

**FRUITA CITY COUNCIL WORKSHOP
JANUARY 28, 2025
6:30 P.M.**

CALL TO ORDER AND ROLL CALL

The workshop of the Fruita City Council was called to order at 6:30 p.m. by Mayor Matthew Breman. City Council members present were Aaron Hancey, Jeannine Purser, James Williams, Rich Parrish and Amy Miller. Councilor Andrea Downs was excused absent.

City Staff present were City Manager Shannon Vassen, Communications & Engagement Specialist Ciara Amann, City Clerk Deb Woods, Finance Director Joe Zaher, Public Works Director Kimberly Bullen, and City Attorney Mary Elizabeth Geiger (virtually).

AGENDA ITEMS

1. MOUNTAIN WATER PROPERTIES UPDATE

Public Works Director Kimberly Bullen pointed out that the purpose of the discussion was to talk about next steps for Fruita's Mountain Water Properties including engagement with the city's Real Estate Agent to list the properties on the open market and whether to move forward with breach of Reservoir #2 on Pinyon Mesa.

Bullen recalled that at the Fruita City Council meeting of September 19, 2023, the Council directed staff to continue working with all potential local partners to seek solutions for Fruita Reservoirs 1, 2, and 3, and the 125-acre parcel of land, and to make the specific, formal offers of free donation in the following order:

1. Ute Water Conservancy District
2. Mesa County
3. US Forest Service
4. Colorado Parks and Wildlife

All declined the City of Fruita's offers except the Forest Service, who wants the land, but not water. Bullen explained that the water can't be used by any of the entities because they have no mechanism to get it where it needs to be to be of any use.

Bullen reviewed a timeline of meetings, letters, emails and offers that was included in the Council packet. She explained that the state's dam safety engineer wants the City to either fix Reservoir #2 dam or breach it.

A member of the Glade Park Pipeline Water Users' Association (GPPWUA) was present at the workshop meeting and Ms. Bullen pointed out that the GPPWUA does use the water currently today, but they are struggling to obtain liability insurance and the annual \$10,000 permit fee for the reservoirs. There is an effort by those who live on Glade Park to establish a more formal Special Fire District, so there is interest from them in the water.

The City does not have the option of abandoning the reservoirs, but Mayor Breman stated that he wonders if there is some way that the permit could be grandfathered in for GPPWUA like it was for the City of Fruita.

The Council also discussed whether there is anybody else downstream of Fruita or a developer that could use the water rights. City Attorney Mary Elizabeth Geiger reiterated that because there is no pipeline, there is no way to get the water to anybody that wants to use it; the infrastructure would just be too expensive. She said unfortunately, it is just an odd situation that is not viable.

Discussion was further held about whether the City of Fruita could enter into an Intergovernmental Agreement (IGA) with a potential GPPWUA Fire District, but Attorney Geiger explained that at the end of the day, even with an IGA, the mountain water properties would still be the City's liability. She added that a Special Fire District requires a vote of the people and a Service Plan which needs to have the ability to maintain the dams.

Councilor Hancey wondered if Fruita could ask state elected officials to advocate for the City of Fruita and Bullen responded that two state agencies had already been approached by staff, but they said no. She added that it's really a "cost avoidance" issue at this point, but perhaps it might be worth having another conversation with Colorado state Representatives.

Councilor Miller asked how long it takes to form a Special Fire District. Attorney Geiger said that GPPWUA is in the beginning stages of looking into it, and they may be ready for an election in November, but more likely next year. They would have to vote to tax themselves then they have to go to court, which would take four months. Cost is estimated at \$65,000 and GPWUA is already struggling financially to the point that they are concerned about being able to pay the \$10,000 permit fee.

Bullen reviewed the four options in front of the Council, which are as follows:

1. List properties for sale through the City's realtor
2. Engage with GPPWUA
3. Breach all three reservoirs
4. Continue to maintain all reservoirs

Councilor Purser was in favor of giving the GPPWUA a little bit longer to see if they will be able to take advantage of the opportunity.

Attorney Geiger advised that she was not recommending an IGA between the City of Fruita and GPPWUA and suggested that the City just give the property to them and they can then take on whatever that means. All present agreed that the water should go to GPPWUA, and the Mayor and Council members said they would try to talk to Colorado's state reps to see if there's anything they can do at the state level.

City Manager Shannon Vassen pointed out that staff had talked to Congresswoman Boebert and the hang up is at the state level because they don't want to take on the liability; he wasn't sure the Mayor or Council members would receive a different response. He added that Mesa County has said that they will help GPPWUA with establishing a Special District through an election.

Attorney Geiger said that if the Special Fire District doesn't go through, the City could still engage with GPPWUA because they still have a desire to use the water.

Bullen explained that Reservoirs #1 and #3 are in pretty good shape and only require some annual maintenance. The City has money budgeted in 2025 for that. She agreed with Vassen that the state would not likely change from their previous positions.

Vassen suggested that the City wait and see for now and have staff update the Council by the end of the year.

Attorney Geiger stated that she would check the Colorado Revised Statutes to see if Special District Elections can be held in November or if the earliest timeframe is April of 2026.

Vassen noted that the City received a grant from the Bureau of Reclamation for the breach of Reservoir #2, but the funds are currently on hold by the current Federal Administration.

Bullen stated that staff now feels comfortable that \$2.8 million will be the true cost for the breach, which includes the contractor filling in soil up on the Mesa instead of moving it down. Once the City receives the federal funding, the contractor is ready to go on the project.

Vassen cautioned that federal grants can sometimes take one or two years to receive.

Attorney Geiger reminded all the Reservoir #2 has been on a no-fill order, so when the work begins, there's not going to be a massive rush of water.

2. DISCUSSION ON THE 2025 COMMUNITY SURVEY

City Manager Shannon Vassen noted that money for the City's next Community Survey is included in the 2025 Budget. He explained that staff created this agenda item to check in with the Council concerning what kind of feedback they may want from the community. Vassen turned over staff's presentation to Communications and Engagement Manager Ciara Amann. She reviewed the coversheet that was included in the Council packet and consisted of Request for Proposal information, criteria reviewed to make the selection from the interested firms who submitted RFPs and a timeline for working with the chosen consultant, ETC Institute. The goal is to identify any specific areas the Council wants to include or focus on to help facilitate the questions. She explained how the City of Fruita conducts surveys every four years with the last one being completed in 2021.

For the 2025 Community Survey, staff received 13 proposals. Amann stated that the RFP process and committee are pretty intensive and after that process, ETC Institute was the chosen consultant and the lowest bidder at \$16,000. He added that the City previously used ETC Institute and had a good experience with them in the past.

The timeline for working with ETC Institute is as follows:

- Survey Design – February 2025
- Print Mail Surveys – February 2025
- Cutoff Date for Receiving Surveys – March 2025
- Final Report Delivered to Staff – April 2025
- Presentation to City Council – May 2025

Vassen noted that the Community Survey contains some standard questions but added that there will be room for six to eight additional and specific questions the Council may want to add.

Discussion was held about being careful not to ask leading questions. Some ideas for these questions included:

- Whether or not the City should permit recreational/medical marijuana (majority argued against asking this question again)
- What could be the best use of the Fruita Middle School building?
- Would people be willing to pay an additional sales tax to preserve Fruita Middle School?
- What is residents' overall satisfaction with public transportation options?
- Is the City doing enough for locals and tourists alike? What would residents like to see the City focus its efforts on?
- What events do residents attend?
- If a resident had tourism money to spend, what would they like to spend it on (excluding mountain biking)?
- Are residents' voices being heard?
- Are residents well-informed about events and the City's Boards and Commissions?

Other points/decisions made on the Community Survey were as follows:

- Each survey will come with a link; one link per household.
- The City should capture demographics such as age.
- For Question #7, staff will be refining the list of types of social media; however, it could be interesting to see if people are getting information from a platform staff doesn't know about.
- Questions should be written so they do not create division (e.g., revise the question "do you feel you are you treated *equitably*?" to "do you feel you are treated *fairly*?")
- It is too premature to ask about "The Launch."
- For Question #24, why do the options change from 5 options to 4? Shouldn't it remain consistent?
- Fruita is known for mountain biking, but the Council would like to see that the City is also known for other things like live music, use of rivers and art shows.
- Staff will remove the question about Snooks Bottom.
- Economic development and housing are things that have increased in priority.
- What do people think/feel about "localism (as opposed to tourism)?"

Mayor Breman directed staff to ask Family Heath West whether they want to include a question of their own in the Community Survey and Mr. Vassen responded that staff would follow up with them.

Vassen added that staff will have a final draft for the Council to review in February.

At 7:33 p.m., the Mayor called for a ten-minute recess. At 7:43 p.m., the Workshop Meeting reconvened).

3. DISCUSSION ON COLORADO SENATE BILL 24-131

Attorney Mary Elizabeth Geiger reviewed Colorado Senate Bill 24-131, which is a law enacted last year that prohibits firearms in certain public facilities. She explained that the Council would need to decide whether to opt out or not. In summary, the act prohibits a person from knowingly carrying a firearm, both openly or concealed, in the following government buildings and their parking areas:

- State legislative buildings, including buildings at which the offices of elected members are located;
- A building of a local government's governing body, including buildings at which the offices of elected members or the Chief Executive Officer of a local government are located (local government buildings); and
- A courthouse or other building used for court proceedings. Includes parking areas in sensitive areas such as local government buildings or courthouses.

The important thing about SB 24-131 is that a local government can opt out of SB 24-131 with regard to local government buildings except for courthouses or buildings that have court proceedings. Geiger stated she reached out on the Colorado Municipal League's listserv and asked other municipalities if they also had government buildings that house their Municipal Court.

Some on the Council stated they actually felt uncomfortable with not being able to conceal carry. City Manager Shannon Vassen said that the City could draft an ordinance opting out that fits Fruita Municipal Court's schedule, which is from 8:00 a.m. to 5:00 p.m. on Tuesday, Wednesdays and Thursdays and from 4:00 to 8:00 p.m. on Wednesdays. In the event the court's hours may change in the future, it was suggested to draft the Ordinance text to simply refer to the hours that the Municipal Court is open and opt out for all hours outside of those. Vassen stated he would try to find examples from other municipalities that may have done the same thing.

Attorney Geiger noted that the City will need additional signage. The City could run into enforcement issues, so staff will need to figure out specific signage that could be switched back and forth if specific hours are not listed.

Councilor Parrish said he would like to know what the Fruita Police Department thinks about it. Vassen stated that he would talk to Fruita PD and get back to Council, but had no staff recommendations currently.

All agreed to move forward and explore what the options are. Concern was expressed that it could get confusing, so hopefully staff will be able to find other municipalities that are similar to the City of Fruita such as Monte Vista or Gunnison.

Councilor Purser stated that she had received public comment and forwarded it on to Attorney Geiger.

The issue about Xcel Energy's transmission line in Riverfront Park was brought up and Council wanted to know if they had filed anything with the City. City Attorney Geiger stated that to her knowledge, nothing had been served on the City. Xcel had 28 days to do so. The Council's decision to uphold the Planning Commission's decision occurred at the January 7, 2025 Regular City Council meeting, so February 4, 2025 would be the deadline. Geiger said she did not know about Xcel's time limit with the Public Utilities Commission (PUC). She made the comment that at the end of the day; they have the City's answer.

OTHER ITEMS

- Mayor Breman said there was a conversation about Colorado Mesa University being interested in housing partners. They would like to continue that conversation, so he recommended that City Manager Shannon Vassen take over that discussion. Vassen stated that he would be happy

to. There is a Housing Summit next week and that would be a good opportunity to do so. Derek is the main contact person at CMU.

- City Manager Vassen noted that staff has been receiving calls about a new recycling facility that would be required to apply for a Conditional Use Permit through Mesa County's Planning Commission and Board of County Commissioners. The Fruita City Council can provide comments as a Council, but Vassen advised staying away from any of the elected officials because it is a Quasi-Judicial hearing and there should be no ex parte communication. As staff gets more information, the City of Fruita can provide input. Currently, there are concerns about the lack of water, odors and increased traffic.

Councilor Amy Miller requested that staff communicate with the public a uniform statement containing a concise and quick answer so that residents are aware and have the information. She added that she has heard concerns and therefore, would like to get ahead of it. City Manager Vassen stated that staff could do a FAQ on the City's website that dials in on parts of the Land Use Code because that is what decision is going to be based on.

- City Manager Vassen pointed out that the City is at capacity at the Civic Center. There will be a facilities consultant at the February Council Workshop Meeting. He said he had asked the City's realtor, Lori Chesnick to look for commercial space and there is an interesting opportunity: the Masser House (on the southeast corner of Aspen Avenue and Peach Street) is being renovated and the upstairs is going to be a unique and cool space. One non-profit will be housed downstairs, but a City department or FWorks could potentially move to the upstairs.

Mayor Breman expressed some concern about the City taking over a "cool space." Vassen said it would likely be a department that is not accessible to the public. The initial rent is \$2,000 - \$2,500/month, which seems to be the going commercial rate.

Councilor Aaron Hancey stated that it seems like those groups who rent the Independence Room could move to the Fruita Community Center and then the room could easily accommodate four + City offices for free. Vassen noted that eventually, the City will still need more space.

Councilor Amy Miller said she had talked to a developer who is very interested in the Fruita Middle School building and has experience with that type of remodel. Apparently, the developer was specifically shopping for that kind of project. It was noted that rent space at FARM is \$3,000/month.

- City Manager Shannon Vassen stated that he was working on scheduling a walk through at the Fruita Middle School for City Council and some staff. Councilor Williams pointed out that Family Health West is always looking for space, too.
- Councilor Purser asked if the Council was going to do something to acknowledge the appointment of Shannon Vassen as City Manager. She added that there was no reason to not choose Shannon, who embodies "The Fruita Way." She thought the City should also do something for the public (who was super involved in the hiring process) such as a public introduction of Shannon as City Manager at the next Council meeting.

ADJOURN

With no further business before the Council, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Deb Woods
City Clerk

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