WITH REGARD TO MESA COUNTY DISTRICT COURT CASE *CITY OF FRUITA V. BEDOW, ET AL.***

- **COUNCILOR WILLIAMS 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 WITH REGARD TO MESA COUNTY DISTRICT COURT CASE *CITY OF FRUITA V. BEDOW, ET AL.* COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

### **C. DISCUSSION AND POSSIBLE MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE CITY ATTORNEY'S ANNUAL INFORMAL REVIEW**

- **COUNCILOR PURSER MOVED TO CONVENE IN EXECUTIVE SESSION FOR DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE CITY ATTORNEY'S ANNUAL INFORMAL REVIEW. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

*The Fruita City Council convened in the first Executive Session at 8:58 p.m. The Regular Meeting was reconvened at 9:27 p.m.*

*The Fruita City Council convened in the second Executive Session at 9:27 p.m. The Regular Meeting was reconvened at 9:40 p.m.*

*The Fruita City Council convened in the third Executive Session at 9:40 p.m. The Regular Meeting was reconvened at 10:02 p.m.*

The Mayor and City Council discussed making sure to have a Council member present to read Proclamations at two upcoming events.

## **12. ADJOURN**

With no further business before the Council, Mayor Breman adjourned the meeting at 10:04 p.m.

Respectfully submitted,

Deb Woods  
City Clerk  
City of Fruita