

**FRUITA CITY COUNCIL  
VIRTUAL MEETING  
MAY 18, 2021  
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 Lori Buck  
City Councilor Kyle Harvey  
City Councilor Heather O'Brien  
City Councilor Matthew Breman  
City Councilor Karen Leonhart

**Excused Absent:**

City Councilor Ken Kreie

**Also present:**

City Manager Mike Bennett  
City Clerk/Finance Director Margaret Sell  
Management Analyst Shannon Vassen  
Deputy City Clerk Deb Woods  
City Planner Henry Hemphill  
Public Works Director Kimberly Bullen  
City Engineer Sam Atkins  
Municipal Court Judge Dan Robinson (virtually)  
City Attorney Paul Wisor  
Fruita Rotary Club Event Manager Lou Mudd  
Members of the public

**2. PLEDGE OF ALLEGIANCE**

Mayor Kincaid led in the Pledge of Allegiance.

**3. AGENDA – ADOPT/AMEND**

Mayor Kincaid asked if there were any additions or changes to the agenda. Deputy City Clerk Deb Woods responded that there were no changes to the agenda.

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

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

- ##### **A. PROCLAIMING THE WEEK OF MAY 16 – 23, 2021 AS “NATIONAL PUBLIC WORKS WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY PUBLIC WORKS DIRECTOR KIMBERLY BULLEN**

The Proclamation was read by Councilor Matthew Breman. Public Works Administrative Technician Amanda Downie and Public Works Superintendent John McBride accepted the Proclamation on behalf of the Public Works Department. Mr. McBride explained that Public Works Director Kimberly Bullen was not present to accept the Proclamation as originally planned because she wasn't feeling well. He thanked the Council for the Proclamation.

#### **5. PUBLIC PARTICIPATION**

**Mary Redeker**, 209 W. Sunset Drive (*member of the in-person audience*), said she was opposing the promotion of the book *Rising Out of Hatred: The Awakening of a Former White Nationalist* by Eli Saslow. She feels that the book assumes that because some people are white, they may have white supremacist thoughts and need retraining. She said this leads to race-shaming of the white population and that it is that mentality that is in line with some of those in the BLM movement who are trying to usher in neo-Marxism and who are using “divide and conquer” tactics. She implored the community not to fall prey to those ideas because she came from St. Louis, MO, where these same ideas have had a huge grip on the community for years. Ms. Redeker stressed that she knows it leads to further racial division.

Mrs. Redeker suggested that instead, Fruita should start by helping the underprivileged gain the necessary skills to be successful people, use resources and talent to promote other peoples' success and show them that they do not have to be victims of society, but rather, successful and prosperous community members.

Mrs. Redeker concluded by saying that race-shaming and guilt-tripping of an entire group of people is racist in and of itself and does nothing to promote unity.

**Debra Moreland**, 254 N. Mulberry Street (*member of the in-person audience*), asked that the City of Fruita remove itself from the social agenda activities of Fruita for Equality because although she has been assured that the group does not promote Critical Race Theory, she knows what has happened in other cities where these consciousness-raising activities escalate until demands (such as defunding the police) are satisfied. Ms. Moreland said rioting begins if those demands are not met.

Ms. Moreland noted that Fruita for Equality is encouraging the whole community to read the book *Rising Out of Hatred: The Awakening of a Former White Nationalist*, which uses the divisive race-baiting term “white nationalist” as a synonym for racism even though the term actually means a white person who believes in nationalism or patriotism as opposed to selling out their country to globalism.

Ms. Moreland went on to say that the left has tried to redefine language by making the term “white nationalist” synonymous with racism so that it can be generalized to all patriotic white conservatives, who she said do not divide people up according to color; they come together based on conservative values, belief in the US Constitution and in supporting law enforcement.

Ms. Moreland pointed out that Councilor Karen Leonhart is directly involved in Fruita for Equality and that in addition, she belongs to the Rotary Club, which also appears to be involved with the group. She added that most concerning was that Councilor Leonhart is also on the Police Commission (as the Council Liaison to the board). She said according to Police Chief Dave Krouse, Fruita for Equality has already given a presentation to the Fruita police, but that both he and Finance Director/City Clerk Margaret Sell have assured her that there has not been any pressure to change or defund the police; however, in the interest of objectivity and any appearance of bias, she and her supporters were asking that Councilor Leonhart be replaced on the Police Commission with a Council member who is not involved with social agenda activities.

Ms. Moreland then stated that Councilor Kyle Harvey is Manager of the Lithic Bookstore, which is involved in selling books, so he has a conflict of interest also. She made the argument that both Councilors Leonhart and Harvey have a right to free speech and involvement as citizens, but not as City Council members. She pointed out that on the Fruita for Equality Proclamation, it says that the City of Fruita has signed a letter of support to promote the social agenda activities.

Ms. Moreland stated that she would like to see the Fruita City Council and City staff cease endorsing Fruita for Equality by not putting the City logo on “woke” social agenda activities and instead just run the City and put on great festivals to bring all neighbors together like Fruita has always done.

Ms. Moreland concluded by asking if everyone could just have a break from the pot-stirring agendas and come together to heal after an incredibly stressful year.

**Andrea Barber**, 334 Crystal Court (*member of the in-person audience*), expressed concern about the City’s involvement with the “partisan group, Fruita for Equality.” She said she was surprised to see the City lending credence to the cause by highlighting their events in the most recent community newsletter (the *City Link*).

Mrs. Barber continued that she wholeheartedly believes that the equality movement is rooted in far-left Marxist ideology, which does nothing to heal or unite communities. She added that equality ideology shuts down free speech by labeling any opposition to the movement as “hate speech,” which she said is responsible for “cancel culture,” which tragically leads to the end of debate, discourse and the free exchange of ideas.

Mrs. Barber’s other prepared statements included the following:

- Equality ideology moves to eradicate systems of meritocracy, replacing them with systems that try to ensure equality of outcomes.
- It forces people to look at each other through the lens of race, gender and class, rather than one’s individual abilities, achievements and worth.

- These are not the values of the majority of Americans, Fruita residents and certainly not of the majority of parents.
- Although she doesn't agree with the mission of Fruita for Equality, she 100% supports their right to assemble and to free speech.
- As a private citizen, however, it concerns her to see her local government getting involved in partisan ideologies and issues.
- Knowing the Fruita City Council supports far-left ideology, it makes her wonder if they would also support a community-based Constitutional Civics Class.
- What about upcoming pro-life issues and events? She guessed probably not, and in reality, doesn't want the Fruita City Council doing any of the above because those things fall way outside their job descriptions.
- According to the City's own website, the Council is to:
  - Adopt the Budget
  - Determine the City tax levy
  - Adopt Ordinances and Resolutions
  - Ratify appointments made by the Mayor
  - Appoint a City Manager and enact necessary legislation required for the operation of the City Council members.
- Nowhere does it mention that the Council should be promoting partisan ideologies bent on transforming the culture.
- As elected officials, the City Council gains their ability to govern from the people and she for one, has not given her consent to be governed in such a way.
- This diminishes her confidence in the Council's ability to work through issues in a truly fair and balanced way.
- She was present at the meeting to hold the Council accountable to their elected roles.
- She is further dismayed by the appearance of impropriety at work: two City Council members are also involved with the other two entities sponsoring Fruita for Equality:
  - Kyle Harvey manages Lithic Bookstore
  - Karen Leonhart is part of the Rotary Club
  - This is an obvious conflict of interest for them to be a part of the sponsoring groups and endorsing their support from their elected positions.

In conclusion, Mrs. Barber requested that the Council formally withdraw its support from Fruita for Equality and refrain from getting involved in the social justice movement. She said that Fruita is a wonderful, caring, inclusive community that values the freedom endowed to each individual "by our creator and protected by our Constitution."

**Glen Warner**, 530 Amethyst Drive (*member of the in-person audience*), said that he attended a few of the Fruita for Equality events the previous week and it reeks with socialism and is a "wolf in sheep's clothing." He thinks that Fruita is diverse, people get along, people work their problems out and once, the City was voted one of the ten safest cities in Colorado. Mr. Warner formally requested that the Council withdraw any support from Fruita for Equality.

**Tray Downey**, 272 N. Mesa Street (*member of the in-person audience*), stated that he is an active and proud member of Fruita for Equality, and thinks it is very important for the City and Council to understand that the main point of the entire group was to include more people in the conversation. He

said at every single meeting, there has been a discussion about how the group can get more people to join them whether they agree with the group or not, so it is not so much about the group trying to force something on somebody else; they are trying to have a conversation with people who might not understand people different from themselves.

Mr. Downey stated if people truly don't understand others, Fruita for Equality provides the opportunity for people to get together, be good neighbors and have conversations with one another. He said he is fourth generation in Fruita and does love it here, but growing up as a gay man in Fruita, he lived with being bullied, taunted and called names every single time he was on the bus and so, that is not the town that everyone should live in. He said it's not that Fruita for Equality concerns itself with what people can and cannot do; if someone wants to say those words, that is their right, but having conversations about those things and having an open forum where people can learn what they should or shouldn't say is a great opportunity. Mr. Downey concluded by saying that it is completely imperative that Fruita's Council members who are a part of Fruita for Equality are allowed to remain on it and that just because they choose to represent their City does not mean that they lose their freedom of speech.

**Wendy Wood**, 1891 J 6/10 Road (*member of the in-person audience*), said she does believe that the purpose of Fruita for Equality is to bridge a gap and that she thinks that a lot of people have good intentions at their core; however, she thinks that oftentimes, things snowball and become bigger than what was intended and then they usually get twisted and corrupted.

Ms. Wood continued that she attended the Fruita for Equality event the previous Wednesday evening and had the pleasure of talking with Shanachie Carroll. She said it was a good conversation and she appreciates his heart, but at the same time, she has a lot of concerns for the same reasons that people spoke about earlier. She said if a person is white and proud of this county, the book that is being promoted would say that the person is close to being a racist or at least a white supremacist. She asked why the group didn't pick a book that would be inclusive and speakers that aren't in support of shaming white people.

Ms. Wood concluded by saying that it is now well known that Black Lives Matter is a Marxist movement. She also echoed the previous statements about the conflicts of interest and asked the Council remove its support of Fruita for Equality as the City of Fruita and as City Council members.

**Samantha Wyatt**, 165 S. Peach Street (*member of the in-person audience*), said that Fruita for Equality is just trying to start a conversation about trying to learn who we are as a community and that she would encourage everyone to start questioning why they are not in support of that because that says more about a person than it does about the community.

**Jerry Wood**, 1891 J 6/10 Road (*member of the in-person audience*), said that nobody was trying to shut down communication or discussion, but if the interest is in having discussion, launching with an ideology that starts defaming and slandering your neighbors by calling them white supremacists is not a good way to start a conversation or open dialogue.

Mr. Wood continued that he agreed with so many things that had been said and also agreed that the community needs an open dialogue, but that he and others cannot support the ideology, and that he would urge the Council to look at where the ideology has flourished in this country and the many big cities which are burning, have been looted and are continuing to be destroyed.

Mr. Wood added that the ideology brings hatred and violence, so if the City is backing it, that is what they are voting for.

**Perry Tally**, 122 Almond Circle (*member of the in-person audience*), said she was in support of the things that had been said previously concerning the City not providing any support or logos for Fruita for Equality and that she knew there would be a lot more people at the meeting that couldn't attend because of the high school graduation ceremony.

Ms. Tally noted that it seemed that there was a lot more support for having the City not be involved in Fruita for Equality and that she was shocked to see City, Rotary and library logos on some materials for the group's events. She said she knew there were many people who felt the same way.

**Stacey Pottorff**, 165 S. Peach (*member of the in-person audience*), said she wanted to throw her support behind the equality work. She said she has actually read the book and called it fantastic. She said she wasn't sure how many people actually read it, but it isn't shaming white people; it is just a conversation about a man who maybe learned some stuff, so she wasn't sure why the conversation should be shut down when everyone could learn and grow. Stacey added that she doesn't think anyone has a nefarious agenda and she appreciates the opportunity that has been given to her to read the book because it is lovely.

**Mike Redeker**, 209 W. Sunset Drive (*member of the in-person audience*), stated that he didn't get a chance to read the whole book, but he did read the summary, which was written by the author. He said he is all for equality, but not the way that Critical Race Theory has been approaching it. Mr. Redeker stated that traditional definitions are being redefined, that he is against white supremacy and he doesn't like being labeled a white supremacist. Mike said that even though it is very subtle in the book, it is still there. He gave an example of a discussion question near the end in the summary section that reads: "#12. In 2012, the Republican party had essentially decided to forfeit the minority vote."

Mr. Redeker said he wasn't sure if that was true or not, but the premise or assumption made in the book was that "as once predicted, Republicans will become an overwhelmingly white party and now the decisive question of the election was whether enough white voters remain." He strongly asserted that that is just not true.

Mr. Redeker continued that in Chapter 7, Page 141 reads: "Derek's white nationalist revolution is coming to fruition. In 2012, the ideology is gaining mainstream acceptance and major politicians are adopting it. After President Obama wins a second term, racial tensions among the populace explode. The Republican party embraces disaffected white voters and becomes a de facto political party of white nationalists in the United States."

Mr. Redeker said the book was assuming that all Republicans are white supremacists. He went on to say that in Ibram X. Kendi's books, the only way to become an anti-racist is also then to become an activist because if you are not an activist, then you are racist.

Mr. Redeker said there's got to be a better way because it was all about judging people on their skin color or gender issues instead of character. He said he thought that the Council probably shouldn't get involved into that kind of thing.

**Michelle Boyd**, 1367 E. Carolina (*member of the in-person audience*), stated that she feels very hurt that Fruita as a community has gotten here because we are better than this. She has lived in Fruita for 20 years and came here to give her daughters a better life. She said they both went to college on full-ride, character-based scholarships that they earned from Fruita schools.

Mrs. Boyd said she doesn't understand where the socialist vein came from; she attended last week's Fruita for Equality event, which was "Healing from Trauma," because her best friend of 34 years is on the opposite side of her politically and she wanted to know how to speak with her so that they can continue the friendship.

Mrs. Boyd said she has not read the book, but that the Fruita for Equality initiative is bigger than a book or ideas about racism. She said that everyone makes her very sad when she hears things like she is "putting people in a box" because she is not doing that; she is basing every single interaction on who a person is and she hopes and prays that people would do the same for her.

Mrs. Boyd said everyone should also consider that the Rotary supports scholarships for children and the rodeo and many different diversified events that are important to the community and the success of the children.

**Pavia Justinian**, 1199 Wolf Creek Court (*member of the in-person audience*), stated that she is a member of Fruita for Equality, and she was present to lend her support and clarify a few things. She said she was hearing a lot of people thinking that the book or the group is trying to say that all white people are racist, but they are not saying that at all. She said the book is about one person named Derek Black, who is the son of the former Grand Wizard of the KKK and the godson of David Duke, who was also the Grand Wizard of the KKK. She recommended that everyone read the book because it is not talking about everyone.

Ms. Justinian added she heard a lot of people in the meeting say that if a person is white and patriotic, then that makes them a "white nationalist." She said that term is actually a sanitized term that white supremacists and the KKK uses to make themselves sound more palatable to a whiter audience. She said the Fruita for Equality group is not saying that patriotism is bad or white people are bad or that everyone is a racist; the book is about one man who started off with very racist, extremist views and it goes through his process of changing through open conversation and dialogue. Ms. Justinian said that is all Fruita for Equality is trying to do; just have a conversation.

**Jamie Fuller**, 1129 E. Carolina (*member of the in-person audience*), said that she has not yet read the book but wanted to lend her support to the Fruita for Equality group. She said she keeps hearing that believing that equality is for everyone is somehow socialist or Marxist and that she would very much disagree with that because one of the first things that the Constitution says is that "all men are created equal." She said that basically, the goal for the country is that everyone should have the expectation of being treated equally.

Ms. Fuller concluded that she thinks the public library is an excellent place to have conversation and find places where people can agree because she thinks that most people, whichever side they were on, would agree that everyone should have equal rights.

**Jesse Goryl**, 700 Sandstone (*joined the meeting virtually*), said he also has not read the book nor has he attended any Fruita for Equality events, but he wanted to applaud the City Council for taking the steps necessary to try to address equality. Mr. Goryl stated that that he moved to Fruita two years ago from another small town in Colorado, so he doesn't have a whole lot invested here in Fruita, but he does really like it here because it has been a really great and welcoming community for him and his wife.

Mr. Goryl stated that he would love for Fruita to be a welcoming environment for anybody that chooses to live or visit here. He said it was a little concerning to hear other fellow Fruita members talk about the ideology and their concern with Fruita being affiliated with any sort of ideology with the group, which he understood to not be affiliated with any partisan politics or movements like Black Lives Matter. Mr. Goryl said he looks forward to any further events that Fruita for Equality may have and that he was going to pick up a copy of the book.

**Kelly Corn**, 1681 Ruby Lee Drive (*member of the in-person audience*), encouraged the Council to think about the Fruita for Equality movement and discount it; to nip it in the bud. She agreed with a lot of the opposition that had been heard already and added that the Fruita community is a biking community that has the Hot Tomato, biking trails and Dinosaur Journey and those are the things that make Fruita "Fruita."

Ms. Corn concluded that all mean *have* been created equal and asked why Fruita needs an equality movement to come to Fruita. She asked why not read a book about John Wesley Powell: *Down the Great Unknown*? She said that's a conversation that could be had and that there's so many other books out there that the Fruita community could have a conversation about besides something that appears to be racist.

**Shanachie Carroll**, 324 N. Coulson Street (*member of the in-person audience*), Mr. Carroll stated that he works for Mesa County Libraries, is a member of Fruita for Equality and was present because he wanted to hear everyone's thoughts, even though he hadn't planned on speaking.

Mr. Carroll said that for the folks who are concerned about Fruita for Equality's intentions, he wanted to invite them to come to one of the committee meetings or events. He also encouraged people to read the book because he would love to hear what they think about it and have mindful discussion about the community's values and where Fruita is coming from. He said everyone knows that Fruita is changing and asked why not have a mindful discussion about that?

Shanachie also stated that the topics that Fruita for Equality was currently discussing are topics that have been discussed in the community before the committee existed and are topics that are currently being discussed across the country. He again strongly urged those in opposition to the group to come to the meetings or events of Fruita for Equality, and that afterward, if a person still feels like the group has a socialist or Marxist agenda, then he would just need to agree to disagree.

Shanachie said the group is not there to change hearts and minds and that if those who were opposing the group are in attendance at any of the meetings or events, then those people will be able to make sure that the group doesn't go down any of the slopes that they are concerned about.



Shanachie announced that Fruita for Equality has a few events coming up this month; one being an author talk with Eli Saslow, author of the book that the group has been discussing.

Shanachie thanked everyone for coming and said that it warms his heart to see so many people in the community turn out for discussion, whether or not everyone agrees.

**Shelly Warner**, 537 Amethyst Drive (*member of the in-person audience*), said that she disagrees with the Fruita City Council being a part of Fruita for Equality. She said she was actually curious about the group and so she went to a couple of events because she does believe in discussion and one of the first things that caught her eye is the design of the group's logo. Mrs. Warner described the horizontal bars and said they are the same thing that is being used by Black Lives Matter in its logo. She stated that she does not believe in having Critical Race Theory in schools or communities and does not agree with having a socialist, Marxist or Totalitarian agenda, although she does agree with everybody having a voice and being listened to.

Mrs. Warner continued that she has people of all walks of life in her neighborhood and they all talk and support each other. She stated that she is a legal immigrant and has her green card and that Fruita has welcomed her with open arms.

Mrs. Warner concluded by saying that she loves Fruita and supports all the discussion being had at the meeting.

**Matt Barber**, 334 Crystal Court Drive (*member of the in-person audience*), said he wasn't present to speak towards ideologies one way or the other, but agreed that conversations need to take place freely and openly no matter what side anybody is on concerning any sort of issue.

Mr. Barber stated that his concern was more of a structural, organizational perspective that the Council finds itself in. He noted that the Mayor and Council members were given the great responsibility of running the City and added that the very fact that everyone was having the conversation that they were having showed that there is a bi-partisan disagreement.

Mr. Barber said that what the Council was doing could lead towards a snowball effect and asked what would happen when someone wants to talk next about religious views? He said the Council was already setting the tone that it would be okay.

Mr. Barber continued that there is a time, place and an organizational structure for those types of discussions and he did not want to see the Fruita City Council get to the point where the City is getting involved in so many different beliefs and discussions that what they have to say becomes watered down. He said he didn't think it was the place or the responsibility for the Council to get involved because it is a slippery slope and then they will have to give a voice and support to every single cause that comes before them. Mr. Barber said that is unfair for the people on the Council and it is unfair for the taxpayers and residents.

Hearing no further comments, Mayor Kincaid closed the Public Participation Section of the agenda.

## 6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE MAY 4, 2021 REGULAR CITY COUNCIL MEETING**
- B. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF MARY MIDGETT TO THE BOARD OF ADJUSTMENTS FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2024**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF AARON HANCEY TO THE PLANNING COMMISSION AS AN ALTERNATE MEMBER TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN JUNE OF 2025**
- D. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF TROY HAYES TO THE PLANNING COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2024**
- E. FINANCIAL REPORTS – A REQUEST TO APPROVE THE APRIL 2021 FINANCIAL REPORTS**
- F. RESOLUTION 2021-13 – INCORPORATING PROPERTY INTO THE CITY OF FRUITA IRRIGATION SYSTEM (ASH STREET IRRIGATION)**
- G. RESOLUTION 2021-14 – APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE BRANDON ESTATES FILING 3, PHASE 2C SUBDIVISION**

Mayor Kincaid opened the Consent Agenda to public comments. Hearing none, he closed the public hearing and referred the Consent Agenda to the Council.

- COUNCILOR BUCK MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **7. PUBLIC HEARINGS**

### **A. LEGISLATIVE HEARINGS**

- 1) RESOLUTION 2021-12 – AMENDING THE 2021 ANNUAL BUDGET WITH A TRANSFER OF MONEY BETWEEN FUNDS AND SUPPLEMENTAL APPROPRIATION OF THOSE FUNDS FOR EXTENSION OF THE NORTH MAPLE STREET SEWER AND STREET IMPROVEMENTS PROJECT AND NORTH ASH STREET IRRIGATION LINE EXTENSION**

City Clerk/Finance Director Margaret provided staff's presentation on Resolution 2021-12. She explained that the budget amendment appropriates additional funds for the North Ash Street portion of

the Sewer and Irrigation Improvements Project, for which the actual costs came in a little higher than was originally budgeted for the irrigation portion. It also transfers overall savings from that project to the Capital Projects Fund for sewer line improvements to Aspen Avenue as an extension of the North Maple Sewer Improvements Project that is currently underway due to a large amount of infiltration from the North Maple sewer line into the sewer system. This concluded Mrs. Sell's presentation.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and referred the matter to the Council for their comments, questions, concerns or a motion.

- **COUNCILOR BREMAN MOVED TO ADOPT RESOLUTION 2021-12 – TRANSFERRING AND APPROPRIATING MONEYS BETWEEN FUNDS TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE ASH STREET IRRIGATION LINE EXTENSION AND REPLACEMENT OF THE ASPEN STREET SEWER LINE. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

## **B. QUASI-JUDICIAL HEARINGS**

- 1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – CO2UT GRAVEL RACE - A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO SELL BEER ON SATURDAY, MAY 22, 2021 FROM 11:30 AM TO 7:30 PM IN CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE.**

Deputy City Clerk Deb Woods gave staff's PowerPoint presentation that consisted of five slides containing the application description, diagram of proposed licensed premises at Civic Center Park, a list of supporting documents that must be filed by the applicant with the City Clerk's Office and staff's recommendation (with conditions).

Conditions of Council approval were as follows:

- No alcohol shall be brought into or out of the licensed premises.
- The Fruita Rotary Club will be solely responsible for the enforcement of liquor laws.
- All other procedures presented by the Fruita Rotary Club will be followed.

Ms. Woods added that perimeter fencing around the licensed premises and one entrance/exit near the parking lot at the Civic Center were being proposed for the beer garden. She said it was worth noting that Fruita Police Chief Dave Krouse did not have any concerns regarding the Rotary Club's application for the Special Event Liquor Permit.

Mr. Lou Mudd, Event Manager for the Fruita Rotary Club, introduced himself as the lifetime permit person for the Fruita Rotary Club and noted that he files Special Event Permit applications regularly (except for 2020) with the City Clerk's Office. He pointed out that these events are the sole way that the Fruita Rotary makes funds for the scholarships and all the other things that they support throughout the community. Mr. Mudd also noted that the Rotary Club has a good track record for beer service

without any incidents over the years that he's been doing it and therefore, was requesting approval of the Rotary's application for the Special Event Permit.

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

Councilor Leonhart recused herself because she is a member of the Fruita Rotary Club.

- **COUNCILOR BUCK MOVED TO APPROVE THE SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO SELL BEER ON SATURDAY, MAY 22, 2021 FROM 11:30 AM TO 7:30 PM IN CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

## 8. ADMINISTRATIVE AGENDA

### A. CAPITAL PROJECTS UPDATE – *SAM ATKINS, CITY ENGINEER*

City Manager Mike Bennett prefaced the update by saying that even though it is only half-way through the year, he still thought it would be beneficial for the Council to hear about which projects have been completed, which have run into delays and which are upcoming.

City Engineer Sam Atkins provided the following update on Capital Projects:

- 2021 Street Overlays - \$200,000 Budget (\$239,000 bid/\$169,460 without Kiefer)
  - Mulberry – Pabor to Ottley
  - Sycamore – Aspen to Pine
  - Kiefer – Sycamore to Pine (removed to be within budget)
  - S. 18 ½ Rd. next to Adobe Creek Golf Course
- Sidewalk Replacement - \$30,000 Budget
  - Sidewalk Replacement - \$15,000
  - Concrete Grinding - \$7,500
  - ADA Ramps - \$7,500
  - Fall construction
- Pine Street Bridge - \$2,125,000 Budget (\$1,526,000 under contract with GA Western)
  - Preliminary in a week or two
  - Still have right-of-way acquisitions to achieve
  - Fall 2021/Spring 2022
- Maple Street Sewer Replacement - \$622,000 Budget (\$415,965 bid from Sorter Construction)
  - Pabor to McCune
  - One service got missed, back flow preventers, paving with Aspen

- Aspen Avenue Sewer Replacement - \$320,000 cost
  - Aspen – Maple to Ash
  - Already installing main
  - Abandoned line with connections
  
- Ash Street Sewer Replacement - \$262,500 Budget (\$180,044 bid)
  - Final \$155,076
  - Project complete
  
- 16 Road Rail Crossing - \$190,000
  - Grant received from Mesa County Federal Mineral Lease District
  - Plan submitted to Public Utility Commission/UPRR
  - Construct in winter/spring 2022
  
- Highway 340 Gateway Enhancement - \$108,650 original Budget
  - Rebid \$208,226
  - Final Contract \$203,600
  - Complete except remaining four pieces of art by Jeff Bates
  - Aim to complete before the Mike the Headless Chicken Festival
  
- Sewer Collection System - \$225,000
  - H2S Gas mitigation in sewer lines
  - Deterioration of manholes
  - Staff still working on permanent solution
  
- Little Salt Wash Basin Master Plan - \$100,000 (November grant submission)
  - \$50,000 with \$50,000 CO Water Conservation Board
  - Will incorporate recreational opportunities
  
- Wayfinding Signage - \$45,500 Budget
  - Created four routes
  - Nearing design completion
  - Summer construction
  
- Fremont Street Design - \$250,000 Budget
  - Complete by end of 2021
  
- Active Circulation Plan - \$90,000 Budget
  - Complete by fall of 2021
  - Public Survey complete
  - Project development and prioritize this month
  
- Reed Park/Little Salt Wash Park Design - \$100,000 for design
  - Engineering staff will provide civil support
  - Expansion of grass field area and parking, putting in Pickleball courts at LSW

- Skate park, new pavilion to the north, new basketball court, new bathroom and storage facilities at Reed Park
- Send out RFQ/RFP this summer for design
- Big Salt Wash Trail Connections - \$57,000 Budget (\$45,710 bid)
  - Professional Pipeline
  - Under construction, but done in a few weeks

## **B. MUNICIPAL COURT UPDATE – JUDGE DANIEL ROBINSON**

Municipal Court Judge Dan Robinson appeared before the Council virtually to give an update on Fruita Municipal Court. Information he provided included:

- Municipal Court budget is on target
- Court is still being conducted remotely (he invited Council members to attend)
- Judge would like to transition to hybrid court session of both virtual and in-person
- Key issue is how effective court is in getting people to comply with the sentence and return to court and Fruita Municipal Court is celebrated as one of the best
- Pending legislation: HB 1175 will allow offenders for traffic violations to pay fines to non-profit organizations instead of the City (most courts are opposing, include Judge Robinson)
- Pending legislation: SB 21062 will prohibit bonds for municipal offenses and requires three failures to appear before warrant will be issued (Judge Robinson opposes)
- Pending legislation regarding the Victim's Rights Act
- How the Fruita court monitors cases to make sure victims' rights are considered
- Parent's responsibility concerning Fruita's curfew Ordinance
- Fruita's Ordinance concerning permission required to deal with minors
- Parent's responsibility regarding loitering by minors
- A proposed Ordinance from other jurisdictions concerning parents being responsible for fines of minors
- A proposed Ordinance concerning the duty of parents to appear in court
- A proposed Ordinance regarding parents' responsibility when kids are involved in gangs

Judge Robinson reported that there is a trend with municipalities to try to strengthen the responsibility of parents towards their kids and holding them accountable.

Judge Robinson reflected upon a recent case that was drawn out for six months about a homeless person's dog who bit someone and then bit another person the following day and what it cost the City of Fruita. He said it would be very helpful if Fruita's Ordinance concerning dogs biting twice was streamlined to be addressed more quickly. The Judge also spoke about the City addressing the homeless issue and out of state parking tickets.

Mayor Kincaid noted that he found the Judge's statistics that the Judge was unsuccessful in presenting virtually at the beginning of his presentation and he emailed them to Shannon Vassen to share with the Council via email so that they have the information.

Judge Robinson said he wanted to mention another issue of concern, but he would save it for his upcoming Informal Review.

## 9. CITY MANAGER'S REPORT

City Manager Mike Bennett reported on the following:

- Councilor Ken Kreie (excused absent) has been appointed the Mesa County Municipal Board Member for the Associated Governments of Northwestern Colorado (AGNC) beginning in June. He has worked out his schedule so that he will be able to make all the meetings except May and September this year.
- He (Mike) and Mayor Kincaid will be participating in the "State of the Grand Valley," an annual event hosted by the Grand Junction Area Chamber of Commerce tomorrow (May 19<sup>th</sup>). He noted that there were still opportunities for the Council members to sign up for the luncheon at the CMU Ballroom.
- Staff has been working with 14K Media, who has been preparing a *State of the City* video that will be released annually each May. Mayor Kincaid requested that Mike email the Council the link to the video.

## 10. COUNCIL REPORTS AND ACTIONS

### A. COUNCIL MEETINGS – DISCUSSION AND POSSIBLE ACTION TO CANCEL THE MAY 25, 2021 WORKSHOP MEETING AND SCHEDULE A VISIT TO MOON FARM FOR THE CITY COUNCIL ON MAY 25, 2021 AT 6:30 PM

Mayor Kincaid noted that he will be absent for the visit to Moon Farm on May 25<sup>th</sup>. Most if not all Council members indicated that they would be able to make it.

- **COUNCILOR O'BRIEN MOVED TO CANCEL THE MAY 25, 2021 WORKSHOP MEETING AND SCHEDULE A VISIT TO MOON FARM ON MAY 25, 2021 AT 6:30 PM. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

### B. COUNCIL REPORTS AND ACTIONS

#### COUNCILOR MATTHEW BREMAN

Matthew reported that the Grand Junction Economic Partnership (GJEP) would be meeting in the morning at 7:30.

#### COUNCILOR HEATHER O'BRIEN

Heather pointed out that the Council had a visit to the Wastewater Treatment Facility scheduled when COVID hit so it was canceled and she asked Deputy City Clerk Deb Woods to reschedule it. She also asked Deb to send out the information about how to remote into the Fruita Municipal Court on Wednesdays because she was also interested in doing that.

MAYOR PRO TEM LORI BUCK

Lori said that in talking with Moon Farm, they are intending to close on June 2<sup>nd</sup> and that they are \$60,000 short. They asked her where they could get the money and Lori said she told them she would start asking people what kind of funding mechanisms there may be out there. Lori stated that if Council or staff knew of something, Moon Farm would really like to hear about it.

MAYOR JOEL KINCAID

Joel reported that he attended the Fruita Area Chamber of Commerce Board meeting and they are moving forward with Fruita Fall Festival. It will be a two-day event.

Joel also reported that he was on the news again for the Mike the Headless Chicken Festival. The car show is coming back this year and the Chamber did a video shoot at Munchies about it.

- C. 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) – (MUNICIPAL COURT JUDGE INFORMAL REVIEW) (MOVED FROM 5/4/21 COUNCIL MEETING DUE TO THE LENGTH OF THE DWELL PUD PRELIMINARY PLAN PUBLIC HEARING)**

Mayor Kincaid noted that Judge Robinson was still online and was going to attend the Executive Session virtually.

- COUNCILOR BREMAN MOVED TO MEET IN EXECUTIVE SESSION FOR THE INFORMAL REVIEW OF THE MUNICIPAL COURT JUDGE, WHICH IS A DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F). COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

*The Council convened into Executive Session at 8:45 p.m. The regular meeting was reconvened at 8:55 p.m.*

- D. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO COVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 24-6-402(4)(B) AND (E) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS,**



**AND INSTRUCTING NEGOTIATORS WITH RESPECT TO AFFORDABLE HOUSING FINANCING AND OPERATIONS**

- **COUNCILOR BUCK MOVED TO MEET IN EXECUTIVE SESSION PURSUANT TO SECTION 24-6-402(4)(B) AND (E) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS WITH RESPECT TO AFFORDABLE HOUSING FINANCING AND OPERATIONS. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

*The Council convened into Executive Session at 9:05 p.m. The regular meeting was reconvened at 10:06 p.m.*

With no further business before the Council, the Mayor adjourned the meeting at 10:06 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita