

**FRUITA CITY COUNCIL MEETING
JUNE 17, 2024
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 Stolarczyk
City Councilor Amy Miller

Excused Absent:

City Councilor James Williams

City staff present:

City Manager Mike Bennett (virtually)
Assistant City Manager Shannon Vassen
Communications and Engagement Specialist Ciara Amann
Deputy City Clerk Deb Woods
Planning and Development Director Dan Caris
Neighborhood Services Coordinator Matt Carson
City Planner Henry Hemphill
Public Works Director Kimberly Bullen
Parks and Recreation Director Marc Mancuso

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 all faiths and beliefs to have the opportunity for a silent prayer. He then led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

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

4. PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations or Presentations on the agenda.

5. PUBLIC PARTICIPATION

David Yinhar, 179 N. Peach St., had a complaint about the intersection of Peach Street and Pabor Avenue. He stated that in the past three days, there have been two accidents. He said he also saw another near-accident and that it is just a matter of time until something really horrible happens. David requested that the City put in speed bumps, make it into a four-way stop or address it in any way to make it more safe.

Kim Pardoe, 1601 K 4/10 Rd., said she was in attendance to thank the City and the Housing Authority for partnering with her organization, IndiBuild, on the Fruita Mews project. She was happy to report that the project is on time, on budget and has just under 90 people on the waiting list. She added that she looks forward to giving the Council/Authority a tour of the development next month and just wanted to also thank the members for considering partnering with IndiBuild again.

Emily Powell, Housing Resources of Western Colorado, stated that Housing Resources serves Fruita as well as 15 counties on the Western Slope and is headquartered at 524 30 Road in Grand Junction. She said that she is appreciative of the Authority's consideration of partnering with Housing Resources on an expansion of the Fruita Mews project that would also include some home ownership options. Emily added that Housing Resources has built over 400 units in the valley through their self-help model including several hundred in Fruita. She wished the Council/Authority members a Happy National Home Ownership Month (June) and reiterated her appreciation for the consideration of supporting their project.

There were no further comments from the public.

6. CONSENT AGENDA

- A. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BREW PUB LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS (CITY) FOR COPPER CLUB BREWING CO. LOCATED AT 153 N. MULBERRY ST.**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL & RESTAURANT LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS (CITY) FOR ONNIE & ZHONG, INC. DBA DRAGON TREASURE LOCATED AT 576 KOKOPELLI BLVD.**
- C. LIQUOR PERMIT RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN ART GALLERY (LIQUOR) PERMIT FOR ORBIT ARTSPACE LOCATED AT 138 S. PARK SQUARE #102**
- D. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF MARY MIDGETT TO THE BOARD OF ADJUSTMENT FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN JUNE OF 2027**
- E. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF BRUCE BONAR TO THE BOARD OF ADJUSTMENT FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN JUNE OF 2027**

- F. LETTER OF SUPPORT – A REQUEST TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT FOR A RIVER CORRIDOR MASTER PLANNING PROCESS**
- G. RESOLUTION 2024-18 – APPROVING A THREE-YEAR AGREEMENT WITH XPRESS BILL PAY FOR PROCESSING ONLINE UTILITY PAYMENTS AND PAPERLESS UTILITY BILLING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**
- H. RESOLUTION 2024-19 – A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT AND DEVELOPMENT IMPROVEMENTS AGREEMENT FOR FILING 1 OF THE IRON WHEEL SUBDIVISION**
- I. RESOLUTION 2024-20 – A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH 2 FORKS VENTURES, INC. TO EXTEND THE ONE-YEAR EXCLUSIVE RIGHT TO NEGOTIATE A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT TO DEVELOP CERTAIN CITY-OWNED PROPERTY**
- J. FINANCIAL REPORTS – A REQUEST TO APPROVE THE MAY 2024 FINANCIAL REPORTS**

Mayor Breman opened the public hearing on the Consent Agenda. Hearing no comments from the public, he referred the Consent Agenda to the City Council.

Councilor Hancey asked if the City looked into any kind of data protection or security issues that Xpress Bill Pay may have. Assistant City Manager Shannon Vassen said that purchasing staff did evaluate a few options and subsequently recommended Xpress Bill Pay for a number of reasons as were outlined in the coversheet. One of those reasons includes the fact that Xpress Bill Pay is used by other agencies and government organizations and should pretty seamlessly integrate with the City's current accounting and finance software, so instead of the data being sent off to a third-party processor, it's already using the technology and the system that the City already has to limit the spread of any potential data. He concluded that staff feels pretty confident concerning security, especially since it is used by a number of public agencies such as Ute Water.

Councilor Hancey asked if there would need to be a Budget Amendment for the software agreement. Mr. Vassen explained that there is a one-time upfront implementation cost, which he thinks is around \$3,000. The total cost will be between \$4,000 and \$5,000, including the implementation cost and a monthly ongoing cost, but the ongoing costs would definitely be included in future Budget cycles. Mr. Vassen stated that staff had appropriated some funds for the Financial Management Services, which will be used first and if any other Contingency Funds are needed, a Budget Amendment would be proposed to the City Council.

Councilor Hancey also asked for an explanation of Resolution 2024-19 – Approving the Final Release of the Subdivision Improvements and Development Agreements - because this was something new to him; he couldn't recall seeing any of these on any Council meeting agendas before. City Planner Henry Hemphill explained that these are agreements between the City and a developer, which are typically for periods of four-years during which the City acts as the manager of a property until all

improvements or development that is agreed to upfront are completed. Once they are, the City can release the project and turn it back over to the developer. Mr. Hemphill added that after 2021, the Land Use Code was modified to streamline the approval process for these agreements so that they can be approved administratively and not by the City Council. Resolution 2024-19 just happens to be for one of the straggling agreements for construction that hadn't been completed until now, so Council approval is still required. Subsequent Filings for Iron Wheel Subdivision will be approved administratively, giving authority to either Planning & Development Director Dan Caris or City Manager Mike Bennett to sign the agreements.

Councilor Purser asked about the reason for Consent Agenda I - the extension of the Agreement between the City and 2 Forks Ventures. Mr. Vassen explained that it provides an additional three months to finalize the terms of the public/private partnership. He said he believes the finalization of the agreement will happen soon. City Attorney Mary Elizabeth Geiger pointed out that the MOU as it was written originally had a deadline of approximately six months and because the City has also been doing a lot of other projects, it is just to actually make sure that both sides have an MOU that is still in effect.

Mayor Breman pointed out that the agenda template says that if something is pulled off the Consent Agenda for further discussion, it is to be placed at the end of the meeting and he asked if any Council members would object to having those items instead be placed at the end of the Consent Agenda for further discussion rather than at the end of the agenda. There were no objections.

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

7. ACKNOWLEDGMENT OF NEWLY REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

Both Mary Midgett and Bruce Bonar were reappointed to the Board of Adjustment for three-year terms each. Mayor Breman thanked them both for re-applying, interviewing and continuing to serve.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION** – A Request to approve an application from the Museums of Wester Colorado (MWC) to provide alcoholic beverages at the “Dinos on the Rocks” fundraiser event on Saturday, August 3, 2024 from 5:30 – 10:00 p.m. at Dinosaur Journey located at 550 Jurassic Court – *Deputy City Clerk Deb Woods*

Deputy City Clerk Deb Woods gave staff's presentation. She reminded the Council that there would be a discussion agenda item at the June 2024 Workshop Meeting to discuss potentially amending the Fruita Municipal Code to allow staff to approve certain liquor applications administratively as long as there are no issues and all requirements are met. The exception to this would be an application for a brand-new liquor license, which still would require a public hearing.

Ms. Woods stated that it was staff's recommendation to approve the Special Event Liquor Permit subject to the conditions listed in the coversheet in the Council packet. She pointed out that Dr. Julia McHugh with the MWC was in attendance as the applicant's representative.

Dr. McHugh stated that she would be happy to answer any questions the Council may have.

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

Councilor Stolarczyk asked Dr. McHugh how many people the MWC was expecting. Dr. McHugh said that with a new event, it is always kind of a guess, but they are estimating between 125 and 150 people. There will be a public sale of both General Admission and VIP Admission tickets. Dr. McHugh added that there will be a spirits, cocktails and mocktails tasting event where participants can vote on their favorites, so it should be very fun and interactive. Various distilleries and spirit vendors from around the area will participate, including one all the way from Crested Butte, who will demonstrate their rums at the event.

- **COUNCILOR PARRISH MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT APPLICATION FROM THE MUSEUMS OF WESTERN COLORADO TO PROVIDE ALCOHOLIC BEVERAGES DURING THE "DINOS ON THE ROCKS" FUNDRAISER EVENT AT THE DINOSAUR JOURNEY MUSEUM LOCATED AT 550 JURASSIC COURT ON SATURDAY, AUGUST 3, 2024 FROM 5:30 – 10:00 PM SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR STOCLARCZYK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. LEGISLATIVE HEARINGS

There were no Legislative Hearings on the agenda.

9. ADMINISTRATIVE AGENDA

There were no Administrative items on the agenda.

10. OPEN FRUITA HOUSING AUTHORITY MEETING

At 7:20 p.m., Mayor Breman temporarily adjourned the Fruita City Council meeting and opened the Fruita Housing Authority Meeting.

Present:

Chairman Matthew Breman
Vice-Chairman Aaron Hancey
Commissioner Jeannine Purser
Commissioner Rich Parrish
Commissioner Andrea Stolarczyk
Commissioner Amy Miller

Excused Absent:

Commissioner James Williams

A. AUTHORITY REPORTS AND ACTIONS

1) EXECUTIVE SESSION – A REQUEST TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS AND INSTRUCTING NEGOTIATORS PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) WITH REGARD TO REQUESTS BY TWG DEVELOPMENT FOR HOUSING AUTHORITY SUPPORT WITH REGARD TO APPLICATIONS TO THE COLORADO HOUSING AND FINANCE AUTHORITY FOR THE GEODE FLATS PROJECT AND RECEIVING LEGAL ADVICE FROM THE HOUSING AUTHORITY ATTORNEY AND THE HOUSING AUTHORITY’S SPECIAL COUNSEL PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) REGARDING THE SAME

- COMMISSIONER HANCEY MOVED TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS AND INSTRUCTING NEGOTIATORS PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) WITH REGARD TO REQUESTS BY TWG DEVELOPMENT FOR HOUSING AUTHORITY SUPPORT WITH REGARD TO APPLICATIONS TO THE COLORADO HOUSING AND FINANCE AUTHORITY FOR THE GEODE FLATS PROJECT AND RECEIVING LEGAL ADVICE FROM THE HOUSING AUTHORITY ATTORNEY AND THE HOUSING AUTHORITY’S SPECIAL COUNSEL PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) REGARDING THE SAME. COMMISSIONER MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

At 7:30 p.m., the Fruita Housing Authority convened in Executive Session.

11. RETURN TO OPEN HOUSING AUTHORITY MEETING FOR POTENTIAL ACTION

At 8:03 p.m., the Fruita Housing Authority returned to the open meeting.

A. HOUSING AUTHORITY POTENTIAL ACTION

- COMMISSIONER MILLER MOVED THAT THE AUTHORITY WORK WITH STAFF TO PROVIDE A LETTER OF SUPPORT TO TWG DEVELOPMENT FOR THE GEODE FLATS PROJECT AND BECOME A SPECIAL LIMITED PARTNER WITH TWG DEVELOPMENT. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. EXECUTIVE SESSION – A REQUEST TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE HOUSING AUTHORITY ATTORNEY AND THE HOUSING AUTHORITY’S SPECIAL COUNSEL PURSUANT TO C.R.S. SECTION 24-6-402(4)(B)

REGARDING PROPOSALS FOR AFFORDABLE HOUSING PROJECTS PROPOSED BY INDIBUILD, HEADWATERS HOUSING PARTNERS AND FOR GENERAL LEGAL ADVICE REGARDING PARTNERSHIPS WITH THE HOUSING AUTHORITY

- **COUNCILOR PURSER MOVED TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE HOUSING AUTHORITY ATTORNEY AND THE HOUSING AUTHORITY'S SPECIAL COUNSEL PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) REGARDING PROPOSALS FOR AFFORDABLE HOUSING PROJECTS PROPOSED BY INDIBUILD, HEADWATERS HOUSING PARTNERS AND FOR GENERAL LEGAL ADVICE REGARDING PARTNERSHIPS WITH THE HOUSING AUTHORITY. COUNCILOR STOLARCZYK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

12. RETURN TO CITY COUNCIL MEETING

Mayor Breman called for a five-minute recess at 9:14 p.m. He called the meeting back to order at 9:20 p.m.

13. CITY MANAGER'S REPORT

Assistant City Manager Shannon Vassen noted that the Colorado Municipal League (CML) Annual Conference would be kicking off the following day in Loveland. Five Council members were registered to attend and Mr. Vassen said that Executive Assistant Jennifer Cupp sent out an email the previous Friday with information such as where the hotel is, where the Conference is being held and the schedule for the rest of the week, so that would all be reviewed once everyone has arrived. There was also a short discussion about carpooling and taking a City vehicle.

14. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR ANDREA STOLARCZYK

Andrea reported that the Arts and Culture Board reached out to Josh Blanchard, Executive Director of Colorado Creative Industries to invite him to the July Council workshop meeting, but there was no word back yet. The board is very excited about the possibility of establishing Fruita as a Creative District. Andrea said she notified the board members that should Mr. Blanchard agree to visit, they should definitely be there as well to show their full support and participation. Matthew suggested that Executive Director at Downtown GJ, Brandon Stam, also be invited to the meeting to provide his perspective since he has already been through the process.

Andrea announced that the Arts and Culture Board is holding an event called "Pastels in the Park," which is a brand-new chalk festival that will be held on the sidewalks around Civic Center Memorial Park. There will be amateur and professional artists as well as students from Fruita Monument High School and Fruita's Elementary Schools creating squares of pastel art on the final Fruita Fourth Friday in August.

Andrea also reported that the HeART of Fruita Call for Artists for sculptures went out in an effort to bring more sculptures to Fruita. There are currently two more spots available that will be displayed along Aspen Avenue for a period of one year.

COUNCILOR RICH PARRISH

Rich reported that he attended the groundbreaking for the Regional Maintenance Facility with the Grand Valley Regional Transportation Committee (GVRTC) and then spent an hour or so with Dana for an orientation about what the committee is about and what they are doing. He said he should be well-prepared for his first meeting on the board.

COUNCILOR JEANNINE PURSER

Jeannine stated that she wanted to attend the Fort Collins Downtown Session at the CML Conference, but it wasn't one of the event tickets she received, so she was interested in swapping tickets if someone had one. She added that she wasn't sure if she could get there in time to attend that event. Matthew noted that the CDOT report showed construction on the way. Amy said her son had just come from close to there and it took him seven hours to get home.

Jeannine said she was glad that David Yinhar addressed the Council about the intersection of Peach Street and Pabor Avenue. She said she has run out of her house for both of the recent accidents there, one of which was way worse than the other. She stated that the sound of the accidents and near-accidents is becoming familiar; that is how frequently they are occurring. Jeannine noted there was almost another accident before the one that David spoke about and her kids saw a separate one from that one, as well.

Jeannine pointed out that there is more traffic in Fruita than there used to be and in addition, one of the bigger issues is the lack of visibility when patients of Jolley Smiles Dentist's office are parked there along Pabor Avenue because people can't see around the parked cars. Matthew noted that the issue had been discussed before and the City Manager was going to take it to the Traffic Committee.

Jeannine stated that when Kyle Harvey was on the City Council, he also talked about the dangerous intersection and how the stop signs got switched at the intersections, so perhaps switching them back would be an option, although she feels that a four-way stop would be best.

Mr. Vassen assured the Council that staff would gather more information to back to them. He explained how in the City's Multi-Modal Circulation Plan, there are a number of streets such as Mesa Street and Pabor where the plan calls out for the Committee to evaluate whether a four-way stop, a light or even a round-about is needed, so, perhaps the Ash Street/Pabor Avenue could be one of those type intersections as well. Aaron said that 19 Road should be added to the list, too, because there are bigger accidents there at least once per month. Matthew said that when Mike is feeling better, he will ask him to get with the Traffic Committee to schedule a date when they can provide some directional findings to the City Council. City Manager Mike Bennett echoed Shannon's statement about staff getting right on it and as soon as they have the information, they will provide it back to the City Council.

COUNCILOR AARON HANCEY

Aaron noted that he would not be able to attend the CML Conference because he has too much work to do.

MAYOR MATTHEW BREMAN

Matthew stated that he was going to wait until Mike feels better to get with him to collect their notes from their trip to Washington, D.C. He said there were some good connections made; some things that were learned, things that reinforce what Fruita is actually doing as a City and ideas that may help the Council to better phrase why things are being done a certain way and the value that is added as a result. Matthew and Mike will be presenting all of that together at a future Council meeting.

Matthew said he and Mike also started working on the agenda for the Council Retreat coming up. He suggested that a date be chosen for a full workday in August. Everyone settled on August 28, 2024 from 8:00 a.m. to 5:00 p.m.

Matthew requested that the Council members come to the Retreat with some thoughts ahead of time. He gave them the following assignments:

1. If you had a “magic wand,” what would you have in Fruita (big, audacious goals), why and what might that lead to?
2. What keeps you up at night (looking forward for the City)?
3. If you could envision Fruita in 10 or 20 years, what will it look like?

Matthew said the Retreat will start off with these discussions which will help lead to discussions about other items. Rich asked Matthew to email all the Council members with these questions, which Matthew agreed to.

B. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION TO DISCUSS THE CONSIDERATION OF POSSIBLE PURCHASE OF REAL PROPERTY PURSUANT TO C.R.S. SECTION 24-6-402(4)(A) AND A CONFERENCE WITH THE CITY ATTORNEY REGARDING THE SAME PURSUANT TO C.R.S. SECTION 24-6-402(4)(B)

- **COUNCILOR HANCEY MOVED TO CONVENE IN EXECUTIVE SESSION TO DISCUSS THE CONSIDERATION OF POSSIBLE PURCHASE OF REAL PROPERTY PURSUANT TO C.R.S. SECTION 24-6-402(4)(A) AND A CONFERENCE WITH THE CITY ATTORNEY REGARDING THE SAME PURSUANT TO C.R.S. SECTION 24-6-402(4)(B). COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

The Fruita City Council convened in Executive Session at 9:40 p.m. They reconvened the regular meeting at 9:49 p.m.

15. ADJOURN

With no further business before the Council, Mayor Breman adjourned the meeting at 9:49 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk
City of Fruita

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