

**FRUITA CITY COUNCIL MEETING  
JANUARY 21, 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 Rich Parrish  
City Councilor Andrea Downs  
City Councilor Amy Miller  
City Councilor James Williams

**Excused Absent:**

City Councilor Jeannine Purser

**City Staff Present:**

Interim City Manager Shannon Vassen  
Communications and Engagement Manager Ciara Amann  
Finance Director Joe Zaher  
City Clerk Deb Woods  
Planning and Development Director Dan Caris  
Engineering Project Manager Steve Martinez  
Lieutenant Nick Peck  
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 PARRISH 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 AND CONSENT AGENDA**

**PUBLIC COMMENT:**

**Lou Brackett, 848 Doug Drive, Fruita**, thanked the City of Fruita staff and City Council for their recognition of President Carter and having the flag fly at half-staff. He wanted to recognize Carter as a Navy Veteran, as a statesman, and humanitarian.

**Sara Boulton, 1877 J 6/10, Fruita**, let Council know there are more than 1,700 on the petition to stop the 19 Road Project. She said that farmland lost is gone forever, and that eminent domain was wrong.

**Shelby Bedow, Unincorporated Mesa County on 19 Road**, stated that the 19 Road expansion is due to forced growth, added subdivisions, and the misclassification of 19 Road. Bedow said that when roads are misclassified, it leads to impacts on surrounding areas and community.

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 DECEMBER 17, 2024 – SPECIAL CITY COUNCIL MEETING**
- B. RESOLUTION 2025-04 – A RESOLUTION APPROVING A LONG-TERM MUTUAL AID AND ASSISTANCE AGREEMENT WITH COWARN AS A STATEWIDE WATER/WASTEWATER AGENCY RESPONSE NETWORK TO PREPARE FOR AND RESPOND TO NATURAL OR HUMAN-CAUSED EMERGENCIES AND AUTHORIZE THE INTERIM CITY MANAGER TO SIGN THE AGREEMENT.**
- C. FINANCIAL REPORTS – A REQUEST TO APPROVE THE NOVEMBER 2024 FINANCIAL REPORTS**
  - **COUNCILOR MILLER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR DOWNS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **6. PUBLIC HEARINGS AND ACTION ITEMS**

- A. LEGISLATIVE PUBLIC HEARING – RESOLUTION 2025-03 – A REQUEST TO AUTHORIZE THE MAYOR TO EXECUTE AN UPDATED ENGAGEMENT LETTER WITH TIMOTHY GRAVES AND THE LAW FIRM OF LEMOINE & GRAVES, P.C. FOR MUNICIPAL PROSECUTOR LEGAL SERVICES – *INTERIM CITY MANAGER SHANNON VASSEN***

Mr. Vassen said that the City hired Graves and his firm in 2019 through an RFP process. No changes have been made to the contract since then. Based on feedback from the Police Department, the Municipal Judge, and the Court Clerk, staff recommend continuing to contract with him. Mr. Vassen invited Mr. Graves up to introduce himself.

One of the reasons the contract is being updated is to reflect the name change of the law firm to LeMoine & Graves from Stuver & LeMoine. He said he has been with the court for six years now and is impressed with the City of Fruita staff. Mr. Graves has been practicing law for 11 years, so he has spent over half his career in Fruita. He said this court is focused on rehabilitation, specifically for juveniles.

Councilor Miller said thank you to Mr. Graves and asked if there was anything the Council could do for him. Mr. Graves said no, that there is a great police staff and that really helps his job.

- **COUNCILOR MILLER MOVED TO APPROVE RESOLUTION 2025-03 – A REQUEST TO AUTHORIZE THE MAYOR TO EXECUTE AN UPDATED ENGAGEMENT LETTER WITH TIMOTHY GRAVES AND THE LAW FIRM OF LEMOINE & GRAVES, P.C. FOR MUNICIPAL PROSECUTOR LEGAL SERVICES. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**B. LEGISLATIVE PUBLIC HEARING – ORDINANCE 2025-02 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING CHAPTER 10.04 OF THE FRUITA MUNICIPAL CODE REGARDING THE MODEL TRAFFIC CODE – *INTERIM CITY MANAGER SHANNON VASSEN***

Mr. Vassen explained that this code update is to move the City from the 2010 Model Traffic Code to the 2024 one. The code is updated by reference, and the Municipal Court and Police Department wrote what is before Council tonight.

Mayor Breman pointed out the section that discusses washing cars in the street and asked if we really wanted to make that against the Code. Mr. Graves explained that the intent behind that is environmental, when things are spilled into the sewer, it goes into the Colorado River and there is no getting it back. Mayor Breman specified that he was talking about washing cars specifically. Mr. Graves said that it is the same concern, that people do not always use environmentally friendly soap, and it is to keep the river clean.

Mayor Breman brought up Section 8.01 that talks about children playing in the streets, and what the implications of that are. Mr. Graves said officers will not be looking for kids in the street during patrol, but in case there is an accident, it gives the officer the opportunity to determine who is at fault in the accident. Mayor Breman said that in the case of people playing basketball in the streets, could they be fined? Mr. Graves said in his understanding, this is to ensure that drivers who are not at fault are not penalized. Mayor Pro-Tem Hancey asked if there was a way to write the intent into the Code. Mr. Graves said that the concern with making definitions narrow is that officers are put into uncertain situations. He said that there should be trust in the officers of the community.

Councilors Miller, Parrish, and Downs said they are comfortable with the answer given by Mr. Graves. Councilor Williams said that he trusts our police to do the right thing, but that he doesn't like the way it is worded. He added that he would like the car wash section taken out. Mayor Breman asked if they could ask for changes, Ms. Geiger answered that they can direct staff to make changes and come back with more information at a future meeting. Mayor Breman asked for information about environmental impacts of car washing, and for staff to reword the section about children in the streets.

- **MAYOR PRO-TEM HANCEY MOVED TO CONTINUE DISCUSSION ON ORDINANCE 2025-02 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING CHAPTER 10.04 OF THE FRUITA MUNICIPAL CODE REGARDING THE MODEL TRAFFIC CODE TO THE REGULAR COUNCIL MEETING ON FEBRUARY 4, 2025. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**C. LEGISLATIVE PUBLIC HEARING – ORDINANCE 2025-03 – SECOND READING – AN ORDINANCE AMENDING SECTIONS 6.13, 9.01.007, AND 9.01.024 OF THE FRUITA MUNICIPAL CODE CONCERNING CERTAIN CRIMINAL CHARGES TO**

**ALIGN WITH COLORADO STATE STATUTES – INTERIM CITY MANAGER SHANNON VASSEN**

Mr. Vassen noticed that this was discussed at the City Council Workshop in August and staff received Council direction to align the code with state statutes. In the chapter on theft and criminal mischief, the reference was changed from a Class B Municipal Offense to the C.R.S. statute. As it is updated, fines and schedules will be as well. The second one reflects changes to the language in the section regarding dangerous animals and allows for police and the court to have more flexibility.

Councilor Williams wanted to clarify that the numbers in this are the state numbers, Mr. Vassen answered yes, it reflects neighboring communities. Ms. Geiger said it allows the code to update with Colorado's trends, so it does not have to come back to Council for continuous changes. Councilor Williams asked if there was any other recourse, and that he is concerned about the thresholds. Mr. Graves answered that he is the Rifle prosecutor as well, and in 2023 Rifle had the same penalty structure Fruita currently has, and that an attorney filed a motion to hold that their theft statute was unconstitutional because it had a higher punitive standard than the state. The appeal went all the way up to the Supreme Court of Colorado, and Rifle changed its statute before the case could continue. As of now, there is a bill pending in the Colorado Legislature to make every municipality follow state statutes. Mr. Graves said that even if the Council does not adopt the changes now, they may have to soon. The issue is equal protection, County and Municipal courts having different penalties allow for possible recourse.

- **COUNCILOR DOWNS MOVED TO APPROVE ORDINANCE 2025-03 – SECOND READING – AN ORDINANCE AMENDING SECTIONS 6.13, 9.01.007, AND 9.01.024 OF THE FRUITA MUNICIPAL CODE CONCERNING CERTAIN CRIMINAL CHARGES TO ALIGN WITH COLORADO STATE STATUTES. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES WITH COUNCILOR WILLIAMS DISSENTING.**

**D. QUASI-JUDICIAL PUBLIC HEARING – ORDINANCE 2025-04 – SECOND READING – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH 2 FORKS VENTURES, INC. FOR THE SALE OF REAL PROPERTY LOCATED AT 879 RAPTOR ROAD, FRUITA, CO (COMMONLY KNOWN AS “THE LAUNCH”) AND AUTHORIZING THE CONVEYANCE THEREOF UPON COMPLETION OF A MINOR SUBDIVISION TO CREATE A LEGAL LOT – PLANNING & DEVELOPMENT DIRECTOR DAN CARIS**

On December 17, 2024, City Council adopted Resolution 2024-46, which was the Development Agreement with 2 Forks Ventures to develop The Launch. That Resolution set a schedule for when that property would go under contract for sale and contemplates when the property will be conveyed. In order to meet that schedule, the first reading of this Ordinance happened that night of December 17<sup>th</sup>. The staff recommended approval and Mr. Gavin Brooks was at the meeting to answer any questions.

Mayor Pro-Tem Hancey asked for elaboration on why we are selling the property to 2 Forks. Mr. Caris said that the goal is to pursue riverfront property and commercial property, which is why it was sold. The agreement means the City also profits from appreciation of the property.

- **COUNCILOR PARRISH MOVED TO APPROVE ORDINANCE 2025-04 – SECOND READING – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH 2 FORKS VENTURES, INC. FOR THE SALE OF REAL PROPERTY LOCATED AT 879 RAPTOR ROAD, FRUITA, CO (COMMONLY**

**KNOWN AS “THE LAUNCH”) AND AUTHORIZING THE CONVEYANCE THEREOF UPON COMPLETION OF A MINOR SUBDIVISION TO CREATE A LEGAL LOT. COUNCILOR DOWNS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **7. ADMINISTRATIVE AGENDA**

### **A. RESOLUTION 2025-05 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA AUTHORIZING STAFF TO COMMENCE EMINENT DOMAIN PROCEEDINGS IN COURT AGAINST PROPERTY COMMONLY REFERRED TO AS 966 19 ROAD, FRUITA, COLORADO TO ACQUIRE RIGHT-OF-WAY FOR 19 ROAD – CITY ATTORNEY MARY ELIZABETH GEIGER, ENGINEERING PROJECT MANAGER STEVE MARTINEZ, PLANNING & DEVELOPMENT DIRECTOR DAN CARIS**

Mr. Caris began the presentation by talking about the policy principles that led the City to the 19 Road Project. He introduced the City’s Circulation Plan and spoke about all the policy-related documents that set standards and plans. The Circulation Plan in particular talks about every mode of transportation and sets forward project standards. The plan also considers everything in the Urban Growth Boundary. 19 Road changes are not made in an arbitrary fashion, there is a lot of planning. In this instance, the City had a nationally-recognized engineering transportation firm that provided input on this project.

Mr. Martinez said that when he started with the City in 2022, his first task was to figure out how to build this road. He pulled up an illustration of how the road is expected to look and noted it is the second design. He described eminent domain, which allows municipalities to acquire land for necessary projects. Mr. Martinez went through the steps of right-of-way acquisition as follows: determine the land needed for the project, research and survey, give a 90-day notice for intent to acquire, appraise the property, make an offer, negotiate, and finalize the sale. He stated that property owners can hire a second appraiser at the City’s expense. Mr. Martinez laid out the timeline as follows:

- March 2023 – Contracted with A Project Resource to begin the process to acquire right-of-way
- January 17, 2024 – Held the first of three public meetings about the project
- January 2024 – A Project Resource contracts with two appraisal firms to perform appraisals on behalf of the City
- February 1, 2024 – Every property owner received a Notice of Interest to Acquire
- May 2024 – Granted the Bedows a 30-day extension for secondary appraisal
- June 15 & July 1, 2024 – First and Second appraisals received for Bedows
- July 17, 2025 – Second public meeting. Mr. Martinez stated that postcards, emails, website posts, and social media posts were all dispersed before the meeting.
- Summer of 2024 - He noted that the original plan took a lot more land to accommodate a bike path and a ditch. However, based on feedback from this meeting, the design was changed significantly. Mr. Martinez said we have an obligation to take care of everyone in the community, including those who live on roads that need to be updated and those who use them.
- August 29, 2024 – Made the first offer to the Bedows
- October 3, 2024 – Held a third public meeting, which only two community members attended.
- October 8, 2024 – Bedows declined offer and said they would prepare a counteroffer.
- November 19, 2024 – Staff provided Council with the status of the ROW process.

- December 3, 2024 – Presented a second update to Council
- December 5, 2024 – Sent a 5-day final notice to owners. On the same day, the City received a counteroffer from the Bedows.
- December 10, 2024 – City declined counteroffer.
- December 12, 2024 – Bedows declined City's offer
- December 17, 2024 – Last offer sent to the Bedows
- January 1, 2024 – Bedows declined final offer

Mr. Martinez stated that during the process, the City answered concerns and did not ignore any requests and said the staff report has further information.

Mayor Breman asked if Ms. Geiger had any comments. She stated that Mr. Martinez described the process well and that this long process is governed by statute. Under the statutory process, this could have been quicker, but staff did not want to rush anything and ensure dialogue was open with property owners at every step.

Mayor Breman asked if this acquisition would affect the property owner's ability to grow, raise, or harvest on their property. Mr. Martinez answered that they have a statement from Mesa County in writing that the 6,000 square feet being acquired would in no way affect the number of livestock the property owner can have. Mayor Breman asked about the easements already there, and Mr. Martinez said that most of the acquisition is encumbered by that Mesa County easement already. Mayor Pro-Tem Hancey asked for a technical explanation of the easement. Ms. Geiger said that there is a 14-foot-wide multi-purpose easement dedicated to the installation of utilities. This means it is a non-exclusive easement, the property owners do still own the land and can use the surface, however, when utilities need to be installed Mesa County can move any structures to place those and does not have to replace them.

Mayor Breman asked whether it would be the City's responsibility to pay to relocate those items if a property owner has a structure there. Ms. Geiger answered that the City would have to bear those costs. Mr. Martinez said the appraisals included real property value and improvement values, which means that items such as sprinklers or trees are considered in value and incorporated into the price. He said the difference between the property values and improvement values can be staggering, and the City has compensated accordingly for all 20 of the 22 properties it has already acquired. Councilor Miller asked if the process is the same even with the condemnation. Mr. Martinez answered that yes, compensation will be provided for real property value and improvements. Ms. Geiger said the Court will appoint a commission that will issue their own valuation, and per law, fair market value must be paid. She clarified that even with the condemnation, there can still be conversations with the property owner, and they can still accept the City's last offer.

Mayor Pro-Tem Hancey stated that the City chose to lengthen the process to accommodate citizens and over-communicated, far past what was required. He asked what gives the City the right to do right-of-way acquisitions. Ms. Geiger said it is a constitutional and statutory right given to governmental entities to be able to acquire private property for public purposes with just compensation. Mayor Pro-Tem Hancey said he sees this road improvement as a safety improvement, which is one of the mandates of government, that the City respects property rights and does not take this lightly. He said there has been information being spread that is not accurate to the facts, and there has been miscommunication that the City is taking a farm away, but that is not what is happening. The City is acquiring 6,000 square feet with proper compensation, and there will not be a negative impact on how the farms do business. The City of Fruita values the agricultural land around us, and it is a big part of our history. People have the right to develop their land that they have acquired, and the City cannot mandate what someone does with their land. Mayor Pro-Tem

Hancey said that his home was surrounded by open property that is now being developed, and though he liked the open land, he respects those property rights and what development does for the community.

Councilor Williams clarified that even if the City goes through the court, the property owners will still be fairly compensated and they can always agree to the original offer from the City. He asked if the original design would have affected the property and how that would have looked. Mr. Martinez said the right-of-way being considered tonight is to make room for a storm drain. He said it would have changed how close the sidewalks were to the houses. Councilor Miller asked if it would be more intrusive if the bike path was built out. Mr. Martinez said yes, and that is why it was taken in.

Councilor Williams asked if the City was mandated by the state to work on the exchange from Highway 6 & 50 to 19 Road. City Attorney Geiger said CDOT controls Highway 6, and they did mandate that the City improve that intersection due to increased traffic and safety concerns, which required the City to widen and improve the culvert in the area. She said that from there, it made sense to continue road improvements. The City has future planning, and this process takes a while, which is why they have hired traffic experts and made plans for road improvements.

Councilor Miller asked why this happened before the development happened. Mr. Martinez said we want to get ahead of development, not play catch up; further, 19 Road isn't busy only due to development, J Road backs up to 19 Road all the way to Wildcat every morning at 8:00 a.m. now that Fruita Middle School and Fruita Monument High School have been combined. The City put a lot of thought into the project, not just to make 19 Road safer, but also the intersection at J Road and the turnoffs on J and Highway 6 & 50. There has been coordination with Mesa County School District #51, CDOT, and all the utilities in the area. The improvements will also allow people to have sewer access and there will be underground piping and irrigation from J 2/10 all the way to Iron Wheel. Mayor Pro-Tem Hancey said that this eminent domain process does not mean the City stops negotiations with the property owners.

- **COUNCILOR DOWNS MOVED TO APPROVE RESOLUTION 2025-05 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA AUTHORIZING STAFF TO COMMENCE EMINENT DOMAIN PROCEEDINGS IN COURT AGAINST PROPERTY COMMONLY REFERRED TO AS 966 19 ROAD, FRUITA, COLORADO TO AQUIRE RIGHT-OF-WAY FOR 19 ROAD. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**B. RESOLUTION 2025-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA AUTHORIZING STAFF TO COMMENCE EMINENT DOMAIN PROCEEDINGS IN COURT AGAINST PROPERTY COMMONLY REFERRED TO AS 993 19 ROAD, FRUITA, COLORADO TO AQUIRE RIGHT-OF-WAY FOR 19 ROAD – CITY ATTORNEY MARY ELIZABETH GEIGER, ENGINEERING PROJECT MANAGER STEVE MARTINEZ, PLANNING & DEVELOPMENT DIRECTOR DAN CARIS**

Mr. Martinez said that they do require developers to improve their half of the road and that it is a logical approach to completing the Circulation Plan.

The timeline is the same as the last presentation, with the difference being that this property did not give a response to City notices from April 16 through July 31, 2024. City staff hired an appraiser to try to stay within the timeline. There was never a response, though the appraisal was completed on September 9. During the public meeting on October 3, staff were informed that the property owner was deceased. There was no heir or trustee, so the City reached out to the deceased's daughter. She is working on getting a

probate lawyer so that she can get her name on the property as the trustee. However, there is no timeline for when this will be done, so it is recommended that eminent domain proceedings move forward. This is because in order to get the project done in time and for it to not impact irrigation, the timeline needs to be sped up. Ms. Geiger said by working in tandem with Ms. Barlow Nelson, the process may be sped up. It will depend on whether Mr. Barlow did leave a will, if there are other siblings, and if there is any dispute.

Councilor Williams asked if Ms. Barlow Nelson was on board with the right-of-way acquisition. Mr. Martinez said that she is aware of the proceedings of condemnation, and they have spoken at length about the situation. She understands that going through courts will be the best option for this process, since the current occupant will not cooperate with the process. Councilor Williams asked if eminent domain is approved and her case is not settled, what happens to the compensation? Ms. Geiger said that it would likely sit in escrow and be distributed when legal proceedings are settled.

Mayor Pro-Tem Hancey asked what the timeline on the proceedings were. Ms. Geiger said that eminent domain proceedings are usually on a fast track, and she is guessing that the order of possession will take 30 to 60 days and there is no timeline for the final payout. Mayor Pro-Tem Hancey said that although this situation is different, the City was still open to this. Councilor Williams said the City is on a tight timeline, and unfortunately there is no other way to push this project back so that irrigation is not affected. Mr. Martinez said that they did change the sewer line to avoid this property, but that the irrigation line cannot be moved. A lot of the groundwork requires power lines to be moved, and they cannot access them unless the Barlow property is required. Councilor Downs said that she does not want farms to be affected, and she is impressed by staff's openness and how they pushed a giant project to give citizens the chance to work with the City. Councilor Parrish said he wanted to echo his peers and compliment the staff for being willing to explain the complexities of this situation to everyone.

- **COUNCILOR PARRISH MOVED TO APPROVE RESOLUTION 2025-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA AUTHORIZING STAFF TO COMMENCE EMINENT DOMAIN PROCEEDINGS IN COURT AGAINST PROPERTY COMMONLY REFERRED TO AS 993 19 ROAD, FRUITA, COLORADO TO ACQUIRE RIGHT-OF-WAY FOR 19 ROAD. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

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

Interim City Manager Shannon Vassen reported the following:

- On Friday, staff was notified they were eligible for a grant up to \$2.8 million to breach Reservoir #2, which has been on a no-fill order for years.
- The City decided on ETC Institute to do the Community Survey. The City has used them for the last 3 or 4 surveys; they are qualified and were also the lowest bidder. There should be a final report on the survey in April.
- There is a winter concert next week and there will be blankets available.
- Councilor Williams asked about the grant that was mentioned and if there is a match. Mr. Vassen said there is a small match; it is funded through the federal IRA and the City is still within 1 to 3 years of this project being complete and will lift a huge burden off taxpayers.

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

## **9. COUNCIL REPORTS AND ACTIONS**



**A. COUNCIL REPORTS AND ACTIONS****COUNCILOR JAMES WILLIAMS**

James attended Police Commission meeting and Chief Krouse reported that Fruita has gone down 20% in calls and crimes. The City of Fruita is the only municipality in the Valley that did that. The Police Department is also working on aspects of Animal Control.

James also attended the new downtown business group hosted by the Fruita Area Chamber of Commerce. He was asked if it was possible to create a kiosk with a map in Mulberry Plaza similar to the ones in the mall.

James also asked if the Council would like to attend the D51 Foundation fundraiser “White Ice.” Shannon said he would have the Executive Assistant send out an email and book tickets.

**COUNCILOR ANDREA DOWNS**

Andrea asked if there was anything that could be done about loitering in Mulberry Plaza. Mr. Vassen said the plaza falls under park rules, and he will consult with staff about the issue, but unfortunately since it is a public place, there is not much that can be done.

**MAYOR MATTHEW BREMAN**

Matthew said there is talk of a plastic recycling plant being proposed on 19 Road and he contacted Mesa County Commissioner Cody Davis to ask for more information. Davis’ response was that the county just announced this and there is more information to come.

Matthew suggested walking through the old middle school to review the facility assessment and meeting with the School District #51 to start the conversation about what to do with that property.

Matthew asked if there were any conversations about traffic mitigation around the schools. Mr. Vassen said there was a request from the schools to install flashing lights at the crosswalks. Staff has applied for a “Safe Routes to School” grant to fund safety changes around the schools. James asked if it would be similar to the changes by Family Health West and Mr. Vassen said it would look more similar to what Colorado Mesa University has on 12<sup>th</sup> Street. It would come from General Fund dollars.

**COUNCILOR AMY MILLER**

Amy said she attended the Martin Luther King Day Celebration and there was a very big turnout from the surrounding municipalities and the community.

*At 9:02 p.m., the Mayor called for a ten-minute break. The meeting resumed at 9:11 p.m.*

**B. EXECUTIVE SESSION - TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF DISCUSSION AND POSSIBLE ACTION TO DEVELOP STRATEGIES FOR NEGOTIATIONS AND INFORM THE NEGOTIATORS REGARDING THE CITY MANAGER CONTRACT**

- **MAYOR PRO-TEM HANCEY MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF DISCUSSION AND POSSIBLE ACTION TO DEVELOP STRATEGIES FOR**

**NEGATIONS AND INFORM THE NEGOTIATORS REGARDING THE CITY MANAGER CONTRACT. COUNCILOR MILLER SECONDED THE MOTION.**

**MAYOR BREMAN INVITED THE FOLLOWING PERSONS TO ATTEND THE EXECUTIVE SESSION:**

- 1. CITY COUNCIL**
- 2. CITY MANAGER SHANNON VASSEN**
- 3. CITY ATTORNEY MARY ELIZABETH GEIGER**

- **THE MOTION PASSED WITH FIVE YES VOTES.**

*The Council convened in Executive Session at 9:12 p.m. The Regular meeting of the City Council was reconvened at 9:46 p.m.*

Mayor Breman said he would like to take a moment to talk about Mr. Vassen and why Council chose him as City Manager. Councilor Parrish said even though he has only known Mr. Vassen for six months, he has been impressed with him. Mayor Pro-Tem Hancey said that he appreciates Mr. Vassen's love for the community and commended him on the good budget. Councilor Miller said that Mr. Vassen is thought of well both in and out of the Fruita community. Councilor Downs said it was nice to see someone they knew in a new way, and it was easy for her to see Mr. Vassen as the City Manager. Councilor Williams said that he has been blown away by Mr. Vassen and he is an amazing person. Mayor Breman said that going into it, he was open minded to all candidates and that Mr. Vassen earned it. Mayor Breman noted that Ms. Geiger shared a new contract for the City Manager position. Ms. Geiger said that it was based on the previous City Manager's contract; the difference was the pay, but the rest of the benefits from the City stayed the same.

- **COUNCILOR WILLIAMS MOVED TO AUTHORIZE THE MAYOR TO SIGN THE CONTRACT AS WRITTEN TO HIRE MR. SHANNON VASSEN AS THE CITY MANAGER. MAYOR PRO-TEM HANCEY SECONDED THE MOTION.**

**MAYOR BREMAN INVITED THE FOLLOWING PERSONS TO ATTEND THE EXECUTIVE SESSION:**

- 1. CITY COUNCIL**
- 2. CITY MANAGER SHANNON VASSEN**
- 3. CITY ATTORNEY MARY ELIZABETH GEIGER**

- **THE MOTION PASSED WITH FIVE YES VOTES.**

**C. EXECUTIVE SESSION - TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF DISCUSSION AND POSSIBLE ACTION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE MUNICIPAL COURT JUDGE'S ANNUAL REVIEW**

- **COUNCILOR PARRISH MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) FOR THE PURPOSE OF DISCUSSION AND POSSIBLE ACTION REGARDING PERSONNEL ISSUES**

**UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE MUNICIPAL COURT JUDGE'S ANNUAL REVIEW.**

**MAYOR BREMAN INVITED THE FOLLOWING PERSONS TO ATTEND THE EXECUTIVE SESSION:**

- 1. CITY COUNCIL**
- 2. MUNICIPAL COURT JUDGE**
- 3. CITY ATTORNEY MARY ELIZABETH GEIGER**

- COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

*The Council convened in Executive Session at 10:01 p.m. The Regular City Council meeting reconvened at 10:36 p.m.*

**11. ADJOURN**

With no further business before the Council, Mayor Breman adjourned the meeting at 10:36 p.m.

Respectfully submitted,

Kaydee Lucero  
Executive Assistant to the City Manager  
City of Fruita