

**FRUITA CITY COUNCIL MEETING  
NOVEMBER 7, 2023  
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  
Deputy City Clerk Deb Woods  
Communications and Engagement Specialist Ciara DePinto  
Human Resources Director Odette Brach  
Parks and Recreation Director Marc Mancuso  
Planning and Development Director Dan Caris  
Public Works Director Kimberly Bullen  
City Attorney Mary Elizabeth Geiger

**Also present:** Staff and students from Shelledy Elementary School and their families  
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 KREIE MOVED TO ADOPT THE AGENDA AS PRESENTED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

- A. PRESENTATION – FRUITA TEACHERS/STUDENTS OF THE MONTH FOR NOVEMBER 2023: SHELLEDY ELEMENTARY SCHOOL**

Mayor Kincaid read the names of the students and teachers chosen by Principal Cami Kidd as the “Students of the Month” and “Teachers of the Month.” There was one student for each grade and three teachers who were nominated. Each student and teacher received a Certificate of Recognition, an “I-Heart-Fruita” pin and a day pass to the Fruita Community Center. Photos were taken of the students and school staff with the City Council.

**B. PROCLAMATION – PROCLAIMING SATURDAY, NOVEMBER 11, 2023 AS VETERANS DAY IN THE CITY OF FRUITA TO BE ACCEPTED BY LOU BRACKETT ON BEHALF OF AMERICAN LEGION POST 2006**

The Proclamation was read by Councilor Williams and accepted by Mr. Lou Brackett on behalf of American Legion Post 2006 and veterans in the community, state and nation. He noted that there would be a parade at 2:00 p.m. on Saturday, November 11<sup>th</sup> in Grand Junction as well as a ceremony at the Vietnam War Memorial on Friday, November 10<sup>th</sup>. Mr. Brackett invited all citizens (whether veteran or non-veteran) to attend and participate.

**C. PROCLAMATION – PROCLAIMING NOVEMBER 15 – 21, 2023 AS “INTERFAITH AWARENESS WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY GRAND VALLEY INTERFAITH NETWORK (GVIN) FORMER VICE-PRESIDENT CARLENE GOLDTHWAITE AND FORMER CHAIR REV. DR. CARLA RYAN**

The Proclamation was read by Councilor Breman and accepted by former GVIN Vice-President Carlene Goldthwaite and former GVIN chairperson Rev. Dr. Carla Ryan. Ms. Goldthwaite announced that the annual ThanksGVIN event would be hosted by the Episcopal Church on the Redlands on Tuesday, November 21<sup>st</sup> and directed everyone to the GVIN website for more information.

**D. PROCLAMATION – HONORING THE KING FAMILY AND THEIR SUNFLOWER FARM**

The Proclamation was both written and read by Councilor Amy Miller. The King family was in attendance to accept the Proclamation.

**5. PUBLIC PARTICIPATION**

There were no comments from the public.

**6. CONSENT AGENDA**

- A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 5, 2023 REGULAR CITY COUNCIL MEETING**
- B. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 29, 2023 SPECIAL CITY COUNCIL MEETING**
- C. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 19, 2023 REGULAR CITY COUNCIL MEETING**

- D. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE SEPTEMBER 26, 2023 CITY COUNCIL WORKSHOP MEETING**
- E. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A RETAIL LIQUOR STORE – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR CTL FRUITA, LLC DBA CENTER TOWN LIQUORS LOCATED AT 161 N. PARK SQUARE, UNIT B**
- F. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ADOBE CREEK NATIONAL, LLC DBA ADOBE CREEK NATIONAL GOLF COURSE LOCATED AT 876 18 ½ ROAD**
- G. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICAN RESTAURANT & BAR LOCATED AT 439 HIGHWAY 6 & 50**
- H. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF JAMES JACKSON TO THE POLICE COMMISSION FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN NOVEMBER OF 2026**
- I. ORDINANCE 2023-14 – FIRST READING – SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024 A BALLOT ISSUE CONCERNING THE RETENTION OF REVENUE IN EXCESS OF TABOR LIMITS**
- J. RESOLUTION 2023-31 – APPROVING THE LEASE OF A ROOM LOCATED IN THE FRUITA CIVIC CENTER LOCATED AT 325 E. ASPEN AVE. TO MESA COUNTY FOR MOTOR VEHICLE REGISTRATIONS AND RELATED SERVICES**
- K. RESOLUTION 2023-32 – SUPPORTING AN APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) FOR THE CONSTRUCTION OF THE KINGSVIEW LIFT STATION PROJECT**
- L. MEMORANDUM OF UNDERSTANDING (MOU) – A REQUEST TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FRUITA AND THE ONE RIVERFRONT FOUNDATION**
- M. CITY MANAGER FORMAL EVALUATION SCHEDULE AND FORM – A REQUEST TO APPROVE A PROPOSED SCHEDULE FOR THE ANNUAL FORMAL EVALUATION OF THE CITY MANAGER AND A REQUEST TO APPROVE THE EVALUATION FORM**

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

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

## **7. ACKNOWLEDGMENT OF NEWLY APPOINTED OR REAPPOINTED BOARDS AND COMMISSIONS MEMBERS**

Mayor Kincaid acknowledged Jim Jackson (not present in the audience), who was reappointed to the Police Commission on the Consent Agenda.

## **8. PUBLIC HEARINGS**

### **A. QUASI-JUDICIAL HEARINGS**

#### **1) ORDINANCE 2023-13 – SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 131 ACRES OF PROPERTY LOCATED SOUTH OF SNOOKS BOTTOM AND WEST OF THE INTERSECTION OF KINGSVIEW ROAD AND HIGHWAY 340 TO A PLANNED UNIT DEVELOPMENT (PUD) ZONE AND APPROVAL OF A PRELIMINARY PUD PLAN (SUNSET POINTE PUD) – CITY PLANNER HENRY HEMPHILL**

Before beginning his presentation, City Planner Henry Hemphill noted that hard copies of the Site Plan for the Sunset Pointe PUD were available for the public in the back of the room. He added for the record that staff had earlier in the day received additional written public comments that were similar and from the same property owner as those that were included in the Council packet and that he was providing hard copies of those to the City Council.

Mr. Hemphill also pointed out that the Ordinance zoning the subject property and the project's Preliminary Planned Unit Development (PUD) were combined into one presentation, although they would require separate decisions/motions by the City Council. He clarified even further that the Preliminary PUD Plan is an Exhibit to Ordinance 2023-13.

Mr. Hemphill explained the three steps in a Planned Unit Development (PUD) process consisting of 1) the Concept Plan, 2) Preliminary PUD Plan, and 3) Final PUD Plan and that the Preliminary PUD Plan is the only step that must go before the City Council for approval through the adoption of an Ordinance. The presentation also consisted of:

- Legal notice (of the public hearing) methods and dates
- Aerial photograph/map
- Application description/history
- Development Plan

Mr. Hemphill provided some history of the subject property as follows:

The Preliminary Development Plan was originally taken through a county process. It encompassed 260 total acres and was comprised of an overall density of one dwelling unit per acre under the county standards. The City of Fruita needed to annex the property and place it in a zone due to a failing private wastewater treatment plant that was constructed in accordance with the overall Development Plan for all of the Filings. Over a number of years, the City of Fruita exhausted every effort possible to try to extend sewer without costing the taxpayers extra money. The City received grant funds and saved up in the General Fund over a number of years and finally was able to get the sewer accomplished, although Fruita was including a county subdivision into the City. When that happened,

the City of Fruita adopted an Annexation Agreement that stated that the City was acknowledging the Preliminary Development Plan that was proposed and that the City would need to take any future land use applications before an elected, decision-making body. Any strict adherence to the Land Use Code could be exercised through the City's Land Use Code, but it was understood that Fruita was essentially inheriting a PUD zone through the annexation and zoning process.

The overall Site Plan consists of 132 total acres of residential development clustered over 54 acres (41% of site) and 64 acres are preserved as open space (48.8% of site). Primary access is proposed from Kingsview Road off Highway 340 near the Snooks Bottom intersection with a secondary emergency access including a utility easement. Pedestrian access is proposed through the disc golf course along the floodplain area by the river that connects to the lift station that serves the entire Kingsview area with sanitary sewer service. The lift station is sized adequately enough for the proposed development even though the City is slated to replace it or make improvements to it due to its age regardless of the proposed land use application.

The application was submitted with somewhat of an outdated Traffic Study from around 2007. The recommendations for turn lanes on Highway 340 going north and southbound have been installed, but Mr. Hemphill said it was important to note that traffic would be increased to accommodate the proposed built out subdivision at its total capacity (122 dwelling units).

Mr. Hemphill's presentation also consisted of:

- PUD deviations from the Fruita Land Use Code (supported by staff)
- Zoning criteria pursuant to Section 17.09.070 of the Fruita Land Use Code
- Code requirements for PUDs versus Subdivisions
- Review Agency comments (no major concerns, issues can be adequately resolved)
- Public comments were received and entered into the record
- Planning Commission and staff recommend approval subject to:
  - New Traffic Study recommendations must be met
  - Access Road to be built out of the floodplain area
  - Sidewalk from Hwy 340 to Snooks Bottom intersection
  - Allow Kingsview Estates HOA access to the emergency access area

Mr. Hemphill noted that there were some concerns voiced at the Planning Commission meeting that only the new subdivision would be allowed to have the keys to lockable bollards for the emergency access; the Kingsview Estates HOA also wants to have that same access.

Mayor Kincaid asked applicant John Moir to provide his presentation to the Council as the applicant's representative.

Mr. Moir, 278 N. Mesa Street, said he thought Mr. Hemphill gave most of the necessary details about his application and that he also reviewed all the documents in the Council packet provided by staff. He added that he hosted a neighborhood meeting, at which quite a few Kingsview Estates residents attended and voiced their concerns that were reiterated at the Planning Commission meeting. He said he does not take those lightly.

Mr. Moir said he thought the biggest concern is the safety of the intersection at Highway 340 and Kingsview Road, but he had agreed that if his application were approved by the City Council, he would obtain a new Traffic Study to see what it brings to light. He added that he had already

committed to improve the alignment of the intersection where there is a pretty substantial vertical drop in elevation. He stated that the design includes a clustering of the homes that follow the contours of the landscape and a substantial amount of open space with a trail network that goes all the way from Highway 340 by the lift station up to Kingsview Road and then from there all the way up to the BLM trailhead. He called it a benefit to all Fruita residents.

Mr. Moir mentioned that he has discussed with staff about whether he could implement a grey water system, which the State of Colorado has approved, but it would have to be monitored by the City. He said that he thought it would be a good idea because the area has no irrigation water, and if designed appropriately, it would provide a benefit to the residents as well.

Mayor Kincaid opened the public hearing.

**Kathleen Morrison, 909 Prince Ct.** in Kingsview Estates, said that when she talked to the Planning Commission, she reminded them of the experience in Paradise, California when 80 people died in their cars trying to get out of a wildfire and there was only one way in and one way out. She said the fear is still there in Kingsview Estates; they fear not being able to get out in time, even though Mr. Moir has proposed an emergency exit. Ms. Morrison said it was a problem because it's in the floodplain and if the "gate" is locked, people will have to wait until someone shows up to unlock it. She added that when she moved there 15 years ago, Snooks Bottom was basically a gravel pit with water in it and since then, the City has done an incredible job improving it so people can enjoy it. She noted that at that time, people parked their horse trailers in Devil's Canyon parking lot until it got so full that the BLM created a whole new parking lot for horse trailers, and that's how much traffic has increased. Ms. Morrison continued that the McGinnis Canyon recreation area is not just for Kingsview Estates residents; it's for the entire valley and probably beyond, and when she drives out and looks to her right where Highway 340 comes up, that's where everybody has to accelerate to get up the hill and it's the only way out. She concluded by saying that she knew the application was going to be approved, but requested that the Council accept the recommendations of the Planning Commission.

**Michael Day, 1676 Fowler Dr.,** said he wanted to echo his neighbor's concerns about the emergency access. He stated that progress is inevitable, but when he bought his house eight years ago, he stood on his back porch and looked out at the open field and said to himself that if he was lucky, he's got 20 years to enjoy that view. Mr. Day continued that shortly after he moved in, the proposal was submitted to the City and it was much different than what he heard at the recent Planning Commission meeting. He stated that the development was going to happen to the west (not down below). Mr. Day said Fruita residents love their open spaces, the City's fireworks and the concerts in the park. He stated that if the development goes in as it is planned with the 120-ish houses, the City will no longer have its fireworks or music in the park; those will be the first two things to go away. Concerning the emergency access that Mr. Moir was proposing, Mr. Day stated that it was preposterous and absurd. He said if the Council wanted an example of just how dangerous it can be, this year was the first year that the City didn't close off access to Snooks Bottom for the fireworks show and the general public was able to go in there. He continued that he went to bed, but he was told it took those folks three hours to get out of there. Mr. Day said if 120 houses with an average of two cars were added to that, that would mean 240 cars on a daily basis that would be added to the general public that comes to Fruita to enjoy the fireworks, which will mean Snooks Bottom will quickly go away. Mr. Day asked that the Council require a new Traffic Survey as recommended by the Planning Commission and that the survey not be completed in the wintertime. He also asked the Council to cut the development in half.

**Kathy Clifford, 1678 Fowler Dr.,** said that she used to have a career in fire protection in Reno when MGM had the tremendous fire and it was a horrible scene. She said she didn't care if everyone were on desert land; fire can still happen and it is really dangerous. Mrs. Clifford stated that she and Kathleen went to the fire department earlier in the day and they said that the proposed development meets the International Fire Code (IFC) requirements, but like Mr. Day had said, it does not take into consideration that with all the outlying areas that everyone has come to enjoy, the one road is not going to be adequate; that it is really dangerous and she is very scared for the children living in the area. She concluded that the development is not just going to affect people in the Kingsview Estates subdivision; it will affect all of the Council and everybody else. Ms. Clifford agreed that wonderful improvements have been made to the area, but that it isn't just the Kingsview Estates neighborhood; it's going to affect everyone. Mrs. Clifford said she didn't care that the Fire Department said the development meets the Codes because it isn't just about Codes; it's about the people and families that Fruita residents love and she urged the City Council to think deeply about the proposal.

**Vera Mulder, 983 E. Pabor Ave.,** stated that she has lived in her house since 1986. She said she wondered if the "get to safety area" is going to go through the disc golf course and how safe that's going to be. She asked how a road could be built on rocky cliff and why the City is going to provide money for a rich developer to put his development in that he couldn't get approved for 20 years. Mrs. Mulder said that people from all over the valley have mentioned how they go to Opal Circle and Horsethief Canyon and she was reading the information in the Council packet about Mind Springs and how mental health issues are very important in the valley. She asked if the Council realizes what open spaces do for people who need to get their minds back to normal. She added that Fruita does not need developments encroaching on areas that are sacred for the human being such as Enoch's Lake. Mrs. Mulder stated that she has watched high schoolers zip through the area in Kingsview Estates and recalled a time two years ago when kids in a pickup were doing wheelies on the gravel road and the pickup got smashed and the kids had to be rescued. She asked what the Kingsview Estates residents are going to do with the increased traffic. Mrs. Mulder stated that development is wonderful when it's done right, but Fruita should not over-develop and she hoped the Council would take all those things into consideration. Mrs. Mulder concluded by saying that Fruita does not need the proposed development, period.

**Mary Clawson, 926 Laura Ct.,** said her house backs up onto Kingsview Road. She thanked Mr. Moir and his company for trying to take into consideration everything that has been discussed as much as he possibly can. She also provided the following information she found online:

- The City of Fruita is internationally known as it's estimated that 726,000 visitors came to Fruita in 2017.
- Snooks Bottom is frequented in the area and consists of fishing, bird watching, swimming, Dog Park, Disc Golf Park, tournaments, cross-county races and competitions and there is parking, but there are always traffic issues.
- The BLM estimates over 300,000 visitors per year at McGinnis Canyons National Conservation Area. There, they do hiking, horseback riding, hunting, fishing, mountain biking and wildlife viewing.
- The Colorado National Monument estimates that 500,000 to 1 million visitors per year go on the Monument, which is right next door to Kingsview Estates.

Mrs. Clawson said she tried to contact the Colorado Department of Transportation (CDOT), the Lower Valley Fire Department, Fruita Public Works and the Bureau of Land Management (BLM) and she was unsuccessful. She said her point is that she is strongly against having only an emergency

exit and she is terrified (just as a previous resident had said) about what could happen. She said she has seen children walking along with their fishing poles down Kingsview Road, has seen car accidents happen, horse trailers and cars falling over the edge at Snooks Bottom, and this past Fourth of July, there was three hours' worth of traffic. Mrs. Clawson requested that the Council take into consideration the emergency exit as more than just a gated area.

**Dave Karisny, 917 Squire Court**, stated that his residence is in Filing 1, so when going into Kingsview Estates, they are on the first right. He offered the following history of the subdivision and surrounding area:

Bud Pearson was a retired biologist and the President of Kingsview Estates HOA in 1995. He worked with John Schneiger, who was the City Manager at that time. They had a sewer system that was not necessarily mechanically failing, but the developer (George Pavlakis) wasn't complying with state standards and he was trying to get out of being responsible. For about four years, it was a difficult task to get the residents to agree to pay approximately \$6,000 each and Mr. Karisny said the City of Fruita paid for the oversizing from an 8-inch pipe to a 10-inch pipe. The City received a partial grant and was able to secure a 3% loan. The City would send Kingsview Estates residents monthly statements that they paid down through a Recapture Agreement. Shortly after that, George Pavlakis initiated Filing 3 and the City allowed him to do so under Mesa County design standards. The agreement was that Mr. Pavlakis gave Snooks Bottom to the City of Fruita and he paid nearly half of what the cost was supposed to be to re-engineer Kingsview Road from Highway 340 to Fowler Drive. After that, the City pursued other parties to participate in implementing the improvements. Mr. Karisny said that when Kingsview Estates residents saw the proposed development submitted in 2006, the assumption was that Kingsview Road improvements would be completed including acceleration and deceleration lanes, a left turn lane and a road alignment with Rimrock Rodeo across the street.

Mr. Karisny stated that there are a number of drainage issues that affect that whole area as the elevation changes which creates sight-distance issues along Kingsview Road. He said the developer currently appearing before the Council is talking about doing part of that plan and CDOT has "sort of" done the acceleration and deceleration lanes under a constrained plan in 2016. He continued that at the Planning Commission, Mr. Moir agreed that maximum height would be 25 feet for all the homes in the proposed subdivision and is talking about doing something he calls "casitas," which he believes are Accessory Dwelling Units and Mr. Karisny said he believes they should appear on the Plat.

Mayor Kincaid stopped Mr. Karisny to explain that he had already given him more time than the three-minute limit for public comment and asked him to yield the floor.

**Jeff T. Miller, 918 Crown Court**, stated that in 2017, he and his wife chose to live in Kingsview Estates and that they were blessed to have the view and the opportunity to be near nature. He said they chose Fruita over the Eastern Slope because of the sprawl. Mr. Miller said he wanted to caution the Council and make it a win/win by maybe downsizing some of Mr. Moir's plans so that Fruita doesn't become the next Moab where the locals are complaining about success running them out. He said he thinks Fruita has that same concern coming around the corner and while everyone needs to think of growth, consideration needs to be given to manageable and thoughtful growth. Mr. Miller said he'd hate to see Moab or the Front Range come to Fruita and ruin what everyone has. He said he realizes progress is progress and he wasn't trying to prevent Mr. Moir from getting his investments going, but he just wanted the Council to look at the stress on Highway 340 Bridge at the river and



how close the emergency access and the intersection is to it. He added that there should also be some consideration for the students in the School District that come in on Highway 340 across the bridge because as it continues to grow, there will be stress on that. Mr. Miller said he wouldn't reiterate about all the stress on Kingsview Road. He said he asked at the Planning Commission meeting if a geological study had been done for the soils, erosions, and anthropological and archeological concerns. Mr. Miller asked the Council to consider a win/win and have some thought about his and the public's concerns.

**Steve Vigil, 945 Prince Court**, stated that he has a large parcel next to the Kingsview Estates Subdivision and Mr. Moir's proposed development. He said that all he has heard in both the Planning Commission meeting and this Council meeting has been nothing but negative comments about how people's lives are going to change as a result of the proposed development. He said for a developer to give up 40% of their land to accommodate a small subdivision like the one proposed is incredible and he wanted to commend Mr. Moir for it. Mr. Vigil continued he could only imagine the amount of tax that Mr. Moir has been paying on his parcel for years and that the parcel has only benefited the City of Fruita and the community. He pointed out that he and his wife pay incredible amounts just to have a 35-acre parcel, so he knows Mr. Moir is paying a lot. He added that the risk that developers and contractors take is incredible; many of them have gone broke and he just wanted to tell the general public to wake up because the going rate is \$300 per square foot. Mr. Vigil said the tax revenue will have a significant impact on Kingsview Road and that if it weren't for developers and builders, improvements like what Mr. Moir was proposing would not take place and for people to worry about the fire danger, right now there is no emergency access road, so it is worse right now than if the development happens. Mr. Vigil asked everyone to think about whether their glass was half-full or half-empty.

**Pat O'Connor, 901 Crown Court**, said he wasn't opposed to development either and that he's been a land development engineer for 45 years, so he has done a lot of what was being discussed himself. He said he does, however, expect development to conform with the guidelines established by the City Planners and Engineers and that his main concern is the same as most of his neighbors present at the meeting; it's a concern about traffic. He said he was glad to hear that an updated Traffic Study was being proposed because it is obviously needed and that it needs to account for the explosion in the public use of all of the trailheads back in McInnis Canyons and the increased use at Snooks Bottom. Mr. O'Connor said there are some days during the week where there aren't even any parking spaces in the parking lots at the trailheads, so people are parking on the streets and the access roads leading up to them. He pointed out that there is Snooks Bottom, Devil's Canyon, horse trailer parking, Fruita Paleo area, Pollock Canyon Trailhead and many other, smaller and lesser-known trailheads where people park and take off on hikes. He added that there is a Colorado Division of Wildlife farm and hunting facility there as well as another subdivision at the end of Horsethief Canyon Road with 20 or 25 lots, and he just wanted everybody to be aware of the potential there is now for an incredible amount of activity and traffic. Mr. O'Connor continued that he does not know of another development like the one being proposed in the entire valley where there are 85 or so lots like in Kingsview Estates plus 122 new proposed lots where everyone will be going in and out through one access point (Highway 340 and Kingsview Road). He said the outbound left turn lane complicates things as it's an outbound left turn where people have to cross both lanes of traffic. Mr. O'Connor said he wanted to talk about some of the City of Fruita design criteria and construction specifications such as Section 4.2 Street System Design Criteria, which says that local streets (which are the typical streets one would see in a subdivision) can handle 1,000 vehicles per day (1,000 ADT). He said that after that, a minor collector street is required, which is a wider pavement with sidewalks on both sides. Mr. O'Connor concluded his statement by saying that 122 new lots will produce an ADT by

itself of over 1,200 per year (which exceeds the criteria for a minor collector), and that it should go from Highway 340 all the way back to the end of the proposed subdivision.

Mayor Kincaid informed Mr. O'Connor that his time limit for speaking had expired, so Mr. O'Connor took his seat.

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

Councilor Breman asked for clarification as to why the emergency access would be locked. City Engineer Sam Atkins said he doesn't believe it has to be locked; that it could be left unlocked except that a problem that could arise if motorized vehicles are running through during non-emergencies because the Fire Department would probably have something to say about that. He added that otherwise, it could be left unlocked.

There was a lengthy discussion about the Traffic Study. Councilor Purser wanted to know if the Traffic Study would take into consideration additional tourism and recreational traffic going into the subdivision or if it would address natural disasters such as a wildfire. Mr. Atkins responded that the Traffic Study Mr. Atkins is only going to take into consideration the quantity of traffic and the speed at which the roads are posted. He said turn lanes are based on volume, peak turning volume movements and speed at which the road is posted.

Councilor Purser asked if the Fire Department's position takes into account additional tourism and recreational traffic going into the subdivision. City Engineer Sam Atkins responded that the Fire Department is strictly concerned with the geometry of whether they can get the fire apparatus in the area and whether there's enough room to turn around in a cul-de-sac so that they are fully able to respond to an emergency. He added that Fire Marshal Travis Holder would have made comments if he felt the development created an unsafe situation.

Councilor Purser asked where the proper data is to help the Council make an informed decision on safety. City Planner Henry Hemphill responded that when a building permit is pulled, there is a requirement for proof of fire sprinklers in all the dwelling units and that sprinklers will make fire less likely to spread. He added that Ute Water and the Fire Department coordinate their project reviews and have stated that the fire flows are adequate.

Mayor Kincaid had to remind the audience members in the room that the public input portion of the public hearing was closed and respectfully asked them to refrain from making comments.

Councilor Purser said she was really interested in the idea of exit strategies for the existing and potential future residents from the area as it seemed like a very reasonable concern.

Planning and Development Director Dan Caris said he thought what Councilor Purser was asking for was something that could be subjected to a Filing Plan such as an Emergency Egress Plan on which the City could work with the Fire Department and instruct the residents. He said that was certainly something that could be explored as a condition of approval.

City Attorney Mary Elizabeth Geiger agreed and added that conditions had already been recommended by the Planning Commission and that more conditions could be added to the Preliminary PUD Plan application if the zoning Ordinance were to be passed.

Staff explained to the City Council that the reason they didn't have an updated Traffic Study before them was because it is logical to have the study done after the rezone because it indicates what traffic the City needs to factor in.

There was also a lengthy discussion concerning the proposed emergency access.

Councilor Miller said she thought it was important to note that if the property went through with a straight zone instead of a PUD, it would not look near as nice and the City would not be getting the improvements that were being proposed. She said she thought the plan was very well thought out and that she loves how the developer was leaving 64 acres of open space, which is 12.5 times the required amount. She added that she would hate to see that property get split up into parcels that have one massive home be built on them and the City losing all that open space. Councilor Miller also thought the egress plan idea was a good one.

Councilor Hancey thanked all the audience members who participated in the public hearing and assured them that the Council does take public comment into consideration. He asked what the next steps for the development would be. City Planner Henry Hemphill responded that the final step would occur after this public hearing if the development were to be approved; that the Fruita Land Use Code states that the Final Plan application shall be submitted within 180 days of the zoning and Preliminary PUD Plan decisions by City Council. The Final PUD Plan is again sent out for review to all the review agency partners including CDOT, Ute Water, Xcel Energy and the Lower Valley Fire Protection District. Those review comments are reviewed by City staff administratively to ensure that comments and conditions placed on the application from the review agency partners and the City Council have been adequately addressed without a significant redesign. Those decisions and future Filings are approved administratively.

Councilor Hancey asked Mr. Moir about what he was proposing for the open space. Mr. Moir responded that the open space would be dedicated to the City of Fruita, who could then do with it as they please. He said he would provide a trail through it that would also be dedicated to the City of Fruita.

Mr. Moir took this opportunity to address the concerns about access. He stated that one of his main concerns is also safety because the last thing a developer wants to do is to build a house that's not safe and doesn't meet the needs of the residents. He said this is why he has taken a hard look at the emergency access, and even though the Council may not feel that it is an adequate secondary access, right now, there is *no* secondary access apart from Kingsview Road. Mr. Moir stated that he has talked to the Fire Department about his proposal and they know they can get their emergency vehicles up through there. He added that he would bring the level of the road above the floodplain stage so it is an access that is usable. Mr. Moir said he wanted to reiterate that if there were pedestrians or bicyclists coming up into the area, this would be an access they could use rather than climbing all the way up Highway 340 to Kingsview Road. It serves as a trail that gets people up to the Colorado National Monument, so Mr. Moir called it an example of connectivity that the development would be providing to the City of Fruita and its residents and visitors.

Councilor Hancey asked Mr. Moir to reiterate the other road improvements on Kingsview Road that he was proposing. Mr. Moir explained that Traffic Studies look ahead 20 years, so the traffic being experienced today is probably pretty much where the Traffic Study had projected. He said CDOT made some improvements, but since 2005 (at the beginning of the project), he's been suggesting making an improvement to the geometry of Kingsview Road where it intersects with Highway 340.

Mr. Moir said the Traffic Study will likely show that and he knew the Planning Commission was concerned about pedestrian traffic from the bus stop back into Kingsview, so he needs to figure out how to make the connectivity.

Mr. Moir pointed out that the Engineer that has been working on the proposed development, Eric Slavone, was present in the audience. He said neither one of them knows right now what detail needs to be looked at to take the project to the next level, but Mr. Slavone has suggested that the sidewalk should probably go all the way down to Snooks Bottom since that is an accessibility issue that needs to be worked out.

Councilor Hancey asked the City Engineer what kind of recommendations might be included in the Traffic Study. Mr. Atkins responded that with an increase in overall traffic and in turning movements, there is storage that is added to some of the turn lanes, so they could actually lengthen in order to accommodate the turns coming out of the through lanes. He added that the pedestrian connection is definitely one of the things that's on the table and that would get the people who walk off of the shoulder of the existing Kingsview Road.

Councilor Hancey stated that there are many positive benefits in Mr. Moir's proposal including 64 acres of open space that would belong to the City and even with the challenges of the emergency access, it would mean getting an emergency access that currently doesn't exist and that would create safety in the area. He added that he understands the concerns residents have but that he feels most of those would be addressed appropriately through the administrative review process. He called Mr. Moir's proposal a good plan and a great product for the Fruita community.

Mayor Kincaid said that Fruita has been talking about updating Kingsview Road and the lift station for a long time. City Manager Mike Bennett noted that the lift station upgrade was included in the draft 2024 Budget. He asked Mr. Moir how long he has owned the property and has been invested in the Fruita community. Mr. Moir said he purchased the property in 2004 and started the development proposal on it within a couple years after that and withdrew the application in 2007 when development mostly stopped due to the economy.

Councilor Miller noted that Mr. Moir has brought Fruita some of the most affordable and lovely products and she thinks it is important to note the history of Mr. Moir's development in Fruita.

City Attorney Mary Elizabeth Geiger recommended that the motion for the zoning be amended to add as findings items #1 and #3 of the zoning criteria.

- **COUNCILOR PURSER MOVED TO ADOPT ORDINANCE 2023-13 – SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 131 ACRES OF PROPERTY LOCATED SOUTH OF SNOOKS BOTTOM AND WEST OF THE INTERSECTION OF KINGSVIEW ROAD AND HIGHWAY 340 TO A PLANNED UNIT DEVELOPMENT ZONE KNOWN AS SUNSET POINTE PUD WITH THE ADDITION OF FINDINGS #1 AND #3 OF THE ZONING CRITERIA WITHIN THE BODY OF THE ORDINANCE. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES. COUNCILOR WILLIAMS VOTED NO.**

Councilor Purser stated that she was hoping that a motion to approve the Preliminary Planed Unit Development would include the addition of an egress plan and pedestrian connection as conditions of approval.

Planning and Development Director Dan Caris said that he wanted to set some expectations for the benefit of the members of the public in the room. He stated that if the Preliminary Plan were to be approved, the applicant would have to set up another pre-application meeting for a First Filing, or what would likely be 1.A and 1.B in the Filing Plan. The applicant will receive a checklist and Mr. Caris said it was staff's understanding that the Council wanted not only an Egress Plan, but also a Traffic Study for the entire Preliminary Plan and those weren't going to be parsed out for individual filings. He pointed out that this was important to include in the official record of the meeting.

Mr. Caris continued that the application will then be required to go to CDOT including a methodology for the Traffic Study that CDOT will have to agree to. Once it has been agreed upon, the Traffic Study will begin. With the submittal document, there will be a Geotech and Soils Study. There will be an investigation that will have pavement recommendations based off the boring samples and foundation recommendations.

Mr. Caris stated that all of the specific filings will go sequentially as the subdivision gets built out. He added that the level of detail that will be submitted will be immense and the property owners still living in the area will be sent a notice, although it will be an administrative process at that time and not a public hearing process. Mr. Caris said the hope is that applicants will be able to see that level of detail on the City's website with the application, which hopefully will quell some of the concerns that had been expressed.

Councilor Kreie asked if there would be an opportunity to make comments to staff administratively. Mr. Caris responded in the affirmative and added that an applicant might not have access to a public hearing process, but that they still have due process.

- **COUNCILOR KREIE MOVED TO APPROVE THE SUNSET POINTE PRELIMINARY PUD PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS ARE RESOLVED WITH THE FINAL PUD PLAN APPLICATION, THAT AN EMERGENCY ACCESS AND EGRESS PLAN IS DEVELOPED, THERE BE PEDESTRIAN CONNECTIVITY FROM HIGHWAY 340 TO SNOOKS BOTTOM AND THAT A TRAFFIC STUDY BE CONDUCTED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

*Mayor Kincaid called for a five-minute break at 9:10 p.m. The meeting reconvened at 9:15 p.m.*

## **B. LEGISLATIVE HEARINGS**

There were no Legislative Hearings on the agenda.

## **9. ADMINISTRATIVE AGENDA**

- A. 2024 BUDGET PRESENTATION – QUALITY OF PLACE AND COMMUNITY WELLNESS AND PERSONNEL AND EMPLOYEE RETENTION – ASSISTANT CITY MANAGER SHANNON VASSEN**

Assistant City Manager Shannon Vassen provided the Council with staff's presentation of the following Chapters in the proposed 2024 Budget document:

- Quality of Place and Community Wellness
  - Parks and Recreation General Fund
  - Fruita Community Center Fund
  - Public Safety General Fund
  
- Employee Retention and Personnel
  - All Funds Summary
  - Transmittal Letter
  - All Funds

Councilor Breman inquired about whether staff had considered bringing in consulting firms that work specifically with municipalities to go over grants that have been used to see if there's any money left out on the table. Mr. Vassen responded that staff has talked about that pretty extensively, especially as some of the recent federal programs have come out as part of the Infrastructure Investment and Jobs Act (IIJA) and it is something that staff is definitely interested in. He added that the City of Fruita's Economic Development District is the Associated Governments of Northwestern Colorado (AGNC) and the State of Colorado has allocated \$100,000 to Economic Development Districts. AGNC subsequently hired a Grants Coordinator, and although Fruita City staff has not had a chance to work with him yet, Mr. Vassen said he looks forward to doing just that. He also added that staff has considered potentially setting aside some dollars to help with contracted grant writing but will also be trying themselves to find opportunities that may fit best for Fruita. City Manager Mike Bennett noted that Fruita has hired those type of firms in the past but doesn't have one lined up yet. He pointed out that some of them don't necessarily charge anything except for a percentage of the grant awards. He said it is something that comes up on a regular basis and right now, the trend is in grants because there are so many of them out there. Councilor Breman said he would be sending the City Manager an email of introduction to a group that does grant writing based on a percentage. Mr. Bennett said that'd be great.

Councilor Hancey asked why fines and assessments were nearly doubling or at least going up 30% to 40%. Mr. Vassen said Development Impact Fees are not technically revenues until they are used; they are deferred revenue, and under the categories of revenues, they are classified as "Fines, Assessments." He added that the City has been using Development Impact Fees for Capital Projects such as Reed Park, 19 Road and the railroad crossing.

Councilor Hancey said that aside from Intergovernmental revenues, there are certain revenue streams where the numbers look pretty flat. He asked what the long-term plan is regarding hiring administrative heads when the City has already done so much of that over the last couple of years. City Manager Mike Bennett stated that staff has been working on succession planning for quite some time. He pointed out that the current Finance Director position is one that is also the City Clerk, Purchasing Manager, Budget Manager (in the past) and Contract Manager. He commended Margaret Sell for taking all of those on over the course of her 42 years with the City, but added that in the last six to seven years, her position has become very reactive and not proactive in many of those areas. Mr. Bennett explained that with Mrs. Sell's retirement, staff has been making adjustments for a number of years not to just cover what staff is doing but also what staff is *not* doing and needs to be. He stated that Mr. Vassen's role is now to oversee the Administration Department and completely take over the Budget.

Mr. Bennett further explained that administrative positions and duties are being restructured so that new positions could potentially include Finance Manager and a separate position that handles purchasing/procurement and document retention and records management. He added that the City has not created any new administrative roles for many years because other positions like Maintenance Workers have been prioritized. He concluded that there shouldn't be an upcoming trend for many more administrative supervisory roles.

Councilor Hancey supposed that having a Purchasing/Procurement Specialist could save the City a lot of money. Mr. Vassen noted that the first time the City hired a Purchasing Specialist, Fruita brought in people from Grand Junction because they have a whole purchasing division where that is all they do. He agreed that this position could benefit the City of Fruita in the long run. Mr. Bennett added that a new Procurement Specialist could look into partnering with other governmental entities for lower cost pricing. He added that currently, the City's major purchasing group is the Engineering Department, who is barely keeping up with all the development review and Capital Projects because they also have to do their own purchasing in addition to constantly drafting Requests for Proposals (RFPs) and Request for Quotes (RFQs). Councilor Hancey said he would definitely support even more than a two-month overlap to fill some of the administrative positions in preparation for Mrs. Sell's retirement. Mr. Bennett added that Christa Yamashita has taken over quite a few of the financial responsibilities that were Mrs. Sell's plus she is working on grants with Fruita's Department Directors.

There was a discussion about including a line item in the Budget for long-term planning for facilities such as the Fruita Civic Center, which the City will outgrow. Mr. Vassen determined that the line item is already in the Budget under Public Works called "Space Needs Assessment."

The City Council did not make any changes to the draft Budget document other than those that had previously been given to staff.

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

City Manager Mike Bennett stated that he had no updates as long as the Mayor planned to report on the District #51 School Board meeting.

## **11. COUNCIL REPORTS AND ACTIONS**

### **A. ESTABLISHING A COMMITTEE TO REVIEW POSSIBLE "LOCALISM" BOARD**

The Mayor and City Council determined that they were in favor of establishing a "Localism" Board as proposed by staff, as well as the appointment of all applicants who submitted an application to the Committee.

- COUNCILOR HANCEY MOVED TO ESTABLISH A LOCALISM COMMITTEE AND APPOINT THE LISTED MEMBERS AS THE COMMITTEE THUSFAR. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**B. COUNCIL REPORTS AND ACTIONS**MAYOR JOEL KINCAID

Joel said that some of the Council members had asked about the Joint meeting with Mesa County School District #51 and they (the School Board) have more or less made it apparent that there's not a possible way to have a whole meeting with the entire School Board and full City Council before they will be making decisions. He said a meeting had been scheduled for Thursday, November 9<sup>th</sup> for Mike, himself, Matthew, Brian Hill, Andrea Hartz and Clint Garcia (COO of the School District).

Mike explained that the School Board will be voting on the boundary changes that affect Fruita Monument High School on November 14<sup>th</sup>. He added that they have already received a recommendation at a previous School Board meeting from the Demographer to approve the boundary changes, which will move all students at Wingate and Appleton to Grand Junction High School. That means pretty much all the kids on the Redlands will phase out and not attend Fruita Monument High School anymore.

Joel asked the Council members what they wanted addressed at the meeting; noting that the boundary changes and grade reconfigurations were the main issues. Mike pointed out the School Board voted on the timing of the grade reconfigurations at the School District's December meeting to decide whether they would be implemented next year or the following year. Joel noted that Amy had brought concerns up before about buyers that purchased homes in certain areas in the valley because they want to go to Fruita Monument High School.

Amy said the thing she hears the most is that people choose Fruita because of its culture, not because of the school building and people keep getting told that they get to go to a new school building but they really don't care about that. She said she knows that FMHS's Principal is focusing really hard on trying to accommodate as many School of Choice students as he can and is anticipating an increase in those. She pointed out that there's only so much capacity with the grade reconfiguration. Mike added that the School District was hesitant to attend a joint meeting with the Fruita City Council because they did not have one with the City of Grand Junction before the changes at East Middle School, but he, Dan Caris, Matthew and Joel would be meeting with District staff and the Board Chair.

Mike asked the Council to keep in mind that a decision about the boundary changes still doesn't have to be all or nothing and if there was anything the Council wanted conveyed to them, to let him, Matthew and/or Joel know which they could convey in their upcoming meeting. Joel recalled that in the past, the City Council has written a letter to the School District that was signed by all Council members.

Jeannine said she has serious reservations about the communication from the School District on the entire issue. She recalled last spring when the surveys went out, they had a much better response from the public, but those surveys were concerning a whole different direction. Jeannine said that if the School District had sent another survey, it must've gone only to the parents of students when there are a lot of other opinions, community culture and insight for them to consider. She added that when the survey initially went out, it referenced the District not being able to reconfigure schools because of capacity unless there was a vote of the citizens. Jeannine said she just feels like the District's outreach was very poor and that decisions shouldn't be made on such a small number of respondents to the survey. She added that the boundary changes could be potentially devastating in a lot of ways.



She said she also wanted to know if the decisions would result in Fruita going down in Class because that would be very detrimental for Fruita's ability to compete in all things (not just sports). Jeannine also said the timing seems really odd and suspicious. She said she is in favor of Grand Junction getting the new high school, but now it feels like there is a push to fill it up for the purpose of the new school being "The School."

James said the problem is that there is nothing positive and good in it for Fruita and he wonders at what cost it may come.

Amy said she is hopeful that the District will take the approach that they did with the initial boundary change where kids that are already in Fruita schools would continue because they are grandfathered in.

Mike recalled when Fruita had a bond that failed that was going to include an expansion of FMHS and the City Council had a joint meeting with the School Board, who asked for and received support from the Fruita City Council on the Grand Junction High School bond. When they did that, they said that if that bond passes, they will come back for bonds for a FMHS expansion in the future, which would then help reconfigure the grades. He said as recent as the spring, the survey questions were more geared towards that. Mike said he thought the School District should be reminded of that by the Fruita City Council because it wasn't that long ago.

There was consensus of the Council to send a letter to the School District regarding their concerns. Mike requested assistance from Jeannine and Amy to draft the letter since they are aware of all the history.

#### COUNCILOR AARON HANCEY

Aaron asked if staff had talked to Dinosaur Journey about moving their camper trailers in the parking lot. Mike said Parks and Recreation Director Marc Mancuso keeps following up with them and they keep saying they are working on it.

#### COUNCILOR AMY MILLER

Amy said she wanted to go on record to say that she was very displeased with the vandalism that occurred on the new concrete at Dinosaur Hill. She said she caught a little bit of flack for being very unhappy about it, but she wanted everyone to know that she is holding the Fruita community to higher standards than that. She called it absolutely inappropriate.

Amy noted that she missed the Historic Preservation meeting. She said she's received a few calls about the "red barn" property and hopefully, it will stay intact like she'd been told. The house and the original cabin have been demolished, which created the concern that the barn might be next. Staff hasn't received any land use applications for the property.

Amy also reported that the tourism social media site corrected 18 Road and actually apologized for citing the address incorrectly.

#### COUNCILOR KEN KREIE

Ken said that the Mayor did the right thing in stopping Dave Karisny after his three-minute time limit for public comment was up, but he did want to hear more from Dave because he started talking about things he (Ken) hadn't heard before. The Council discussed how they always encourage citizens to submit written comments, especially if they are lengthy.

Ken noted that he hadn't had a meeting with any of his other boards.

#### COUNCILOR JAMES WILLIAMS

James reported that the Fruita Tourism Advisory Council (FTAC) approved a \$1,000 Budget for a winter music event in the N. Mulberry Street Plaza.

#### COUNCILOR JEANNINE PURSER

Jeannine asked if staff had heard about all the difficulties with the high-speed internet getting installed around town such as sidewalks being torn up and not replaced and sewer lines getting broken. Mike said he wanted to applaud Public Works Director Kimberly Bullen, who is staying on top of the subcontractor on a regular basis. Staff has had meetings with them and followed up with a pretty harshly worded letter saying that the City is going to pull their permits if they don't get the project on track. He added that hitting sewer lines is typical in the Grand Valley because the locate providers don't always know where the lines are, so that is something that just happens, although staff hopes to see that limited as much as possible. Mike concluded by saying that staff is addressing the issues and taking stronger steps going forward such as looking at potential enforcement through the permitting process and/or through timelines where if the contractor doesn't complete certain things within a certain period of time, staff will either fix it themselves or hire someone else to do it and charge back those costs to the contractor. Mike explained to the Mayor and Council that if a resident complains or has questions, they need to contact Deeply Digital first and if that doesn't help, they should contact the City's Public Works Department.

Jeannine said she loves the striped poles and holiday decorations in downtown. She reported that she and several others went to School District #51's State of the District luncheon and the student participation was fantastic. She said the State of the District is slightly grim and if anybody wanted to hear more, they could go look at the District's statistics right now.

#### MAYOR PRO TEM MATTHEW BREMAN

Matthew said he deeply appreciated Deeply Digital painting his decorative rocks and plants.

Matthew reported that he did not have a Grand Junction Economic Partnership (GJEP) meeting but did have the Fruita Area Chamber of Commerce's Annual Retreat, where there was a lot of discussion about coming up with plans for festivals and how to move forward. There is a commitment to have a plan in place by this time next year.

Matthew also explained that the Chamber needs to be the "voice of business," and part of that is communicating that voice to the City Council.

### **C. EXECUTIVE SESSION - TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING**

**STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS AND PURSUANT TO C.R.S. SEC. 24-6-402(4)(A) FOR THE POSSIBLE SALE OR LEASE THEREOF WITH REGARD TO THE REDEVELOPMENT OF 169 N. MULBERRY STREET**

- **COUNCILOR KREIE MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS AND PURSUANT TO C.R.S. SEC. 24-6-402(4)(A) FOR THE POSSIBLE SALE OR LEASE THEREOF WITH REGARD TO THE REDEVELOPMENT OF 169 N. MULBERRY STREET. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

*The Fruita City Council convened in Executive Session at 10:56 p.m. They reconvened the regular meeting at 11:20 p.m.*

**12. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 11:20 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita