



FRUITA COLORADO

CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, May 07, 2024 at 7:00 PM

AGENDA

The link to join the join the meeting electronically will be posted prior to the meeting at <https://www.fruita.org/citycouncil/page/council-meeting-information>. You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting.

This agenda is for informational purposes only and items may be added or deleted at the discretion of the City Council. An executive session may be requested for any item appearing on the agenda.

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

- A. PRESENTATION – Fruita Students of the Month for May 2024: Monument Ridge Elementary School
- B. PROCLAMATION - Honoring and in appreciation of the Fruita Monument High School Boys' Basketball team and Coach Michael Wells
- C. PROCLAMATION - Proclaiming May 6 - 10, 2024 as "Teacher Appreciation Week" in the City of Fruita to be accepted by Mesa County School District #51 Executive Director Angela Christensen
- D. PROCLAMATION - Proclaiming May 7, 2024 as "Police Week" in the City of Fruita to be accepted by Lieutenant Nick Peck
- E. PROCLAMATION - Proclaiming May 19-25, 2024 as "National Public Works Week" in the City of Fruita to be accepted by Public Works Director Kimberly Bullen
- F. PROCLAMATION - Proclaiming Sunday, May 5 through Sunday, May 12, 2024 as "Days of Remembrance" in the City of Fruita to be accepted by Vince Patarino, Associate Professor of History & Founding Holocaust Awareness Series
- G. PRESENTATION – Recognition of Fruita Academy Graduates presented by Communications and Engagement Manager Ciara Amann
- H. Total Maximum Daily Load (TMDL) Presentation

5. PUBLIC PARTICIPATION

This section is set aside for the City Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the City Council will not discuss the issue and will not take an official action under this section of the agenda. Please limit comments to a three-minute period.

6. CONSENT AGENDA

These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. These items will be approved by a single motion of the Council. Members of the Council may ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed at the end of the regular agenda.

- A. MINUTES - A request to approve the minutes of the January 16, 2024 Regular City Council meeting (Councilors Parrish and Stolarczyk to recuse themselves)
- B. MINUTES - A request to approve the minutes of the January 23, 2024 Council Workshop meeting (Councilors Parrish and Stolarczyk to recuse themselves)
- C. MINUTES - A request to approve the February 27, 2024 City Council Workshop meeting (Councilors Parrish and Stolarczyk to recuse themselves)
- D. MINUTES - A request to approve the minutes of the March 19, 2024 Regular City Council meeting (Councilors Parrish and Stolarczyk to recuse themselves)
- E. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Leona Manuppella to the Arts and Culture Board to fulfill an unexpired term to expire in July of 2027
- F. ONE RIVERFRONT APPOINTMENTS – A request to approve the appointments of certain individuals to the One Riverfront for certain terms
- G. BROWNS HILL ENGINEERING & CONTROLS MULTI-YEAR AGREEMENT - A request to approve a Five-Year Subscription Based Human Machine Interface/Supervisory Control and Data Acquisition (HMI/SCADA) system services agreement with Browns Hill Engineering & Controls and authorize the City Manager to sign the agreement.
- H. RESOLUTION 2024-15 – A Request to Approve a Resolution Amending the 2024 Budget and Transferring Funds from the General Fund Contingency Account For Contracted Financial Management Services and Electrical Upgrades at Civic Center Park.
- I. Ordinance 2024-12 – First Reading – An Introduction of an Ordinance Amending Chapter 8.08 of the Fruita Municipal Code Regarding Garbage and Solid Waste.

7. ACKNOWLEDGMENT OF NEWLY APPOINTED BOARDS AND COMMISSIONS MEMBERS

8. PUBLIC HEARINGS

Public hearings are held to obtain input from the public on various items. Public hearings are either Legislative in nature or Quasi-Judicial in nature. Public Input is limited to 3 minutes per person. People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made. Each is described as follows:

LEGISLATIVE – Legislative public hearings are held when the City Council is considering an item that establishes legislation such as an ordinance amending or establishing laws of the city. Interactions by members of the public with the City Council or individual members is permissible on items of a legislative nature.

ORDINANCES - After introduction of an Ordinance (First Reading), a public hearing date is set and notice of the hearing is published in the newspaper. Staff presents the ordinance on Second Reading and the hearing is opened to the public for public input. After comments from the public, the Mayor will close the hearing and bring the Ordinance back to the City Council for discussion and potential action. The Council will make a motion to approve the Ordinance or take no action. In the event the ordinance is approved, it will become effective 30 days after adoption.

QUASI-JUDICIAL – Quasi-judicial public hearings are held when the City Council is acting in a judicial or judge like manner and a person with a legitimate interest is entitled to an impartial decision made on the basis of information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of the City Council) outside of the Public Hearings and meetings on the subject application. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:

1. Staff presentation - Staff will present the comments and reports received from review agencies and offer a recommendation.
2. Applicant Presentation - The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
3. Public Input (limit of 3 minutes per person) Speakers must step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
4. The public hearing is closed to public comments.
5. Questions from the Council. After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
6. Make a motion. A member of the City Council will make a motion on the issue.
7. Discussion on the motion. The City Council may discuss the motion.
8. Vote. The City Council will then vote on the motion.

A. QUASI-JUDICIAL HEARINGS

B. LEGISLATIVE HEARINGS

9. ADMINISTRATIVE AGENDA

- A. Fruita Strategic Plan and Master Plans Update - City Manager Mike Bennett and Planning & Development Director Dan Caris

10. CITY MANAGER'S REPORT

11. COUNCIL REPORTS AND ACTIONS

- A. Changes to certain upcoming City Council meetings
- B. City Council Boards and Commissions Assignments

C. Council Reports and Actions

- D. EXECUTIVE SESSION – 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 Municipal Court Judge’s annual informal review

12. ADJOURN

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact the City Clerk’s Office at 970-858-3663 within 48 hours prior to the meeting in order to request such assistance.



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: MAY 7, 2024

AGENDA TEXT: PRESENTATION – Fruita Students of the Month for May 2024: Monument Ridge Elementary School

BACKGROUND

At the direction of the Fruita City Council, the City of Fruita began recognizing students and teachers in Fruita’s schools as “Students of the Month” or “Teachers of the Month” at the first City Council meeting of the month beginning in February of 2019. The students and teachers are chosen by the Principal of each of the schools as being those that represented their school’s core values during the previous month.

For the month of May 2024, Principal Emma-Leigh Larsen selected these Monument Ridge Elementary Student Council Officers for “Students of the Month”:

- | | |
|--------------------|-----------|
| • Hayden McComb | President |
| • Olivia Gagliardi | Treasurer |
| • Ava Englehart | Historian |
| • Kaycee Christ | Secretary |

Principal Larsen selected only “Students of the Month” to be recognized during this presentation. Mayor Breman will present each of the students with a certificate, day pass to the Fruita Community Center and an I-heart-Fruita button.

***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR MAY 2024***

This Certifies That

Hayden McComb

Student Council President

of Monument Ridge Elementary School

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

May 7, 2024

Matthew Breman, Mayor

***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR MAY 2024***

This Certifies That
Olivia Gagliardi
Student Council Treasurer
of Monument Ridge Elementary School

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

May 7, 2024

Matthew Breman, Mayor

***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR MAY 2024***

This Certifies That
Ava Englehart

Student Council Historian
of Monument Ridge Elementary School

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

May 7, 2024

Matthew Breman, Mayor

*CITY OF FRUITA'S STUDENT OF THE MONTH
FOR MAY 2024*

This Certifies That
Kaycee Christ

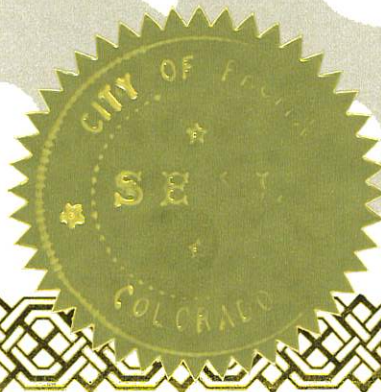
*Student Council Secretary
of Monument Ridge Elementary School*

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

May 7, 2024

Matthew Breman, Mayor



Proclamation

In Fruita, Colorado we absolutely love our high school sports,
Nowhere is this truer than on our basketball courts.
We all pull on our Fruita Blue and love to pack the stands,
You'd be hard-pressed to find a more passionate group of fans.

In 2023, though, our team's leadership was uncertain,
We needed someone strong and true, a dedicated person.
Coach Wells stepped up and took the job, he'd coached champions before.
He saw the potential in these boys, knew they could do so much more.

He made them a promise he intended to keep & asked them all to buy in,
If they would put in the time, the work & the grit, he knew they could bring home the wins.
He recruited assistants he knew he could trust, each with their own special skills,
To help this team reach the ultimate goal, a true dream season to fulfill.

The off season was hard, the boys had to adjust to their new coach's style,
They learned structure and discipline were keys to success if you want to reach that last mile.
So they put in the gym time and did extra reps, they shot hundreds of frees from the line.
They started to find their rhythm as a team, their philosophies began to align.

As the season progressed that hard work paid off, just as Coach knew that it would.
With Jhett's speed & accuracy leading the charge, the team's confidence grew as it should.
The stands were packed tight, each and every game, Fruita knows how to show up.
No one wanted to miss one of D.T.'s slam dunks or Max's beautiful layup.

With Masen tossing up 3's and Austin all over the court, the wins soon began to tally.
Wilson, Isaac & Lucas were always right there, fresh & ready to help the team rally.
Week after week and game after game those boys sure showed up and played.
Even when they were tired, injured & sore, their will to win just would not fade

Tough teams came over from much larger schools, certain they'd take those Cats down.
But try as they might they just could not win & would leave with a small, baffled frown.
How could it be that this Western Slope team could stack up wins against these huge schools?
Didn't they know 6A was out of their league? Surely their winning was against the rules!

Those Cats just kept winning, they clawed their way up the rankings that CHSAA was posting,
Until they soon reached the top, the #1 spot, a feat that was truly worth boasting.
With a trip to the Coliseum now on the line, they were not quite ready to lose.
They still had much further to go, needing to show the season was not a ruse.

As the #1 seed going into playoffs, Fruita had earned the coveted home court slot.
The fans all filed in to cheer for their team, the line pouring out into the parking lot.
And what a game it would be, not a single dull moment, the energy crackled & popped.
The first half was close, but the Cats soon pulled away, showing they would not be stopped.

Now they were off to the big Coliseum, Great Eight was the name of the game.
The town lined the streets and cheered as they passed, calling them each out by name.
They knew they would need to bring all that they had, they'd made it further than ever before.
They'd need to play their hearts out, leave it all on the court & maximize every score.

The big game day came, those boys showed up to play and while it ended up not quite enough,
They did not fall easy, they put up a fight and showed everyone Fruita is tough.
They'd earned that top seed and they'd gone undefeated, an honor quite rare indeed.
They'd shown what could be done with hard work and grit and a Coach who was ready to lead.

The season's behind us, it's all over now, but to show our sincere appreciation.
We, The Mayor and City Council, want to honor you with this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Fruita this Seventh day of May, 2024.

Matthew Breman
Mayor of the City of Fruita



Teacher Appreciation Week
May 6 - 10, 2024

WHEREAS, Mesa County Valley School District 51 employs 2,771 teachers and staff currently serving 20,208 students in 46 schools throughout the Grand Valley; and

WHEREAS, teachers work hard in schools throughout the nation every day to provide a safe, high quality, and stable learning environment for children; and

WHEREAS, the education teachers provide has the power to strengthen our economy and our society as a whole by growing students who graduate prepared to become successful members of society and the workplace; and

WHEREAS, our future is written in schools across our country, and teachers should be held in high public esteem, reflecting the value placed on their skills and abilities, and the importance of public education.

NOW, THEREFORE, BE IT RESOLVED THAT THE FRUITA CITY COUNCIL PROCLAIMS MAY 6 – 10, 2024, AS:

Teacher Appreciation Week

throughout this community and calls upon all members of our community to express their appreciation for the educators who engage, equip, and empower our learning community today for a limitless tomorrow.

IN WITNESS WHEREOF, I hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 7th day of May, 2024.



Matthew Breman, Mayor

Proclamation for National Police Week 2024

To recognize National Police Week 2024 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of our local law enforcement agencies, to include the Mesa County Sheriff's Office, the Grand Junction Police Department, the Palisade Police Department, the Fruita Police Department, Collbran Marshal's Office, De Beque Marshal's Office, and the Colorado State Patrol;

WHEREAS, approximately 55,000 assaults against law enforcement officers are reported on average each year, resulting in more than 16,000 injuries;

WHEREAS, since the first recorded death in 1786, more than 26,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including five from local law enforcement agencies. Mesa County Sheriff Deputy Edward Innes was killed on September 27, 1906, during an inmate jail escape. Colorado State Patrol Sergeant Wesley Rosette was killed in a crash on January 31, 1951. Fruita Police Department Acting Chief Dan Dalley was killed in a motorcycle crash in June 2001. Deputy Derek Geer, of the Mesa County Sheriff's Office, died after being shot by an armed suspect in February of 2016. Most recently, Sergeant Wayne Weyler lost his battle to COVID-19 in December of 2021.

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 134 officers were killed in the line of duty in 2023, three of whom were fallen Colorado heroes: Sergeant Michael Moran of the Cortez Police Department, Community Parole Officer Christine Guerin-Sandoval of the Colorado Department of Corrections, and Officer Julian Becerra of the Fountain Police Department. Their names will be added to the National Law Enforcement Officers Memorial located in Washington, D.C., this year;

WHEREAS, May 15 is designated as Peace Officers Memorial Day and the week of May 12 through May 18, 2024, is National Police Week;

THEREFORE, BE IT RESOLVED that the City Council for the City of Fruita formally designates May 12-18, 2024, as Police Week in the City of Fruita, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 7th day of May, 2024.



Matthew Breman, Mayor

NATIONAL PUBLIC WORKS WEEK PROCLAMATION**MAY 19-25, 2024****“ADVANCING QUALITY OF LIFE FOR ALL”**

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Fruita and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Fruita to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

BE IT NOW RESOLVED, that the Fruita City Council does hereby designate the week May 19–25, 2024, as National Public Works Week. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State (to be affixed), this 7th day of May, 2024.



Matthew Breman, Mayor

PROCLAMATION FOR THE DAYS OF REMEMBRANCE

Whereas, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Jews were the primary victims, with six million Jews murdered. In addition, Roma, disabled people, Poles, gay men, Jehovah's Witnesses, Soviet POWs and political dissidents also suffered terrible oppression and death under Nazi tyranny; and

Whereas, a well-educated community is necessary to promote the ability to respond effectively to hateful speech and to prevent actions based upon hate; and

Whereas, in recognition that hatred, racism, bigotry, and intolerance challenge our society today, the State of Colorado requires that by July 1, 2023, each school district Board of Education and charter school include Holocaust and genocide standards as a requirement for high school graduation; and

Whereas the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

Whereas, we the people of the City of Fruita, Colorado, should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

Whereas, we the people of the City of Fruita, Colorado, should actively rededicate ourselves to the principles of individual freedom in a just society; and

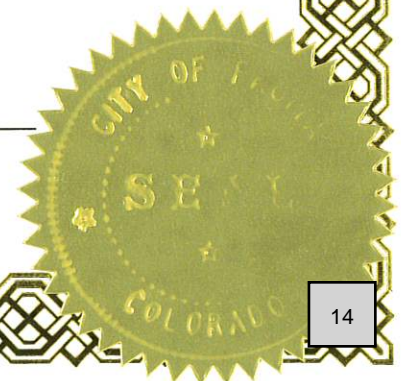
Whereas, the Days of Remembrance have been set aside for the people of the City of Fruita, Colorado to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

Whereas, pursuant to a 1980 Act of Congress, the United States Holocaust Memorial Council annually designates Days of Remembrance of the Victims of the Holocaust, this year to be Sunday, May 5 through Sunday, May 12, 2024, including the Day of Remembrance known as Yom Hashoah, Monday, May 6, 2024;

Now, therefore, we, the Fruita City Council on behalf of Matthew Breman, Mayor of Fruita, Colorado, does hereby proclaim the week of Sunday, May 5 through Sunday, May 12, 2024, as ***Days of Remembrance*** in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators, and further proclaim that we, as citizens of the City of Fruita, should work to promote human dignity and confront hate whenever and wherever it occurs.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita, this 7th day of May, 2024.

Matthew Breman, Mayor





FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Ciara Amann, Communications and Engagement Manager

DATE: May 7, 2024

AGENDA TEXT: PRESENTATION – Recognition of Fruita Academy Graduates presented by Communications and Engagement Manager Ciara Amann

BACKGROUND

Over the past four weeks, 21 community members participated in the second annual Fruita Academy. The program gave participants the opportunity to learn more about their local government. Each week, during two-hour sessions, participants learned about different departments within the City of Fruita. Topics included Police, Parks and Recreation, City Council, Administration, Planning and Development, Engineering, and Public Works.

The group also went through a behind-the-scenes tour of both the Fruita Community Center and the Wastewater Treatment Facility. The City of Fruita values and appreciates these community members for taking the time to learn about local government and develop a deeper understanding of how the City of Fruita operates.

For their commitment, the Fruita City Council and staff will recognize the graduating class of the Fruita Academy at the Regular City Council Meeting on Tuesday, May 7, 2024.

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Implementing an in-person class setting program has been a goal for the City of Fruita for many years. Not only does it give community members the opportunity to learn about their local government, but it also allows for transparency and helps to achieve the City's communications goals which are to strengthen the relationship between the City of Fruita and the community by creating effective strategies to keep internal and external stakeholders informed and involved in City projects and services.

OPTIONS AVAILABLE TO THE COUNCIL

N/A

RECOMMENDATION

No action from the Council is necessary.

**FRUITA**
COLORADO**AGENDA ITEM COVER SHEET**

TO: Fruita City Council and Mayor

FROM: Kimberly Bullen, Public Works Director
Carrie Gudorf, Mesa County Regulatory Programs Manager

DATE: May 7, 2024

AGENDA TEXT: Total Maximum Daily Load (TMDL) Presentation

BACKGROUND

The City of Fruita is a partner in the Grand Valley TMDL Stakeholders Group working on the Total Maximum Daily Load (TMDL) Assessment for the Colorado River tributaries in the Grand Valley developed under Section 303(d) of the Clean Water Act to address selenium, iron, and E.coli impairments in eleven tributaries to the Colorado River. A TMDL is an allocation of allowable pollutant loading among different pollutant sources so that targets can be established resulting in water quality standards being achieved in the applicable receiving water.

On February 12, 2024, the Colorado Water Quality Control Commission entered a “Final Agency Order” denying a Mesa County administrative appeal and upholding the Division’s TMDL for the Grand Valley tributaries. The decision was made to not file a judicial appeal in Mesa County District Court under Colorado’s Administrative Appeal Procedure Act which would have been time consuming, expensive, and without any guarantee of success.

Adobe Creek and Leach Creek are two tributaries to the Colorado River and are listed on the State’s 303(d) list as impaired for recreational use because of high concentrations of E. coli. The Colorado Department of Public Health and Environment is implementing TMDLs for Adobe and Leach Creeks with regards to E. coli, total recoverable iron, and dissolved selenium. Multiple potential sources are present in these basins because land use in the area is urban, residential, and agricultural. Understanding the sources of fecal indicator bacteria (FIB) can help stakeholders and resource managers to implement best management practices for reducing bacteria and exposure risks.

In 2022 and 2023, the United States Geological Survey collected water-quality samples to characterize E. coli concentrations and loads, as well as sources of fecal bacteria, in Adobe Creek and Leach Creek. Sample collection is scheduled to continue in March and April 2024 to provide data on early spring and the beginning of irrigation season. Additional sampling in May through December 2024 would provide data for comparison with 2023 results to understand potential interannual variability in conditions and sources of fecal bacteria. This information is needed by stakeholders to potentially reduce loads and comply with E coli TMDL. The cost to do the additional sampling is \$105,000 with the Grand Valley TMDL Stakeholders contribution totaling \$85,000 with \$20,000 USGS cooperative matching funds. Mesa County is requesting the City of Fruita contribute 10% or \$8,500 of the GV Stakeholder’s share.

Carrie Gudorf, the Regulatory Programs Manager for Mesa County, will be presenting this to the City Council along with taking any questions from the Council. This is part of annual updates to the City Council on the TMDL decision and the recent appeal work of the stakeholders group.

**FRUITA CITY COUNCIL MEETING
JANUARY 16, 2024
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:03 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present:

Mayor Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Amy Miller
City Councilor Aaron Hancey

Excused Absent:

(None)

City staff present:

City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Finance Director/City Clerk Margaret Sell
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Parks and Recreation Director Marc Mancuso
Planning and Development Director Dan Caris
City Planner Henry Hemphill
Chief of Police Dave Krouse

Also present:

Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Kincaid 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 BREMAN MOVED TO ADOPT THE AGENDA AS PRESENTED. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION – PROCLAIMING JANUARY 2024 AS “NATIONAL CRIME STOPPERS MONTH” IN THE CITY OF FRUITA TO BE ACCEPTED BY KATHY DANIELS AND OTHER BOARD MEMBERS OF CRIME STOPPERS OF MESA COUNTY**

The Proclamation was read by Councilor Williams and accepted by Mr. Ryan Keeler, who was in attendance in the place of Kathy Daniels from Crime Stoppers of Mesa County. He thanked the City for its partnership and specifically, the Fruita Parks and Recreation Department for their continued support of the Crime Stoppers Annual Golf Tournament and the department's donation of a three-month Fruita Community Center pass for a silent auction. Finally, Ryan thanked Crime Stoppers' 18 board members who work tirelessly each day to help make Crime Stoppers what it is. He concluded by saying that with over 22,000 tips and rewards and over \$300,000 given to Crime Stoppers, they are certainly humbled by how far they've come.

B. PRESENTATION – THE FRUITA ARTS AND CULTURE BOARD WILL GIVE A PRESENTATION REGARDING THE REED PARK MERRY-GO-ROUND ART

Arts and Culture Board member Carlee Burnett shared with the Council an illustration of the selection made by the board for the Merry-Go-Round Project at Reed Park that was submitted by local artists Pavia Justinian and Shanachie Carroll. The metal panels of the old merry-go-round will be fashioned into four Adirondack-style chairs with the center of the merry-go-round formed into a small round table at the center of the chairs.

Parks and Recreation Director Marc Mancuso explained that the art will be placed in the Green Spine area just east of the new shelter. The artwork will not be movable; it will be attached to the concrete.

Councilor Williams asked if the artwork would have any sort of commemorative plaque attached to it. Mancuso said that would most definitely be included.

Mayor Kincaid asked what the timeline is for the whole park process and Mr. Mancuso said that the merry-go-round will first be taken apart and delivered to Pavia and Shanachie and then they can start their process. The hope is that the artwork will be installed around the time that the park project will be finishing up in June.

C. PRESENTATION – RECOGNITION OF FOUR INDIVIDUALS WHOSE ACTIONS SAVED THE LIFE OF A PATRON AT THE FRUITA COMMUNITY CENTER

Parks and Recreation Director Marc Mancuso provided some background on an event that occurred in December with a patron at the Fruita Community Center (FCC). He pointed out that there were many people in the audience that were directly or indirectly involved including Lower Valley Fire Protection District (LVFPD) Chief Frank Cavaliere, Firefighter and Advanced Practice Paramedic Ben Lindsey (EMS that was on the scene) and Colorado Mesa University (CMU) Vice President of College Affairs Brigitte Sundermann.

Mr. Lindsey stated that without a doubt, the reason that the FCC patron is alive and back in school is because of the City staff that were working at the FCC that day.

On December 18, 2023, a patron collapsed on the basketball court while playing a pickup game with friends. Three FCC staff began rendering care while another staff member dialed 911. At that time, the patron was unconscious and not breathing. Using CPR and an AED device that was installed at the FCC, City staff were able to revive the patron just before EMS arrived on the scene, at which time

EMS took over care. The patient, Jace Hinton, was then transported to St. Mary's Hospital, where he made a full recovery. Jace and members of his family were present virtually at the Council meeting.

Mr. Mancuso read a statement about the incident and the FCC staff who, in a moment of crisis, were able to act quickly with their training, care, concern, teamwork and professionalism to save the life of Jace Hinton. He recognized lifeguards Trevor Heer, Jeremy Heer and Leyton Pinedo, and Aquatics Coordinator Susan Bissonette, who were present in the audience.

One of the FCC staff was a student at Colorado Mesa University. CMU President John Marshall recorded a short video message to recognize the heroic efforts that took place on December 18, which was played at the Council meeting as he was unable to attend the Council meeting.

CMU Vice President of Community College Affairs, Brigitte Sundermann presented the "Where We Become Mavericks" Courage Award to the CMU student who received EMT skills and training while attending CMU.

5. PUBLIC PARTICIPATION

Mr. John McKee, 872 Doug Drive in Fruita, said he was filing a complaint against Waste Management and the City of Fruita concerning the new operations. He stated that on January 16, 2024, Waste Management dropped off the new trash can and there was a piece of paper on the top of the container that said that he had to use this trash can and no others and that no sacks and no other bundles of trash outside of the container will be picked up.

Mr. McKee continued by saying that he has three trash cans about as large as Waste Management's and has used all three several times, especially in the summer and fall when he mows the lawn and trims the trees because there is too much to fit into one trash can, no matter what size it is.

Mr. McKee said he asked if he could use his trash cans in addition to the new one from Waste Management, but the answer was no; he has to use theirs. He said he measured both Waste Management's container and his container and his are almost identical to theirs, so he doesn't know why he can't use one of his own along with theirs. He added that he was pretty sure that Waste Management's truck would pick his trash can up after seeing a model of the truck at the Utility Billing counter on the First Floor of the Civic Center.

Mr. McKee reiterated that he was filing a complaint and added that he wasn't notified of the change and he doesn't think that's the way that residents should be handled. He noted that he put his complaint in writing and said he would follow up on the matter.

There were no further comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE OCTOBER 24, 2023 CITY COUNCIL WORKSHOP MEETING**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) AND WINE RETAIL LIQUOR**

LICENSE (OFF PREMISES) FOR CF ALTITUDE, LLC DBA ALTA #6317 LOCATED AT 555 W. RAPTOR RD.

- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR EL TAPATIO LOCATED AT 402 JURASSIC AVE.**
- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE STRAYHORN GRILL LOCATED AT 456 KOKOPELLI BLVD.**
- E. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BREW PUB LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FOR SUDS BROTHERS BREWERY LOCATED AT 127 E. ASPEN AVE.**
- F. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR IMONDI WAKE ZONE, LLC DBA IMONDI WAKE ZONE LOCATED AT 1583 CIPOLLA RD.**
- G. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JUSTICE SWEET BAKER TO THE ARTS AND CULTURE BOARD TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN JULY OF 2027**
- H. TRASH COLLECTION SERVICE CONTRACT – A REQUEST TO APPROVE THE FIRST AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF FRUITA AND WASTE MANAGEMENT FOR TRASH AND RECYCLING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE AND SIGN THE AMENDMENT**
- I. ANNUAL REVIEW OF RED FLAG POLICY (IDENTITY THEFT PREVENTION PROGRAM)**
- J. RESOLUTION 2024-01 – DESIGNATING THE PLACE FOR POSTING OF NOTICES OF MEETINGS OF THE FRUITA CITY COUNCIL AND ALL BOARDS AND COMMISSIONS OF THE CITY OF FRUITA**
- K. CITY MANAGER EMPLOYMENT AGREEMENT – A REQUEST TO APPROVE THE AMENDED AND RESTATED CITY MANAGER CONTRACT FOR 2024**
- L. ORDINANCE 2024-04 – FIRST READING – INTRODUCTION OF AN ORDINANCE AMENDING CHAPTERS 2.41 AND 2.42 OF THE FRUITA MUNICIPAL CODE TO ELIMINATE VOTING RIGHTS FOR COUNCIL MEMBERS APPOINTED TO THE POLICE AND PARKS AND RECREATION COMMISSIONS, AND EXCLUDING THEM FROM QUORUM CALCULATIONS FOR PUBLIC HEARING ON FEBRUARY 20, 2024**
- M. ORDINANCE 2024-05 – FIRST READING INTRODUCTION OF AN ORDINANCE AMENDING SECTION 3.18.240 OF THE FRUITA MUNICIPAL CODE CONCERNING MEMBERSHIP REQUIREMENTS FOR THE TOURISM ADVISORY COUNCIL FOR PUBLIC HEARING ON FEBRUARY 20, 2024**

- N. ORDINANCE 2024-06 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD TO A COMMUNITY RESIDENTIAL ZONE FOR PUBLICATION OF PUBLIC HEARING ON FEBRUARY 6, 2024**
- O. ASSOCIATE MUNICIPAL COURT JUDGE ONE-YEAR CONTRACT RENEWAL – A REQUEST TO APPROVE A ONE-YEAR PERSONAL SERVICE AGREEMENT WITH GREG MUELLER AS ASSOCIATE MUNICIPAL COURT JUDGE FOR THE CITY OF FRUITA**
- P. NOTICE OF AWARD – A NOTICE OF AWARD TO MERGE 2 MEDIA FOR CLOTHING AND MERCHANDISE NEEDS FOR THE 2024 SWEETHEART RUN**
- Q. FINANCIAL REPORTS – A REQUEST TO APPROVE THE PRELIMINARY DECEMBER 2023 FINANCIAL REPORTS**

Mayor Kincaid asked if there were any requests from the public to remove any items from the Consent agenda for further discussion. There were no such requests.

Mayor Kincaid asked the City Council if they had any items they would like removed from the Consent agenda for further discussion. There were no such requests.

- COUNCILOR MILLER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HANCEY SECONDED THE MOTION.**

When Councilor Williams was polled, he stated that he was voting “No” on Consent Agenda Item M., (Ordinance 2024-05 – First Reading - Amending Section 3.18.240 of the Fruita Municipal Code concerning membership requirements for the Tourism Advisory Council for public hearing on February 20, 2024), but “Yes” on all the rest of the Consent Agenda items.

- THE MOTION PASSED WITH SIX YES VOTES.**

7. ACKNOWLEDGMENT OF NEWLY APPOINTED AND REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

Mayor Kincaid noted that Justice Sweet Baker (not present in the audience) was appointed to the Fruita Arts and Culture Board on the above Consent Agenda and thanked her for serving. He commented that the Council wants to recognize those members who apply to the City’s Boards and Commissions because they help the Council make better decisions in all the different areas of the City.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE A NEW HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR HOT TOMATO PIZZERIA, LLC DBA HOT**

TOMATO PIZZERIA LOCATED AT 124 N. MULBERRY ST. – DEPUTY CITY CLERK DEB WOODS

Deputy City Clerk Deb Woods provided staff's presentation of an application for a new Hotel and Restaurant liquor license for the Hot Tomato Pizzeria, who has had a Beer and Wine liquor license owned by Aaron Knapp since 2021. Prior to that, the Hot Tomato had a Beer and Wine liquor license for many years under different ownership.

Ms. Woods stated that applicant Aaron Knapp submitted all the required paperwork and fees for the new type of liquor license on December 13, 2023. She explained that the difference between a Beer and Wine liquor license and a Hotel and Restaurant liquor license is that a Hotel and Restaurant liquor license will also allow spiritous liquor.

Ms. Woods pointed out that the Notice of Public Hearing poster was hung at the Hot Tomato by the applicant on January 4, 2024 and a notice was published by staff in the Daily Sentinel on December 27, 2023 for this public hearing.

Ms. Woods explained that pursuant to the Colorado Liquor Code, when a Local Licensing Authority is considering a new liquor license application, there are two factors that must be considered. One is the character of the applicant and the other is the needs of the neighborhood. She said the needs of the neighborhood are supported by the neighborhood survey that was signed by eight residents and two businesses that are in favor of the license being issued and that say the reasonable requirements of the neighborhood are not already being met by other existing liquor outlets.

Ms. Woods pointed out that it came to her attention that in the original Council packet, there were some pages missing from the Preliminary Findings Report, so the packet was amended and emailed to the City Council prior to this public hearing.

Ms. Woods continued that in order to help the Council with the character of the applicant, staff conducted background checks through the Colorado Bureau of Investigation (CBI), the Mesa County Sheriff's Office and the Grand Junction and Fruita Police Departments. All checks on Aaron Knapp came back clear with no record of any arrests.

Ms. Woods also noted for the record that the Hot Tomato has sixteen certificates for Alcohol Responsibility Training that are still valid until this April. She explained that she will be scheduling two more training courses this calendar year (2024).

Ms. Wood said that because staff feels that there is sufficient evidence that the applicant is of good moral character and that the needs of the neighborhood are in favor of granting the liquor license, it was staff's recommendation that the City Council approve the application for the Hotel and Restaurant liquor license for the Hot Tomato.

Mr. Aaron Knapp was present in the audience as the applicant for the liquor license and owner of the Hot Tomato Pizzeria.

Mr. Knapp introduced himself to the City Council and offered to answer any questions they had.

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

Councilor Kreie asked City Attorney Mary Elizabeth Geiger if he had to recuse himself from the vote since both of his children are employed by the Hot Tomato. She recommended that he recuse himself and said her preference was that he leave the room, which he did.

Councilor Miller told Mr. Knapp to keep up the good work.

- **COUNCILOR HANCEY MOVED TO APPROVE THE ISSUANCE OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR THE HOT TOMATO PIZZERIA, LLC DBA HOT TOMATO PIZZERIA LOCATED AT 124 N. MULBERRY STREET. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

2) SITE DESIGN REVIEW – A REQUEST TO APPROVE A PLANNED UNIT DEVELOPMENT (PUD) SITE DESIGN REVIEW APPLICATION FOR WILDCAT RESIDENCES – CITY PLANNER HENRY HEMPHILL

Councilor Kreie returned to the Council Chambers.

City Planner Henry Hemphill provided staff's presentation which consisted of a graph depicting the three steps in the process of approving a Planned Unit Development (PUD), the definition of a PUD pursuant to Fruita Land Use Code Section 17.19.010, names of the property owner and applicant's representative (Austin Civil Group), aerial photo showing the subject property, Future Zoning Map, history of the subject property and the Site Plan for the Wildcat Residences.

Mr. Hemphill noted that the City's Comprehensive Plan calls for unique housing opportunities that don't fall into the typical category of single-family detached housing. The Wildcat Residences Development Plan calls for two (2) 20-unit buildings, five (5) 5-unit row home buildings and access from Blair Street (stub) and Wildcat Avenue.

The presentation also included an illustration of what the buildings would look like from a street view, Code requirements for Design Standards and compatibility, and the proposed parking of 143 total spaces and what is required in the Land Use Code regarding those.

There were no major concerns from Review Agencies (Ute Water, LVFPD, Grand Valley Power and City Engineer) and Mr. Hemphill stated that comments provided by these Review Agencies can be adequately resolved with the Final PUD Plan application, which is approved administratively.

Mr. Hemphill stated that the standards for the development were very much Comprehensive Plan-related and require exercising the flexibility of the area. Staff feels the development takes into a lot of things into consideration such as being infill development that provides walkable areas to get to downtown, a mix of housing types and compatibility to surrounding land uses.

Mr. Hemphill stated that for this development, the Fruita Land Use Code requires a minimum of 92 parking spaces based on the type of bedroom that is contained in each unit, but that the proposal is for a total of 143 parking spaces, which does include the requirements for ADA compliance and accessibility.

All public comments received by staff involved concerns about additional traffic and density and were included in the Council packet.

The Fruita Planning Commission recommended approval of the Preliminary PUD Plan by a vote of 6 to 1 at their December 12, 2023 public hearing.

Mr. Hemphill noted that if approved, the next steps for the development are:

- Applicant has 180 days to submit the Final PUD Plan.
- Final PUD Plan is sent out for review to ensure compliance with review comments.
- Decision is made administratively.

Staff's recommendation was that the City Council approve the Wildcat Residences Preliminary PUD Plan application with the condition that the applicant adequately resolve outstanding review agency concerns with the Final PUD application and/or approval of a Building Permit.

Mark Austin, Civil Engineer with the Austin Civil Group, gave Council the applicant's presentation. He said that the project was a little bit unusual in that it is already an existing PUD on which Austin Civil Group has created a Site Plan. He also noted that several of his project team members and property owners were present in the audience.

Mr. Austin's presentation included an illustration of the Site Plan showing five row-homes that are essentially townhome-type units that have garages on the interior core area so that when looking down the street, people are not looking at a bunch of garage doors out on the streetscape and there is a more attractive street frontage. There are also two 20-unit apartment buildings on the northeast corner that have been limited to two stories with flat roofs in order to not impede views. The units are about 28 feet off the property line and there will be some landscape buffers between the apartment buildings and the adjacent residential properties.

Mr. Austin noted that the property has an existing detention facility that was designed to accommodate the ultimate build-out on the property and was constructed in the 2007-2008 timeframe before the water quality regulations with the state changed, meaning that now the detention facility needs to be upgraded to meet current water quality requirements from the state health department and local stormwater regulation agency. As part of the current project, Austin Civil Group will be redoing the landscaping and a retro-fit on the outlet structure.

Mr. Austin added that the other thing that is a little bit unique with this project is that Austin Civil Group included 35 mini storage units internal into the project area of the apartments. There is a curb cut on Wildcat Avenue that can be circulated onsite to get into the internal parking lot and an access location that was constructed with the original subdivision on Blair Street. This means there will be two routes of circulation to get out onto South Pine Street and onto Wildcat Avenue.

Mr. Austin pointed to Mr. Hemphill's statement about the Site Plan containing 143 parking spaces even though the Land Use Code only requires 92. He said this was done so that the adjacent neighborhoods and streets wouldn't be impacted.

Mr. Austin noted that all utilities are pretty much already on the existing site. Originally, there was going to be a mix of multi-family and commercial development, so all the infrastructure is already in place.

Mr. Austin stated that traffic is always a concern with these types of projects. He noted his Traffic Engineer was present in the audience and would be addressing the Council shortly about that issue.

Before that, he introduced Fernando Gomez with Zaga Architects, who reviewed some of the architectural components of the project. Mr. Gomez stated that the proposed development strictly adheres to Fruita's Comprehensive Plan and Land Use Code and is crafted to reflect the City's vision for the future. He noted that a recent community snapshot reveals a pressing need for affordable housing (especially for renters in the City) and said that the Wildcat Residences project aims to alleviate this by offering a range of affordable and "missing middle" housing options and making living in Fruita more accessible to more people.

Mr. Gomez continued that the project is a prime example of infill, utilizing space within the City to avoid sprawl and promote efficient land use. He said the proposed layout optimizes utility use and accommodates increased traffic, ensuring minimal impact on the town's existing infrastructure. He also said the architectural design aligns with the City's standards, focusing on aesthetics, functionality and commuting integration.

Mr. Gomez stated that the plan calls for more parking than required to anticipate the needs for future residents and visitors. He concluded that the proposed project meets, and in some respects, exceeds City design standards including considerations for building entrances, wall aesthetics and materials.

Mr. Austin introduced Traffic Engineer Skip Hudson to review some of the traffic criteria for the project. Mr. Hudson stated that he had prepared a Traffic Study and would like to touch on a few points in it, especially some that were in response to comments received from the public that came up in the Planning Commission meeting.

Mr. Austin explained that in general, those in the Traffic profession consider the proposed application currently before the City Council a "low traffic generating project" because the combined in and out traffic in the afternoon peak hour would be less than 60 vehicles (approximately 55), which equates to one new car on the road every minute. He stated that the zoning for the area calls for much more intensive uses to allow for a fast-food restaurant, a drive-through bank and a retail center, so he calculated the traffic that would come from that development (should it occur), and it is five times more traffic than what the residential project will generate, which is why he was saying it is a "low traffic generating project."

Traffic counts were completed during school session and school times and Mr. Austin reported that the highest flow in the morning occurs from 7:30 to 8:00 a.m., while the highest flow in the p.m. period doesn't even get into the evening; the peak half hour is from 3:15 to 3:45 p.m.. He explained that the traffic would be in an average condition for 23 hours out of the day and that any congestion during those periods could easily be avoided by people adjusting their travel times.

Mr. Austin described the methodology he uses before he does an actual Traffic Study that outlines his assumptions and traffic counts and this is reviewed and approved by the Colorado Department of Transportation (CDOT). He noted that he has analyzed both a near-term condition and a far-term condition including the growth of background traffic (beyond just the project traffic) and the result was that the only improvement that is being recommended right now would be a northbound right turn lane on Pine Street at Wildcat for people coming off Highway 6 & 50 and making a right turn towards the High School. Mr. Austin noted that at the Planning Commission meeting, the City Engineer talked about that turn and said that while it is on the City's radar screen, it's not the highest priority transportation need in the community right now.

Mr. Austin continued that all intersections including the signalized intersection at Highway 6 & 50 and Pine Street would operate at level service “C” or better (utilizing a grading scale of levels of service A through F).

Mr. Austin also pointed out that the recommendations in the Traffic Study were not just his; they also came from CDOT and City staff who agreed with the recommendations in the report.

This concluded the applicants’ presentation.

Mayor Kincaid opened the public hearing.

Joyce Raney, 1171 Legacy Way in Fruita stated that her house is a block off Wildcat Drive and she is concerned about the traffic because of the school reconfiguration that will take place in the fall when there will begin to be 6th, 7th and 8th graders coming to and from the Fruita 8/9 School. She explained that she can see the Wildcat Drive traffic from her window and it’s bumper-to-bumper all the way into Fruita Monument High School now. Ms. Raney added that she does not travel between the peak school hours of 7:30 to 8:30 a.m., 3:00 to 4:00 p.m. or during lunch because nobody can get out onto 18 Road. She called traffic a real problem.

Kristine Ami, 1183 Shady Lane in Fruita stated that her and her husband’s house is in the neighborhood just to the north of the subject property in the Legacy PUD Development and that they purchased the home and moved to Fruita from Illinois in July of 2022. She said they thought the vacant land to the south of their subdivision was zoned commercial but learned at the Planning Commission meeting that they went to in December that it is zoned for both commercial and residential, which came as a bit of a surprise as the open lot is not that large and doesn’t appear to be big enough for a residential development.

Mrs. Ami continued that her subdivision is made up of single-family detached homes. To the east of them on J Road, the subdivisions are also single-family homes and to the east across from Fruita Monument High School, there are businesses that probably fall under the commercial zoning category. She continued that across Pine Street to the west, there’s coach houses and townhouses.

Mrs. Ami stated that at the December Planning Commission meeting, the City Planner said that they try to approve new developments that are consistent with the neighborhood. She said this is not the case with the proposed Wildcat Residences development; it is apartment buildings and rowhomes with Accessory Dwelling Units (ADUs). Mrs. Ami said nowhere has she seen that these units will be owner-occupied, so she is assuming that the new proposed housing will be rentals, which does not seem to follow the City’s guideline of being consistent with the neighborhood.

Mrs. Ami said that while the proposed development might be good for Fruita’s Master Plan to increase affordable housing, the density of the project doesn’t fit the current proposed site or neighborhood makeup. She added that the development should not be approved as proposed to go into the vacant area and that it would be much better served if it was moved somewhere else in Fruita that has more land to develop something with a more consistent neighborhood makeup. In addition, Mrs. Ami stated that she was also concerned about the increase in traffic because being across from Fruita Monument High School, there’s already a significant amount of traffic during the school year. She said Pine Street is also very heavily trafficked north/south street in Fruita that is one of the only north/south streets that accesses the whole City and all of the newer housing developments to the

north. Mrs. Ami concluded that Pine Street is already a very busy street in Fruita at any time of the day.

Mrs. Ami said that because she and her husband just moved to Fruita, they surmised that the stoplight at Highway 6 & 50 and Pine Street was installed there because of increased traffic in the area as it is the only one of very few stoplights in Fruita and that it was very telling. She said they already experience delays on a regular basis exiting Legacy Way to go south on Pine Street and adding all the traffic from the new development will only increase those delays for them and their neighbors.

Mrs. Ami stated that she did bring up the traffic concerns at the Planning Commission meeting on December 12th and although it was discussed, the Commission determined that the traffic issues would have to be dealt with in some other fashion. She said it was stated that the purpose of the Planning Commission is to approve developments, not deal with traffic issues. Mrs. Ami called the traffic issues substantial and said they need to be looked at in more detail before the development plan goes forward.

Donald Ami, 1183 Shady Lane in Fruita, said he wished to voice his opposition to the proposed Wild Cat Residences as currently published. He said his opposition was based on the fact that if the residences are built as proposed, it will destroy the property value of his home. He said he did not believe that housing *anywhere* should take precedence over existing houses that current homeowners have paid a lot of money for. Mr. Ami added that he knows that the developers and even some Council members will tell him that this isn't true and that he's overreacting; however, he has already lived this experience once and that experience left a paper trail of documents that prove his point.

Mr. Ami stated that he has a site map of his subdivision in Palatine, Illinois where he and his wife lived and that the Council should already have a copy of it. He noted that their house was number 905 on Briar Cove and the distance of it to the Countryside Apartments was about the same distance as that of their current house to the proposed Wild Cat Residences. He said they purchased the Palatine house in 2004 and lived there for 18 years, during which time they put in well over \$50,000 worth of improvements into it including installing hardwood floors, replacing all windows and sliding patio doors and remodeling two bathrooms and the kitchen. In 2022 when the Amis moved to Fruita, they sold the house in Palatine for \$26,000 more than they paid for it, which represents a capital gains loss. Mr. Ami said he could produce closing documents, improvement receipts and tax returns proving the capital gains loss. He continued that in spite of a successful Open House when he and his wife were selling their house, over 25 people walked through it but only one offer to buy was received. Mr. Ami said he asked his realtor why no one bid on the house with all the improvements that were made and the answer was the Countryside Apartments that were across the street from his subdivision. He said that like the Wild Cat Residences, the Countryside Apartments were two-story, high-density apartments, even though not affordable housing; rents there are currently \$2,000 per month. That didn't matter, no one wanted to buy a house and live that close to rental apartments and the reason is obvious; renters do not take care of the property the way that owners do, renters have no money invested in the property, so they don't care what happens to it, and there's no private ownership because there's no ownership.

Mr. Ami continued that he and his wife bought their current house in the Legacy Subdivision one year and a half ago and that they paid \$497,000 for it. He said in the short time they have been there, they've made a total of \$40,000 worth of improvements to the house including all new stainless steel appliances in the kitchen and laundry room, new entrance and storm doors for the front patio and a completely remodeled bathroom off the master bedroom. Mr. Ami stated that he and his wife have

pride of ownership and had the Wild Cat Residences been in place when they purchased their house, they would not have bought it and definitely would not have paid almost half a million dollars for it. He continued that there are 40 homeowners in the Legacy Subdivision and if the Wild Cat Residences as proposed are built, the loss of property value to himself and every homeowner in the Legacy Subdivision will be deep and permanent no matter how long everyone owns their home.

Mr. Ami stated that he and his wife are not against affordable housing and he feels that the Wild Cat Residences are really going to negatively affect the value of the homes in he and his wife's subdivision and he can't even imagine how much money they are going to lose on the house. In closing, he said that "just because the City can build something, doesn't mean they should."

Hearing no further comments from the public, the Mayor closed the public hearing and directed the matter to the City Council.

Councilor Miller said she knows that the City is planning on completing Fremont Street soon and wondered if that might alleviate some of the concerns about traffic. City Manager Mike Bennett noted that the City has two major upgrades to roads; the first being 19 Road, which is further east. That project will start this fall and staff is currently finalizing purchase of right-of-way and design with a start date for construction of this fall. Staff has also been working on right-of-way and design for the Fremont Street project (18 ½ Rd.) which is not yet built and will be a few years out.

Mr. Bennett explained that the City has completed the design with the Colorado Department of Transportation (CDOT) for the Fremont Street project and it will actually intersect with Highway 6 & 50. This will be the next big road project in the City after 19 Road is completed.

Councilor Miller said those will both help to alleviate a lot of the traffic congestion that the City currently sees, even if it isn't immediately. City Engineer Sam Atkins (in attendance virtually) agreed and added that staff hopes to get the Fremont Street project completed through J Road if not J 2/10 Road, which will help.

Councilor Miller said she thinks the subject property is probably in the most diverse area in Fruita with the many mixes of housing types. Within 275 feet are single-family homes, townhomes and condos that are selling for around \$300,000, manufactured homes to the south valued at about \$50,000 plus the lot rent and across are apartments that are renting at between \$900 and \$1,200 per month.

Councilor Miller continued that she was reading the new Livability report, and one of the numbers that really stood out to her was that historically, Fruita has had around 20% to 22% of housing types that include apartments and townhomes in the City's total housing units. She pointed out that in just the last ten years, that number has dropped to only 10%, which leaves out an entire demographic of people who are really important to the town including people under the age of 30 who are typically entry level and service industry workers, wait staff, cashiers, kitchen staff, store clerks, new teachers, new police officers and new firefighters. Councilor Miller called them vital to the Fruita community and said the City has cut their housing basically in half while the population has still increased.

Councilor Miller said she's been discouraged by some of the comments that she's heard (outside of this meeting) from others about how they don't want "those people" (those who live in multi-family homes) living in Fruita. She said she's also heard comments that the City's workforce can live in other parts of the Valley and still work in Fruita, but stressed that that's not who Fruita is. She pointed

out again that historically, those people were included in Fruita's City and neighborhoods all over town.

Councilor Miller concluded that the site for the Wild Cat Residences is in such an awesome spot because it's within walking distance of everything people need and added that she also loves the design and the garages.

Councilor Breman asked for clarification that the Wild Cat Residences will have Accessory Dwelling Units (ADUs) because he didn't see them on the Site Plan. Civil Engineer with the Austin Civil Group Mark Austin responded that where the row homes (five-plex buildings) are along the street frontage, each one of those buildings will have two ADUs on them.

Councilor Breman also asked for clarification that the original zoning in 2007 allowed for fast food, a bank and a third item and he asked what the third item was. Mr. Austin explained that the initial vision for the Planned Unit Development had a whole list of allowed uses that included a drive-through, bank and retail, as well as apartments.

Councilor Hancey stated that he appreciated that the plan included more parking than is required. He expressed a concern with the five buildings being three stories and asked how tall developers could build on the subject property if a straight zone instead of a PUD was being proposed. Mr. Hemphill responded that the maximum building height is 35 feet in Fruita's standard Community Residential zone and Mr. Austin explained that the two apartment buildings on the northeast corner are proposed at 25 feet while the row homes are proposed at 33 feet.

Councilor Hancey asked why the developer was claiming that the units would provide affordable housing after noting that other apartments have recently been built in Fruita that he would not necessarily consider affordable. Mr. Austin responded that he also wanted to clarify that on the rear yard setback, 15 feet is the requirement in the PUD. He stated that what is going to happen is that as Fruita gets more and more apartment products built, the lease prices will start to drop.

Councilor Purser agreed with Councilor Miller that she thinks this project could definitely service the workforce group of people that were mentioned, although she didn't want to discount the public input comments, either. She called the traffic in the area crazy during the school year and pointed out that two more grades of students will be added to the traffic counts with the school reconfigurations. She wondered if anyone had a "best guess" at what that impact may be. Mr. Austin noted that he hadn't talked to the School District but thought part of the plan was to move some of the kids to Grand Junction, so it would be the same number of kids. Councilor Purser conceded that this very well could be true.

Councilor Purser wondered if the maintenance of the property would be handled by a property management company or how it would be managed. Mr. Austin deferred to the property owner on this question. MacKenzie Thorne (representing ownership of the property) confirmed that Property Management Firm Griffis Blessing will be hired to maintain the property in addition to rotating onsite staff. She added that this firm currently has five projects in the valley including the new apartments at 111 S. Mesa Street and 204 S. Mulberry.

Councilor Williams requested to again see the applicant's PowerPoint slide showing the street front from Wildcat Avenue because he had a few questions about the parking such as whether the interior parking would be assigned or first come, first served. Ms. Thorne answered that typical policy right

now is to have assigned parking. Councilor Williams also asked if there would be cars parked all along Wildcat Avenue and Ms. Thorne responded that all parking was internal and “No Parking” signs would be placed on Wildcat Ave. because there is no on-street parking there except in front of the Seminary building. Councilor Williams said that was really his own concern, so the answer made him very happy.

Mayor Kincaid asked Mr. Hemphill if the PUD Plan currently before the Council meets all of the guidelines of the original PUD that was approved in 2007 such as density, setbacks and height restrictions. Mr. Hemphill confirmed that this was true.

Councilor Williams recalled there being a stipulation from the state that over a certain amount of time, the City needs to come up with 150 affordable housing units and asked for confirmation that the Wild Cat Residences would not count towards that because its units will be at market rate. Mr. Bennett confirmed this to be the case.

- **COUNCILOR KREIE MOVED TO APPROVE THE PROPOSED WILDCAT RESIDENCES SITE DESIGN REVIEW WITH THE CONDITION THAT ALL REVIEW COMMENTS ARE RESOLVED WITH THE FINAL PUD PLAN APPLICATION AND/OR APPROVAL OF A BUILDING PERMIT. COUNCILOR PURSER SECONDED THE MOTION.**

Councilor Hancey expressed his appreciation for the community members who came to the meeting to express their concerns. He said he hoped that the conversations softened some of those concerns and added that he was grateful the development was residential and not commercial because he thinks it is a great infill project that will provide Fruita with more variety of housing in a well thought out plan.

- **THE MOTION PASSED WITH SIX YES VOTES.**
- 3) **RESOLUTION 2024-02 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (1873 K ROAD ANNEXATION) – CITY PLANNER HENRY HEMPHILL**

City Planner Henry Hemphill provided staff’s presentation, which included a review of the annexation process and its requirements. Other PowerPoint slides contained the following:

- Application details (application name, location, current zone and description)
- Legal notice dates and methods
- Zoning Map
- Aerial View
- Future Land Use Map
- Nine review criteria pursuant to Fruita Municipal Code Section 17.17.050(A) (Land Use Code)
- Review Comments (no reviewer expressed concerns)
- Public Comments (no written comments received by staff)
- Suggested motion (of approval with conditions)

Mr. Hemphill explained that the purpose of Resolution 2024-02 was to find that the property at 1873 K Road is eligible for annexation into the City of Fruita. He also noted that he was combining this presentation with the one for the following agenda item of rezoning 1873 K Road because they were the same subject property, although each would require its own motion.

With the publishing of the legal notice for four consecutive weeks in a local newspaper (the Daily Sentinel), 1/6 contiguity with existing City limits and the property being located within the Urban Growth Boundary, the fact that the property can be served by municipal services such as trash, sewer public safety and Lower Valley Fire Protection District services, Mr. Hemphill stated that the property at 1873 K Road is eligible for annexation. In addition, the Planning Commission recommended approval of Resolution 2024-02 by a vote of 7 to 0.

Mr. Hemphill further noted that if the Council were to approve Resolution 2024-02, and with the approval of the First Reading of the Ordinance to annex the property already getting approved on the Consent Agenda at this meeting, the Council would be able to take action on the following Ordinance 2024-03 to rezone the property.

Mr. Hemphill added that the recommended conditions of approval included the provision by the applicant of an additional right-of-way, a 14-foot multi-purpose easement along adjacent rights of way and a prepared legal description of all of Otley.

Applicant Dane Griffin, owner of Griffin Design and Construction, LLC, was present on behalf of the property owner. He stated that he didn't have anything to add.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and referred the matter to the City Council after pointing out that there needed to be two motions; one for Resolution 2024-02 and one for the following agenda item, Ordinance 2024-03.

- **COUNCILOR WILLIAMS MOVED TO APPROVE RESOLUTION 2024-02 – FINDING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. LEGISLATIVE HEARINGS

- 1) **ORDINANCE 2024-03 – SECOND READING – AN ORDINANCE ANNEXING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD INTO THE CITY OF FRUITA (1873 K ROAD ANNEXATION) – CITY PLANNER HENRY HEMPHILL**

(See above for the combined presentation of this Ordinance and Resolution 2024-02 - finding the property eligible for annexation).

- **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2024-03 – SECOND READING - ANNEXING APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD INTO THE CITY OF FRUITA (1873 K ROAD ANNEXATION). COUNCILOR MILLER SECONDED THE MOTION.**

City Attorney Mary Elizabeth Geiger advised Councilor Breman that he should include in his motion the conditions of approval stated by staff.

Councilor Breman revised his motion as follows:

- **COUNCILOR BREMAN MOVED TO APPROVE ORDINANCE 2024-03 – THE ANNEXATION OF 1873 K ROAD WITH THE CONDITION THAT THERE WILL BE A DEDICATION OF A 14-FOOT MULTI-PURPOSE EASEMENT ADJACENT TO THE RIGHT-OF-WAY, ADDITIONAL RIGHT-OF-WAY DEDICATION ALONG OTTLEY AVENUE AND A PREPARED LEGAL DESCRIPTION OF OTTLEY AVENUE ADJACENT TO THE SUBJECT PROPERTY. COUNCILOR PURSER SECONDED THE REVISED MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 2) **ORDINANCE 2024-02 – SECOND READING – APPROVING A LONG-TERM LEASE WITH CAPITAL BUSINESS SYSTEMS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA POLICE DEPARTMENT – CHIEF OF POLICE DAVE KROUSE**

Fruita Police Chief Dave Krouse explained that he was deferring to Finance Director/City Clerk Margaret Sell to give staff's presentation because as Finance Director, she was more familiar with the conditions of the lease agreement with Capital Business Systems.

Mrs. Sell explained that the lease was on a copier for the Police Department. The department's current copier is currently about two years past the anticipated five-year lease term and the City may only enter into long term lease agreement by adoption of an Ordinance pursuant to the Fruita City Charter.

Mrs. Sell stated that the agreement is fairly standard and has a billable amount of \$325 per month, which includes a base number of copies for black and white and color. Addition charges will apply if the number of copies exceeds either of those base numbers. Over the five-year term of the lease agreement, the base payments can be increased up to 15%, but Mrs. Sell said that typically, they don't go up that much. That concluded staff's presentation.

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

- **COUNCILOR MILLER MOVED TO APPROVE ORDINANCE 2024-02 – SECOND READING – FOR A LONG-TERM LEASE WITH CAPITAL BUSINESS SYSTEMS, INC. FOR A COPIER SYSTEM AND RELATED SERVICES AT THE FRUITA POLICE DEPARTMENT. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- 3) **ORDINANCE 2024-01 – AN ORDINANCE AMENDING SECTION 2.10.040 OF THE FRUITA MUNICIPAL CODE REGARDING CITY COUNCIL AND MAYOR COMPENSATION – ASSISTANT CITY MANAGER SHANNON VASSEN**

Assistant City Manager Shannon Vassen provided staff's presentation. He explained that the Ordinance before the City Council will amend Title 2 of the Fruita Municipal Code regarding compensation for City Councilors, Mayor Pro Tem and Mayor positions. He pointed out that the Council and staff have been discussing this matter at length during the past couple of years before providing a brief overview of the City's Elected Official compensation, which is actually defined in both the Fruita City Charter and the Municipal Code. The Charter details that pay for Elected Officials must be set by Ordinance and that no pay changes for Elected Officials can take place during the term of those officials who are enacting such an Ordinance. Mr. Vassen said this is common practice throughout the state and nation; Elected Officials cannot give themselves a raise while they are currently in office; those changes always take place after their terms expire.

Mr. Vassen listed the current rates that were set in 2007 for City Council compensation as follows:

- Mayor \$475 per month
- Mayor Pro Tem \$350 per month
- City Councilors \$300 per month

In 2022, the Council had a discussion about Council pay and at that time during the Budget process, the City Council (four of whom were newly elected at the time) directed staff to evaluate potential pay changes for Fruita's Elected Officials. Multiple discussions have also been held during the 2023 and 2024 Budget processes, but since no changes can be made until the current term of each City Council member is over, staff decided to hold off until after this year's and subsequent elections.

As part of the discussion, staff created a comparison of the three positions to a few other municipalities in the state of Colorado. Mr. Vassen explained that some jurisdictions may have different types of City Councils; they may be professional roles with full-time jobs. Staff included ten municipalities as part of the comparison and these were shared with the City Council at the October, 2023 Council Workshop meeting. Staff determined the average of pay for each position in the list if there was a match of having the same positions as Fruita. These averages were as follows:

- Mayor \$481.25
- Mayor Pro Tem \$311.67
- City Councilors \$327.00

Staff tried to include small and big cities that are located on western Colorado that could be a good comparison for the City of Fruita off which to base its data. Council also encouraged staff to look into an annual adjustment to really streamline pay changes in the future, which is becoming more and more common in places like Vail, Gunnison and Rangely. After a certain point, their Council pay is just adjusted by an inflation index to help with future growth.

Mr. Vassen explained that there are a number of reasons for increasing Elected Official pay such as:

- To encourage more residents to become involved in their city government
- To better reflect time spent in the position
- To better reflect inflation in pay
- To streamline the process for future adjustments

At the October Workshop meeting, staff presented a placeholder to increase Elected Official pay by \$50 for each position based on exceeding the average of those ten comparisons as well as presented

a recommendation that the Council pay be adjusted by the Consumer Price Index (CPI) beginning after all the terms on the current Council have expired.

Mr. Vassen explained that beginning in January of 2027, Ordinance 2024-01 increases each position pay by \$50 per month so that the Mayor will be earning \$525, Mayor Pro Tem \$400 and City Councilor \$350. In addition, the CPI adjustment will start adding to those rates annually going forward in the future from then on. It was reiterated that the last time the Elected Officials received a raise was in 2007.

Mr. Vassen stated that it was staff's recommendation that the Council approve/adopt Ordinance 2024-01.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public comment period and referred the matter to the Council.

- **COUNCILOR HANCEY MOVED TO ADOPT ORDINANCE 2024-01 – SECOND READING – AMENDING SECTION 2.10.040 OF THE FRUITA MUNICIPAL CODE REGARDING CITY COUNCIL AND MAYOR COMPENSATION. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

9. ADMINISTRATIVE AGENDA

There were no Administrative Agenda items on the agenda.

10. CITY MANAGER'S REPORT

City Manager Mike Bennett provided the following updates to the Council:

- Earlier in the day, two Automated External Defibrillators (AEDs) were installed and are alive and functional. One is on the 2nd Floor and one is on the 1st Floor. There are also two AEDs at the other City facilities including the City Shops, Fruita Community Center, Police Department and Wastewater Treatment Facility. One of the City's aquatics coordinators, Molly Beth (who is certified to train on the AEDs), will be giving trainings to all City staff. The City's AEDs are standardized with Lower Valley Fire Protection District's AEDs.
- New furniture for the Council Chambers/Municipal Court Chambers is now on order, including the two TVs, which were not functional.
- The newest apartment buildings in the City of Fruita (on Mulberry and Mesa Streets) now have all units rented with the exception of one in each of the two facilities.

Councilor Hancey requested that the Council members also receive the AED training. Mike explained that when someone opens the AED, there are four steps with pictures on the machines themselves that are very easy to read and follow. He added that becoming certified in them will require taking a very easy four-hour online course with the Red Cross, followed by a four-hour in-person class. He suggested that staff look at the future schedule soon to sign up for the training.

11. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS**COUNCILOR KEN KREIE**

Councilor Kreie reported that the Grand Valley Regional Transportation Committee has been canceled for January.

COUNCILOR JEANNINE PURSER

Jeannine reported that she and Ciara wrapped up their third Localism Committee Meeting and that it just continues to go well. She called the amount of work that Ciara is putting into it just amazing and added that she's doing a great job listening to the ideas and then consolidating them into easy points. The Committee will have one more meeting in January and potentially one after that. Jeannine noted that everyone on the Committee definitely thinks that there should be a Localism Board, but they will come before Council with their recommendation at a later date.

Joel asked if the creation of the board would require an Ordinance process and if so, what the timeline would look like considering there is a Municipal Election with a new Council coming up. Mike explained the board could be established via a Resolution, which is a much shorter process than an Ordinance one.

Jeannine also reported that the Arts and Culture Board met the previous week. The Coco Vino event is coming up in March and the board will make sure to let the Council members know before the link to purchase tickets goes live because there were several Council members who were unable to attend last year after the tickets were already sold out. Mike noted that the event is scheduled for Friday prior to Spring Break, or March 15th.

Jeannine reported that a gentleman named Gene Sandoval reached out to her about putting on a Christmas Mart, which is an event he has done in Grand Junction similar to the City's Holiday Craft Fair except it is held at night and includes a Silent Auction, the proceeds of which went to the Court Appointed Special Advocates of Mesa County (CASA) and that totaled over \$4,000. Mr. Sandoval would like to move the event to Fruita after he received some pushback in general that he didn't appreciate and in addition, he feels that the Fruita community supports artists in a very positive and solid way. Jeannine asked if the other Council members thought it would be worth pursuing. The Mayor and Council agreed it was and it was suggested that it might be a good project for the new Localism Board.

COUNCILOR AARON HANCEY

Aaron asked if the Council could have a new link for the future calendar Word document.

Aaron noted that Tuesday, March 5th was Caucus Night and proposed that the Council meeting that night be canceled. Joel advised that there needed to be a majority of the Council members wanting to attend the Caucus before deciding to cancel the Council meeting. Otherwise, he said, Aaron could be excused from the Council meeting.

Matthew announced that he, too, was planning on attending the Caucus, but he wondered if it was for both political parties. Joel added that if it was for only one party, he thought it could look bad. Mike pointed out that the Council always needs to keep in mind that there could be publicly noticed agenda

items scheduled for Council meetings and that it was best to give staff as much possible notice ahead of time as possible for that reason. Joel asked that someone find out whether it was Caucus Night for both parties by the following Tuesday night because of concerns about optics.

Aaron reported that the Parks and Recreation Advisory Board (PRAB) made some good process on the Bylaws adjustments they would like to propose and will be presenting them at a City Council meeting soon.

Lastly, Aaron stated that he had questions concerning three or four different developments in Fruita, so he went on the City's website and really appreciates having the information available there now.

COUNCILOR JAMES WILLIAMS

James reported that he had not had any meetings, but he did have a really cool interaction with a community member. Apparently, there is a transitional group living home for men in Fruita who want to stop using substances. The home has just recently been purchased and opened up and James said the guy who is the Home Manager talked to him and provided more information such as the amount of the weekly rent (\$160/week) and having the resources to help everyone stay sober. James added that he wanted to get the information to Ciara (Communications & Engagement Specialist with the City of Fruita) to see if it was something that the City would like to investigate and potentially include in the City's list of resources for community members. James added that the house is a brand-new house in Fruita and requested that staff look into it to make sure it is viable.

COUNCILOR AMY MILLER

Amy reported that the Historic Preservation Board had a really great first meeting of the year. The board members are really excited about projects that they are working on such as updating the plaques that go on the Historical Register. Now that the board is becoming more active at community events, the members wondered if the City could purchase some custom banners for each of the City's Boards and Commissions so that when they are present at an event, they can be recognized. Mike stated that staff could easily look into some options for those.

Amy also reported that she and the Mayor attended the Martin Luther King, Jr. Day event where the Proclamation was read and there was the march and the City of Fruita was called out for not having an Inclusivity Proclamation. Amy and the Mayor were able to later point out that Fruita was actually the first in the Valley to do one, which resulted in a public apology to the City of Fruita. Amy said she was proud that Fruita was the only municipality that stayed for the last presentation by Dr. Joyce Brooks, who told a super cool story.

MAYOR PRO TEM MATTHEW BREMAN

Matthew agreed that Fruita's representation at the Martin Luther King, Jr. Day events was awesome.

Matthew reported that the Fruita Area Chamber of Commerce meeting focused a lot on its Budget and looking at Budgets. He also announced that he will be switching from the Workforce Committee to the Executive Committee, specifically for purposes of the Budget and role of the Chamber within the City.

Matthew asked his fellow Council members if the Antisemitism Proclamation could be read at the February 20th Council meeting and all were in favor. He noted that it was on the list of pre-approved Proclamations and added that he was coordinating with some people to have them accept the Proclamation.

Matthew also reported having a meeting with Zebulon Miracle with United Way to discuss some of their future plans for the Valley. They also talked about the homeless situation and Matthew said he would likely be leading their Board Retreat in the spring in terms of strategy moving forward.

COUNCILOR AMY MILLER

Amy remembered that she also attended a Mesa County meeting earlier in the day, although not as a Fruita City Council member. The county is working on an Ordinance that will limit trucking traffic in Loma and Amy said the meeting was really well-attended by the local trucking community. She added that while it was an awesome meeting, it raised concerns about Fruita's attitude towards the trucking industry. Amy wondered if the Council could discuss it at a Workshop meeting and requested that the City Engineer bring information such as where the City's truck routes are so that there could be more discussion about future growth and the current farm-to-market movement that utilizes local farmers. She added that she didn't like how Fruita is perceived to be so anti-trucking.

COUNCILOR JEANNINE PURSER

Jeannine remembered that the Livability Commission did not have a December meeting, so she still hasn't been able to say goodbye before the transition to Amy being the Council Liaison for the board. Amy said it would be fine if Jeannine wanted to attend the Livability Commission meeting on January 18th.

MAYOR JOEL KINCAID

Joel reported that he also thought the Proclamation reading at the Martin Luther King, Jr. Day went over well.

Joel also reported that he met with a candidate for Mayor in Palisade's Municipal Election who wanted some feedback about how the Fruita Council functions so well. He praised the Fruita Council and pointed out how other communities really notice how well Fruita's works together.

Mike requested that the Council members look at their schedules for the March 19th Council meeting and let staff know if any Council members are going to be absent, as that is Spring Break week at local schools.

Joel added that he would be absent for the January 23, 2024 Council Workshop meeting as it is his wife's birthday. He asked what items were planned for the agenda. Mike answered that there would be the following agenda items:

1. Economic Development Updates (on various projects that the Council is already aware of)
2. Brief discussion on Council's policy related to relatives of Council members being City employees
3. Update on the Sign Ordinance

Mike explained that essentially, the Town of Gilbert, AZ took a case all the way to the Supreme Court of the United States, who ruled that cities cannot regulate signs based on content. Mike said Fruita (as well as many other communities across the country) had to update their Sign Codes due to First Amendment reasonings, but no one thought to update the regulations on political signs. He said it was a resident of Fruita who raised the question about political signs and Mike and the City Attorney then realized that City could lose in court if it regulates the duration of time that political signs may stay up. Therefore, the City of Fruita needs to start working on an Ordinance to remove those provisions in its Municipal Code, although there was no way that can be accomplished in time for the City's April 2, 2024 Municipal Election. Staff wants to look at the category of Temporary Signs, for which the City *can* set a duration of time. Joel requested that staff provide a list of what constitutes temporary signs.

Jeannine asked how many Nomination Petitions had been pulled and Mike responded that so far, there were three: Matthew Breman for Mayor, Aaron Hancey for City Council, and Frank Graziano for City Council. He also mentioned that the deadline for turning in the Nomination Petitions is Monday, January 22nd at 5:00 p.m. and that if no one else pulls and turns in a Nomination Petition, there will be a vacancy on the Council after the Election since Councilor Breman is running for Mayor. The City will then have a certain period of time (60 to 90 days) to either appoint someone or hold a Special Election. Councilor Kreie asked if someone who had been term limited could be appointed and Mike said that cases related to that in the past have required candidates to be off the Council for a full term.

Joel noted that Emma Leigh Larsen had agreed to be on the Election Commission and he would have to find one other person.

Matthew pointed out that the April Workshop meeting was scheduled on the second night of Passover, which is the big night.

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:59 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita

**FRUITA CITY COUNCIL
WORKSHOP
JANUARY 23, 2024
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 Pro Tem Matthew Breman. City Council members present were Jeannine Purser, James Williams, Amy Miller, Ken Kreie Aaron Hancey and Ken Kreie. Mayor Joel Kincaid was excused absent.

City Staff present were City Manager Mike Bennett, Assistant City Manager Shannon Vassen, Communications & Engagement Specialist Ciara DePinto, Deputy City Clerk Deb Woods, Planning and Development Director Dan Caris and City Attorney Mary Elizabeth Geiger (virtually).

Also in attendance was Tim Navin, owner of Sparks Fly Studio, Ltd.

AGENDA ITEMS

1. ECONOMIC DEVELOPMENT UPDATE & DISCUSSION (GREENWAY BUSINESS PARK, CO-OP TOWER, THE BEACH, 169 S. MULBERRY ST.) (6:30 – 8:00 PM)

City Manager Mike Bennett noted that City Attorney Mary Elizabeth Geiger had also joined the meeting virtually.

169 S. MULBERRY:

Since the City has reached the terms of negotiations with FARM, LLC, staff wanted to review them with the City Council. On the agenda at the City Council meeting of February 6, 2024, there will be the First Reading of an Ordinance for the sale of the City's property at 169 S. Mulberry to FARM, LLC and a request that the City Council give the City Manager the authority to execute the contract. Exhibit A of the contract will contain the terms of the contract. The Second Reading of the Ordinance is scheduled for the March 5, 2024 Regular City Council meeting.

The contract will be for a combination of a cash payment and nonmonetary contributions totaling \$640,000. The contract breaks down the agreements there will be for requirements for improvements, economic development performance criteria and uses such as parking.

City Attorney Mary Elizabeth Geiger clarified that the agreement on 20 public parking spaces will be a lease from FARM to the City and the City will carry the insurance. After 5 years, the parking will be donated to the City. The 24 existing parking spaces north of the FARM property and south of E. Aspen Avenue will remain without private signage (except for "no overnight parking") and available for use as public parking until the dedication of the 20 permanent parking spaces is completed. All development will follow based on parking requirements in the Code.

A redevelopment contract will be included in the Exhibit to the Ordinance. Planning and Development Director Dan Caris listed the improvements to be included in the redevelopment contract.

Councilor Hancey expressed concern that the community might think of FARM as a developer who is coming in and taking over Fruita.

Mr. Bennett pointed out that part of the story will be the City's and part will be FARM's as the developer and the City will be very clear about getting the full value for the community. He also explained that it will all be presented during readings of the Ordinance and there will be announcements going out to the community about what is happening.

Councilor Breman noted that the City is seeing people who want to invest in Fruita and that's part of the narrative in addition to the City not giving away anything.

Mr. Bennett said the dream is that people come and propose projects that are in the Comprehensive Plan, which is exciting.

Gavin Brooke of FARM, LLC added that that is the point of the Downtown Mixed-Use zone; there is shared public parking, daytime uses and nighttime uses, all of which bring vibrancy to the City.

"THE BEACH":

The City's largest economic development project is undeniably "The Beach." Next steps include further negotiations for a public/private partnership agreement between the City and 2Forks Ventures that will likely have phases. At the February 27, 2024 Workshop Meeting, Mr. Gavin Brooke with 2Forks Ventures will present an overview of the due diligence work that has been completed.

There will be an Executive Session at the Regular Council meeting of March 5, 2024. Negotiations will likely continue after the new City Council has been seated.

CO-OP GRAIN TOWER:

Tim Navin with Sparks Fly Studio, Ltd. is under contract to purchase the former Fruita Co-Op grain tower located on Highway 6 & 50. The City has historically used the tower to hang banners that promote the City of Fruita. Sparks Fly and the City would like to enter into a lease of the east and west facades of the tower effective on closing of Sparks Fly purchase on the property.

There was discussion about how the City leases the I-70 Billboard to Family Health West for \$12,000 per year.

City Attorney Mary Elizabeth Geiger proposed to Planning and Development Director Dan Caris that the City use that money it get from its lease of the I-70 billboard to pay for the lease of the tower from Sparks Fly long term. Fair market rate is currently \$2,000 per month per side.

The City Council gave direction to staff to pursue talks with Sparks Fly about opportunities, who has a potential closing date of March 21, 2024.

Staff and the Council took a break at 7:46 p.m. The Workshop Meeting resumed at 7:55 p.m.

GREENWAY BUSINESS PARK

City Manager Mike Bennett described how he and Planning and Development Director Dan Caris met with a development group concerning the Greenway Business Park, who wanted to know if the City would have any interest in establishing a Metro District, which are common now. One of big challenges is the access required from the Colorado Department of Transportation (CDOT) for a bridge crossing the Big Salt Wash. With this type of Improvement District, the City could have borrowing power of future revenue. First, the City needs to establish a policy for steps that the City will need to go through.

Mr. Caris explained that Dan creating a Metro District contemplates “Service Plan” mechanisms with a set of approval criteria in place that lead to a public hearing. It does not require an Ordinance, just a policy. There are a number of factors that would come into play such as landscaping, public spaces, and welcome signage, some of which can be taken from components of the City’s Gateway Enhancement Plan. Council Breman recommended that the Council wait until the Council Retreat to do a deep dive into the big steps and stages.

2. SIGN CODE TEXT REVIEW AND DISCUSSION (8:00 – 8:30 PM)

City Manager Mike Bennett recalled how he provided Council with an overview/update at the last Council meeting about the need to amend the Sign Code concerning political signs. He said that timing-wise, staff is not in a major rush, but the amendments probably should be in place before the November election.

Mr. Bennett stated that since the City can’t regulate the content of signs, it needs to define “temporary signs,” which can be regulated in regards to the length of time they are up, such as 90 days, for example. Staff feels that designating regulations by zone district makes a lot of sense.

Councilors Breman, Williams and Hancey expressed their preference for keeping it simple and doing the bare minimum of regulations.

Mr. Breman stated that staff will bring a template to the Council as a starting point.

3. CITY COUNCIL HANDBOOK REVIEW (8:30 – 9:00 PM)

The City Council Handbook is updated prior to each Municipal Election. During previous meetings, staff has provided an overview of the updates and incorporated City Council suggestions to the handbook, which is already live on www.fruita.org.

Within a suggested new section “What to Expect,” staff added language under “Your First 90 Days” that was drafted by Mayor Pro Tem Breman. Mike asked the Council to review the changes.

Also, Council has requested to discuss whether any additional language should be added to the handbook regarding relatives of City Council as City employees. Currently, there is no policy regarding relatives of City Council members as employees of the City, but there is a section in the Employee Handbook which says that the City’s policy is to avoid real or apparent conflicts of interest or circumstances that could result in actual or perceived acts of favoritism, interpersonal conflicts or jeopardizing confidentiality. It also lists the situations in which the hiring of relatives is not allowed.

Mr. Bennett asked if the Council wanted to add similar language to the City Council Handbook.

There was discussion about Council members respecting decisions made by Council previously and taking the time to research why a decision was made that they may not agree with but not inside a Council meeting.

Mayor Pro Tem Breman said he would clarify his wording.

Councilor also Williams requested that Council members' families get Fruita Community Center passes in addition to the Council members themselves.

OTHER ITEMS

Mr. Bennett noted that the "State of the City" video is a fairly new thing. He said he was wondering if the Council was interested in including highlights that occurred in the last year or if those should be put into a few shorter, educational videos on specific topics such as "Core Values" or "Growth in Fruita." Mr. Bennett suggested the topic "Growth Boundaries." It was discussed that these should be short and concise (with 2.5 minutes being the goal) and how they can be used for a number of years.

Videos highlighting City employees were well received and Mr. Bennett said staff will keep doing those. The Council showed interest in accomplishing all three that had been mentioned. The City is paying \$5,000, but Councilor Hancey said he supports adding more money.

Ciara DePinto reported that she and Parks and Recreation Director Marc Mancuso are working on a "Winter Concert" to be held on Friday, February 23rd at the North Mulberry Plaza. She is also working with Councilor Williams on getting the band to play two sets. Ciara and Marc are thinking of ideas to make the event more festive such as having straw bales, hot chocolate, hot cider and getting downtown businesses involved. Mayor Pro Tem Breman asked Ciara to let the Fruita Chamber know about the event. From 6:00 to 7:00 there will be some kind of activity. Music then goes from 7:00 to 8:00, then there will be a break. From 8:30 – 9:00, there will be more music. Staff is working on getting the firepit working. The Council bounced a few names for the event around such as "Ice-o-saurus."

At the February 20, 2024 Council meeting, City Market will appeal the decision on their proposed fueling stations. Planning minutes will be included in the Council packet. They are asking Council to override the Planning Commission's denial.

Councilor Hancey said he would prefer to have the construction detour at 18 Road instead of 28 ½ Road because K Road is so busy.

Councilor Hancey stated that he still felt strongly that the Council needed to cancel the Council meeting of March 5, 2024 because of the Caucus, and added that it is a part of everyone's civil duty to vote.

Mayor Pro Tem Breman expressed concerns because it was not a Caucus for both political parties; just one. There was discussion about how each of the Council members felt about it before it was determined that the Caucus was actually scheduled for Saturday, March 9th and not Tuesday, March 5th.

Councilor Williams mentioned that community members have talked to him about a spot on Coulson by the old Family Health West building where cars almost hit people all the time. Mr. Bennett noted that the City can't have two crosswalks in that stretch. Family Health West has been bugging the City to move the sidewalk, but by doing that, they will have a problem with moving food.

4. ADJOURN

With no further business before the Council, the meeting was adjourned at 9:43 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk

**FRUITA CITY COUNCIL
WORKSHOP
FEBRUARY 27, 2024
6:30 P.M.**

CALL TO ORDER AND ROLL CALL

The workshop of the Fruita City Council was called to order at 6:33 p.m. by Mayor Joel Kincaid. City Council members present were Matthew Breman, Jeannine Purser, James Williams, Amy Miller, Ken Kreie and Aaron Hancey.

City Staff present were City Manager Mike Bennett, Assistant City Manager Shannon Vassen, Communications & Engagement Specialist Ciara DePinto, Deputy City Clerk Deb Woods, Planning and Development Director Dan Caris, Neighborhood Services Coordinator Matt Carson, Public Works Director Kimberly Bullen and Parks and Recreation Director Marc Mancuso

Also in attendance were Gavin Brooke and Sarah Wood with 2Forks Ventures and candidates for City Council Rich Parrish, Andrea Stolarczyk and Frank Graziano.

AGENDA ITEMS

1. CITY COUNCIL WORKSHOP W/2FORKS VENTURES (6:30 – 8:30 PM)

City Manager Mike Bennett introduced the City's partners: real estate development and construction firm 2Forks Ventures owned and operated by Gavin Brooke and Sarah Wood.

Discussion was held concerning a 40-acre Riverfront property north of the State Park. \$75,000 has been budgeted for due diligence studies to see what can be done prior to the City of Fruita and 2Forks Ventures entering into a partnership.

Mr. Brooke and Ms. Wood provided the due diligence reports on the subject property. On June 23, 2023, a Memorandum of Understanding between the City of Fruita and 2Forks Ventures was signed. It was also discussed how the property might be due for a third name after "The Lagoons" and "The Beach."

Mr. Brooke listed all the partners involved in the due diligence. He noted that there were no big issues on the Title work and that the survey was very straightforward and clean; there was nothing unusual.

Mr. Brooke also reviewed the results of all of the following due diligence studies:

1. TBD Title Commitment
2. Survey
3. Floodplain and Boat Ramp Design Considerations
4. Phase 1 Environmental Site Assessment Report
5. Geotechnical Investigation
6. Conceptual Basemap, Parcel Map, and Site Plan Graphic (for building financial model)
7. Conceptual Infrastructure and Utility Pricing
 - Off-site costs estimated at \$1.6 million include:
 - Sanitary sewer and lift station

- 10" water main needs extended
- GVIC ditch may need culverted and filled
- 2" gas line extension
- Raptor Road
- CO Riverfront Trail
- On-site costs estimated at \$1.55 million include:
 - Raptor Road
 - Water and sewer
 - Gas and Electric
 - CO Riverfront Trail
- Park Improvements estimated at \$2 million include:
 - Boat ramp and bank grading
 - Waterfront and park improvements (amenities not proposed at this point)
 - Pedestrian bridge location and lawn area
 - Restroom and maintenance building

8. Market Assessment – intend to build in a response to direct need through phases with reinforcement of Fruita's values and goals. There will be both commercial and residential opportunities.

The City has funds that otherwise would have been used for Enoch's Lake. This City also has Impact Fees, and the One Riverfront Commission made a donation of the value of their land. Staff will begin applying for grants. The project will be phased out between 2Forks and the City. Mr. Bennett added that the project doesn't have to be budgeted for all at once.

Initial steps could be for the City to pay for design, then staff can start going after grants for construction. Mr. Bennett said staff want to start negotiating the terms of the agreement with FARM, LLC. It was discussed that it will likely be 18 months to a year before the public will start to see some progress.

Mr. Bennett noted that at the March 5th Council meeting, there will be an Executive Session on the agenda for the purpose of talking about the terms of the Partnership Agreement. The overall context will be for each of the partners to share in revenues.

There was discussion about how Metro District Funding will help to finance the project, which will adapt to various types of uses over time in phases. Staff will need to create and maintain momentum between phases shift gears to respond to what the community wants.

City is trying to contact the owners of the adjacent Chevron property, but they have not responded. It is on the floodplain, so likely it will be used for open space or perhaps a trail with conservation value. There are power lines that run north and south that are on an easement on the east side of the Chevron property that will need to go underground right on that property line.

The City has already approved a high-end RV Resort in the area on a narrow privately owned parcel, but it hasn't yet developed and may be sold to a new owner at this point.

There will be workshops and community meetings to discuss future potential amenities.

2Forks estimates that it will take between five and ten years to completely fill the old lagoons using fill from smaller residential projects. Mr. Brooke said he may have some ideas about creating a berm along the interstate.

Mr. Brooke shared both a Conceptual Parcel Map showing private and public development parcels and a Conceptual Site Plan.

Next steps for the development are as follows:

- Partnership
- Naming Process
- Site Planning
- Metro District
- Entitlements
- Planning Application
- Phase Infrastructure
- Celebrate

There was discussion about how it would be important to name the project sooner rather than later with the Election coming up. It was decided to schedule a project naming workshop on Thursday, March 7th at 5:00 p.m. where everybody could throw their ideas in and then the names could be narrowed down through discussion. Staff will add the meeting to the City's website and will send out invites to Council members. Mr. Bennett stated that either Assistant City Manager Shannon Vassen or Communications and Engagement Specialist Ciara DePinto could act as the facilitator.

City Manager Mike Bennett handed out hard copies of draft Guiding Principles to be agreed upon by the City and 2Forks Ventures that will guide the redevelopment of "The Beach" property. These are or will be:

- Shared values between the COF and 2Forks Ventures.
- Incorporated later in the neighborhood CC & Rs
- Common thread throughout the entire phased development
- Guiding Principles to be adopted by all partners – present and future

Mr. Brooke explained that he and the City Manager want to preserve the vision for the project and be mindful of how it will develop.

Councilor Williams expressed his strong preference that the City keep the river access at no cost to patrons. Staff will update the second bullet point in the Guiding Principles under "The Beach neighborhood's public amenities shall" so that the word "free" is inserted where it says "Provide Fruita with [free], safe, enticing access to the Colorado River for all."

Councilor Purser expressed concern about the new development competing with Fruita's downtown if it is going to incorporate things like restaurants and music. Councilor Miller said she thought the new development will have a completely different vibe and knowing what the demand for commercial development is, she is not concerned at all. Councilor Kreie said he feels like Fruita has the base for both downtown and the new development.

Councilors Breman and Williams said they thought the new development will bring more people to both areas and that it will spread. Councilor Hancey said he thought the City will need to grow the new development long-term.

Mayor Kincaid stated he believes the downtown and new development will compliment each other.

Councilor Purser asked that everyone be super mindful of not taking away anything from the downtown.

The next step will be to negotiate on how to start and do the construction on the project.

2. DEVELOPMENT AND SPECIAL PROJECTS UPDATE (8:30 – 9:15 PM)

POTENTIAL AMENDMENT(S) TO FRUITA LAND USE CODE

Staff asked City Council if they were interested in reviewing and potentially amending the Land Use Code concerning Conditional Use Permits for drive through/drive up development such as the City Market gas station proposal that was denied by the Planning Commission to be recommended to the City Council for approval. An aspect of the discussion could be focused on the City's use of a "call-up" to the Council rather than having an appeal of a Planning Commission's decision. The Council agreed it needs further discussion at an upcoming meeting.

SCHEDULE TOUR OF THE FRUITA MEWS DEVELOPMENT PROJECT

City Manager Mike Bennett asked the Council if they wanted him to schedule a tour of the Fruita Mews development, which is currently under construction. He said he would reach out to the Council later about holding the tour before a regular City Council meeting on either the first or second meeting in April. There was a request that it not be scheduled when it is still muddy.

Mr. Bennett noted that staff would be closing on Enoch's Lake on March 8, 2024. The funds from the sale could be allocated to the new "The Beach" redevelopment and Mr. Bennett stated that a discussion about that would be placed on the agenda for the March Council Workshop meeting. It was mentioned that because Enoch's Lake was such a benefit for Fruita's residents, the proceeds from the sale of it needs to go toward something for the whole community. Mr. Bennett stated that Council needs to have more discussion about the proceeds and would be putting it on the March Council Workshop agenda. It was mentioned that staff could pull the Council minutes from previous Council meetings where discussions were held on not only Enoch's Lake, but all the City's mountain water properties.

There was also a discussion about whether the Council would be interested in having an informational kiosk installed in downtown Fruita that could list businesses and/or upcoming events. The kiosk could potentially be electronic but doesn't have to be. The funds would come from the Tourism Advisory Council's marketing and promotions budget. The Council stated that they were interested in the idea.

CDOT ROADSIDE INTERPRETIVE SIGN PROJECT

Staff noted that the Colorado Department of Transportation (CDOT) will be replacing the interpretive signs at the Fruita Welcome Center/rest area. Staff will reach out to the Historic Preservation Board about holding some public engagement for the purpose of determining which information could potentially be incorporated in the new signs.

CO-OP TOWER LEASE

There was a discussion about the negotiations for the lease agreement between the City of Fruita and Tim Navin of Sparks Fly Studio, Ltd. For the two sides of the Co-Op grain elevator tower on Highway 6 & 50. The City uses them to hang promotional banners that are approximately 30 feet wide x 40 feet long. Staff feels that \$20,000 - \$25,000 per year is a fair amount to lease the two sides, which works out to be approximately \$1,000 per month per side of the tower. Staff will bring a lease agreement before the City Council at an upcoming meeting for consideration of approval.

OTHER ITEMS (9:15 PM)

- City Manager Mike Bennett reminded the Council of the upcoming Grand Junction Economic Partnership (GJEP) Annual Economic Summit on April 16 from 7:00 a.m. to 2:00 p.m. He stated that he would have his assistant, Jennifer Cupp, reach out to the City Council to gather RSVPs and then she will either purchase individual tickets or a full table depending on how many plan to attend.
- Mike also reminded the Council about the upcoming Colorado Municipal League (CML) Conference that will be held June 18 – 21, 2024. Staff registered seven people and secured lodging in anticipation of many Council members attending. Staff will likely be proposing that the Regular City Council meeting of Tuesday, June 18th be rescheduled to Monday, June 17th.
- Staff asked if Council was interested in obtaining a Block Party Kit trailer that residents could rent that has things such as tables, chairs and games. It is estimated that it will cost approximately \$19,700 and staff recommended that if the Council was interested, it be proposed in next year's Budget because it isn't an urgent matter. Mayor Kincaid suggested that the City's new Localism Board look into the idea and bring the information back to the Council at a future meeting.
- Mayor Kincaid requested the opportunity to address the community with his thoughts in a prayer at his last meeting. There were no objections and Mr. Bennett suggested that this be done during the Recognition of Outgoing Council members section of the agenda.

4. ADJOURN

With no further business before the Council, the meeting was adjourned at 10:22 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk

**FRUITA CITY COUNCIL MEETING
MARCH 19, 2024
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid 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 Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Aaron Hancey

Excused Absent: City Councilor Amy Miller
City Manager Mike Bennett

City staff present: Assistant City Manager Shannon Vassen
Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Public Works Director Kimberly Bullen
Fruita Police Lieutenant Nick Peck

Also present: Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Kincaid 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 BREMAN MOVED TO ADOPT THE AGENDA AS PRESENTED. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – RECOGNITION OF ELMWOOD HEIGHTS HOA “ADOPT A STREET” VOLUNTEERS

Assistant City Manager Shannon Vassen provided staff’s presentation. He noted that about two years ago, the City’s Livability Commission formally created an “Adopt a Street/Adopt a Trail” program based upon things they were interested in and interest from the City Council to find opportunities for citizen groups, families, local businesses to volunteer and give back to the community. Since the program was created, there have been seven (7) separate groups that have volunteered, so Shannon called it a great success.

At a previous Council meeting, Family Health West was recognized for adopting a portion of Ottley Avenue and doing a number of cleanups on it.

Mr. Vassen introduced two members of the Elmwood Heights HOA, Linda Johnson and Jamie Vavre, who adopted N. Mesa Street between Ottley Avenue and K and $\frac{3}{4}$ Roads. He said the City wanted to recognize and thank these community members for their efforts.

Mayor Kincaid presented Linda and Jamie with certificates of appreciation, Fruita logo bumper stickers, I-heart-Fruita buttons and day passes to the Fruita Community Center. He also read the list of the names of the other members of the Elmwood Heights HOA who participated in the program.

B. PRESENTATION – BRAD MCCLOUD, XCEL ENERGY AREA MANAGER, COMMUNITY RELATIONS WESTERN COLORADO TO ADDRESS COUNCIL CONCERNS REGARDING UTILITY STRIKES

With the recent extensive construction to install conduit/fiber throughout the City of Fruita, there has been quite an increase in the number of gas/utility and other infrastructure strikes by excavators.

Mr. Brad McCloud with Xcel Energy stated that Xcel's priority is always the safety of their customers, communities and employees. He stated that they have counted a total of five (5) utility strikes since the beginning of the year to the present and they have been looking into it.

About a month ago, Mr. McCloud met with City staff to address some of the issues that were going on and since then, Xcel has had two (2) more strikes. Mr. McCloud explained that some of those have been due to issues with locates and some have been issues with the excavation contractors that Xcel had at the time. He added that the efforts that have been put in place since then will do much to mitigate those concerns going forward.

Mr. McCloud pointed out that the fiber locates that they've had recently are up almost 3,500% to date over last year, so obviously with that much more activity, the risk of utility strikes is going to be that much higher no matter what. He added that with that being said, Xcel Energy would still like to mitigate the issue and give everyone assurances that people are safe.

Mr. McCloud announced that as of the beginning of February of 2024, Xcel Energy has brought on a new locate company and is no longer working with the previous contractor simply because Xcel was not pleased with either their performance or their timelines to meet Xcel's needs. He said he's had some assurances that the new contractor they've hired will be better.

Mr. McCloud added that back in mid-February, his team did a training with several of the local contractors and crews working throughout Mesa County (approximately 100 individuals). Courses taught included "Best Practices for Digging Safely" and "Horizontal and Directional Drilling" (also known as "boring.")

Mr. McCloud made himself available for questions from the Council after stating that Xcel is very confident with the change in staff and contractors.

Mayor Kincaid noted that one of the locates was off by 25 feet and asked if it was because it was an older line or if there are other certain aspects that are affecting the utility strikes. Mr. McCloud stated that locates can be off for multiple reasons such as not trusting the equipment being used and bad

mapping. In the case of the one locate being off by 15 feet, Mr. McCloud stated that this was a very rare anomaly because there were multiple items that affected it such as:

1. Mapping that said the pipe was going one way while someone should have made sure that a “Circle Locate” was done, but it wasn’t. Historically, there was nothing that showed the line that was there.
2. There was bleed-off, so they had two lines that they did catch on the locates, but they also had a comms line that gave a false reading.

Mr. McCloud concluded that with the trainings Xcel has been doing, the change in companies that they are using for Xcel’s locates and the proactive measures that Mark Construction has taken with their excavators, he does not anticipate the issues continuing going forward.

The Council had a few more questions about technical issues, response time, Xcel’s level of confidence in the new contractor, and the extent of Xcel’s liability (Xcel does not reimburse businesses for loss of revenue if they have to close due to a strike).

C. PRESENTATION – DOUG SEACAT, DEEPLY DIGITAL OWNER/PRESIDENT AND JONATHON COOK, PROJECT MANAGER TO ADDRESS COUNCIL CONCERNS REGARDING UTILITY STRIKES AND PROVIDE AN UPDATE ON THE BUILDOUT OF FIBER INFRASTRUCTURE

Deeply Digital Owner/President Doug Seacat and Project Manager Jonathon Cook also addressed the City Council about the City’s concern with several recent utility strikes. He provided a couple of handouts containing contact information for Deeply Digital and Clearnetworkx, the sister company that will be one of the City’s new internet providers once the network is built. Deeply Digital is the contractor for the installation of the network.

Mr. Seacat stated that Deeply Digital held a community meeting the previous week that was attended by over 100 people. He noted that there had been utility hits in addition to Xcel Energy’s gas lines that he and Mr. Cook would also be addressing.

Mr. Seacat explained that the majority of the work being for conduit installation has been done by Mark Construction, but other subcontractors have been used by Deeply Digital. He said that his goal was not to make everybody in Fruita upset or scared about utility lines getting hit because he wants residents to feel good about signing up with Clearnetworkx for the internet service after the installation is complete. He added that Deeply Digital’s construction contracts have clear standards that must be met by subcontractors including the necessary training.

Since the beginning of the project, Deeply Digital has had 19 utility hits categorized as follows:

Cause of Hit	# of Utility Hits
Unlocated	9
Mislocated	4
Contractor/Subcontractor Fault	6

The types of utilities that were struck include:

Type of Utility	Cause	# of Utility Hits
Gas	Unlocated	6
Gas	Mislocated	1
Gas	Contractor/Subcontractor Fault	2
Water	Mislocated	1
Water	Contractor/Subcontractor Fault	1
Electric	Mislocated	1
Communications	Unlocated	3
Communications	Mislocated	1
Communications	Contractor/Subcontractor Fault	2
Sewer	Contractor/Subcontractor Fault	1

Mr. Cook conceded that 19 utility hits is a large number but stated that he and Mr. Seacat take the work very seriously. For the locates, he explained that Deeply Digital has to work with multiple locating companies, subcontractors, municipalities, and in some cases, even homeowners who are aware of their own private utility locations.

Deeply Digital had all their subcontractors attend a “Safety Shutdown” where they halted construction for over a week in order to facilitate training with Xcel’s training so that everyone knows what they will have to do on a day-to-day basis to ensure safe and orderly construction. Mr. Cook added that they have had multiple training sessions and a couple of the subcontractors who tried to cut corners were dismissed.

Mr. Cook explained their process for the locates and noted that many times, Deeply Digital has had to call a utility’s locator because they know there’s something more underground that got missed. He pointed out that they have to completely stop construction when a utility is hit, so they spend a lot of time trying to make sure it doesn’t happen.

Mr. Cook noted that Deeply Digital is very close to done with everything north of I-70 and is in the process of redesigning the south side after it wasn’t done correctly. Deeply Digital has also built the new Carrier Neutral Location (CNL) and then any Internet Service Provider (ISP) can use that building.

Mr. Cook also advised that another main thing that will probably be struck over time is sprinkler systems. He said Deeply Digital will almost always repair those onsite, but come springtime, there may be more leaks. He added that he has a whole team dedicated just for that and they are keeping track of any yards that Deeply Digital has dug in or if they feel there is a concern of some sort, in which case, they will be contacting those homeowners as they go along. Mr. Cook said that homeowners are given Deeply Digital’s phone number and as long as the homeowner can show it is close to where they were digging, they will come out and pretty much fix anything.

Councilor Breman said he came home one day and there was a guy standing halfway beneath his yard where he could see the sprinkler pipes. He said it was filled in and he didn’t have any complaints but wondered why he never received any notice about potential problems with sprinkler systems. Mr. Cook responded that they have tried to communicate with the community in a number of different ways including social media campaigns and meetings like the one they had at the Fruita Community Center, but if staff and the Council could assist with spreading the word, that might also help. He

added that at every house where they have had to dig, they have placed a door hanger on the home. In addition, Deeply Digital said they have sent mailers out, asked homeowners to tell their neighbors, and has billboard signs and A-frame signs out to try to make their phone number as visible as possible. Mr. Cook noted that Deeply Digital is also keeping track of all of the calls they receive.

Public Works Director Kimberly Bullen informed the Council that she has an internal only meeting scheduled for next week with her staff to discuss turning on the irrigation system in a systematical way so that geysers don't just start showing up all over town. Staff will then schedule a meeting with Deeply Digital to talk about the systematic approach so that they can stay ahead of those repairs. Ms. Bullen called the issues inevitable because the irrigation water wasn't on when Deeply Digital was going through those neighborhoods, so many of the strikes are yet to be known and located.

Councilor Breman asked Deeply Digital if they are doing As-Built Drawings when they are putting in the conduit and if so, whether the City gets copies of those or they stay in Deeply Digital's records only. Deeply Digital's Engineer responded that they are doing As-Builts for their own records and that they locate their own utility because they don't trust any third parties. He said they could share those records with the City or even their competitors so they know where the infrastructure is located.

Mr. Cook concluded by saying that each week, Deeply Digital's marketing staff gets with Fruita's Communications and Engagement Specialist Ciara Amann and Public Works to let them know where in the City they will be working on a weekly basis. The City will have updates on its website about that, too.

Deeply Digital's current goal is to start turning on the zones in the beginning of April 2024. Over 1,000 residents in Fruita (north of I-70) have pre-ordered the high-speed internet service.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE AND WINE LIQUOR LICENSE (OFF-PREMISES) FOR MAVERIK INC. #400 LOCATED AT 1103 E HIGHWAY 6 & 50**
- B. RESOLUTION 2024-09 – AMENDING THE LIVABILITY COMMISSION BYLAWS CONCERNING COUNCIL LIAISON POSITIONS AND OTHER CHANGES**
- C. FINANCIAL REPORTS - A REQUEST TO APPROVE THE FEBRUARY 2024 FINANCIAL REPORTS**

Mayor Kincaid opened the public hearing on the Consent Agenda. Hearing no comments from the public, he directed it to the City Council.

Regarding Consent Agenda Item B., Councilor Purser said it was her understanding that the Livability Commission requested that the nepotism piece be added to their Bylaws, but she thought it might have already been included in them. Assistant City Manager Shannon Vassen responded that the language regarding nepotism was originally drafted when the City Council adopted the Boards and

Commissions Policy and staff subsequently updated the Livability Commission's Bylaws to also include them knowing that they aren't technically official until the City Council formally approves the Livability Commission Bylaws.

- **COUNCILOR KREIE MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES. COUNCILOR WILLIAMS VOTED YES ON ALL ITEMS WITH THE EXCEPTION OF CONSENT AGENDA ITEM B. (RESOLUTION 2024-09 – AMENDING THE LIVABILITY COMMISSION BYLAWS CONCERNING COUNCIL LIAISON POSITIONS AND OTHER CHANGES).**

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM GEMINI ADVENTURES TO SERVE BEER FOR THE DESERT RATS TRAIL RUNNING FESTIVAL ON SATURDAY, APRIL 13, 2024 FROM 5:00 TO 9:00 P.M. AT CIVIC CENTER MEMORIAL PARK – *DEPUTY CITY CLERK DEB WOODS***

Deputy City Clerk Deb Woods gave staff's presentation, which was a review of the application and other event specifics. She also gave an overview of the commitments from Gemini Adventures that they would be serving one free can of beer to participants, that no other alcohol would be served, that the licensed premises at Civic Center Memorial Park would be encompassed with orange snow fencing that will have labeled and monitored entrances/exits, that professional security had been hired for the event and that there would be signage posted warning that no alcohol could leave or enter the licensed area.

Chief of Police Dave Krouse reviewed the application and provided his memorandum that there was nothing to prohibit the issuance of the license being requested. Ms. Woods concluded by saying that it was staff's recommendation that the Council approve the Special Event Liquor Permit application subject to the following conditions:

- Applicant will discontinue serving beer at 8:30 pm to allow patrons 30 minutes to finish their beverage and leave the permitted area.
- All alcohol will be secured and removed by 9:00 pm.
- The licensee needs to be aware that they are solely responsible for control of the licensed premises regarding alcohol possession, consumption, and adherence to state and municipal liquor laws.

Kyla Claudell, Operations Coordinator with Gemini Adventures, was present virtually as the applicant's representative. Ms. Claudell stated that the event is not-for-profit and will be attended by participants and their families and friends. She further described the event and said its purpose is to celebrate the beginning of the trail season in Fruita.

Mayor Kincaid opened the public hearing on the Special Event liquor permit. Hearing no comments from the public, he directed the matter to the City Council.

- **COUNCILOR PURSER MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR GEMINI ADVENTURES TO PROVIDE BEER FOR THE ATTENDEES OF THE DESERT RATS TRAIL RUNNING FESTIVAL AT CIVIC CENTER MEMORIAL PARK ON SATURDAY, APRIL 13, 2024 FROM 5:00 TO 9:00 PM SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- 2) MODIFICATION OF LICENSED PREMISES – A REQUEST TO APPROVE A MODIFICATION OF LICENSED PREMISES ON A HOTEL & RESTAURANT LIQUOR LICENSE – MALT, VINOUS & SPIRITUOUS FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICAN RESTAURANT & BAR LOCATED AT 439 E HIGHWAY 6 & 50 – ASSISTANT CITY MANAGER SHANNON VASSEN**

Deputy City Clerk Deb Woods provided staff's presentation, which consisted of an explanation of the modification to the licensed premises for El Mescal Family Mexican Restaurant & Bar. The license premises were being proposed to extend to a contiguous back patio.

Chief of Police Dave Krouse reviewed the application and issued his statement that there was nothing that would prohibit the changes in the licensing as requested. Fire Marshal with the Lower Valley Fire District (LVFD) Travis Holder also reviewed the application and issued his comments that the fire department would require an egress in the patio area equipped with panic hardware so that patrons would not be locked in the patio area with no except the one going back into the restaurant.

Co-owner of El Mescal Pablo Munoz-Beas spoke personally with Fire Marshal Holder and has agreed to install a gate with panic hardware as required by the LVFD prior to opening the patio. Mr. Munoz Beas was present in the audience as the applicant's representative to answer any questions that the Council may have.

Ms. Woods provided staff's recommendation of approval of the application for the Modification of Licensed Premises subject to the following conditions:

1. The patio shall be enclosed with a fence except for one egress/exit that is equipped with panic hardware.
2. The patio area shall be monitored to ensure that alcohol is controlled within the area and there are no violations of the Liquor Code.
3. The outside patio shall be kept clean and clear of all glass and other dangerous or unsightly items at all times.

Mr. Munoz Beas has nothing to add.

Mayor Kincaid opened the public hearing to the public. Hearing no comments from them, he closed the public comment period and referred the matter to the City Council.

- **COUNCILOR KREIE MOVED TO APPROVE THE REQUEST FOR A MODIFICATION OF PREMISES APPLICATION FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICAN RESTAURANT & BAR SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. PATIO SHALL BE ENCLOSED WITH A FENCE EXCEPT FOR ONE EGRESS/EXIT THAT IS EQUIPPED WITH PANIC HARDWARE.**
- 2. THE PATIO AREA SHALL BE MONITORED TO ENSURE THAT ALCOHOL IS CONTROLLED WITHIN THE AREA AND THERE ARE NO VIOLATIONS OF THE LIQUOR CODE.**
- 3. THE OUTSIDE PATIO SHALL BE KEPT CLEAN AND CLEAR OF GLASS AND OTHER DANGEROUS OR UNSIGHTLY ITEMS AT ALL TIMES.**

COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

B. LEGISLATIVE HEARINGS

- 1) ORDINANCE 2024-10 – SECOND READING – AN ORDINANCE AMENDING THE FRUITA MUNICIPAL CODE AND CREATING A NEW TITLE IX CHAPTER TO REGULATE UNMANNED AIRCRAFT SYSTEMS – *FRUITA POLICE DEPARTMENT LIEUTENANT NICK PECK***

Lieutenant Nick Peck with the Fruita Police Department provided staff's presentation. He explained that the Ordinance would create a new Title 9 Chapter to regulate Unmanned Aircraft Systems (UASes). The matter was first brought before Council by a concerned resident who had an experience with a UAS (commonly referred to as "drones") and was frustrated with the Police Department's inability to enforce or take any action against the person operating the drone. Subsequently, staff began the process of creating an Ordinance that would give Fruita's Officers local control over the issue.

Lt. Peck pointed out that several components of the original draft Ordinance had been removed such as the requirement of getting consent from the City Manager (or their designee) to fly a drone and not creating drone parks. The revised Ordinance mainly focuses on giving drone operators the ability to enjoy the use of their UASes while making sure that people's actions are safe and that drones are not used to harass or annoy any person or animals. The Ordinance also protects private property rights when hobby drone operators don't have permission to fly over another's property.

Lt. Peck noted that he and Neighborhood Services Coordinator Matt Carson went to an FAA training and met with several drone enthusiasts in the City of Fruita to listen to their concerns. The two also reached out to cities that have enacted Ordinances and Lt. Peck stated that he spoke with a Commander from Windsor who said they have not any issues with the Ordinance they passed except for one small one at their local airport, which was turned over to the FAA.

Lt. Peck stated that it was staff's recommendation that the Council adopt Ordinance 2024-10 on Second Reading.

Mayor Kincaid opened the public hearing on Ordinance 2024-10. Hearing no comments from the public, he directed the matter to the City Council.

Councilors Pursers and Kreie expressed concerns that a UAS operator could say they were using a drone for commercial purposes (allowed) when they really weren't. Lt. Peck pointed out that any use of a drone outside of it being a hobby falls under the FAA's 107 requirements and that Fruita's Ordinance was also designed to make sure that the City is not stepping on people's toes if they are trying to use a UAS for necessary business purposes. Councilor Hancey stated that residents would still have privacy and property rights that cannot be infringed upon that should inhibit an overzealous business use. Lt. Peck agreed, saying that trespassing violations could potentially be applied.

Lt. Peck noted that he was waiting for Council's decision on the Ordinance before he reaches out to the resident who brought the matter to the Council's attention to begin with. He also stated that he was aware of at least two other complaints that have since been received by Fruita PD, so he is certain that UASes involving private property is just going to become more and more of an increasing issue.

The City Council thanked Lt. Peck and Mr. Carson for all their hard work.

- **COUNCILOR HANCEY MADE A MOTION TO APPROVE ORDINANCE 2024-10 – AMENDING THE FRUITA MUNICIPAL CODE AND CREATING A NEW CHAPTER IN TITLE 9 TO REGULATE UNMANNED AIRCRAFT SYSTEMS. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

8. ADMINISTRATIVE AGENDA

There were no Administrative Agenda items.

9. CITY MANAGER'S REPORT

Assistant City Manager Shannon Vassen provided the following updates:

- The agenda for the March Workshop meeting is quite full and will contain the following:
 - Update on Short Term Rental Software and Granicus Compliance Software that staff is using
 - Discussion about the Localism Committee (duties, responsibilities, timeline, mechanic structure, etc.)
 - Discussion on the pre-owned second-hand sales tax exemption on which Grand Junction City Councilor Cody Kennedy presented to the Council earlier this month
 - Discussion on how to reappropriate for public use the proceeds from the sale of Enoch's Lake
 - Consideration of a couple of Proclamation requests
- Fruita's Municipal Election ballots were received this week and must be submitted to the Clerk's Office by 7:00 p.m. on Tuesday, April 2, 2024. He explained where ballots can be dropped off (in the lobby and in the parking lot of the Civic Center) and said that only a handful of ballots have been received back by the City so far. Shannon also provided

instructions for anyone who didn't receive a ballot or needed to register to vote (come to the City Clerk's Office).

- The state legislature is a little over halfway through their session. They are working on a number of bills including multiple, statewide preemptions on land use provisions and land use code changes throughout the state. Just like last year, the Colorado Municipal League (CML) is asking local Council members and their organizations to take a stance in some of these proposed land use bills. Specifically, CML is asking if cities and towns will sign petitions or pass Resolutions opposing these bills because the bills will remove municipalities' abilities as governing bodies to legislate their own local land use policies and replaces them with statewide policies.

Shannon explained that an email was sent to the Mayor and Council containing links whereupon they can sign as either a City Council member or individually. He reminded the Council that last year, the City Council adopted a Resolution opposing the statewide bill and added that this year, the City could adopt more Resolutions for these current proposed bills. Shannon further explained that if these bills pass, cities will face stiff consequences if they don't comply with some of the goals that are outlined inside the bills. One of them, for example, states that if a city doesn't meet certain housing goals, the state can withhold that city's Highway User Tax Fund dollars, which is several hundred thousand dollars per year. There is also a bill that prohibits any sort of parking requirements in downtown zones and other zones.

Shannon advised that while the City of Fruita does not lobby, it is part of organizations that do such as the CML, whose members include every municipality in Colorado except two. All are in opposition of these bills, as is the Associated Governments of Northwestern Colorado (AGNC), to which the City of Fruita also belongs.

The Fruita City Council was in favor of having staff bring forward Resolutions in opposition of the bills that will remove the City's authority to make its own land use decisions.

Shannon affirmed that staff would bring the Resolutions before the Council and if they are adopted, will forward them on to Representative Matt Soper and Senator Janice Rich with the hopes that they will seriously consider the City's feedback in their decision making.

10. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken said he didn't have anything to report, but asked if the results of the Municipal Election will be posted in the lobby of the Civic Center on Election night (April 2, 2024) and Deputy City Clerk Deb Woods confirmed that the Unofficial Results will be. She added that the Official Results would come later (April 12, 2024) and that there is usually not a lot of difference between the two.

COUNCILOR AARON HANCEY

Aaron announced that the Parks and Recreation Advisory Board meeting was rescheduled for one week later on April 8th.

MAYOR PRO TEM BREMAN

Matthew reported that the Fruita Chamber would be meeting the following day and that the Western Colorado Economic Summit will be held on April 16th. He asked staff if the City will have a table for the event. Shannon said staff has been registering people separately and that so far, Amy and Ken were registered. He added that staff could continue doing that or could move ahead with reserving a table, whichever the Council preferred. Matthew noted that he was a panelist on one of the topics at the event. Joel requested that staff register him as well.

Matthew also reported that he was at the Fruita Community Center pool where they have started construction on the new slide. Plywood was put down that was painted and someone commented to Matthew that it was nice that the contractor cares about the aesthetics as they are doing work.

Matthew said as he was coming to the meeting, there was a gentleman with a Rivian that was charging his vehicle outside. The man told Matthew that the last time he was in Fruita, he stayed the night because he was so impressed that he could get a pizza and eat it while sitting on his tailgate and charging his vehicle, which is what he was doing.

COUNCILOR JEANNINE PURSER

Jeannine asked if the City has a table for the Fruita Chamber Annual Banquet and if the Councilors needed to RSVP with Jennifer. Shannon was pretty sure the City has a table, but said he would look into it and get back with the Council.

Jeannine reported that the Coco Vino event was fantastic; the Arts and Culture Board did a really great job and the live auction was super successful. She said she asked several people for expense and revenue comparisons of Coco Vino and the Art Stroll event that in the past was held at the Community Center. Coco Vino wound up making more money than the Art Stroll even though the venue is smaller and the number of participants is less.

Jeannine also reported that many people have pled with her about moving the location of the Fruita Farmers' Market back to Civic Center Memorial Park. She said she knows it's not a City event and the only reason she was bringing it up was because every time she's asked the Chamber, she was told that the City is the one who wanted the Market moved to Reed Park because staff doesn't want activity happening on the grass at Civic Center. Jeannine pointed out that there are all sorts of events that occur all the time at Civic Center Memorial Park.

Joel said the reason was actually the *amount* of the use of the grass at the Civic Center with the Thursday Night Concerts and all the other events that take place there. Matthew stated that Kayla approached the City about moving the Farmers' Market back to the Civic Center this year, but it is a challenge because there are two Saturdays on which other events are already scheduled and now there's concern about consistency in where it will be held.

Jeannine reiterated that there is considerable public interest in moving the Market back to the Civic Center and if the Chamber is interested in that also, she knows the people that she's talked to would

like to see continued conversation about it. She added that she would not have brought it up on her own; it's just that there's been so many people who have come to her about the issue.

Matthew noted that he had a Chamber meeting the following morning at 7:00 a.m. and offered to bring it up to get a feel for where the Chamber is at before potentially talking to the City about it.

Shannon pointed out that the City has a small team that meets with the Chamber often and he's even talked to Kayla about potentially moving the Market back to the Civic Center. He said she has brought it up at the Fruita Tourism Advisory Council meetings, so he thinks the Chamber is still trying to figure out if that's what they want. The Chamber did talk about Reed Park as being a great option because as the number of vendors has increased and the event has grown, they've had a lot more space than what was available previously at the Civic Center. Shannon continued that the Chamber has also added elements such as the "Family Fun Days" and the kids' bounce houses, but he didn't think the City would necessarily decline them from using Civic Center Park if that is really what the Chamber wants to do. He added that he would follow up with the Chamber on it.

Communications and Engagement Specialist Ciara Amann added that other events had already been scheduled for either two or four Saturdays at the Civic Center, so the Farmers' Market would have to be moved for those dates. She also said that because the Market has grown so much, if it were to be held at the Civic Center, the parking lot would have to be used in addition to the grassy area.

Jeannine mentioned that the North Mulberry Plaza has been nominated for an award. Ciara further explained that Fruita is a finalist for the "Downtown Excellence Award," by Downtown Colorado, Inc., who will announce the winner at a conference happening in Durango on April 4th. Design Workshop, the consultant that worked with the City on the Mulberry Plaza, applied for the award on behalf of the City for the design of the space. Parks and Recreation Director Marc Mancuso and Ciara are planning to go to Durango to attend the dinner so that Fruita will have representation and in case the City does win.

COUNCILOR JAMES WILLIAMS

James asked staff to make sure the dog park's water is on schedule for getting turned back on.

MAYOR JOEL KINCAID

Joel referred to an email that was sent to all the Council members from former Mayor Lori Buck. He said Lori talked to Shannon and had a lot of positive things to say about recycling, but he (Joel) still needs to figure out the best way to respond to the email. He asked how many complaints staff is currently receiving each day regarding the new trash cans or the limit on the amount of trash that people can put out.

Shannon said he had a great conversation with Lori and definitely understands her irritation. He added that there has been a lot of frustration over the transition period to move everyone from unlimited trash to the automated trash collection services, although he did not know the number of calls received by administrative staff. Shannon reviewed the history of the City's approval of the contract with Waste Management in 2019 after going out to bid, which is when the City got bids from two companies: Waste Management and Monumental Waste. There was a pretty significant cost difference between the two and Shannon recalled that Monumental Waste was \$10 more per month than Waste Management. City staff then made the decision to continue with Waste Management

because Fruita's goal has always been to keep things as affordable as possible. Shannon also pointed out that Fruita actually has the lowest rates for trash collection services in the Vally when compared to Grand Junction, Palisade and unincorporated areas as well.

Shannon continued that by-hand trash pickup is not the norm anymore and there are several reasons why the City's contract with Waste Management should be renewed for another three years:

- It's becoming more and more difficult to find CDL drivers, especially those that want to work on the back of a trash truck and continually lift trash into the truck.
- There are two size options: 64-gal can and 96-gal can.
- Waste Management is also providing free single stream recycling (which cuts down on landfill costs).
- Waste Management will be offering a leaf pick up for three weeks in the fall.
- Waste Management will offer a holiday dumpster for a couple of weeks.
- Residents can purchase a second trash can for \$4 per month.
- If a Waste Management can is lost or damaged, Waste Management pays for it, not the resident.

Shannon noted that he's also received some positive feedback from residents, as well. The single-stream recycling is very popular. The City's recycling total has gone up 10 tons per month since the rollout of the new cans, which means that 10 tons less is going to the landfill.

Shannon concluded that even if the City were to go with a different waste collection company, it wouldn't be much different because automated trucks have become the norm in the industry. He also pointed out that because Waste Management didn't limit the amount they picked up in the past when they were supposed to be limited to three (3) 32 gal. cans, that made it that much harder for people to switch to the new service.

Joel stated that he would reply to Lori Buck.

Shannon related information from Marc Mancuso, Parks and Recreation Director, that the water will be turned on shortly at the dog park. Ciara noted that the Parks Department waits until the water won't freeze before turning it on, which is typically right after April 1st.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:39 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk
City of Fruita



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR BREMAN AND COUNCILOR PURSER

DATE: MAY 7, 2024

AGENDA TEXT: BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Leona Manuppella to the Arts and Culture Board to fulfill an unexpired term to expire in July of 2027

BACKGROUND

Arts & Culture Board member Justice Sweet Baker resigned from the Arts and Culture Board on April 8, 2024, thus creating a vacancy. Her term was due to expire in July of 2027.

On December 21, 2023, Leona Manuppella submitted her application for appointment to the Arts and Culture Board; however, there were no vacancies at the time. Staff sent Leona a letter explaining that her application would remain on file at the City Clerk’s Office in the event that a vacancy should arise.

On April 16, 2024, Mayor Breman and Council Liaison (at the time) Purser interviewed Ms. Manuppella.

Mayor Breman and Councilor Purser subsequently recommend the appointment of Leona Manuppella to the Arts and Culture Board to fulfill Justice Sweet Baker’s unexpired term to expire in July of 2027. If Ms. Manuppella is appointed, there will still be two (2) remaining vacancies on the Arts and Culture Board. One vacancy occurred when the City Council directed staff to remove Council Liaisons as voting members of the City’s Boards and Commissions. The other vacancy is due to the expiration of Nancy Patterson’s term in May of 2024 as she has informed staff she will not be seeking reappointment. Staff will continue to advertise these two vacancies.

It should be noted that with the appointment of Council Liaisons to Boards and Commissions on this agenda under Council Reports and Actions, Councilor Andrea Stolarczyk will be the Council Liaison to the Fruita Arts and Culture Board going forward.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Boards and Commissions provide valuable input to the City and help establish goals and objectives. They provide a link between citizens of Fruita and city government.

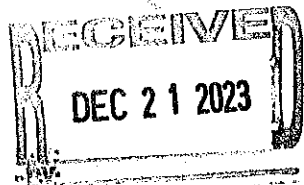
OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Leona Manuppella to the Arts and Culture Board to fulfill an unexpired term to expire in July of 2027
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid and Councilor Purser that the City Council by motion:

- **APPROVE THE APPOINTMENT OF LEONA MANUPPELLA TO THE ARTS AND CULTURE BOARD TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN JULY OF 2027**



FRUITA
COLORADO

Section 6, Item E.

**CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION**

BOARD OR COMMISSION: Arts and Culture
NAME: Leona Manuppella
MAILING ADDRESS: 2150 college place, apt 46

RESIDENCE ADDRESS:

City	State	Zip
<u>Grand Junction</u>	<u>CO</u>	<u>81506</u>

PHONE NUMBER: (970)589-5405

Home	Work
<u>theoutlawedwoman@gmail.com</u>	

E-MAIL ADDRESS:

How long have you been a resident of Fruita? n/a

Occupation/Employer: Doordash/ Self Employed

List any volunteer and/or work experience:

Hobby Lobby- Cashier and Customer service manager (Oct 2019- Nov 2023)
Etsy- owner and operator of small business called The Outlaws Shop (2019-present)
Freelance artist- portraits, designs, crochet projects, and other individual artworks
(2019-present)

Are you presently serving on a board or commission? If so, which one(s)?

No

Why do you want to be a member of this board or commission?

I have a deep love and passion for the arts and would love to help help bring it out to the public for others to enjoy.

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.

I am an artist, so I have a variety of skills in creating works. I also have developed a good eye for design and can be a good aid in anything art related. I am an excellent team player, able to work with a group on large or small scale projects on a tight deadline.

City of Fruita
Boards and Commissions Application
Page 2

Are you committed to attending meetings? ☒ Yes ☐ No
Are you committed to serving an entire term? ☒ Yes ☐ No

Please specify any activities which might create serious conflict of interest if you should be appointed to a particular board or commission. (If unsure, please call the City Manager's office at 858-3663)

No conflict of interest, only potential time conflicts with work as I may be returning to Hobby Lobby. This will be easy to work around though

List any licenses, certificates or other specialized training applicable to the board or commission for which you are applying.

BFA in Graphic Design

Additional information or references you believe may be helpful in considering your application.

I am a resident of Grand Junction (have been most of my life), so I don't know if I am able to work on the board. My sister in law (Bailey Manuppella) had informed me of this opportunity and I wanted to share my information for consideration. I am an artist at my core and love to share my love for the arts with others. Seeing others work is incredible and I think I could be a valued member.

Signature  Date 12/15/23

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying. Frequent non-attendance may result in termination of the appointment.

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

Please feel free to submit a resume along with this application. Application and any attachments should be returned to the Fruita City Council c/o the City Clerk, 325 E. Aspen, Fruita, CO 81521. Although we have indicated the best time to apply for a particular board, we accept applications for any of the boards year-round. Thank you.



LEONA MANUPPELLA

Illustration, Design, and More

leomork.com (970)589-5405 theoutlawedwoman@gmail.com *linktr.ee/theoutlawedwoman

EDUCATION

B.F.A Graphic Design
Colorado Mesa University

AWARDS/SCHOLARSHIPS

First Generation Scholarship
CMU 2019-2023

Academic Achievement CO
CMU 2019-2023

Opal Snowden (Suzi) Boyd
CMU 2022-2023

Dean's List
CMU Fall 2020, Spring 2021

ORGANIZATIONS

American Institute of Graphic Arts (AIGA)

AIGA Colorado Design Slam
participant 2021

Adobe Max Conference virtual
attendee 2020, 2021, 2022

SKILLS

Adobe Creative Suite
Illustration
Logo Design
Layout Design
Web Design
Advertising
Branding
Typography
Social Media
Time Management
Microsoft Products
Mac and PC

ABOUT ME

I am an artist at my core, and I would love to work on your creative project with you! I can be a bit silly at times, but I always work hard and do my utmost best when working on a job or any project.

EXPERIENCE

Etsy Shop Owner & Operator | September 2019-current
Owner and operator of TheOutlawsShop on etsy. I sell hand-made jewelry of my own design, stickers featuring my works, crochet plushies, as well as one of a kind artwork. Designed a logo for the shop that is used for brand identification on web platforms and for tagging items. Also Maintain an instagram for promoting online presence.

Freelance Artist | 2019-current
Receiving commissions through Instagram and in-person, I work one on one with clients to create unique artworks. Primarily I do portraits, but have made icons for social media, tattoo designs, and logos.

Doordash | November 2023-current
Managing time effectively to deliver to customers well.

Hobby Lobby | Oct 2018-November 2023
Primarily worked as a cashier, running a register and assisting in store upkeep. Did time as a CSM, coordinating the front end of the store, keeping up with cashiers, and assisting with customer service.

PUBLISHED WORK

Literary Review | 2021 & 2022
Created illustrations for 4 different short stories and poems.

The Leviathan Project LLC | Logo redesign 2021
Assisted in redesigning the logo for the Leviathan Project, an organization meant to raise awareness and bring support to victims of homelessness, suicide, human trafficking, anxiety, depression, addiction, PTSD, and chronic/catastrophic illness and injury.

REFERENCES

Suzie Garner | (970)210-4411
Professor of Art and Design, Colorado Mesa University

Eli Hall | (417)459-2334
Professor of Art and Design, Colorado Mesa University

Julie Palmer | (970)433-3350
Head Manager, Hobby Lobby



AGENDA ITEM COVER SHEET

TO: MAYOR AND CITY COUNCIL

FROM: DEB WOODS, DEPUTY CITY CLERK

DATE: MAY 7, 2024

AGENDA TEXT: ONE RIVERFRONT APPOINTMENTS – A request to approve the appointments of certain individuals to the One Riverfront for certain terms

BACKGROUND

After the April 2022 Municipal Election, Fruita’s Parks and Recreation Director Marc Mancuso was appointed as the Fruita representative to the One Riverfront as a non-voting member who is allowed to participate in the Interview Committee when members’ terms have expired.

The Committee recently met with candidates and recommend the following appointments to the One Riverfront for the terms listed below:

David Varner	3-year term
Hayden Janssen	3-year term
Meg Thorton	3-year term
Jason Andrews	Partial term to expire 7/31/25
Alyssa Jone	(Alternate Member) 3-year term

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Representation of the City on regional boards and commission help to promote the City’s interests and concerns and provides a link between these agencies and the City of Fruita.

OPTIONS AVAILABLE TO THE COUNCIL

Accept, deny or amend the recommendations of the selection committee for appointments to the One Riverfront

RECOMMENDATION

- **APPROVE THE RECOMMENDATION OF THE ONE RIVERFRONT INTERVIEW COMMITTEE AND APPOINT THE INDIVIDUALS NOTED ABOVE TO THE ONE RIVERFRONT FOR THE TERMS SPECIFIED ABOVE**



Memo

To: Councilmember Jason Nguyen
Fruita City Parks and Recreation Director, Marc Mancuso
Mesa County Parks Manager, Travis Haldeman
Town of Palisade Trustee, Thea Chase
One Riverfront Representative, Ken Scissors

From: Amy Phillips, City Clerk

Date: April 19, 2024

Subject: One Riverfront Volunteer Board Interviews

You will be interviewing 5 applicants to fill four vacancies on the One Riverfront Board. Incumbents David Varner, Tom Barry, and Jamie Porta have terms expiring July 31, 2024. George Manning resigned effective March 27, 2024.

Dinner will be provided at 4:30 p.m.

Wednesday April 24, 2024

<u>Time</u>	<u>Name</u>
5:00 pm	Hayden Janssen
5:20 pm	David Varner call 619-316-0499
5:40 pm	Jason Andrews
6:00 pm	Meg Thorton
6:20 pm	Alyssa Jones
6:40 pm	Interview Team Discussion
7:00 pm	Adjournment

Interview Team Recommendations – please complete.

Term Expiration	Recommendation
Full Term expiring 2027	DAVID
Full Term expiring 2027	HAYDEN
Full Term expiring 2027	MEG
Partial Term expiring 2025	JASON
In the event of a mid-year vacancy, this applicant can be automatically appointed at a future City Council meeting (if applicable).	Alternates Name 1. AYLSSA 2.

One Riverfront Board Roster

Name	Term Expiration
Jane Quimby, Sarah Brooks, Kenneth Scissors, and Joel Sholtes	7/31/2026
George Manning, Stefanie Harville, Nicole Grider, and David Combs	7/31/2025
Vacancy (Geroge Manning)	7/31/2025
David Varner, Tom Barry, and Jamie Porta	7/31/2024

Thank you.

cc: Greg Caton, City Manager



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: KIMBERLY BULLEN, PUBLIC WORKS DIRECTOR

DATE: MAY 7, 2024

AGENDA TEXT: BROWNS HILL ENGINEERING & CONTROLS MULTI-YEAR AGREEMENT - A request to approve a Five-Year Subscription Based Human Machine Interface/Supervisory Control and Data Acquisition (HMI/SCADA) system services agreement with Browns Hill Engineering & Controls subject to final changes by the City Attorney to Section 13 concerning Indemnification and authorize the City Manager to sign the agreement.

BACKGROUND

The purpose of this agenda item is for the City Council to consider approving the attached Five-Year Services Agreement (included as an attachment with this cover sheet) between the City of Fruita and Browns Hill Engineering & Control to provide the capabilities, features and functions of Human Machine Interface/Supervisory Control and Data Acquisition (HMI/SCADA) for the Wastewater Reclamation Facility. SCADA is a service to manage and control the functions of the Fruita Wastewater Reclamation Facility to its customers and residents. Browns Hill Engineering & Controls provides hardware, software, and overall management of the system. The agreement with Browns Hill Engineering & Controls is for a five-year term (2024 thru 2028). Upgrading the SCADA system at the Wastewater Reclamation Facility has been on the Sewer Needs Assessment for many years and will bring the system up-to-date with best practices for treatment and to avoid cyber security threats.

FISCAL IMPACT

The fiscal impact of this agreement for the 5-year term is \$194,718.00 to be paid using the 100% down payment option which significantly lowers the cost due to a discount by paying the full lease upfront.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This agreement with Browns Hill Engineering & Controls aligns with the city's goals of providing quality essential infrastructure and services. This system will provide Wastewater Reclamation Facility (WWRF) staff with capabilities for real time monitoring and control, visualization, historical data storage and trending, reports, and alarms/notifications at the WWRF.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the attached vSaaS Services Agreement as presented or with amendments and authorize

the City Manager to sign the agreement.

2. Advise staff to revise the agreement and bring to be considered at a future date.

RECOMMENDATION

Staff recommends:

- **AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO APPROVE AND EFFECTUATE VSASS SERVICES AGREEMENT WITH BROWNS HILL ENGINEERING AND CONTROLS SUBJECT TO FINAL CHANGES BY THE CITY ATTORNEY TO SECTION 13 CONCERNING INDEMNIFICATION FOR THE HIM/SCADA SYSTEM FOR A FIVE-YEAR TERM**

vSaaS™ SERVICES AGREEMENT

Parties and Contacts	
Browns Hill Engineering & Controls, LLC 8130 Shaffer Parkway, Suite A Littleton, CO 80127 Attn: Matt Ballard E-mail: mdballard @BrownsHillEng.com Referred to herein as "Browns Hill"	City of Fruita 325 E. Aspen Ave. Fruita, CO 81521 Attn: Kimberly Bullen, Public Works Dir. E-mail: kbullen@fruita.org Referred to herein as "FRUITA"

Whereas Browns Hill and FRUITA desire to enter into an agreement beneficial to both parties and to establish a framework for an ongoing relationship, this vSaaS™ Services Agreement ("vSaaS™ Services Agreement") is entered into between Browns Hill and FRUITA, effective on the date that it is signed by both parties ("Effective Date").

1. **Agreement.** Effective on the Effective Date, Browns Hill shall provide to FRUITA the capabilities, features and functions of Human Machine Interface/Supervisory Control and Data Acquisition ("HMI/SCADA") as a service, to manage and control the functions provided by FRUITA to its customers (collectively the "Services"). The Services will be provided through the system described in Exhibit A ("System") at the FRUITA locations determined by FRUITA and Browns Hill and set forth on Exhibit A ("Locations"). The Services will be provided beginning on a date determined jointly by Browns Hill and FRUITA to be the date that the functions provided by FRUITA to its customers will be transitioned from FRUITA's existing system, if any, to the System ("System Implementation Date"). During the Term of this vSaaS™ Services Agreement, Browns Hill shall provide the Services at the rates and terms set forth on Exhibit B to this vSaaS™ Services Agreement.
2. **Initial Setup.** After the Effective Date, Browns Hill will install, configure, and otherwise prepare the equipment described on Exhibit A, and configure the System to prepare it for implementation. Browns Hill shall notify FRUITA once the System is ready for implementation, and the parties shall jointly determine the System Implementation Date. Implementation will be conducted by Browns Hill in cooperation with FRUITA, and FRUITA shall ensure that the necessary FRUITA staff are available to assist with implementation as determined necessary by Browns Hill.
3. **Browns Hill Obligations after Implementation.** Starting on the System Implementation Date, Browns Hill commits to providing the following as part of the Services:
 - a. *System Management.* Browns Hill will provide overall management of the System to allow it to function as appropriate for FRUITA. This includes:
 - i. Interfacing with the broadband service provider to resolve issues related to

internet outages and other issues concerning internet services to the Location(s) for the System Equipment if the internet service is provided by Browns Hill.

ii. troubleshooting and monitoring of all items listed in Exhibit A.

b. *System Equipment Maintenance.* Browns Hill will maintain the System Equipment. This includes:

i. Maintenance and replacement of the devices described on Exhibit A.

ii. Hardware and software updates, configuration, and reconfiguration as necessary, and

iii. Any licensing required to use and operate the System Equipment.

c. *Backup.* Browns Hill will provide backup services and will maintain and troubleshoot the backup services.

d. *Monitoring.* As set forth in Exhibit C, Browns Hill will provide active monitoring of network quality and status of the System Equipment.

e. *Damage from Causes Outside of Browns Hill's Control.* Browns Hill will provide maintenance, service, installation, repair, replacement, and testing of System Equipment at the Location(s) for damage resulting from the causes listed in this Subsection (3)(d). Any damage resulting from any or all of the causes listed in this Subsection (3)(d) and which must be repaired/replaced and tested, must be repaired/replaced and tested by Browns Hill, at the rates set forth in Exhibit B - "Extracurricular Service" plus actual costs (travel to and from the Location(s), lodging near the Location(s), car rental, and any other related out of pocket costs). The costs of any equipment or software determined necessary or advisable by Browns Hill to replace the equipment or software which is part of the System shall be borne by FRUITA and shall be purchased by Browns Hill and provided at Browns Hill's actual cost. The causes listed in this Subsection (3)(d) are:

i. Force Majeure, i.e., factors outside the control of Browns Hill and/or FRUITA, including, but not limited to natural disasters, extreme weather events, war, acts of terrorism, criminal acts, riots, strikes or other labor disturbance, government action or Acts of God;

ii. Utility failures (regardless of the cause of the utility failure), including telecommunications failures;

iii. Failure of FRUITA (or any person or entity acting on behalf of FRUITA): (a) to observe directions in the user's manual, instructions, or the like for any System Equipment, (b) to observe instructions from Browns Hill, or (c) any other incorrect use or inappropriate operation by FRUITA (or any person or entity acting on behalf of FRUITA);

- iv. Modifications to devices, repairs, or attempted repairs to devices without written authorization by Browns Hill (including any considered by FRUIT to be required because of emergency, unless the emergency is caused by Browns Hill), or repairs or replacements or attempted repairs or replacements to System Equipment which are not performed in accordance with written authorization by Browns Hill;
 - f. **Work Required Outside This Services Agreement.** In the event one or more components of the System Equipment are damaged by work performed by another party not commissioned by Browns Hill, Browns Hill will maintain, service, install, repair, replace and test the affected System Equipment. This includes, but is not limited to, warranty maintenance, service, installation, repair, replacement and/or testing, if the relevant manufacturer's warranty requires an authorized company to perform the same to the devices and Browns Hill is not an authorized company. If Browns Hill is required to participate in any such maintenance, service, installation, repair, replacement or testing, such work will be done at Browns Hill's current service rates at the time the work is performed, plus costs (travel to and from the Location(s), lodging near the Location(s), car rental, and any other related out-of-pocket costs).
4. **Exceptions to Browns Hill's Obligations.** Notwithstanding any provision of this vSaaS™ Services Agreement to the contrary, Browns Hill shall not be obligated to provide any of the following services to FRUITA:
- a. *Application Software.* Licensing, updating, developing, and monitoring of application software which is not included in the System.
 - b. *Web Servers.* Setup of web servers, web server development, and web server verification with respect to such equipment or software which is not included in the System.
 - c. *Video.* Video monitoring and recovery with respect to equipment or software which is not included in the System.
 - d. *VoIP.* Configuration, troubleshooting, and monitoring with respect to such equipment or software which is not included in the System.
 - e. *Cosmetic Work.* Any maintenance, service, installation, repair, replacement and/or testing of solely cosmetic defects which do not affect the operation of devices included in the System Equipment.
 - f. *Equipment which is Not part of the System.* Repair, replace and test damage requiring maintenance, service, installation, repair, replacement and/or testing of equipment which is not included in the System.
5. **Service Level Agreement.** Attached hereto as Exhibit C is a Service Level Agreement executed of even date herewith, the terms of which are incorporated by this reference into this vSaaS™ Services Agreement.

6. Reports. Browns Hill shall provide the reports described in this Section to FRUITA from time to time during the term of this vSaaS™ Services Agreement. Such reports shall be provided in the format and by the method determined jointly by Browns Hill and FRUITA.
 - a. *Standard Reports.* The cost of producing these reports is included in the compensation set forth on Exhibit B.
 - i. Operational - Hourly, Daily and Monthly, Itemized and Summary of major operational parameters, e.g., Flow/Volume, Level, Pressure, etc. These reports shall be produced and delivered electronically as required.
 - ii. Regulatory - Hourly, Daily and Monthly, Itemized and Summary of measured parameters as required by relevant regulation and suitable for official submission to regulatory agency. These reports shall be produced and delivered electronically as required.
 - iii. Alarm Summary - Hourly, Daily and Monthly. These reports shall be produced and delivered electronically as required.
7. Repairs/Claims. Browns Hill shall notify FRUITA immediately of any and all damage caused by Browns Hill to FRUITA property and that of third parties. Browns Hill will promptly repair or, at FRUITA's option, reimburse FRUITA for the repair of any damage to property caused by Browns Hill or its employees, agents, or equipment. Browns Hill agrees that it has and will continue to comply with all Laws while providing Services under this Agreement. "Laws" means: (i) federal, state, county and local or municipal body or agency laws, statutes, ordinances and regulations; (ii) any licensing bonding, and permit requirements; (iii) any laws relating to storage, use or disposal of hazardous wastes, substances or materials; (iv) rules, regulations, ordinances and/or similar directives regarding business permits, certificates and licenses; (v) regulations and orders affecting safety and health, including but not limited to the Occupational Safety and Health Act of 1970; (vi) Wage and Hour laws, Worker Compensation laws, and immigration laws.
8. Ownership of FRUITA Data. As used in this Section, the term "FRUITA Data" shall include data: (i) which describes the operations of FRUITA , (ii) electronic records which FRUITA maintains or is required to maintain to provide services to its customers, (iii) its business or statistical information created or maintained by or on behalf of FRUITA , and any measurement, transaction, or determination related to the services provided by FRUITA to its customers. FRUITA Data shall include any of the above which are generated by the System or which Browns Hill may have access to in the course of providing the Services. FRUITA shall be the "Asset Owner" and shall own all FRUITA Data.
 - a. FRUITA hereby grants to Browns Hill a nonexclusive, nontransferable, worldwide:

- i. license to use the FRUITA Data for the sole purpose of providing the Service and maintaining the System, including the internal distribution of FRUITA Data;
 - ii. license to reproduce, display or distribute FRUITA Data as required to produce the Reports required by Section 6 above.
 - b. All FRUITA Data shall be maintained as confidential by Browns Hill and shall be used only for the purposes described herein. Browns Hill agrees that none of the FRUITA Data may be disclosed in any fashion to any other person or entity, regardless of their relationship, until written approval of such disclosure has been obtained from FRUITA. In the event Browns Hill receives a subpoena or other court order to divulge FRUITA Data to a third party, Browns Hill shall notify FRUITA as soon as possible in order to provide FRUITA an opportunity to address such subpoena or court order. FRUITA is subject to the Colorado Open Records Act (CORA) and disclosure of information pursuant thereto or otherwise required by law shall not be a violation of any confidentiality provisions contained herein.
9. Conflicts
- Prior to the execution of, and during the performance of this Agreement and prior to the execution of future agreements with FRUITA Browns Hill agrees to notify FRUITA of conflicts known to Browns Hill that impact Browns Hill's provision of Services to FRUITA.
10. Compensation. FRUITA shall pay to Browns Hill for all services rendered hereunder and all equipment, hardware and software purchased for FRUITA as provided herein during the Term, the amounts determined according to the rates and terms set forth on Exhibit B. Browns Hill will supply invoices to the address listed herein. Invoices are due the first day of the month of the lease period identified on the face of the invoice. The parties agree that the Client's payment of any monies under this Agreement is subject to annual budget appropriations as required by provisions of the Taxpayers' Bill of Rights ("TABOR") contained in Article X, Section 20 of the Colorado Constitution, as amended. The parties further agree that any failure to fund the obligations set forth herein as a result of TABOR-related monetary constraints shall not give rise to any legal or equitable cause of action whatsoever.
11. Term of Agreement. The Term of this vSaaS™ Services Agreement ("Term") shall commence on the System Implementation Date. The Minimum Agreement Term shall be sixty (60) months. Thereafter, a new vSaaS™ Services Agreement shall be executed, except either party may, after the Minimum Agreement Term, terminate this Agreement, providing sixty (60) days written notice is supplied, subject to annual appropriations by FRUITA in compliance with TABOR. Nothing herein shall be construed as creating a multi-year fiscal obligation.
12. Buy-Out. Browns Hill stands behind the System, the Services and believes FRUITA will be satisfied with both. Notwithstanding, the following provisions are given to ensure FRUITA's satisfaction:

- a. After the first twelve (12) months of the Term of the vSaaS™ Service Agreement, FRUITA may elect to purchase some components used to provide the Service. This right is limited to equipment used locally to provide the Service, e.g., radios, modems, enclosures, etc. The internet-based components are specifically excluded. Nevertheless, comparable components to the internet-based components can be purchased from Browns Hill. The purchase price of said components will be via quote from Browns Hill to FRUITA upon request by FRUITA.

13. Liability: Insurance: Indemnification.

- a. To the fullest extent permitted by law, Browns Hill shall indemnify, defend and hold harmless City, its members, affiliates, officers, directors, partners, employees, and agents from and against all claims, damages, losses and expenses, including but not limited to reasonable attorney's fees, arising out of the performance of the Services, provided that any such claim, damage, loss or expense is caused by any negligent act or omission of Browns Hill, anyone directly or indirectly employed by Browns Hill or anyone for whose acts Browns Hill may be liable, except to the extent any portion is caused in part by a party indemnified hereunder.
- b. Nothing herein shall constitute a waiver by FRUITA of any provisions of the Colorado Governmental Immunity Act (CGIA), C.R.S. §§ 24-10-101 *et seq.* as exists or may be amended.
- c. At all times while the Browns Hill is rendering Services, Browns Hill, or any agent thereof, shall maintain Comprehensive General Liability insurance with minimum combined single limits of One Million Dollars (\$1,000,000.00) each occurrence and of Two Million Dollars (\$2,000,000.00) aggregate. The policy shall be applicable to all premises and all operations of the Contractor. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. The policy shall contain a severability of interest's provision. Coverage shall be provided on an "occurrence" basis as opposed to a "claims made" basis. Such insurance shall be endorsed to name FRUITA as Certificate Holder and name FRUITA, and its elected officials, officers, employees and agents as additional insured parties. Such insurance shall provide that it may not be cancelled without thirty (30) days' prior written notice to FRUITA.
- d. Each party entitled to indemnification hereunder shall serve written notice of the claim for indemnification, along with supporting documentation, on the party from whom the indemnification is sought hereunder. The indemnifying party shall have the right to defend any litigation, action, suit, demand, or claim for which indemnification may be sought unless the indemnified party elects to defend any such litigation. If the indemnifying party defends the litigation, action, suit, demand or claim, the indemnified party shall extend reasonable cooperation in connection with such defense, which shall be at the indemnifying party's sole expense. If the indemnifying party fails to defend the same within a reasonable period of time, the indemnified party shall be entitled to assume the defense thereof, and the indemnifying party shall be liable

to repay the indemnified party for all expenses reasonably incurred in connection with said defense (including reasonable attorneys' fees and settlement payments) if it is determined that such request for indemnification was proper. If the indemnifying party shall not have the right to assume the defense of any litigation, action, suit, demand, or claim in accordance with either of the two preceding sentences, the indemnified parties shall have the absolute right to control the defense of such litigation, action, suit, demand, or claim; provided, however, that litigation, action, suit, demand, or claim shall not be compromised or settled without the written consent of the indemnifying party, which consent shall not be unreasonably withheld. In the event the indemnified party assumes the defense of any such litigation, action, suit, demand, or claim, the indemnified party shall keep the indemnifying party reasonably informed of the progress of any such defense (including any proposed compromise or settlement).

14. Assignment and Subcontractors. Browns Hill shall not assign this vSaaS™ Services Agreement or parts thereof for its respective duties, without the express written consent of FRUITA. Notwithstanding the foregoing, FRUITA acknowledges and agrees that Browns Hill may use subcontractors to perform the Services, in Browns Hill's discretion. Browns Hill is solely and fully responsible to FRUITA for the performance of all Services in accordance with the terms set forth in this Agreement, whether performed by the Contractor or a subcontractor engaged by the Contractor.
15. Open Records. The Parties understand that all material provided or produced under this Agreement may be subject to the Colorado Open Records Act, §§ 24-72-202, *et seq.*, C.R.S. Prior to producing copies of this vSaaS™ Services Agreement or any documents reflecting Browns Hill's pricing for the services provided hereunder, FRUITA shall provide Browns Hill with the reasonable right to direct a denial of the right of inspection for any document or portion of a document for which inspection may be denied under the provisions of the Colorado Open Records Act, including, but not limited to, any document or portion of a document which contains trade secrets, privileged information, and confidential commercial or financial data under § 24-72- 204(3)(a)(IV) or any other provision of the Colorado Open Records Act.
16. Tax Exempt Status. FRUITA is exempt from Colorado state sales and use taxes. Accordingly, taxes from which FRUITA is exempt shall not be included in any invoices submitted to FRUITA. FRUITA shall, upon request, furnish Contractor with a copy of its certificate of tax exemption.
17. Miscellaneous.
 - a. Anti-discrimination. Browns Hill is an equal opportunity employer, and agrees not to discriminate against any employee, contractor or applicant for employment or contract labor because of race, creed, color, national origin, sex, sexual orientation, age, physical defect or disability, or any other class of person legally protected in Colorado with regard to but not limited to employment upgrading, promotion or transfer, recruitment or recruitment advertising, layoffs or termination, or selection for training. This Agreement is subject to all applicable laws and executive orders relating to equal opportunity and non-discrimination in employment and Browns Hill represents and

warrants that it will not discriminate in its employment practices in violation of any such applicable law or executive order.

18. Force Majeure. Browns Hill shall not be responsible for delays in the performance of the Services caused by factors beyond its reasonable control including delays caused by Act of God, accidents, failure of any governmental or other regulatory authority to act in a timely manner or failure of FRUITA to furnish timely information or to approve or disapprove of Browns Hill's Services in a timely manner.
19. Prior Agreements; Amendments. This Agreement and any Addenda hereto contain all of the agreements of the parties hereto with respect to any matter covered or mentioned in this vSaaS™ Services Agreement, and no prior agreements or understanding pertaining to any such matter shall be effective for any purpose. All such documents shall be considered one integrated agreement. This agreement can be amended by mutual agreement of both parties. However, no provision of this vSaaS™ Services Agreement may be amended or added to except by an agreement in writing signed by the parties hereto or their respective successors in interest. In addition, both parties agree that from time to time this agreement will be reviewed by both parties to assure it continues to perform to the mutual satisfaction of both parties. This vSaaS™ Services Agreement shall not be effective or binding on any party until fully executed by all parties hereto.
20. Independent Contractor Status. Browns Hill is an independent contractor and nothing in this Agreement shall constitute or designate Browns Hill or any of its employees or agents as employees or agents of FRUITA. Browns Hill shall have full power and authority to select the means, manner, and method of performing its duties under this Agreement, without detailed control or direction from FRUITA and shall be responsible for supervising its own employees or subcontractors. **Browns Hill shall perform the Services as an independent contractor and shall not be deemed by virtue of this Agreement, or any other document attached or referenced herein, to have entered into any partnership, joint venture, employer-employee or other relationship with FRUITA other than as a contracting party and independent contractor. FRUITA shall not be obligated to secure, and shall not provide, any insurance coverage or employment benefits of any kind or type to or for Browns Hill or its employees, sub-consultants, contractors, agents, or representatives, including coverage or benefits related but not limited to: local, state, or federal income or other tax contributions; insurance contributions (e.g., FICA); workers' compensation; disability, injury, or health; professional liability insurance, errors and omissions insurance; or retirement account contributions.**
21. Attorney Fees, Costs and Expenses. In the event any action, proceeding or litigation, judicial or non-judicial, arises out of the subject matter of this vSaaS™ Services Agreement, the prevailing party, as determined by the Court, shall be entitled to payment of all costs, expenses and attorney fees incurred, including those incurred on appeal and for collection of a judgment.
22. Authority. FRUITA represents and warrants that it has the power to enter into this vSaaS™ Services Agreement; that all procedures required for the authorization and execution of this vSaaS™ Services Agreement, including competitive bidding, if applicable, have been taken or complied with; that all payments made hereunder will be paid out of funds which are

legally available for such purposes subject to appropriation.

23. Authority to Execute. The individual executing this vSaaS™ Services Agreement warrants to Browns Hill that such person has sufficient authority to bind FRUITA. Such individual represents and warrants that he or she has the power and authority to execute and deliver this vSaaS™ Services Agreement on behalf of FRUITA.

Browns Hill Engineering & Controls, LLC:

City of Fruita

By: _____

By: _____

Matt Ballard
Chief Operating Officer

Michael P. Bennett
City Manager

Date: _____

Date: _____

EXHIBIT A
TO
vSaaS™ SERVICES AGREEMENT
Between
BROWNS HILL ENGINEERING & CONTROLS, LLC
and
CITY OF FRUITA

DESCRIPTION OF SYSTEM

This Exhibit is incorporated into the vSaaS™ Services Agreement referenced above. The Services will be provided through a " cloud -based" platform, hosted by a third-party provider determined in the sole discretion of Browns Hill.

This platform will be accessed with broadband ethernet-based communications to process control locations using devices and equipment determined by Browns Hill. Such devices and equipment used to access the platform may be owned by either Browns Hill or FRUITA. Collectively the devices and equipment used in the System shall be referred to as "System Equipment". The devices and equipment listed below on this Exhibit are provided for use by FRUITA to allow Browns Hill to provide the Services. This equipment is owned by Browns Hill, and title to such equipment shall not pass to FRUITA unless purchased by FRUITA using the Buy-Out right.

Any non-substantial adjustments to the System within sixty (60) days after the System Implementation Date will be done at no cost; after sixty (60) days any adjustments to the System will be performed at the rates set forth on Exhibit B.

The System provides the Service at the location(s) specified below. The following lists the equipment comprising the System. Any equipment added by Browns Hill, or which replaces the equipment described below will be owned by Browns Hill as well.

DISTRICT OFFICE

QTY.	HMI/SCADA DESCRIPTION
2	BHEC vSaaS™ Edge IIoT Gateway w/cellular data service
1	Fortigate Firewall

In addition, Browns Hill provides unlimited access to the vSaaS™ platform for FRUITA personnel with capabilities for real time monitoring and control, visualization, historical data storage and trending, reports, and alarms/notifications.

FRUITA shall provide electrical power and a secure location for Browns Hill equipment.

Browns Hill Engineering & Controls, LLC

City of Fruita

By: _____

By: _____

Matt Ballard
Chief Operating Officer

Michael P. Bennett
City Manager

Date: _____

EXHIBIT B
TO
vSaaS™ SERVICES AGREEMENT
Between
BROWNS HILL ENGINEERING & CONTROLS, LLC
and
FRUITA WASTEWATER TREATMENT FACILITY

VSAAS™ SERVICES AGREEMENT TERMS SCHEDULE

This Exhibit is executed pursuant to that vSaaS™ Services Agreement (the "vSaaS™ Services Agreement") referenced above. Capitalized terms defined in the vSaaS™ Services Agreement shall have the same meaning in this Exhibit. The terms set forth below are incorporated into the vSaaS™ Services Agreement by this reference.

One-Time Mobilization Fee: Waived (due to 100% down payment)

Minimum Term of vSaaS™ Services Agreement: Sixty (60) months.

Down Payment: \$194,718.00 Due upon contract execution

Monthly Service Fee: \$0.00 (due to full lease amount being paid upfront)

Payment Method: _____ [check, credit card, EFT, etc.]

System Modifications: If substantive changes to the system are requested by FRUITA after sixty (60) days from the Implementation Date, Browns Hill will quote the price for said changes to FRUITA using then current Browns Hill Standard Labor Rates, plus equipment and supplies. FRUITA may elect to pay for these changes via a one-time fee or an increase in the Monthly Service Fee at FRUITA’s discretion.

Extracurricular Service: Browns Hill will provide maintenance, service, installation, repair, replacement, and testing of System Equipment at the Location(s) for damage resulting from causes outside of Browns Hill’s control (see Subsection (3)(d)) at Browns Hill’s labor cost, plus incurred actual costs for material, travel, and supplies. These costs will be borne by FRUITA.

Browns Hill Engineering & Controls, LLC

City of Fruita

By: _____

By: _____

Matt Ballard
 Chief Operating Officer

Michael P. Bennett
 City Manager

Date: _____

Date: _____

EXHIBIT C
TO
vSaaS™ SERVICES AGREEMENT
Between
BROWNS HILL ENGINEERING & CONTROLS, LLC
and
FRUITA WASTEWATER TREATMENT FACILITY

SERVICE LEVEL AGREEMENT
vSaaS™ Services Agreement

This agreement is entered into between Browns Hill and FRUITA in conjunction with a "vSaaS™ Services Agreement" of even date herewith ("vSaaS™ Services Agreement") whereby FRUITA engages Browns Hill Engineering & Controls, LLC ("Browns Hill") to maintain certain equipment defined as the "System Equipment" in the vSaaS™ Services Agreement. This Service Level Agreement ("SLA") is an integral part of the vSaaS™ Services Agreement and the terms of this SLA are incorporated into the vSaaS™ Services Agreement; all capitalized terms defined in the vSaaS™ Services Agreement (including its exhibits) shall have the same meaning in this SLA as in the vSaaS™ Services Agreement. This SLA is effective on the Effective Date, continuing until the last day of the Term of the vSaaS™ Services Agreement.

1. Service. Browns Hill provides financial backing to its commitment to achieve and maintain the Service Levels described herein for the System Equipment. The terms of this SLA will not be modified during the vSaaS™ Services Agreement Term unless by mutual agreement.

2. Definitions.

a. "Available" means the overall system that is comprised in part by the System Equipment is able to perform all of the functions necessary to fulfill the Intended Use. If this system is not able to perform all of such functions due to any reason described in Section 8 below, the system that is comprised in part by the System Equipment shall still be considered Available. If the System is not able to provide such functions because of (i) an Incident which commenced with one of the causes set forth in Subsections 4.c to 4.k (inclusive) below, and which cause was subsequently cured, but (ii) which triggered a period of Downtime because the System is not Available for reasons not set forth in Subsections 4.c to 4.k (inclusive) below, the System shall be considered Available during the entire period even though the Intended Use may not be fulfilled during such period.

b. "Downtime" means a period during which the overall system that is comprised in part by the System Equipment is not Available, and a backup system or components of a backup system cannot be employed to operate the overall system to make the overall system Available to authorized users of the System Equipment. A period of Downtime begins upon FRUITA's notification to Browns Hill, preferably a Trouble Ticket. Downtime ends when Browns Hill has determined that the System Equipment is once again Available to all authorized users. Browns Hill will provide a copy of the Trouble Ticket, including a calculation of the System Downtime with respect to the Incident reported on the Trouble Ticket, within a reasonable period of time after the System Equipment becomes Available. All Downtime shall be classified as set forth in Section 5 below.

c. "Incident" means (i) any single event, or (ii) any set or series of events, which result in Downtime for which notification is made to Browns Hill. An incident may also simply be the discovery by FRUITA that a function of the System Equipment is not working properly.

d. "Intended Use" means the reasonable performance of the physical functions which the System Equipment, as an integrated system, is providing as of the System Equipment Acceptance Date. Performance hereunder shall be determined on a system wide basis, not on an individual component basis. Performance hereunder shall also be determined without reference to the Property described in Exhibit A to the Lease.

e. "Scheduled Downtime" means periods when any or all of the functions of the System Equipment necessary to fulfill the Intended Use cannot be used by FRUITA, because of repairs, maintenance or replacements being performed by Browns Hill as set forth in Section 4.j below.

f. "Trouble Ticket" shall mean either an electronic or physical document which contains the information described in Section 4 below. Electronic tickets may either be submitted electronically (i.e., through Browns Hill's website, Ignition , or as specified by Browns Hill) or verbally (either by telephone or in person). If an electronic Trouble Ticket is submitted to Browns Hill, it will be considered received by Browns Hill upon completion of its submission by FRUITA. If FRUITA submits the information required by Section 4 below verbally (either by telephone or in person), the Trouble Ticket will be considered received by Browns Hill upon completion of the physical Trouble Ticket by a representative of Browns Hill after the information described in Section 4 below is provided to such representative.

3. Trouble Ticket. In the event of an Incident, FRUITA must submit a "Trouble Ticket" to Browns Hill. The Trouble Ticket must include the following information:

- a. A detailed description of the Incident;
 - b. Detailed descriptions of FRUITA's attempts to resolve the Incident at the time of occurrence (subject to the provisions of Section 3(a) of the vSaaS™ Services Agreement.
 - c. The Trouble Ticket must be submitted electronically (i.e., through Browns Hill's website, <https://vsaas.vmscada.com:58043/data/perspective/client/Support>), unless FRUITA determines that the Incident requires emergency resolution. In that event, the Trouble Ticket may be submitted verbally (either by telephone or in person) to Browns Hill at the telephone number provided to FRUITA.
4. Limitations. If the System Equipment is unable to fulfill the Intended Use solely for any of the reasons set forth in this Section (either a single reason or a combination of such reasons), the System Equipment shall still be considered Available. The reasons set forth in this Section are:
- a. During all Scheduled Downtime described in Section j below.
 - b. Any issues discovered by Browns Hill through its monitoring, maintaining, or repairing of the System Equipment, which are resolved by Browns Hill through Scheduled Downtime or otherwise without a loss of function.

- c. Any Incident caused by factors outside the control of Browns Hill and/or FRUITA, including, but not limited to, natural disasters, extreme weather events, war, acts of terrorism, criminal acts, riots, strikes or other labor disturbance, government action or Acts of God.
 - d. Any Incident caused by utility failures (regardless of the cause of the utility failure), including telecommunications failures;
 - e. Any Incident caused by modifications to System Equipment, repairs, or attempted repairs to System Equipment without written authorization by Browns Hill (including any considered by FRUITA to be required because of emergency, unless the emergency is caused by Browns Hill), or repairs or replacements or attempted repairs or replacements to System Equipment which are not performed in accordance with written authorization by Browns Hill;
 - f. Any Incident which results from a failure of FRUITA (or any person or entity acting on behalf of FRUITA) to observe applicable safety regulations or guidelines which result in or contribute to the need for such repairs or replacement; or
 - g. Any Incident which results from FRUITA's use of the System Equipment in a manner not consistent with any written or verbal instructions from Browns Hill to FRUITA.
 - h. Any Incident which results from FRUITA's unauthorized action or lack of action when required, or from FRUITA's employees, agents, contractors, or vendors, or anyone gaining access to the System Equipment.
 - i. Any Incident which results from FRUITA's failure to adhere to any required configurations, use supported platforms, and follow any policies for acceptable use which are communicated from Browns Hill to FRUITA.
 - j. Any Incident which results from the failure, malfunction, unavailability or inadequacy of components or services otherwise necessary for the System Equipment to function properly, but which components or services are not provided by Browns Hill and are not part of the System Equipment. This includes, but is not limited to, valves, switches, gates, communications, internet service, telephone service, transport facilities, utility power, HVAC, security, and the like.
 - k. Any Incident which results, directly or indirectly, solely or in conjunction with any other cause, from the interaction (directly or indirectly) between System Equipment and equipment on FRUITA's Location which is not System Equipment.
5. Scheduled Downtime. During the Term, Scheduled Downtime will be necessary for Browns Hill to repair, maintain or replace the System Equipment, perform required or advisable maintenance to the System Equipment or to correct situations which may affect Availability of the System Equipment.
6. Regular Scheduled Downtime. Browns Hill will notify FRUITA at least ten (10) business days prior to the commencement of Scheduled Downtime. Such notification will advise FRUITA of the exact date and time the Scheduled Downtime will commence, and the expected duration of the Scheduled Downtime. Browns Hill will endeavor to provide notification by telephone that the Scheduled Downtime is about to commence and confirm completion of all prerequisites to the work to be accomplished during the Scheduled Downtime. Browns Hill will also notify FRUITA by telephone or e-mail when the Scheduled Downtime has ended.

7. FRUITA Requested Downtime. If FRUITA requires the System Equipment to be down for its own purposes, FRUITA shall notify Browns Hill via email or telephone with as much notice as possible.
8. Monitoring the System Equipment. Browns Hill is not obligated to monitor the System Equipment, but Browns Hill may monitor the System Equipment in its sole discretion. In addition, Browns Hill may physically visit the Location at which the System Equipment is located at any time in its sole discretion. In the event that Browns Hill elects to monitor the System Equipment, it shall provide remote monitoring of the System Equipment and its operations, using the methods determined at the discretion of Browns Hill. Any knowledge gained through such monitoring which affects the operations of the System Equipment (as determined in the sole discretion of Browns Hill) shall be shared with FRUITA. Browns Hill shall not be responsible for monitoring the local control operations of FRUITA (e.g., opening and closing valves and breakers, monitoring the local environment for alarm conditions, responding to alarms). Browns Hill shall have no liability for the effects of any local control actions, failures, or alarms.
9. Response Time. Browns Hill commits to the following response times to Trouble Tickets submitted by FRUITA to Browns Hill:
- a. Browns Hill shall respond by email to FRUITA within sixty (60) minutes of receipt of a Trouble Ticket, to acknowledge receipt of the Trouble Ticket and advise FRUITA that the Trouble Ticket has been assigned to a technician for resolution.
 - b. Browns Hill shall determine the steps necessary to resolve the Trouble Ticket within twenty-four (24) hours of receipt of the Trouble Ticket. This determination may be made either remotely, or by on-site support. If installation of equipment or software is needed, Browns Hill will schedule such installation within 1-2 business days of the equipment’s delivery, unless such equipment is already in stock.

Browns Hill Engineering & Controls, LLC

City of Fruita

By: _____

By: _____

Matt Ballard
Chief Operating Officer

Michael P. Bennett
City Manager

Date:_____

Date: _____



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER

DATE: May 7, 2024

AGENDA TEXT: RESOLUTION 2024- 15 – A Request to Approve a Resolution Amending the 2024 Budget and Transferring Funds from the General Fund Contingency Account For Contracted Financial Management Services and Electrical Upgrades at Civic Center Park.

BACKGROUND

This budget amendment transfers \$47,000 from the General Fund Contingency to the Finance Department and the Parks and Recreation Department to appropriate funds for Financial Management Services and Electrical Upgrades at Civic Center Park. An overview of each expense is provided here:

- **Financial Management Services** – As was discussed during the City Council meeting on April 2, 2024, the City of Fruita is currently accepting applications for a Finance Director position. The current Finance Director is retiring after 41 years with the City, and this is an integral role with the organization. Earlier this year, staff accepted applications for a period two months (through originally posting the position at the beginning of the year, and then extending it for another month), but did not end up with a pool of qualified applicants. Because of this, staff implemented a formal Requests for Proposals (RFP) process to hire a Financial Management firm in case there is a gap between the two Finance Directors. The City of Fruita received several responses to the RFP, and those are currently being evaluated. This budget amendment transfer funds from contingency to help cover any costs associated with work from hiring a firm. In addition to potential interim Finance Director services, the firm can also serve as a resource for the incoming Director and the department as a whole. The budget amendment transfers \$15,000 to cover these costs, and this will only be spent if the services are used.
- **Civic Center Park Electrical Upgrades** - This budget amendment also transfers \$32,000 from the General Fund Contingency Account to the Parks Capital Projects account for an electrical service upgrade to the Civic Center and Civic Center Festival area. The Civic Center electrical rebuild project addressed several safety concerns as well as electrical code compliance issues, by expanding service to the festival area. The project ensures safe use by anyone utilizing the electrical as well as providing a more reliable service without disruption.

FISCAL IMPACT

- The General Fund Contingency Account of \$300,000 will be reduced by \$47,000 to \$253,000. The purpose of these funds is to allow for the City Council to transfer funds for any expenses that are unanticipated or unexpected throughout the year, and these projects meet this definition.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The contingency transfer includes the necessary costs for interim financial services needed by the City and City Council to effectively conduct business in a consistent and transparent manner. Additionally, it covers an electrical service upgrade to the Civic Center as well as the Civic Center park and festival area that were unexpected but will bring the electrical up to code and ensure safety during musical performances.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the budget amendment as presented.
- Advise staff to amend the budget amendment.

RECOMMENDATION

It is the recommendation of staff that the Council by motion:

ADOPT RESOLUTION 2024-15 – AMENDING THE 2024 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO FINANCE SERVICES CONTRACTS AND PARKS CAPITAL PROJECTS FOR CONTRACTED FINANCIAL MANAGEMENT SERVICES AND ELECTRICAL UPGRADES AT CIVIC CENTER PARK.

RESOLUTION 2024-15

**A RESOLUTION TRANSFERRING BUDGETED AND
APPROPRIATED FUNDS FROM THE GENERAL FUND
CONTINGENCY ACCOUNT FOR CONTRACTED FINANCIAL
MANAGEMENT SERVICES AND ELECTRICAL UPGRADES AT
CIVIC CENTER PARK.**

WHEREAS, the Fruita City Council finds it necessary to transfer funds from the General Fund Contingency Account to the Finance Program for contracted Financial Management services, and,

WHEREAS, the Fruita City Council finds it necessary to transfer funds from the General Fund Contingency Account to fund electrical upgrades at Civic Center Park and the Civic Center Festival Area, and

WHEREAS, contingency funds can be used for unanticipated and emergency expenses throughout the year, and

WHEREAS, the Fruita City Council finds that both of these projects meet the definition of unanticipated expenses and contingency funds can be used for them, and

WHEREAS, the City Manager has certified that these funds are available and that these are an allowable use of contingency funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO AS FOLLOWS:

Section 1: The sum of \$15,000 is hereby transferred from the General Fund Contingency Account to the Finance Program for Contracted Financial Management Services.

Section 2: The sum of \$32,000 is hereby transferred from the General Fund Contingency Account to the Parks Capital Project program for expenses related to the electrical services upgrade at Fruita Civic Center Park.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 7th, DAY OF MAY 2024**

ATTEST:

City of Fruita

City Clerk

Matthew Breman, Mayor



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER

DATE: MAY 7, 2024

AGENDA TEXT: Ordinance 2024-12 – First Reading – An Introduction of an Ordinance Amending Chapter 8.08 of the Fruita Municipal Code Regarding Garbage and Solid Waste.

BACKGROUND

The purpose of this Ordinance is to update the Municipal Code to reflect industry standards and practices concerning the collection and disposal of solid waste. This Municipal Code amendment addresses a few sections of Chapter 8.08, as outlined here:

- **Containers** – This amendment updates language on garbage and trash containers to reflect that containers will be provided through the City of Fruita by and through its contractors, and that residents and businesses can use containers up to 96-gallons in size. The previous language, adopted in 2011, indicated that the largest container that could be used was 32 gallons.
- **Replacement of Containers** - This amendment also updates the code to reflect current practices that trash containers, when the containers can no longer be used, will need to be reported to the City for replacement.
- **Weight Restriction of Containers** – This Municipal Code amendment also removes the weight maximum of containers (previously 50 pounds). Since the City's contractor has moved to an automated system, there is now no weight requirement for the containers.
- **Placement of Containers** – This update also reflects how containers should be placed, and removes section F regarding tree trimmings and hedge cuttings as it is no longer applicable.

These changes bring the municipal code up to date to reflect current trash and recycling collection services throughout the City of Fruita.

FISCAL IMPACT

There is no fiscal impact to approving this Municipal Code Amendment.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This amendment will update the Municipal Code to reflect the current conditions of trash and recycling services throughout Fruita, a key core service that City provides through its contractors.

OPTIONS AVAILABLE TO COUNCIL

- Approve First Reading as presented and Schedule Public Hearing for June 4, 2024

- Advise staff to amend the amendment and approve, and then schedule the Public Hearing for June 4, 2024

RECOMMENDATION

Staff recommends that the City Council:

MOVE TO APPROVE A SYNOPSIS OF ORDINANCE 2024-12 AMENDING CHAPTER VIII OF THE FRUITA MUNICIPAL CODE REGARDING GARBAGE AND SOLID WASTE FOR A PUBLIC HEARING BEFORE THE CITY COUNCIL TO BE HELD ON JUNE 4, 2024.

ORDINANCE 2024-12
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FRUITA, COLORADO AMENDING CHAPTER 8.08 OF THE FRUITA
MUNICIPAL CODE REGARDING GARBAGE AND SOLID WASTE.

WHEREAS, the regulations concerning the collection, disposal, and accumulation of solid wastes are in need of revision to reflect industry standards and practices, and

WHEREAS, it is the intent of this ordinance to amend regulation concerning disposal of solid waste, container sizes and weights, and to update obsolete provisions of the code.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THAT:

Section 1: Section 8.08.020 of the Fruita Municipal Code and Ordinance 2011-01, S3, concerning the collection of Garbage and Solid Waste are hereby amended to read as follows: (~~redline indicates deletion,~~) **BOLD AND CAPS** indicates addition.

8.08.020 CONTAINERS - ~~TO BE PROVIDED AND MAINTAINED BY OWNER OR OCCUPANT.~~ ~~Owners and occupants of property generating solid waste shall at all times maintain in a clean condition and in good order, a container(s) for solid waste.~~

- A. Residential solid waste shall be placed in disposable plastic bags with the top securely tied in secured containers no larger than **NINETY-SIX (96) GALLON CONTAINERS. CONTAINERS WILL BE PROVIDED BY THE CITY BY AND THROUGH ITS DULY AUTHORIZED EMPLOYEES, ITS CONTRACTORS OR CITY LICENSED OPERATORS. CONTAINERS MUST BE MAINTAINED IN A CLEAN CONDITION AND IN GOOD ORDER FOR SOLID WASTE.** ~~The combined weight of the contents and bag or containers shall not exceed fifty (50) pounds.~~ The containers **PROVIDED** ~~shall~~ **WILL** be a watertight receptacle of a solid and durable grade of metal or fire-resistant plastic and shall be provided with a suitable handle or handles on the outside and with a tightly fitting metal or plastic cover ~~equipped with a handle.~~ The container must not have anything within the container to prevent the free discharge of the contents.
- B. Business establishments which have solid waste in quantities sufficient to make impractical its storage in ~~thirty-two (32)~~ **NINETY-SIX (96)** gallon containers, shall provide other suitable means of containment so as to prevent it from being scattered along the streets and alleys. Solid waste shall be deposited in such manner as to be readily accessible to the collection crews.
- C. All containers that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the collector or others whose duty it is to handle the containers or to such an extent that the lid shall not fit tightly or securely, **SHALL BE REPORTED TO THE CITY TO BE REPLACED.** ~~will be condemned by the City acting through the code enforcement officer.~~

(Ord. 279, S2, 1973; Ord. 249, S1, 1970; Ord. 2011-01, S3)

Section 2: Section 8.08.080 E and F of the Fruita Municipal Code and Ordinance 2011-01, S3, concerning the collection of Garbage and Solid Waste are hereby amended to read as follows: (~~redline indicates deletion,~~) **BOLD AND CAPS** indicates addition.

8.08.080 RESIDENTIAL SOLID WASTE COLLECTION.

E. Placing of Waste Matter for collection:

1. ~~Any person desiring to place residential solid waste for collection shall place~~ **CONTAINERS MUST BE PLACED WITH WHEELS FACING CURB AND THREE FEET FROM ANY OTHER OBJECT** at the front of the premises of each residential property, or at the rear of the premises where there is an alley, not later than 7:00 a.m. on those days designated by the City Manager for collection of residential solid waste in the zone in which the resident is located.
2. Containers for solid waste and recyclable materials shall not, at any time, be placed on the sidewalk or in the street or alley, or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.

~~F. Tree Trimmings and Hedge Cuttings. Any persons desiring to place tree trimmings or hedge cuttings for collection shall cause the same to be securely tied in bundles not heavier than fifty (50) pounds, nor more than four (4) feet in length and twelve (12) inches in diameter. Heavy tree branches, tree trunks or stumps shall not be included. (Ord. 279, S2, 1973; Ord. 249, S1, 1970; Ord. 2011-01, S3)~~

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 4th, DAY OF JUNE 2024**

ATTEST:

City of Fruita

City Clerk

Matthew Breman, Mayor



AGENDA ITEM COVER SHEET

TO: Mayor & City Council

FROM: Mike Bennett, City Manager & Dan Caris, Planning & Development Director

DATE: May 7, 2024

AGENDA TEXT: Fruita Strategic Plan and Master Plans Update

BACKGROUND

Following the recent election on April 2, 2024, and the swearing in of Mayor Breman and Council members Hancey, Stolarczyk, and Parrish on April 12, 2022, staff will be presenting updates on various topics at City Council meetings in May and June to prepare for City Council to strategically plan in August. The updates are planned as follows:

- **May 7:** Strategic Plan, Comprehensive Plan, Land Use Code (LUC), & Growth
- **May 21:** Parks, Health, Recreation, Open Space, & Trails (PHROST) Master Plan & Communications, Engagement & Tourism
- **May 28:** Multi-Modal Circulation Plan & Capital Improvement Plan (CIP)
- **June 4:** Wastewater Capital and Maintenance & 2021 Community Survey Results

To prepare for this update, you can browse the following plans linked below:

- [Fruita Strategic Plan](#), a 2-4 year plan last updated in the Fall of 2022
- [Fruita in Motion Comprehensive Plan](#) adopted in February 2020 (link [here](#) to a story map of the process)
- [Fruita Land Use Code](#) adopted in October 2021

For the future updates, you can browse the following prior to their corresponding Council meetings:

- [Parks, Health, Recreation, Open Space and Trails](#) master plan adopted in April 2021
- [Fruita Multi-Modal Circulation plan](#) adopted in February 2022
- [2021 Community Survey Results](#) – next survey planned for 2025

The topics of wastewater, CIP, communications, engagement & tourism will be presented, without the need to link to any specific plans as they are extensions of the comprehensive plan.

To find City master plans, they are all found on www.fruita.org under the tabs CITY HALL – PLANNING & DEVELOPMENT – MASTER PLAN & GUIDING DOCUMENTS or linked above.

FISCAL IMPACT

For information purposes.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The updates cover the foundation of all our goals and objectives.

OPTIONS AVAILABLE TO THE COUNCIL

For Information Purposes.

RECOMMENDATION

No Action recommended. For information purposes only.



FRUITA
COLORADO

COUNCIL WORKSHOP
AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: MAY 7, 2024

AGENDA TEXT: Changes to certain upcoming City Council meetings

BACKGROUND

At the April 23, 2024 City Council Workshop meeting, staff proposed the following changes to the dates of certain upcoming Council meetings due to scheduling conflicts with an event and a holiday:

DATE	MEETING NAME	CANCEL/RESCHEDULE	REASON
June 18, 2024	City Council Regular Meeting	Reschedule to Monday, June 17	CML Annual Conference
July 2, 2024	City Council Regular Meeting	Cancel	4 th of July holiday

The Colorado Municipal League (CML) Annual Conference is scheduled for June 18 – 21, 2024 in Loveland and it is anticipated that many Council members as well as a few staff members will be attending.

At the April 23rd Council Workshop meeting, the City Council agreed to reschedule the Tuesday, June 18th meeting to Monday, June 17th. In addition, the Council recognized that it would be best to cancel the July 2nd Regular meeting due to its proximity to the July 4th holiday.

Pursuant to Section 2.10.030(B) of the Fruita Municipal Code, “If there is a conflict of such meeting dates with a holiday or other event, the City Council may cancel or establish an alternate regular meeting date **upon motion and public notice of the changed date.**”

If the aforementioned Council meetings are rescheduled and canceled, staff will complete the steps of publishing a notice as required by Open Meeting Laws and updating the City’s website to reflect the changes.

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES

N/A

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the changes to the dates of the aforementioned Regular meetings of the Fruita City Council
- Suggest alternate changes to the dates one or both of the aforementioned Regular meetings of the Fruita City Council
- Not reschedule any of the dates of the aforementioned Regular meetings of the Fruita City Council

RECOMMENDATION

It is the recommendation of staff that the Council by motion:

- **RESCHEDULE THE TUESDAY, JUNE 18, 2024 REGULAR CITY COUNCIL MEETING TO MONDAY, JUNE 17, 2024 AND CANCEL THE TUESDAY, JULY 2, 2024 REGULAR CITY COUNCIL MEETING**



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MICHAEL BENNETT, CITY MANAGER

DATE: MAY 7, 2024

AGENDA TEXT: City Council Boards and Commissions Assignments

BACKGROUND

Appointment of City Council liaisons to various Boards and Commissions are made shortly following the regular Municipal Election held every two years.

At the April 23, 2024 Workshop meeting, the Council discussed which members are interested in serving as the liaison to which Boards and Commissions. Attached is the list showing the decisions that resulted from that discussion.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Boards and Commissions provide valuable input to the City and help establish goals and objectives. They provide a link between citizens of Fruita and city government.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the appointments of Council members to various boards and commissions as stated in the attached list for terms beginning in May of 2024 and ending in April of 2026
2. Do not approve the appointments and continue discussions on the issue.

RECOMMENDATION

It is the recommendation of staff that the City Council, by motion:

- **MOVE TO APPOINT THE MAYOR AND CITY COUNCIL MEMBERS TO THE VARIOUS BOARDS AND COMMISSIONS AS STATED IN THE ATTACHED LIST FOR TERMS BEGINNING IN MAY OF 2024 AND ENDING IN APRIL OF 2026**

Board/Commission	2024 Appointments	Requires		Meeting Time
		Elected Official?	Voting or Non-voting	
Board of Adjustments	Matthew Breman	Yes	Non-Voting	As needed
Historic Preservation	Amy Miller	Yes	Non-Voting	1st Mon/month/11:00am/Ccivic Center
Parks & Recreation	Aaron Hancey	Yes	Non-Voting	1st Mon/month/5:30pm/City Shops
Police Commission	James Williams	Yes	Non-Voting	3rd Wed/quarterly/7pm/Police Dept.
Tourism Advisory	Rich Parrish	Yes	Non-Voting	4th Thurs/month/11am/Civic Center
Arts & Culture	Andrea Stolarczyk	Yes	Non-Voting	2nd Wed/month/5:30pm/City Shops
Livability Commission	Amy Miller	Yes	Non-Voting	3rd Thurs/month/4pm/Civic Center
Fruita Housing Authority	All Council members	Yes	Voting	As needed
Grand Valley Regional Transportation	Rich Parrish	Yes	Voting	4th Mon/month/3-5pm/GJ Council Chambers
Chamber of Commerce	Matthew Breman	Yes	Voting	3rd Wed/month/7-8:30am/Civic Center
AGNC	James Williams	Yes	Voting	4th Wed/month/different cities/8:30am-2:30pm (updated 4/2024)
GJEP	Aaron Hancey	No	Voting	3rd Wed/month/7:30-9am/GJEP offices in GJ
GJEP Ex-Officio	Mike Bennett	No	Non-Voting	3rd Wed/month/7:30-9am/GJEP offices in GJ
Fruita Youth Action Council	Jeannine Purser	Yes	Liaison	2nd Monday of the month/6:30-8:00pm
Museum of Western Colorado	Andrea Stolarczyk	Yes	Voting	4th Wed/month/5pm/Main Office
GJ Air Alliance Board	Mike Bennett	No	Non-voting	2nd Friday/month/9am/GJ Chamber Offices

***For information sake:**

One Riverfront Commission	Marc Mancuso	No	Non-voting	2nd Mon/every other month 5:30pm/ 544 Rood in GJ
River Corridor Initiative	Marc Mancuso	No	TBD	TBD
Mesa County Opioid Settlement	Dave Krouse	No	Voting	As needed--averaging monthly typically on a Thursday
CML Policy Committee	Shannon Vassen	No	Voting	February, October, December in Denver; June at CML conf.
Greater Grand Junction Sports	Marc Mancuso	No	Voting	last Wed each month @ 3pm, CMU
Outdoor Recreation Coalition Advisory	Mike Bennett	No	Advisory	As needed
911 Communication Center	Dave Krouse	No	Voting	Quarterly
Mesa County Enterprise Zone	Mike Bennett	No	Voting	Quarterly or as needed to vote on applications



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: MAY 7, 2024

AGENDA TEXT: EXECUTIVE SESSION – 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 Municipal Court Judge’s annual informal review

BACKGROUND

The City Council has reason to convene in Executive Session to discuss a personnel matter. To convene in executive session, state law requires that a motion with specific language requesting the executive session be passed with 2/3 of the governing body voting in the affirmative for said motion.

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Council:

- **MOVE TO CONVENE INTO EXECUTIVE SESSION FOR DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE MUNICIPAL COURT JUDGE’S INFORMAL REVIEW**

ANNOUNCEMENT NO. 1

***ANNOUNCEMENT TO BE MADE BY MAYOR
AT THE BEGINNING OF THE EXECUTIVE SESSION
(MAKE SURE THE SESSION IS BEING RECORDED;
DO NOT STOP RECORDING DURING THE EXECUTIVE SESSION
UNLESS SO ADVISED BY LEGAL COUNSEL.)***

It's May 7, 2024 and the time is _____. For the record, I am the Mayor, Matthew Breman. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

_____.

This is an Executive Session for the following purpose:

For discussion of a personnel matter under C.R.S. section 24-6-402(4)(f) for the Municipal Court Judge’s Annual Informal Review

ANNOUNCEMENT NO. 2

***ANNOUNCEMENT TO BE MADE BY THE MAYOR
BEFORE CONCLUDING THE EXECUTIVE SESSION
(WHILE THE SESSION IS STILL BEING RECORDED)***

I hereby attest that this recording reflects the actual contents of the discussion at the executive session and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings Law.

_____ I will have the Deputy City Clerk retain the recording for a 90-day period.

***OR
(if City personnel was the
subject of the session and
was not present at the session)***

_____ I will retain the tape in my possession for a 90-day period.

The time is now _____, and we now conclude the executive session and return to the open meeting.

(stop recording and return to open meeting)