

**FRUITA CITY COUNCIL
MAY 17, 2016
7:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION – Proclaiming May 15 – 21, 2016 as “Police Week” and May 15, 2016 as “Peace Officers Memorial Day” in the City of Fruita
- B. PRESENTATION – Wyatt Popp, Civil Engineer at Olsson Associates and Parks and Fruita Parks and Recreation Advisory Board member will present the City of Fruita with the Engineering Excellence National Recognition Award for the aerial survey of the Kokopelli Trail
- C. PRESENTATION – A presentation from Ron Pollard, President of Funshares, Inc. concerning ATVs/OHVs in City limits

5. PUBLIC PARTICIPATION

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

6. CONSENT AGENDA

These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A **Single Public Hearing** will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed at the end of the regular agenda.

- A. SPECIAL EVENT LIQUOR PERMIT APPLICATION – A request to approve the Special Event Liquor Permit Application from the Fruita Rotary Club to sell beer at the Mike the Headless Chicken Festival on June 3, 2016 from 3:00 pm to 10:00 pm and June 4, 2016 from 11:00 am to 10:00 pm at Civic Center Park including the parking lot and one block of Aspen Avenue between N. Peach Street and N. Elm Street
- B. TRANSFER OF A LIQUOR LICENSE APPLICATION – A request to approve the Transfer of a Hotel and Restaurant Liquor License – Malt, Vinous and Spirituous from the Feedlot Restaurant and Bar to Rosco’s Inc. dba Kannah Creek Brewing Company West located at 456 Kokopelli Blvd., Unit J

- C. **NEW LIQUOR LICENSE APPLICATION** – A request to approve a Tavern Liquor License – Malt, Vinous and Spirituous for Gears Frozen Yogurt and Smoothies located at 211 A East Aspen Avenue
- D. **NEW LIQUOR LICENSE APPLICATION** – A request to approve a Beer and Wine Liquor License for DTF? Wine Bar and Tapas, LLC located at 138 S. Park Square, Ste. #102
- E. **BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Annie Payne to the Parks and Recreation Advisory Board for a three year term to expire in May of 2019
- F. **RESOLUTION 2016-18** – A request to approve a Resolution appropriating additional funds in various funds for the purposes specified
- G. **INTERGOVERNMENTAL AGREEMENT (IGA)** – A request to approve an Intergovernmental Agreement (IGA) between the City of Fruita and Mesa County concerning the Colorado Riverfront Trail and authorize the Mayor to execute the IGA
- H. **APRIL 2016 FINANCIAL REPORTS** – A request to approve the April 2016 Financial Reports

7. **PUBLIC HEARINGS**

Public Hearings are the formal opportunity for the city council to LISTEN to the public regarding the issue at hand. For land use hearings and liquor license hearings; the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record. The council must base their decision on the law and evidence presented at the hearing.

- 1) **Applicant Presentation** (15 minutes max) The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
- 2) **Staff presentation** (15 minutes max) Staff will present the comments and reports received from review agencies, and offer a recommendation.
- 3) **Public Input** (limit of 5 minutes per person. If two people in the audience are willing to cede their time to the speaker, that speaker may receive a total of 10 minutes, referred to as banking time). People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
- 4) **Applicant Rebuttal** (limited to 5 minutes) The Mayor will ask for the applicant's rebuttal. During this brief time, the applicant should answer the questions raised by the public.
- 5) **The hearing is then closed to public comments.**
- 6) **Questions from the Council.** After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
- 7) **Make a motion.** A member of the City Council will make a motion on the issue.
- 8) **Discussion on the motion.** The City Council may discuss the motion.
- 9) **Vote.** The City Council will then vote on the motion.

8. **ADMINISTRATIVE AGENDA**

- A. **Public Works Director Ken Haley**
 - 1) Discussion on drainage needs and fees
- B. **Parks and Recreation Director Ture Nycum**
 - 1) Parks and Recreation Update
- C. **City Manager Mike Bennett**

- 1) Annual Evaluation of City Manager – Establishing the schedule for the annual evaluation of the City Manager and approval of the evaluation form

9. COUNCIL REPORTS AND ACTIONS

10. CITY MANAGER'S REPORT

11. ADJOURN

Proclamation for National Police Week 2016

To recognize National Police Week 2016 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of our local law enforcement agencies, to include the Mesa County Sheriff's Office, the Grand Junction Police Department, the Palisade Police Department, the Fruita Police Department and the Colorado State Patrol;

WHEREAS, approximately 60,000 assaults against law enforcement officers are reported each year, resulting in nearly 16,000 injuries;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including three from local law enforcement agencies. Deputy Edward Innes was killed on September 27, 1906, during an inmate jail escape. Fruita Police Department lost Acting Chief Dan Dalley in June 2001. Most recently, Deputy Derek Geer, of the Mesa County Sheriff's Department, died after being shot by an armed suspect in February of this year.

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

WHEREAS, 124 officers were killed in the line of duty in 2015, four of which were fallen Colorado heroes; Sergeant Sean Renfro, of the Jefferson County Sheriff's Office, Trooper Taylor Thyfault, of the Colorado State Patrol, Trooper Jaimie Jursevics, of the Colorado State Patrol, and Officer Garrett Swasey, of the University of Colorado at Colorado Springs Police Department. These officers will have their names added to the National Law Enforcement Officers Memorial located in Washington, D.C., this year;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored locally during the candlelight vigil, on the evening of May 19, 2016;

WHEREAS, May 15 is designated as Peace Officers Memorial Day and the week of May 15 through May 21, 2016, is National Police Week;

THEREFORE, BE IT RESOLVED that the Fruita City Council formally designates May 15-21, 2016, as Police Week in the city of Fruita, Colorado, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Fruita this 17th day of May, 2016.

Lori Buck, Mayor of the City of Fruita





AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER AND COUNCILOR KEN KREIE

DATE: MAY 17, 2016

RE: PRESENTATION OF ENGINEERING EXCELLENCE NATIONAL
RECOGNITION AWARD FOR THE AERIAL SURVEY OF THE
KOKOPELLI TRAIL

BACKGROUND

Olsson Associates and the City of Fruita received the Engineering Excellence National Recognition Award for the aerial survey of the Kokopelli Trail. Civil Engineer with Olsson Associates and Fruita Parks and Recreation Advisory Board member Wyatt Popp will present the City's award to the City Council.

No action is necessary.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MICHAEL BENNETT, CITY MANAGER AND MAYOR BUCK
DATE: MAY 17, 2017
RE: RON POLLARD'S PRESENTATION ON ALLOWING ATVS/OHVS ON CITY STREET

BACKGROUND

Ron Pollard, President of Funshares, has requested to give a presentation to the City Council concerning whether or not to allow ATVs/OHVs on City of Fruita roads. Mayor Buck invited Mr. Pollard to present laws enacted in other Colorado cities, as well as Mr. Pollard's thoughts on personal and safety equipment requirements, a possible fee structure and language for application forms.

Council considered this in 2015, and decided to table looking into it any further due to other higher priority items and pending state legislation. At the February 2016 workshop session, Council again discussed the issue and decided to have Mr. Pollard present to City Council after the April Municipal Election.

No immediate action is necessary.



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970-241-2702

2583 Hwy. 6 & 50, Grand Junction, CO 81501
funshares@aol.com

Ron Pollard, President Charlotte Pollard, Vice President

To: Mayor Lori Beck and City Manager Michael Bonnet.

Per my conversations with you all I would like to get on the agenda for the May 17 council meeting to present the Street Legal OHV idea. I have enclosed copies of laws enacted by other Colorado cities regarding OHV use in their cities.

Included in my presentation will be thoughts on personal and safety equipment requirements, possible fee structure, and language for application forms.

Thank you

Ronald Pollard

Chapter 10.09

Use of ATV/OHVs

Sections:

- 10.09.010 Registration
- 10.09.020 Definitions
- 10.09.030 Terms and conditions; fees
- 10.09.040 Limitation of liability
- 10.09.050 Violations and fines

10.09.010 Registration.

A. It shall be legal for licensed drivers at least eighteen (18) years of age to operate an all-terrain vehicle, here after known as ATV (all-terrain vehicle) or OHV (off-highway vehicle) on the public streets within the city, providing that said vehicle is registered with the city and meets all requirements of this chapter. Owners wishing to register their vehicle with the city may do so at the police department.

B. Registration with the city will be completed only when the vehicle being registered meets the criteria set forth by the city in accordance with local traffic ordinances already in place.

C. Owners must provide the following:

1. Bill of sale, title of vehicle or proof of ownership;
2. Proof of current insurance (which must meet requirements of motorcycles licensed by the state of Colorado); and
3. Valid drivers license (a valid drivers license will be required to operate an ATV/OHV on the streets and alleys of the city.) (Ord. 1001 §1, 2009)

10.09.020 Definitions.

As used in this chapter:

All-terrain vehicle type I (ATV) means any motor vehicle fifty (50) inches or less in width, having an unladen dry weight of eight hundred (800) pounds or less, traveling on four (4) or more low pressure tires, having a seat designed to be straddled by the operator, having a seat height of a minimum of twenty-four (24) inches when measured at the forward edge of the seat bottom, with handlebars for control and designed for or capable of traveling over unimproved terrain.

Insured means the same insurance requirements needed to operate a street legal motorcycle in the state of Colorado.

Operator means the person who is in actual physical control of a vehicle.

State and city traffic laws means any traffic codes adopted by the city.

Utility type vehicle (UTV) means any recreational vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of thirty (30) to seventy (70) inches, having an unladen dry weight of two thousand two hundred (2,200) pounds or less, having a seat height of twenty-five (25) to forty (40) inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control.

Valid driver's license means any current, legal license not subject to revocation or suspension. (Ord. 1001 §1, 2009)

10.09.030 Terms and conditions; fees

A. Terms and conditions of ATV/OHV use: city streets (hereinafter called "legal route"), except for any state highway, are open for ATV/OHV use under the following conditions and restrictions:

1. ATV/OHV vehicle must be brought to the police department for VIN inspection, issuance of a permit and payment of registration fees; *25 fines*
2. Stickers must be placed on both front fenders of the ATV/ OHV;
3. ATV/OHV is insured. Proof of insurance required with vehicle at all times. Must maintain liability insurance coverage. Minimum required by state law;
4. ATV/OHV operator is licensed driver eighteen (18) years of age or older;
5. Limited to one (1) person on OHV unless the OHV is designed for two (2) riders and there is foot rest and hand holds for each rider. Side-by-sides (UTVs) must have and wear seatbelts for each occupant. All safety equipment on the OHV must be used. If UTV has a windshield, it must have operational wipers;
6. ATV/OHV operator must obey all state and city traffic laws;
7. No three-wheel ATV/OHV type vehicles are allowed on city streets;
8. The operator of an ATV/OHV may not exceed the posted speed limit or a maximum speed of thirty-five (35) mph;
9. The operator of an ATV/OHV on legal routes shall have all the rights and duties applicable to the driver of any other vehicle under the provisions of Colorado statutes and laws, except when those provisions cannot be reasonably applied to ATV/OHVs and except as otherwise specifically provided for in Colorado statutes; and
10. Motor vehicles that have been modified to be used as ATV/OHVs are not permitted.

B. Must meet the following safety equipment requirements:

1. Headlamp;
2. Tail lamp and reflector;

3. Stop lamps on the rear;
4. A horn or other audible warning device;
5. A muffler and emissions system;
6. Rear view mirror;
7. A windshield or eye protection for the operator;
8. For side-by-side vehicles, a seat belt is required for each occupant;
9. Anyone under the age of sixteen (16) who is riding as a passenger on a UTV (side-by-side) or two-person ATV must wear a helmet; and
10. A footrest and hand hold for each passenger. (Ord. 1001 §1, 2009)

10.09.040 Limitation of liability.

Nothing in this chapter shall be construed as an assumption of any duty of care by the city with respect to, or the assumption of any liability by the city for any injuries to persons or property which may result from the operation of an ATV/OHV on the streets within the city limits. (Ord. 1001 §1, 2009)

10.09.050 Violations and fines.

A. Any persons in violation of any city or state traffic laws will be ticketed and assessed fines that are applicable to said violations. The police department or any other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this chapter.

B. With respect to any violation of traffic laws contained in this code (and Model Traffic Code incorporated therein), the minimum fine shall be one hundred dollars (\$100.00).

C. The city shall revoke the registration of any owner who is convicted of three (3) or more violations of any city or state traffic laws within one (1) year. (Ord. 1001 §1, 2009)

CHAPTER 10.5 - Off-Highway Vehicle Code

10.5.101 - Definitions.

As defined in this Chapter, unless the context otherwise requires, the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number; and every word importing the masculine gender only may extend to and be applied to females and things as well as males, and every word importing the neuter gender only may extend to and be applied to natural persons as well as things. The word *shall* is always mandatory and not merely directory:

Off-highway vehicle means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. *Off-highway vehicle* does not include the following:

- a. Vehicles designed and used primarily for travel on, over or in the water;
- b. Snowmobiles. *Snowmobile* means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts or cleats. *Snowmobile* does not include machinery used strictly for the grooming of snowmobile trails or ski slopes;
- c. Military vehicles;
- d. Golf carts;
- e. Vehicles designed and used to carry disabled persons;
- f. Vehicles designed and used specifically for agricultural, logging or mining purposes; or
- g. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

Operate means to ride in or on and control the operation of an off-highway vehicle.

Operator means every person who operates or is in actual physical control of an off-highway vehicle.

Owner means a person, other than a lienholder, having title to an off-highway vehicle and entitled to the use or possession thereof.

(Ord. 7 §1, 2011)

10.5.102 - Designated off-highway vehicle routes.

In accordance with Section 33-14.5-108(1), C.R.S., all Town roads, roadways or alleys, except any road or roadway that is part of the state highway system within the Town, are hereby designated as off-highway vehicle routes.

(Ord. 7 §1, 2011)

10.5.103 - Operation of off-highway vehicles.

- (a) No person shall operate an off-highway vehicle in the Town, pursuant to this Chapter, unless the person possesses a valid Colorado driver's license or a valid driver's license from another state.
- (b) No person shall operate an off-highway vehicle on a road, roadway or alley of the Town while carrying any person or riding in any position that may interfere with the operation or control of an off-highway vehicle or the view of the operator.
- (c) Every person operating an off-highway vehicle shall do so in compliance with the applicable laws of the State of Colorado and the Model Traffic Code for Colorado, as adopted by the Town, pursuant to the provisions of Section 10.5.107 of this Chapter.
- (d) The operator of an off-highway vehicle in the Town shall not exceed a maximum speed of twenty-five (25) miles per hour, except for a speed not in excess of any speed limit designated by an official traffic control device.

(Ord. 7 §1, 2011)

10.5.104 - Safety equipment.

Every off-highway vehicle operated pursuant to this Chapter shall be equipped, as provided by Section 33-14.5-109(1)(a) and (b), C.R.S., and the Colorado Division of Parks and Outdoor Recreation, Chapter 5 - OHV Regulations, as follows:

- (1) At least one (1) headlamp;
- (2) At least one (1) red tail lamp;
- (3) Braking system;
- (4) Spark arrester; and
- (5) Muffler.

(Ord. 7 §1, 2011)

10.5.105 - Notice of accident.

- (a) The operator of an off-highway vehicle involved in an accident resulting in property damage, injuries or death, or some person acting for the operator, or the owner of the off-highway vehicle having knowledge of the accident, shall immediately, by the quickest available means of communication, notify the Police Department.
- (b) The Police Department, upon receiving a report of an accident under this Section, shall forward a copy thereof to the Colorado Division of Parks and Outdoor Recreation.
- (c) Within forty-eight (48) hours after an accident involving an off-highway vehicle, the accident shall be reported to the Denver office of the Colorado Division of Parks and Outdoor Recreation. The report shall be made on forms furnished by such Division and shall be made by the owner or operator of the vehicle or someone acting for the owner or operator.

(Ord. 7 §1, 2011)

10.5.106 - Limitation of liability.

To the maximum extent permitted by law, nothing in this Chapter shall be construed as an assumption of any duty of care by the Town with respect to, or the assumption of any liability by the Town for, any injuries to persons or property which may result from the operation of an off-highway vehicle on the roads, roadways or alleys within the Town limits.

(Ord. 7 §1, 2011)

10:5.107 - Enforcement, violations and fines.

- (a) Every peace officer of the Town is hereby authorized to enforce the provisions of this Chapter as provided by the applicable provisions of the Model Traffic Code for Colorado, as adopted by the Town. Notwithstanding the provisions of the adopted Model Traffic Code, Article II Definitions, subsection (88), an off-highway vehicle shall be considered a "vehicle" for purposes of the application or enforcement of the adopted Model Traffic Code, except for Article I, Part 2, Equipment, thereof.
- (b) Any person who violates the provisions of this Chapter shall be guilty of a municipal ordinance offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Pursuant to the Colorado Municipal Court Rules of Procedure, 210(b)(4), the Municipal Court may, by order, which from time to time may be amended, supplemented or repealed, designate the ordinance offenses and the penalties for which may be paid at the office of the Court Clerk.

(Ord. 7 §1, 2011; Ord. 01-2013 §1)

CITY OF DELTA, COLORADO

ORDINANCE #6, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, ADOPTING THE 2010 MODEL TRAFFIC CODE AND AMENDING CHAPTER 10.04 OF THE DELTA MUNICIPAL CODE.

WHEREAS, the Delta City Council ("Council") has adopted by reference the Model Traffic Code for Colorado, 2003 Edition; and

WHEREAS, Colorado Department of Transportation ("CDOT") has revised the Model Traffic Code and promulgated the Model Traffic Code for Colorado, 2010 Edition ("2010 Model Code"); and

WHEREAS, the Council is authorized to adopt by reference the 2010 Model Code, as provided in Part 2 of Article 16 of Title 31, C.R.S.; and

WHEREAS, the use of all-terrain and off-highway vehicles ("OHVs") has increased both within and without the City; and

WHEREAS, subjecting the use of OHVs to the City's traffic laws is necessary to promote the safe and orderly operation of OHVs; and

WHEREAS, pursuant to C.R.S. §§ 33-14.5-108(1) and 110(1), the City may designate and establish OHV routes, excluding state highways, on which OHVs may be operated and regulate the operation of the same; and

WHEREAS, the Council desires to designate and establish by this Ordinance a designated OHV route; and

WHEREAS, to properly implement the 2010 Model Code and extend the same to OHVs, it is necessary to amend Chapter 10 of the Delta Municipal Code; and

WHEREAS, the Council finds and determines that adopting the 2010 Model Code and subjecting OHV use to the City's traffic regulations is in the best interest of the public health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the City Council.

2. Adoption by Reference. The Council hereby adopts by reference the 2010 Model code, and appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, Denver,

Colorado 80222. Said adoption is subject to the modifications set forth in the Municipal Code text amendments identified in Section 4 of this Ordinance. In lieu of full publication of the foregoing, a true and correct copy of the 2010 Model Code shall be available for inspection at the office of the City Clerk.

3. Citation Corrections. The Council finds that there are numerous citation errors throughout the official 2010 Model Code adopted by this Ordinance. As such, the Council approves and incorporates by reference herein the citation corrections listed in Exhibit A attached hereto.

4. OHV Route. By this Ordinance No. 6, 2015, the Council hereby designates an off-highway vehicle route within the City. Said off-highway vehicle route shall include any road, street, alley, avenue, thoroughfare, public way, or other public right-of-way within the City, excluding only Highway 50, Highway 92, and Highway 348.

5. Amendment. Chapter 10.04 of the Delta Municipal Code shall be amended as follows with added language underlined and removed language ~~stricken~~. Only those provisions of Chapter 10.04 specifically identified herein are amended by this Ordinance; all other portions and provision of Title 10.04 remain in full force and effect:

10.04.010 Adoption of Model Code.

Subject to Sections 10.04.015, 016, and 017, there is hereby adopted by reference, in its entirety, ~~Articles I and II inclusive of the 2003~~ the 2010 edition of the "Model Traffic Code for Colorado Municipalities," and appendices thereto ("Model Code"), promulgated and published as such by the Colorado Department of Transportation, ~~Staff, Traffic and Safety and Safety Project Branch, Safety and Traffic Engineering Branch,~~ 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of said Model Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Chapter and the Model Code adopted herein is to provide a system of traffic regulations consistent with State law and generally conforming to similar regulations throughout the State and Nation.

10.040.015 Deletions.

The following provisions of the Model Code are hereby deleted from the Model Code, and the Model Code is adopted subject to said deletions:

(A) Part 1, "TRAFFIC REGULATION-GENERALLY," Sections 101, Short title and 102, Legislative declaration;

(B) Part 1, "TRAFFIC REGULATION-GENERALLY," subsection (3) of Section 116 concerning restrictions for minor drivers;

(C) Part 7, "RIGHTS OF WAY", Section 711, Driving on mountain highways;

(D) Part 12, "PARKING", subsection (9) of Section 1208, Parking privileges for persons with disabilities;

(E) Part 12, "PARKING", Section 1210, Designated areas on private property for authorized vehicles;

(F) Part 14, "OTHER OFFENSES", subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;

(G) Part 17, "PENALTIES AND PROCEDURE," Sections 1701 and 1702.;

(H) Part 19, "SCHOOL BUSES", Section 1904, Regulations for school buses;

(I) Any penalty provisions in the Model Code that conflict with the provisions set forth in Chapter 10.04.017 of this Code are deleted and said Code provision shall control.

10.04.016 Additions and Modifications.

The adopted Model Code is subject to the following additions or modifications:

A. Subsection 3 of Section 114 of the Model Code is amended as to read as follows:

114. Removal of Traffic Hazards.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge or other plant within ten (10) days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the local authority for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the local authority. This lien on the premises may be foreclosed by an action at law or in equity in the name of the City and in the court having jurisdiction thereof. If the local authority must resort to court action for collection of amounts due, the local authority shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the local authority prevails. In the event such costs are not paid by the property owner when due, the City Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended.

B. Subsection 3 of Section 1205 of the Model Code is amended to read as follows:

1205. Parking at Curb or Edge of Roadway.

(3) On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the roadway indicated by such signs or markings.

C. The following definitions are added to the "Definitions" appendix of the Model Code:

(28.5) "Electrical Assisted Bicycle" means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of 20 miles per hour.

(28.7) "Electric Personal Assistive Mobility Device" or "EPAMD" means a self balancing, non tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than 750 watts.

(49.5) "Low-Power Scooter" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(a) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or

(b) A wattage not exceeding 4,476 if powered by electricity.

The term "low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights of way.

D. The citation corrections identified in Exhibit A to Ord. #6, 2015 adopting the Model Code are incorporated herein by reference.

10.04.017 Penalties.

A. Penalty Assessment Schedule. The municipal court for the City of Delta shall promulgate a penalty assessment schedule ("Schedule") and update said Schedule from time to time as is deemed necessary by the court.

B. Traffic Infraction. It is a traffic infraction for any person to violate parts 1 to 3 and 5 to 19 of the Model Code unless such violation is declared otherwise by the Model Code or any other state or local law. Any violation deemed to be a traffic infraction is subject to the standard penalties set forth in the municipal court's Schedule.

C. Traffic Offense. Any violation of the Model Code deemed by the Model Code to be a traffic offense is subject to the standard penalties available to the Delta Municipal Court set forth in Chapters 1.08.010 and 1.08.030 of the Delta Municipal Code.

D. It is expressly provided that a speeding violation of up to 24 miles per hour over the posted speed limit constitutes a traffic infraction and is subject to the penalties as provided in this Chapter.

10.04.018 Off-Highway Vehicles

A. **Definitions.**

1. "Off-Highway Vehicle" or "OHV" shall have the meaning given in C.R.S. § 33-14.5-101, as the same may be amended from time to time.
2. As used in this Section 10.04.018, "OHV Route" means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public right-of-way within the City, excluding only Highway 50, Highway 92, and Highway 348.

B. **OHV Use Permitted: any person 16 years or older is permitted to operate an off-highway vehicle on, within, and throughout the OHV Route, provided that:**

1. The operator of the OHV has in his or her possession a valid motor vehicle driver's license or operator's license; and
2. The OHV has been registered and numbered in accordance with Article 14.5 of Title 33 of the Colorado Revised Statutes; and
3. The operator of the OHV has, in full force and effect, an insurance policy covering the OHV that complies with the terms of Part 6, Article 4, Title 10, of the Colorado Revised Statutes.

It shall be unlawful for any person to operate an off-highway vehicle outside the OHV Route.

C. **Traffic Regulations. The City's traffic regulations set forth in this Chapter 17, including the Model Code, shall apply to the operation of OHVs within the City. It expressly acknowledged that it is unlawful for any person to operate an OHV under the influence of alcohol or one or more drugs, or a combination of both, and that such conduct is subject to C.R.S. § 42-4-1301.**

6. **Severability.** Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

7. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City's home rule authority and under the general police power of the City of Delta and that it is promulgated for the protection of health, safety, and welfare of the citizens of the City of Delta. Council further determines that this Ordinance bears a rational relationship to the proper legislative purpose of the Ordinance.

8. Effective Date. This Ordinance shall become effective thirty (30) days after final publication as provided in the City Charter and C.R.S. section 31-16-105.

INTRODUCED on August 18, 2015, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full.

/s/ Edward C. Sisson
Mayor

ATTEST:

/s/ Jolene E. Nelson
City Clerk

INTRODUCED a second time at a regular meeting of the Council of the City of Delta, Colorado on September 1, 2015, read by title and number, passed with amendments, approved, and ordered published as required by the Charter.

/s/ Edward C. Sisson
Mayor

ATTEST:

/s/ Jolene E. Nelson
City Clerk

EXHIBIT A
Citation Corrections

The following citations in the 2010 Model Traffic Code are corrected as follows:

1. In Section 223, all references to "section 235(1)(a)" in subsection (1), are modified to read "section 42-4-235(1)(a), C.R.S."
2. In Section 225, subsection (1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."; and the reference in subsection (3) to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."
3. In Section 228, subsection (5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
4. In subsection (4) of Section 229 of, the reference to "section 219" is modified to read "section 42-3-219, C.R.S."
5. In Section 236, subsection (1)(a), the reference to "Code 6" is modified to read "Article 6."
6. In Section 237, subsection (3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
7. In Section 509, subsection (2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."
8. In Section 613, the reference to "Code 4" is modified to read "Article 4."
9. In Section 805, subsection (5), the reference to "section 110" is modified to read "section 42-4-110, C.R.S." and the reference to "section 111" is modified to read "section 42-4-111, C.R.S."
10. In Section 1012, subsection (2.5)(c), the reference to September 1, 2003, is deleted.
11. In Section 1012, subsection (3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."
12. In Section 1208, all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; all references to "section 204" are modified to read "section 42-3-204,

C.R.S."; and all references to "section 102(17)" are modified to read "section 42-1-102(17), C.R.S."

13. In Section 1401, the reference to "section 127" is modified to "section 42-2-127, C.R.S."
14. Section 1402 of reference to "section 127" is modified to "section 42-2-127, C.R.S."
15. In Section 1412, all references to "section 111" are modified to read "section 42-4-111, C.R.S."; the reference to "Code 10" is modified to read "Article 10"; and all references to "section 127" are modified to read "section 42-2-127, C.R.S."
16. In Section 1805, the reference to "Part 1 of Code 6 of this Title" is modified to read "Part 1 of Article 6 of Title 42, C.R.S."; and the reference to "Code 6 of Title 12, C.R.S." is modified to read "Article 6 of Title 12, C.R.S."



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE MAY 17, 2016
RE: SPECIAL EVENT LIQUOR PERMIT APPLICATION - A REQUEST TO APPROVE THE SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM THE FRUITA ROTARY CLUB TO SELL BEER AT THE MIKE THE HEADLESS CHICKEN FESTIVAL ON JUNE 3, 2016 FROM 3:00 PM TO 10:00 PM AND JUNE 4, 2016 FROM 11:00 AM TO 10:00 PM AT CIVIC CENTER PARK INCLUDING THE PARKING LOT AND ONE BLOCK OF ASPEN AVENUE BETWEEN N. PEACH STREET AND N. ELM STREET

BACKGROUND

In order to sell alcohol at community events, State law requires that a not-for-profit or current liquor license holder apply for a special events liquor permit. The applicant is required to uphold the standards and requirements placed on them by the City.

The Fruita Rotary Club is requesting to sell beer at the Mike the Headless Chicken Festival at 325 E. Aspen Street (The Fruita Civic Center) including the parking lot and one block of Aspen Avenue between N. Peach Street and N. Elm Street.

The Rotary Club states in their narrative that the beer taps will be shut off at 9:30 p.m. to allow patrons 30 minutes to finish beverages and leave the licensed area. The Fruita Police Department has reviewed the Rotary's application and they have no issues which would prohibit the issuance of the Special Events Permit.

The Special Event application, Fruita Police Department's memorandum, narrative for the event, and diagram are attached.

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES

None

OPTIONS AVAILABLE TO THE COUNCIL

- Approval of the Special Events Permit for the Fruita Rotary Club to sell beer at the Fruita Civic Center during the Mike the Headless Chicken Festival with stated conditions
- Denial of the Special Events Permit
- Approve the permit with modified conditions

RECOMMENDATION

IT IS THE RECOMMENDATION OF STAFF THAT THE CITY COUNCIL BY MOTION:

APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR THE FRUITA ROTARY CLUB TO SELL BEER DURING THE MIKE THE HEADLESS CHICKEN FESTIVAL ON JUNE 3, 2016 FROM 3:00 PM TO 10:00 PM AND ON JUNE 4, 2016 FROM 11:00 AM TO 10:00 PM AT FRUITA CIVIC CENTER PARK AT 325 E. ASPEN STREET INCLUDING THE PARKING LOT AND ONE BLOCK OF ASPEN AVENUE BETWEEN N. PEACH STREET AND N. ELM STREET SUBJECT TO THE FOLLOWING CONDITIONS:

- **APPLICANT WILL DISCONTINUE SERVING ALCOHOL AT 9:30 PM AND PARTY WILL DISPERSE BY 10:00 PM, ALLOWING PATRONS 30 MINUTES TO FINISH BEVERAGES AND LEAVE THE LICENSED AREA.**
- **THE ROTARY WILL BE SOLELY RESPONSIBLE FOR THE ENFORCEMENT OF LIQUOR LAWS.**
- **ALL OTHER PROCEDURES PRESENTED BY THE ROTARY CLUB WILL BE FOLLOWED.**

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|------------------------------------|---|--|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input checked="" type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input checked="" type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:

2110 MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY

2170 FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
FRUITA ROTARY CLUB

State Sales Tax Number (Required)
27-15995-0000

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (Include street, city/town and ZIP)

**P O BOX 471
 FRUITA, CO 81521**

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (Include street, city/town and ZIP)

**325 E Aspen St
 Fruita, CO 81521**

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE TOM McNAMARA	12/31/1949	1768 Waters Ln, Fruita, CO 81521	970-260-8689
5. EVENT MANAGER Karen Leonhart	8/15/1958	890 Sabil Drive, Fruita, Co 81521	970-250-4435

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO YES TO WHOM? _____

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
06/03/2016		3p	10p	06/04/2016		11a	10p				

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE <i>Karen Leonhart</i>	TITLE Event Manager	DATE 05/02/2016
------------------------------------	------------------------	--------------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) <i>The City of Fruita</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK (970) 858-3663
SIGNATURE <i>Lori Buck</i>	TITLE MAYOR	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

**Fruita Rotary Club
Mike the Headless Chicken Festival
Liquor License Narrative
Civic Center Park Location**

Attached is a map that shows the event area.

1. Description: The Mike the Headless Chicken Festival is an annual event in Fruita celebrating the history, community, and local culture of Fruita. The Fruita Rotary Club will sell beer from kegs served into plastic cups. The Beer Garden will be open until 10:00pm on Friday and Saturday and taps will be turned off at 9:30pm. This will allow patrons sufficient time to finish any alcoholic beverages before closing at 10:00pm.

2. Security: Rotarians will monitor the entrances/exits to the licensed area and its perimeter to make sure no alcohol comes into or leaves the licensed area. Signs will be posted on perimeter fencing indicating that no alcohol is allowed into or out of beer garden.

FRIDAY 6/3/2016 Beer Gardens 3pm to 10pm

SATURDAY 6/4/2016 Beer Garden opens at 11am-10pm.

3. Crowd Control: Rotarians will monitor the crowd and those consuming alcohol to prevent any participants from becoming noticeably intoxicated. If any behavior exceeds a level that cannot be controlled by Rotarians serving and patrolling the premises, or illegal activity occurs, the Fruita Police Dept. will be called. Fruita Rotary will stop serving alcohol to any patron who is noticeably intoxicated.

4. Fencing: 4' high metal fencing will enclose the licensed area, the entrance will be on the East side of the licensed area (Circle Park and Civic Center) and will be staffed by Rotarians and professional security personnel as listed above to prevent alcohol from entering or leaving the licensed premise.

5. Portable toilets will be easily accessible outside of the licensed area to the North.

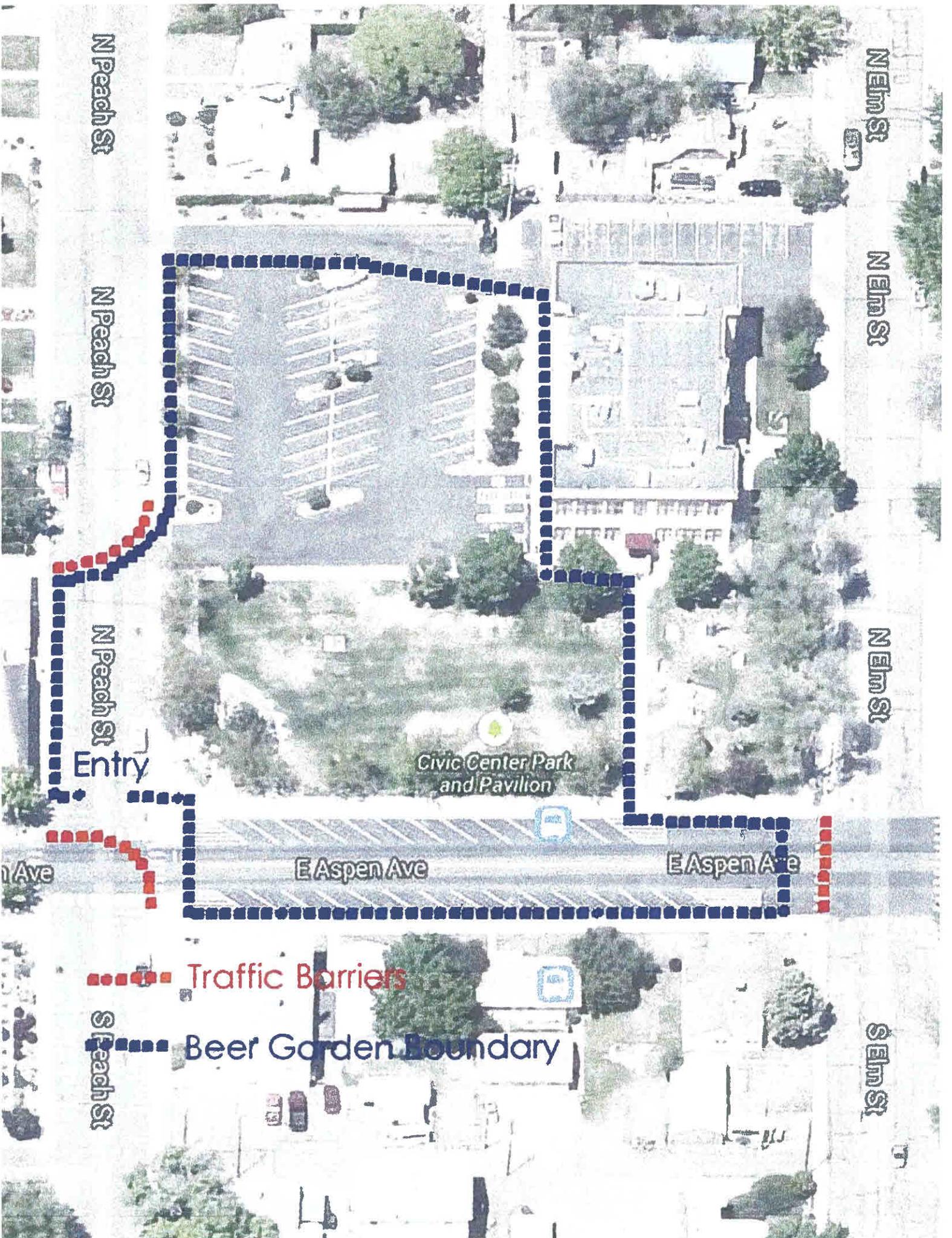
6. Proper signage will be posted along the fencing at 20' intervals indicating that ID's will be checked and that No Alcohol can be brought into or removed from the licensed premise.

7. ID's will be checked by Rotarians and wristbands attached at the beer booth and beer will be dispensed only to those wearing a wristband, and are 21yrs old. Anyone purchasing beer will be asked to provide an ID in order to obtain a wristband and be served beer.

8. Most Fruita Rotarians are TIPS trained and will be on duty during licensed area operations.

9. Trash will be picked up periodically and disposed of trash in receptacles provided by the event in order to keep premises clean and neat looking.

10. Food snacks – pretzels and a snack mix will be available for patrons to purchase at the beer serving table, also, numerous food vendors will be available in the Mike the Headless Chicken Festival Venue.



N Peach St

N Elm St

N Peach St

N Elm St

N Peach St

N Elm St

Entry

Civic Center Park
and Pavilion

Ave

E Aspen Ave

E Aspen Ave

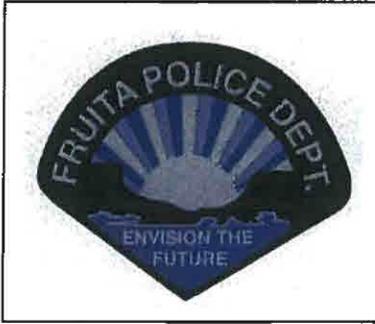
--- Traffic Barriers

--- Beer Garden Boundary

S Peach St

S Elm St

Fruita Police Department



Memo

To: Deb Woods
From: Chief Macy
Date: 05/05/16
Re: Mike the Headless Chicken, Special Event Liquor Permit

The Special Event Permit for the Mike the Headless Chicken Festival has been reviewed. There are no concerns which would prevent the issuance of the license.

Although the license narrative indicates the licensed area(s) are Circle Park and the Civic Center in Section #4. *Fencing*; I spoke with Tom McNamara on 05/05/16 and confirmed, there will be one (only) liquor venue – at the Civic Center.

If you have any questions, please feel free to contact me.

JHM/4101



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: MAY 17, 2016

RE: LIQUOR LICENSE TRANSFER OF OWNERSHIP – A REQUEST TO APPROVE THE TRANSFER OF OWNERSHIP ON A HOTEL AND RESTAURANT LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FROM THE FEEDLOT RESTAURANT AND BAR TO ROSCO’S INC. DBA KANNAH CREEK BREWING COMPANY WEST LOCATED AT 456 KOKOPELLI BLVD., UNIT J

BACKGROUND

Rosco’s Inc. dba Kannah Creek Brewing Company West has submitted an application and paid the appropriate fees for a Transfer of Ownership of a Hotel and Restaurant Liquor License – Malt, Vinous, and Spirituous located at 456 Kokopelli Blvd., Unit J (previously the Feedlot Restaurant and Bar). Building owner JRM, LLC has leased the restaurant to Rosco’s Inc, whose corporate officers are Jim and Bernadette Jeffreys. A temporary liquor license has been issued with the consent of the owners of the Feedlot Restaurant and Bar pending the Transfer of Ownership.

In conducting the background checks, the Fruita Police Department, Grand Junction Police Department, Mesa County Sheriff’s Office and the Colorado Bureau of Investigation reported that they have had no contact or issues with the new owners and nothing in their records would hinder the issuance of the Transfer of Ownership.

The Colorado Liquor License Application and the Preliminary Findings and Report Upon Application for a Transfer of a Hotel and Restaurant Liquor License are attached.

The following information is provided as background on the issuance of the liquor license process:

12-47-303. TRANSFER OF OWNERSHIP

In determining whether to permit a transfer of ownership, the licensing authorities shall consider only the requirements of section 12-47-307. The local licensing authority may cause a hearing on the application for transfer of ownership to be held. No hearing provided for by this paragraph (c) shall be held by the local licensing authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. Any transfer of ownership hearing by the state licensing authority shall be pursuant to section 12-47-305 (2).

12-47-307. Persons prohibited as licensees. (1) (a) No license provided by this article or article 46 or 48 of this title shall be issued to or held by:

- (I) Any person until the annual fee therefor has been paid;
- (II) Any person who is not of good moral character;
- (III) Any corporation, any of whose officers, directors, or stockholders holding ten percent or more of the outstanding and issued capital stock thereof are not of good moral character;
- (IV) Any partnership, association, or company, any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;
- (V) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;
- (VI) Any person unless such person's character, record, and reputation are satisfactory to the respective licensing authority;
- (VII) Any natural person under twenty-one years of age.

(b) (I) In making a determination as to character or when considering the conviction of a crime, a licensing authority shall be governed by the provisions of section 24-5-101, C.R.S.

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review and renewal of liquor license ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the Transfer of Ownership for a Hotel and Restaurant Liquor License – Malt, Vinous and Spirituous for Rosco’s Inc. dba Kannah Creek Brewing Company West located at 456 Kokopelli Blvd., Unit J
2. Deny the Transfer of Ownership based on the moral character of the applicants.

RECOMMENDATION

It is the recommendation of staff that the Council move to:

APPROVE THE TRANSFER OF OWNERSHIP FOR A HOTEL AND RESTAURANT LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FOR ROSCO’S INC. DBA KANNAH CREEK BREWING COMPANY WEST LOCATED AT 456 KOKOPELLI BLVD., UNIT J

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted

I. Applicant information

- A. Applicant/Licensee identified
- B. State sales tax license number listed or applied for at time of application
- C. License type or other transaction identified
- D. Return originals to local authority
- E. Additional information may be required by the local licensing authority

IX. Diagram of the premises

- A. No larger than 8 1/2" X 11"
- B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.)
- C. Separate diagram for each floor (if multiple levels)
- D. Kitchen - identified if Hotel and Restaurant
- E. Bold/Outlined Licensed Premises

III. Proof of property possession (One Year Needed)

- A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk
- B. Lease in the name of the Applicant (or) (matching question #2)
- C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant
- D. Other Agreement if not deed or lease. (matching question #2)
(Attach prior lease to show right to assumption)

IV. Background information and financial documents

- A. Individual History Records(s) (Form DR 8404-I)
- B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license
- D. List of all notes and loans (Copies to also be attached)

V. Sole proprietor / husband and wife partnership

- A. Form DR4679
- B. Copy of State issued Driver's License or Colorado Identification Card for each applicant

VI. Corporate applicant information (if applicable)

- A. Certificate of Incorporation dated stamped by the Secretary of State
- B. Certificate of Good Standing
- C. Certificate of Authorization if foreign corporation
- D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)

VII. Partnership applicant information (if applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife
- B. Certificate of Good Standing (If formed after 2009)

VIII. Limited Liability Company applicant information (if applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office)
- B. Certificate of Good Standing if organized more than two years
- C. Copy of operating agreement
- D. Certificate of Authority if foreign company

C. Manager registration for hotel and restaurant, tavern licenses when included with this application

- A. \$75.00 fee
- B. Individual History Record (DR 8404-I)
- C. If owner is managing, no fee required

20. **If applicant is a corporation, partnership, association or limited liability company, applicant must list all officers, directors, general partners, and managing members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% of more in the applicant. All persons listed below must also attach form DR8404-I (Individual History Record), and submit fingerprint cards to their local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
JAMES P JEFFRIES	[REDACTED], GRAND JUNCTION CO	[REDACTED]	PRESIDENT	30.15
BERNADETTE JEFFRIES	[REDACTED], GRAND JUNCTION, CO	[REDACTED]	TREASURER	42.65
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature 	Printed Name and Title JAMES P JEFFRIES, PRESIDENT	Date 4/6/16
--------------------------	---	----------------

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority 4/6/16	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) 5/17/16
---	--

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

- (Check One)
- Date of inspection or anticipated date _____
 - Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for The City of Fruita	Telephone Number (970) 858-3663	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature 	Print LORI BUCK	Title MAYOR
Signature (attest)	Print MARGARET SELL	Title CITY CLERK

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):
- (a) Been denied an alcohol beverage license?
 - (b) Had an alcohol beverage license suspended or revoked?
 - (c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

If you answered yes to 8a, b or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.

10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

Waiver by local ordinance? or
Other: _____

11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee. *See attached*

12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?

Ownership Lease Other (Explain in Detail) _____

a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease: *JRM, LLC 5/1/2021*

Landlord <i>JRM LLC</i>	Tenant <i>ROSGO'S INC</i>	Expires <i>MAY 2021</i>
----------------------------	------------------------------	----------------------------

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.

c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary. *none*

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

4. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
Has a local ordinance or resolution authorizing optional premises been adopted? *N/A*

Number of additional Optional Premise areas requested. (See license fee chart)

5. Liquor Licensed Drug Store applicants, answer the following:
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? *N/A*
If "yes" a copy of license must be attached.

3. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation** *N/A*

- (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
- (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
- (c) How long has the club been incorporated?
- (d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

Brew-Pub License or Vintner Restaurant Applicants answer the following:
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) *N/A*

a. For all on-premises applicants.
(If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)

Last Name of Manager <i>JEFFRIES</i>	First Name of Manager <i>JAMES</i>	Date of Birth <i>[REDACTED]</i>
---	---------------------------------------	------------------------------------

b. Does this manager acts as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.

Type of License <i>BREW PUB Kannah Creek Brewing Co EDGEWATER BREWERY</i>	Account Number <i>KC = 4210913000 EW = 4701221</i>
--	---

Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?

If yes, provide an explanation and include copies of any payment agreements.

ROSCO's INC

905 STRUTHERS AVE,
GRAND JUNCTION, CO 81501
Phone 970.243.0702 Fax 970.243.0712

Explanation #11

Edgewater Brewery 905 Struthers Ave Grand Junction, CO 81501, license #4701221

Kannah Creek Brewing Company, 1960 N 12th St, Grand Junction, CO 81501, license #42109130000



325 E Aspen
Fruita, CO 81521
(970) 858-3663

CITY OF FRUITA LOCAL LICENSING AUTHORITY, MESA COUNTY COLORADO

**PRELIMINARY FINDINGS AND REPORT UPON APPLICATION FOR A TRANSFER
OF A HOTEL AND RESTAURANT LIQUOR LICENSE**

IN RE: Rosco's Inc. dba Kannah Creek Brewing Company West
456 Kokopelli Blvd, Unit J
Fruita, CO 81521

TO THE APPLICANT NAMED ABOVE AND OTHER INTERESTED PARTIES:

You are hereby advised that with regard to your application for a Transfer of a Hotel and Restaurant Liquor License, an investigation has been made and based on the results thereof the following has been determined:

1. That the application was filed on April 6, 2016.
2. That the Notices of Public Hearing on this matter were posted by the applicant on May 1, 2016 and publication was made in the Grand Junction Daily Sentinel on May 4, 2016 for the hearing date of May 17, 2016.
3. There has not been, within two years preceding the date of your application, a denial of an application by the County Commissioners of Mesa County, the State Licensing Authority, or the Local Licensing Authority of the City of Fruita for a Hotel and Restaurant Liquor License at the location for which you make application for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants have been satisfied by the existing outlets.
4. It appears from the evidence submitted by you that you will be entitled to possession of the premises where you propose to exercise the license applied for.
5. Employees serving alcohol shall attend a Training Intervention Procedures (TIPS) class. This is a four-hour class on Colorado laws pertaining to but not limited to: serving alcohol, identifying intoxicated persons, and how to identify those of age to drink alcoholic beverages. All employees that serve alcohol should be trained either prior to beginning employment or within 30 days of employment. You may contact the Fruita Police Department, Officer John Coughran at 858-3008. Proof of attendance by employees selling alcohol must be submitted to the City Clerk's office and will be kept on file.

6. The proposed establishment is located in a Tourist Commercial Zoning District. Food Service, Restaurant (including alcohol) is an allowed use in this zone. A certificate of occupancy, a food establishment permit and any other applicable licenses and permits must be issued prior to commencement of operations **including Planning Clearances from the City of Fruita Planning Department.**
7. The building and grounds where you propose to exercise the privilege of serving alcohol does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
8. Within a one mile radius from the building and grounds where you propose to sell malt vinous and spirituous liquors there are the following Hotel and Restaurant Liquor License establishments:

Dragon Treasure Chinese Restaurant
Fiesta Guadalajara Mexican Restaurant
El Tapatio Mexican Restaurant
Rib City Grill

9. The following criminal history information has been brought to the attention of the authority:

Applicant (including partners, officers, directors over 10% shareholders)

Owner: James P. Jeffryes - All clear
Co-owner: Bernadette Jeffryes – All clear

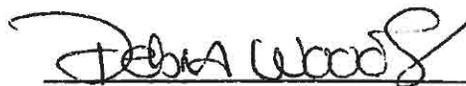
Source of information:

Fruita Police Department (Exhibit A)
Grand Junction Police Department (Exhibit B)
Mesa County Sheriff's Office (Exhibit C)
Colorado Bureau of Investigation (Exhibit D)

10. The public hearing on your application will be held on May 17, 2016 at 7:00 p.m. in the Council Chambers at the Fruita City Hall, 325 E Aspen, Fruita, CO. At said hearing you shall have the opportunity to be heard regarding all matters related to your application, including all matters set forth herein.
11. At the public hearing, and pursuant to CRS 12-46-108, as amended, you have the burden of proving that you are qualified to hold the license applied for and that your character, record and reputation are satisfactory; that the neighborhood needs this license and that the residents of the neighborhood desire that this license be granted.
12. A copy of the "Order of Hearing" procedures used by the Local Licensing Authority of the City of Fruita for use and guidance in holding hearings on liquor license applications

is attached for your information and review. (Exhibit E)

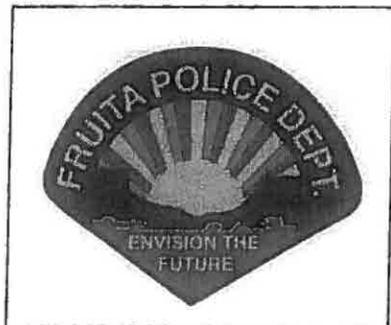
Dated this 5th Day of May 2016.



Debra Woods, Deputy City Clerk
for the Local Licensing Authority



Fruita Police Department



Memo

To: Deb Woods
From: Chief Macy
Date: 04/29/16
Re: Records check: James P. Jeffryes, Bernadette Jeffryes

A records check of James Jeffryes and Bernadette Jeffryes has been completed. The police department has no concerns with the issuance of the license requested.

Please feel free to contact me if you have any questions or concerns.

JHM/4101

Debra Woods



From: PD Records [PDRecords@ci.grandjct.co.us]
Sent: Wednesday, May 04, 2016 5:17 PM
To: Debra Woods
Subject: Re: Records checks on two individuals for Transfer of Liquor License

We do not have a record for either of these two individuals.

Pam

Grand Junction Police Records
555 Ute Ave
Grand Junction, CO 81501
phone: 970-549-5000
fax: 970-549-5002
email: pdrecords@gjcity.org

WARNING: This electronic mail transmission, to include any attached document, is from the Records & Data Management Unit of the Grand Junction Police, Grand Junction, Colorado. The information contained in this message may be privileged and/or confidential, and protected by law. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. For questions regarding this information or additional help, please call (970) 549-5000.

Debra Woods

From: Debra Woods
Sent: Wednesday, May 04, 2016 3:24 PM
To: 'PD Records'
Subject: Records checks on two individuals for Transfer of Liquor License
Attachments: [gjpdrecordsrequestJeffryes.pdf](#)

Amy – here is the request I just spoke to about.
Thanks in advance for your help!
Deb

Debra Woods
Deputy City Clerk
City of Fruita
(970) 858-3663
dwoods@fruita.org

Mesa County Sheriff's Office

Sheriff Matt Lewis

215 Rice Street
P.O. Box 20,000
Grand Junction, CO 81502

970-244-3500 Phone
970-244-3503 Fax
sheriff.mesacounty.us



Date: April 27, 2016



page 1 of 2

To Whom It May Concern:

Name: JEFFRYES, James Peter
DOB: [REDACTED]

The Mesa County Sheriff's Office has checked for arrest record information on the above referenced individual and has found the following:

- (X) No record of arrest or contacts with this agency.
- () Record of arrest with this agency as noted (see attached):
- () This person did not present any personal identification. This person may or may not be the person holding this document.

This background check does not include any contacts made for Civil Process. For Civil Process information please contact our Civil Unit at 970-244-3521.

A handwritten signature in cursive script that reads "Lorene Hernandez".

Lorene Hernandez
Law Enforcement Specialist
Mesa County Sheriff's Office
(970) 244-3505

Mesa County Sheriff's Office

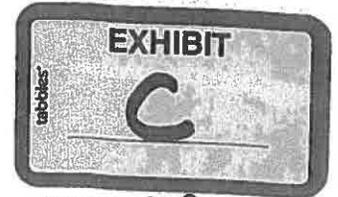
Sheriff Matt Lewis

215 Rice Street
P.O. Box 20,000
Grand Junction, CO 81502

970-244-3500 Phone
970-244-3503 Fax
sheriff.mesacounty.us



Date: April 27, 2016



To Whom It May Concern:

Name: JEFFRYES, Bernadette
DOB: [REDACTED]

The Mesa County Sheriff's Office has checked for arrest record information on the above referenced individual and has found the following:

- (X) No record of arrest or contacts with this agency.
- () Record of arrest with this agency as noted (see attached):
- () This person did not present any personal identification. This person may or may not be the person holding this document.

This background check does not include any contacts made for Civil Process. For Civil Process information please contact our Civil Unit at 970-244-3521.

Lorene Hernandez
Law Enforcement Specialist
Mesa County Sheriff's Office
(970) 244-3505



COLORADO
Bureau of Investigation
Department of Public Safety

Identification
690 Kipling Street, Suite 3000
Lakewood, CO 80215
303-239-4208



Page 1 of 2

CITY OF FRUITA
325 E ASPEN
FRUITA, CO 81521

Date: 04/26/16 10:16:38(MT)

RE: JEFFRYES, JAMES PETER

DOB: [REDACTED] SOC: XXXXX [REDACTED]

No Colorado Record of arrest has been located based on information provided.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records, and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
Michael S. Rankin, Director
Colorado Bureau of Investigation





COLORADO
Bureau of Investigation
Department of Public Safety

Identification
690 Kipling Street, Suite 3000
Lakewood, CO 80215
303-239-4208



Page 2 of 2

CITY OF FRUITA
325 E ASPEN
FRUITA, CO 81521

Date: 04/26/16 10:18:11(MT)

RE: JEFFRYES, BERNADETTE

DOB: [REDACTED] SOC: XXXXX [REDACTED]

No Colorado Record of arrest has been located based on information provided.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records, and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
Michael S. Rankin, Director
Colorado Bureau of Investigation





PUBLIC HEARINGS

Public Hearings are the formal opportunity for the city council to LISTEN to the public regarding the issue at hand. For land use hearings and liquor license hearings; the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record. The council must base their decision on the law and evidence presented at the hearing.

- 1) **Applicant Presentation** (15 minutes max) The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
- 2) **Staff presentation** (15 minutes max) Staff will present the comments and reports received from review agencies, and offer a recommendation.
- 3) **Public Input** (limit of 5 minutes per person. If two people in the audience are willing to cede their time to the speaker, that speaker may receive a total of 10 minutes, referred to as banking time). People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
- 4) **Applicant Rebuttal (limited to 5 minutes)** The Mayor will ask for the applicant's rebuttal. During this brief time, the applicant should answer the questions raised by the public.
- 5) **The hearing is then closed to public comments**
- 6) **Questions from the Council.** After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
- 7) **Make a motion.** A member of the City Council will make a motion on the issue.
- 8) **Discussion on the motion.** The City Council may discuss the motion.
- 9) **Vote.** The City Council will then vote on the motion.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 17, 2016
RE: NEW LIQUOR LICENSE APPLICATION - A REQUEST TO APPROVE AN APPLICATION FOR A TAVERN LIQUOR LICENSE FOR GEARS FROZEN YOGURT AND SMOOTHIES, LLC LOCATED AT 211 A EAST ASPEN AVENUE

BACKGROUND

Gears Frozen Yogurt and Smoothies, LLC dba Gears Frozen Yogurt and Smoothies has submitted an application for a Tavern Liquor License at 211 A East Aspen Avenue and has requested a concurrent review with the Liquor Enforcement Division and paid the appropriate fee to the Colorado Department of Revenue Liquor Enforcement Division for the concurrent review.

The following section from the Colorado Liquor Rules outlines the provisions for a concurrent review on a liquor license application.

Regulation 47-324. Concurrent Application Review.

A. A local licensing authority, or a license applicant with local authority approval, can request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application. Local licensing authorities who permit a concurrent review will continue to independently review the applicant's license application for the purpose of establishing the reasonable requirements of the neighborhood, the suitability of the character, record and reputation of the applicant and its principals, the fitness of the applicant's premises for occupancy in compliance with the provisions of Articles 46 and Article 47 of Title 12 C.R.S., and any other provisions required for local authority determination as provided for in these articles.

B. When conducting a concurrent application review, the state licensing authority will advise the local licensing authority of any items that it finds that could result in the denial of the license application. Upon correction of the noted discrepancies, the state licensing authority will notify the local licensing authority of its conditional approval of the license application subject to the final approval by the local licensing authority. The state licensing authority will then issue the applicant's state liquor license upon receiving evidence of final approval by the local licensing authority.

C. All applications submitted for concurrent review must be accompanied by all applicable state license and application fees. Any applications that are later denied or withdrawn will allow for a

refund of license fees only. All application fees provided by an applicant shall be retained by the respective licensing authority.

Recent background checks were conducted with the Fruita Police Department, the Grand Junction Police Department, the Mesa County Sheriff's Office, The Colorado Bureau of Investigation and the Vernal, UT Sheriff's Office. None of these law enforcement agencies found anything of concern that would hinder the issuance of the Tavern License.

The Preliminary Findings Report, law enforcement agencies' comments and Colorado Liquor License Application are attached hereto.

The following is a list of questions and guidelines to aid the Council in the decision making process to determine if the liquor license should be approved. These guidelines are from Colorado State Statutes.

Code Of Regulations, 1 C.C.R 203-2

Regulation 47-310 Application – General Provisions

- E. A licensing authority (the City Council in this case) is required to make a determination as to the character, record and reputation of the applicants for new licenses. The City Council may consider the following factors when assessing the character of the applicants, which may include but not be limited to the following:
1. The applicant or licensee has submitted false applications, made willful misrepresentations and/or committed fraudulent acts;
 2. The application or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson kidnapping, sexual assault, illegal drugs or narcotics convictions;
 3. The applicant or licensee has had previous alcohol beverage licenses denied, suspended or revoked as a result of violations of law;
 4. The applicant or licensee has been found to be delinquent in the payment of any state or local taxes, and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;
 5. The applicant or licensee has committed statutory violations resulting in the suspension, revocation or denial or any other professional license. For purpose of this section, the suspension or revocation or a state-issued driver's license shall not be considered.
- F. Pursuant to 24-5-101, C.R.S., when making a determination as to the character, record or reputation of a licensee or applicant as required by Title 12, Article 46, 47 and 48, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack or parole or probation violations since the date of last conviction.

ISSUANCE OF A NEW LIQUOR LICENSE

When acting on the issuance of a new liquor license, in addition to the moral character of the applicants, the City Council shall consider following issues when deciding whether or not to issue a license:

1. The reasonable requirements of the neighborhood;
2. The desire of the adult inhabitants as evidenced by petitions, remonstrance's or otherwise;
3. All other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority. (City Council)

No license shall be issued to or held by:

1. Any person until the annual fee therefore has been paid;
2. Any person who is not of good moral character;
3. Any partnership, association, or company any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;
4. Any person unless such person's character, record, and reputation are satisfactory to the respective licensing authority;
5. Any natural person under twenty-one years of age.

FISCAL IMPACT

Unknown

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The consideration of the issuance of a new Tavern Liquor License by the City Council ensures that the proposed establishment is desired in the neighborhood and the applicant is of good moral character.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the Tavern Liquor License for Gears Frozen Yogurt and Smoothies, LLC dba Gears Frozen Yogurt and Smoothies located at 211 A East Aspen Avenue as proposed
2. Approve the Tavern License for Gears Frozen Yogurt and Smoothies, LLC dba Gears Frozen Yogurt and Smoothies located at 211 A East Aspen Avenue with additional requirements
3. Deny the issuance based on the requirements of the needs of the neighborhood and the desires of its adult inhabitants and/or the character of the applicant.

RECOMMENDATION

It is staff's recommendation that the Council, by motion:

- **APPROVE THE APPLICATION FOR A TAVERN LIQUOR LICENSE FOR GEARS FROZEN YOGURT AND SMOOTHIES, LLC DBA GEARS FROZEN YOGURT AND SMOOTHIES LOCATED AT 211 A EAST ASPEN AVENUE**

Colorado Liquor Retail License Application

New License
 New-Concurrent
 Transfer of Ownership

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor
- Local License Fee \$ _____

1. Applicant is applying as a/an

<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)	<input checked="" type="checkbox"/> Limited Liability Company
	<input type="checkbox"/> Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

<u>Gears Frozen Yogurt and Smoothies, LLC</u>	FEIN Number <u>81-0692318</u>
---	----------------------------------

a. Trade Name of Establishment (DBA) <u>Gears Frozen Yogurt and Smoothies</u>	State Sales Tax Number <u>36228989-0000</u>	Business Telephone <u>970-634-2343</u>
--	--	---

Address of Premises (specify exact location of premises, include suite/unit numbers)
211 A East Aspen Ave.

City <u>Fruita</u>	County <u>Mesa</u>	State <u>CO</u>	ZIP Code <u>81521</u>
Mailing Address (Number and Street) <u>PO BOX 53</u>	City or Town <u>Fruita</u>	State <u>CO</u>	ZIP Code <u>81521</u>
Email Address <u>gearsfys@gmail.com</u>			

If the premises currently has a liquor or beer license, you must answer the following questions N/A

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
---	------------------------------	--------------------------	-------------------------

Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
Application Fee for New License..... \$ 600.00	<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50
Application Fee for New License w/Concurrent Review ... \$ 700.00	<input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50
Application Fee for Transfer..... \$ 600.00	<input type="checkbox"/> Manager Registration - H & R..... \$ 75.00
	<input type="checkbox"/> Manager Registration - Tavern..... \$ 75.00
	<input type="checkbox"/> Master File Location Fee \$ 25.00 X Total _____
	<input type="checkbox"/> Master File Background \$250.00 X Total _____
	<input type="checkbox"/> Optional Premises License (City)..... \$500.00
	<input type="checkbox"/> Optional Premises License (County) \$500.00
	<input type="checkbox"/> Racetrack License (City)..... \$500.00
	<input type="checkbox"/> Racetrack License (County)..... \$500.00
	<input type="checkbox"/> Resort Complex License (City)..... \$500.00
	<input type="checkbox"/> Resort Complex License (County)..... \$500.00
	<input type="checkbox"/> Retail Gaming Tavern License (City)..... \$500.00
	<input type="checkbox"/> Retail Gaming Tavern License (County)..... \$500.00
	<input type="checkbox"/> Retail Liquor Store License (City)..... \$227.50
	<input type="checkbox"/> Retail Liquor Store License (County)..... \$312.50
	<input checked="" type="checkbox"/> Tavern License (City)..... \$500.00
	<input type="checkbox"/> Tavern License (County)..... \$500.00
	<input type="checkbox"/> Vintners Restaurant License (City) ... \$750.00
	<input type="checkbox"/> Vintners Restaurant License (County)..... \$750.00

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted

Applicant information

- A. Applicant/Licensee identified
- B. State sales tax license number listed or applied for at time of application
- C. License type or other transaction identified
- D. Return originals to local authority
- E. Additional information may be required by the local licensing authority

Diagram of the premises

- A. No larger than 8 1/2" X 11"
- B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.)
- C. Separate diagram for each floor (if multiple levels)
- D. Kitchen - identified if Hotel and Restaurant
- E. Bold/Outlined Licensed Premises

Proof of property possession (One Year Needed)

- A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk
- B. Lease in the name of the Applicant (or) (matching question #2)
- C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant
- D. Other Agreement if not deed or lease. (matching question #2)
(Attach prior lease to show right to assumption)

Background information and financial documents

- A. Individual History Records(s) (Form DR 8404-I)
- B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license
- D. List of all notes and loans (Copies to also be attached) *(None)*

Sole proprietor / husband and wife partnership *N/A*

- A. Form DR4679
- B. Copy of State issued Driver's License or Colorado Identification Card for each applicant

Corporate applicant information (if applicable)

- A. Certificate of Incorporation dated stamped by the Secretary of State *N/A*
- B. Certificate of Good Standing
- C. Certificate of Authorization if foreign corporation
- D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)

Partnership applicant information (if applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife *N/A*
- B. Certificate of Good Standing (If formed after 2009)

Limited Liability Company applicant information (if applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office)
- B. Certificate of Good Standing if organized more than two years
- C. Copy of operating agreement
- D. Certificate of Authority if foreign company

Manager registration for hotel and restaurant, tavern licenses when included with this application

- A. \$75.00 fee
- B. Individual History Record (DR 8404-I)
- C. If owner is managing, no fee required

Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):

(a) Been denied an alcohol beverage license?

(b) Had an alcohol beverage license suspended or revoked?

(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

you answered yes to 8a, b or c, explain in detail on a separate sheet.

Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.

1. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

Waiver by local ordinance? or
Other:

Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.

Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?

Ownership Lease Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:

Landlord	Tenant	Expires
Arden Ranch Estates et al.	Morris & Tiffany Beebe	12/31/2018

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.

c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
Has a local ordinance or resolution authorizing optional premises been adopted? N/A

Number of additional Optional Premise areas requested. (See license fee chart)

Liquor Licensed Drug Store applicants, answer the following:

(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? N/A
If "yes" a copy of license must be attached.

Club Liquor License applicants answer the following: Attach a copy of applicable documentation N/A

(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?

(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?

(c) How long has the club been incorporated?

(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

Brew-Pub License or Vintner Restaurant Applicants answer the following: N/A

(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

For all on-premises applicants.
(If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)

Name of Manager	First Name of Manager	Date of Birth
Beebe	Tiffany	

Does this manager acts as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.

of License _____ Account Number _____

tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?

If yes, provide an explanation and include copies of any payment agreements.

3. **If applicant is a corporation, partnership, association or limited liability company, applicant must list all officers, directors, general partners, and managing members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR8404-I (Individual History Record), and submit fingerprint cards to their local licensing authority.

name	Home Address, City & State	DOB	Position	% Owned
Tiffany D Beebe	[REDACTED] Fruita, CO 81521	[REDACTED]	Owner	100

Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #20
 Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature: *Tiffany D Beebe* Printed Name and Title: Tiffany D Beebe owner Date: 4/10/16

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority: April 12, 2016 Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.): May 17, 2016

Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:
 Been fingerprinted
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants (currently doing)

Whether the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

Check One) Date of inspection or anticipated date _____
 Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.
 Therefore, this application is approved.

Local Licensing Authority for <i>The City of Fruita</i>		Telephone Number <i>(970) 858-3663</i>	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature <i>LORI BUCK</i>	Print <i>LORI BUCK</i>	Title <i>MAYOR</i>	Date
Signature (attest)	Print <i>MARGARET SELL</i>	Title <i>CITY CLERK</i>	Date



325 E Aspen
Fruita, CO 81521
(970) 858-3663

CITY OF FRUITA LOCAL LICENSING AUTHORITY, MESA COUNTY COLORADO

**PRELIMINARY FINDINGS AND REPORT UPON APPLICATION FOR AN
APPLICATION FOR A TAVERN (CITY) LIQUOR LICENSE**

IN RE: Gears Frozen Yogurt and Smoothies, LLC
211 A East Aspen Ave.
Fruita, CO 81521

TO THE APPLICANT NAMED ABOVE AND OTHER INTERESTED PARTIES:

You are hereby advised that with regard to your application for a Tavern (City) Liquor License, an investigation has been made and based on the results thereof the following has been determined:

1. That the application was filed on April 6, 2016.
2. That the Notices of Public Hearing on this matter were posted by the applicant on May 1, 2016 and publication was made in the Grand Junction Daily Sentinel on May 4, 2016 for the hearing date of May 17, 2016.
3. There has not been, within two years preceding the date of your application, a denial of an application by the County Commissioners of Mesa County, the State Licensing Authority, or the Local Licensing Authority of the City of Fruita for a Tavern Liquor License at the location for which you make application for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants have been satisfied by the existing outlets.
4. It appears from the evidence submitted by you that you will be entitled to possession of the premises where you propose to exercise the license applied for.
5. Employees serving alcohol shall attend a Training Intervention Procedures (TIPS) class. This is a four-hour class on Colorado laws pertaining to but not limited to: serving alcohol, identifying intoxicated persons, and how to identify those of age to drink alcoholic beverages. All employees that serve alcohol should be trained either prior to beginning employment or within 30 days of employment. You may contact the Fruita Police Department, Officer John Coughran at 858-3008. Proof of attendance by employees selling alcohol must be submitted to the City Clerk's office and will be kept on file.
6. The proposed establishment is located in a Downtown Mixed Use Zoning District. Food Service, Restaurant (including alcohol) is an allowed use in this zone. A certificate of

occupancy, a food establishment permit and any other applicable licenses and permits must be issued prior to commencement of operations including Planning Clearances from the City of Fruita Planning Department.

7. The building and grounds where you propose to exercise the privilege of serving alcohol do not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
8. Within a one mile radius from the building and grounds where you propose to sell malt, vinous and spirituous and manufacture malt liquor on the licensed premises, there are the following Tavern Liquor License establishments:

FATJAR Cannery & Brewhaus, LLC
152 S. Mesa
Fruita, CO 81521

JD's Bar
155 N. Mulberry St.
Fruita, CO 81521

9. The following criminal history information has been brought to the attention of the authority:

Applicant (including partners, officers, directors over 10% shareholders)

Owner: Tiffany D. Beebe - All clear

Source of information:

Fruita Police Department	(Exhibit A)
Grand Junction Police Department	(Exhibit B)
Mesa County Sheriff's Office	(Exhibit C)
Colorado Bureau of Investigation	(Exhibit D)
Vernal Police Dept. (UT) Sheriff's Office	(Exhibit E)

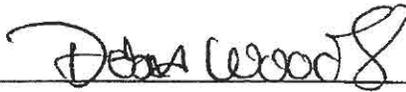
10. The results of the petition circulated with respect to this application are as follows:

Total Signatures obtained by applicant:	37 (Exhibit F)
For:	37
Against:	0
No Opinion:	0

11. The public hearing on your application will be held on May 17, 2016 at 7:00 p.m. in the Council Chambers at the Fruita City Hall, 325 E Aspen, Fruita, CO. At said hearing you shall have the opportunity to be heard regarding all matters related to your application, including all matters set forth herein.

12. At the public hearing, and pursuant to CRS 12-46-108, as amended, you have the burden of proving that you are qualified to hold the license applied for and that your character, record and reputation are satisfactory; that the neighborhood needs this license and that the residents of the neighborhood desire that this license be granted.
13. A copy of the "Order of Hearing" procedures used by the Local Licensing Authority of the City of Fruita for use and guidance in holding hearings on liquor license applications is attached for your information and review. (Exhibit G)

Dated this 5th Day of May, 2016.



Debra Woods, Deputy City Clerk
for the Local Licensing Authority



Fruita Police Department

Memo

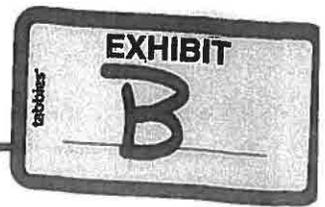
To: Deb Woods
From: Chief Macy
Date: 04/29/16
Re: Records check: Tiffany D. Beebe

A records check on Tiffany D. Beebe has been completed. The police department has no concerns with the issuance of the license requested.

Please feel free to contact me if you have any questions or concerns.

JHM/4101

Debra Woods



From: PD Records [PDRecords@ci.grandjct.co.us]
Sent: Thursday, April 28, 2016 8:43 AM
To: Debra Woods
Subject: Background Check

Good morning,

In regards to your background check request: Tiffany Beebe [REDACTED] has no records with Grand Junction Police Department.

Have a great day,
Christine

Grand Junction Police Records
555 Ute Ave
Grand Junction, CO 81501
phone: 970-549-5000
fax: 970-549-5002
email: pdrecords@gjcity.org

WARNING: This electronic mail transmission, to include any attached document, is from the Records & Data Management Unit of the Grand Junction Police, Grand Junction, Colorado. The information contained in this message may be privileged and/or confidential, and protected by law. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. For questions regarding this information or additional help, please call (970) 549-5000.

Mesa County Sheriff's Office

Sheriff Matt Lewis

215 Rice Street
P.O. Box 20,000
Grand Junction, CO 81502

970-244-3500 Phone
970-244-3503 Fax
sheriff.mesacounty.us



Date: April 28, 2016

To Whom It May Concern:

Name: BEEBE, Tiffany D.
DOB: [REDACTED]

The Mesa County Sheriff's Office has checked for arrest record information on the above referenced individual and has found the following:

- (X) No record of arrest with this agency.
- () Record of arrest with this agency as noted (see attached):
- () This person did not present any personal identification. This person may or may not be the person holding this document.

This background check does not include any contacts made for Civil Process. For Civil Process information please contact our Civil Unit at 970-244-3521.

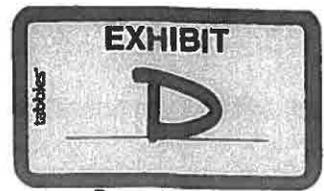
A handwritten signature in cursive script that reads "Lorene Hernandez".

Lorene Hernandez
Law Enforcement Specialist
Mesa County Sheriff's Office
(970) 244-3505



COLORADO
Bureau of Investigation
Department of Public Safety

Identification
690 Kipling Street, Suite 3000
Lakewood, CO 80215
303-239-4208



CITY OF FRUITA
325 E ASPEN
FRUITA, CO 81521

Date: 04/25/16 04:38:43(MT)

RE: BEEBE, TIFFANY D.

DOB: 080889 SOC: XXXXX [REDACTED]

No Colorado Record of arrest has been located based on information provided.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records, and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
Michael S. Rankin, Director
Colorado Bureau of Investigation



Debra Woods



From: Kim Boren [kboren@vernalcity.org]
Sent: Wednesday, April 27, 2016 5:04 PM
To: Debra Woods
Subject: Re: Individual background check request - *Tiffany Beebe - GEAR*

Debra,
We don't have anything on this individual. If you have any other questions, please feel free to contact me.

Sincerely,
Kim Boren
Records Division
Vernal Police Department
(435) 789-5835

----- Original Message -----

From: "Debra Woods" <dwoods@fruita.org>
To: kboren@vernalcity.org
Sent: Wednesday, April 27, 2016 4:47:59 PM
Subject: FW: Individual background check request

The attachment would probably help. Boy, it's been a long day. ;)

Debra Woods
Deputy City Clerk
City of Fruita
(970) 858-3663
dwoods@fruita.org

From: Debra Woods
Sent: Wednesday, April 27, 2016 4:46 PM
To: 'kboren@vernalcity.org'
Subject: Individual background check request - *Tiffany Beebe*

Hi, Kim -
Per our conversation this morning, please see the attached request for a criminal history check on an individual applying for a liquor license in Fruita, Colorado.
Thanks in advance,

Debra Woods
Deputy City Clerk
City of Fruita
(970) 858-3663
dwoods@fruita.org



SURVEY



page 1 of 4

An application has been filed with the City of Fruita for a liquor license. In its consideration of this application, the Fruita City Council must consider the reasonable requirements of the neighborhood and the desires of the inhabitants. An "inhabitant" is an individual who resides in a given neighborhood or community for more than six months each year. The "neighborhood" is defined generally as the area between L Road to the North and the Colorado National Monument to the South, and between 15 1/2 Road to the West and 20 Road to the East. A public hearing will be advertised and held on this application in the Council Chambers at the Fruita Civic Center, 325 E. Aspen, Fruita, Colorado. Please call the City Clerk's Office at 858-3663 to inquire as to the date and time of the hearing.

Do not sign this survey unless you are 21 years or older and reside within the area bounded on the north by L Road, on the south by Colorado National Monument, on the west by 15 1/2 Road, and on the 20 Road to the East.

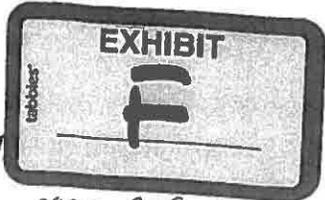
As an owner of property in the neighborhood, an employee or business lessee of property in the neighborhood and/or an inhabitant who resides in the neighborhood for more than six months each year:

Question 1. I believe the reasonable requirements of the neighborhood are already being met by other existing outlets. (Yes or No)

As an inhabitant who resides in the neighborhood for more than six month each year:

Question 2. It is my desire that the license be issued: (Yes or No or Not Applicable (N/A))

Name (signature)	Address	Business (B) Residence (R)	Question 1		Question 2			Date
			Yes	No	Yes	No	N/A	
<i>[Signature]</i>	555 MICA DR	R		X	X			
<i>[Signature]</i>	537 Linnick Way	R		X	X			4/2/16
<i>[Signature]</i>	1631 N. Elm Fruita	R		X	X			4-7-16
<i>[Signature]</i>	496 305 West Street Fruita CO 81521	R		X	X			4-7-16
<i>[Signature]</i>	978 Azurite dr 81521	R		X	X			4-7-16
<i>[Signature]</i>	1831 Lark Walk 81523	R		X	X			4/8/16
<i>[Signature]</i>	537 Jefferson	R		X	X			4-8-16
<i>[Signature]</i>	1257 Q Rd Loma 81521	R		X	X			4-8-16
<i>[Signature]</i>	1257 Q Rd Loma 81521	R		X	X			4-8-16
<i>[Signature]</i>	657 Clearview Dr 81520	R		X	X			4-8-16
<i>[Signature]</i>	1677 M Rd	R		X	X			4-8-16
<i>[Signature]</i>	1677 M Rd	R		X	X			
<i>[Signature]</i>	350 Juniper St	R		X	X			
<i>[Signature]</i>	350 Juniper St	R		X	X			

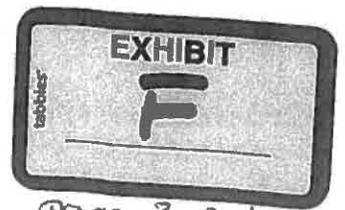


Question 1. I believe the reasonable requirements of the neighborhood are already being met by or (Yes or No)

As an inhabitant who resides in the neighborhood for more than six month each year:

Question 2. It is my desire that the license be issued. (Yes or No or Not Applicable (N/A))

Name (signature)	Address	Business (B) Residence (R)	Question 1		Question 2			Date
			Yes	No	Yes	No	N/A	
<i>Kyandra Gaudin</i>	922 E Harrison	R	Y	N	Y			4/8/16
<i>Courtney Williams</i>	11111	R	Y	N	Y			4/8/16
<i>Kyrene Mervin</i>	240 S Peachst	R	Y	N	Y			4/8/16
<i>[Signature]</i>	171 Honeyuckle cir	R		N	Y			4/8/16
<i>Kim Preisser</i>	171 Honeyuckle cir	R		N	Y			4/8/16
<i>Carrie Wilson</i>	157 S Ash st	R		Y	Y			4/8/16
<i>Mark Peterson</i>	711 Carlotta Ct.	R		Y	Y			4/8/16
<i>[Signature]</i>	1215 18 Rd.	R		N	Y			4/8/16
<i>[Signature]</i>	18316 rd	R		No	yes			4/8/16
<i>[Signature]</i>	1271 20rd	R		No	yes			4/8/16
<i>[Signature]</i>	4916 Brandon Dr	R		No	yes			4/8/16
<i>[Signature]</i>	1154 W. Paradise way	R		NO	YES			4/9/16
<i>Amy Williams</i>	219 E ASPEN ST	B		N	Y			4/9/16
<i>Bernadine Williams</i>	2101 E Aspen Av	B		N	Y			4/9/16
<i>JAMIE SHARPE</i>	1654 L Rd Fruit	R		N	Y			4/8/16
<i>ENNE SHARPE</i>	1654 L Rd FRUITA	R		N	Y			4/9/16
<i>Mich Washington</i>	1213 18 1/2 Road Fruit	R		N	Y			4/9/16
<i>Jale Beckhorn</i>	690 Quartz Dr Fruit	R		N	Y			
<i>Anthony Ware</i>	1409 Windsor Place	R		N	Y			4-9-16
<i>[Signature]</i>	1325 17 1/2 RD	R		N	Y			4-9-16
<i>[Signature]</i>	1323 17 1/2 Rd	R		N	Y			4-9-16
<i>[Signature]</i>	675 Jasper Dr.	R		N	Y			4-9-16
<i>[Signature]</i>	675 Jasper Dr.	R		N	Y			4-9-16



page 3 of 4

CIRCULATOR'S AFFIDAVIT

I, Tiffany Beebe, who resides at PO BOX 53 Fruita, CO 81521
(print name) (print address)

do hereby swear or affirm:

That I circulated the foregoing survey for a ~~liquor~~ Tavern license
(print type of license)
liquor license application within in the area described as the neighborhood,
on the date(s) of March 30, 2016, and;

That each signature thereon was affixed in my presence;

That each signature thereon is the signature of the person whose name it purports to be;

That to the best of my knowledge and belief, each of the persons signing was, at the time of signing, an owner of property in the neighborhood, an employee or business lessee of property in the neighborhood for more than six (6) months each year, and;

That the signers were not paid and will not be paid, directly or indirectly, any money or other thing of value for the purpose of inducing or causing signature of this survey.

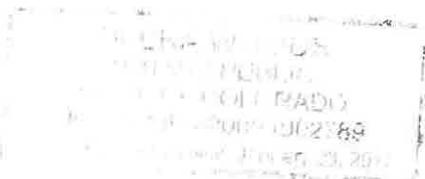
Tiffany Beebe
Signature of Circulator
5/5/16
Date

The foregoing instrument was executed before me this 5th day of May, 2016.

My commission expires 4/23/2017

(Seal)

Debra Wood
Notary Public



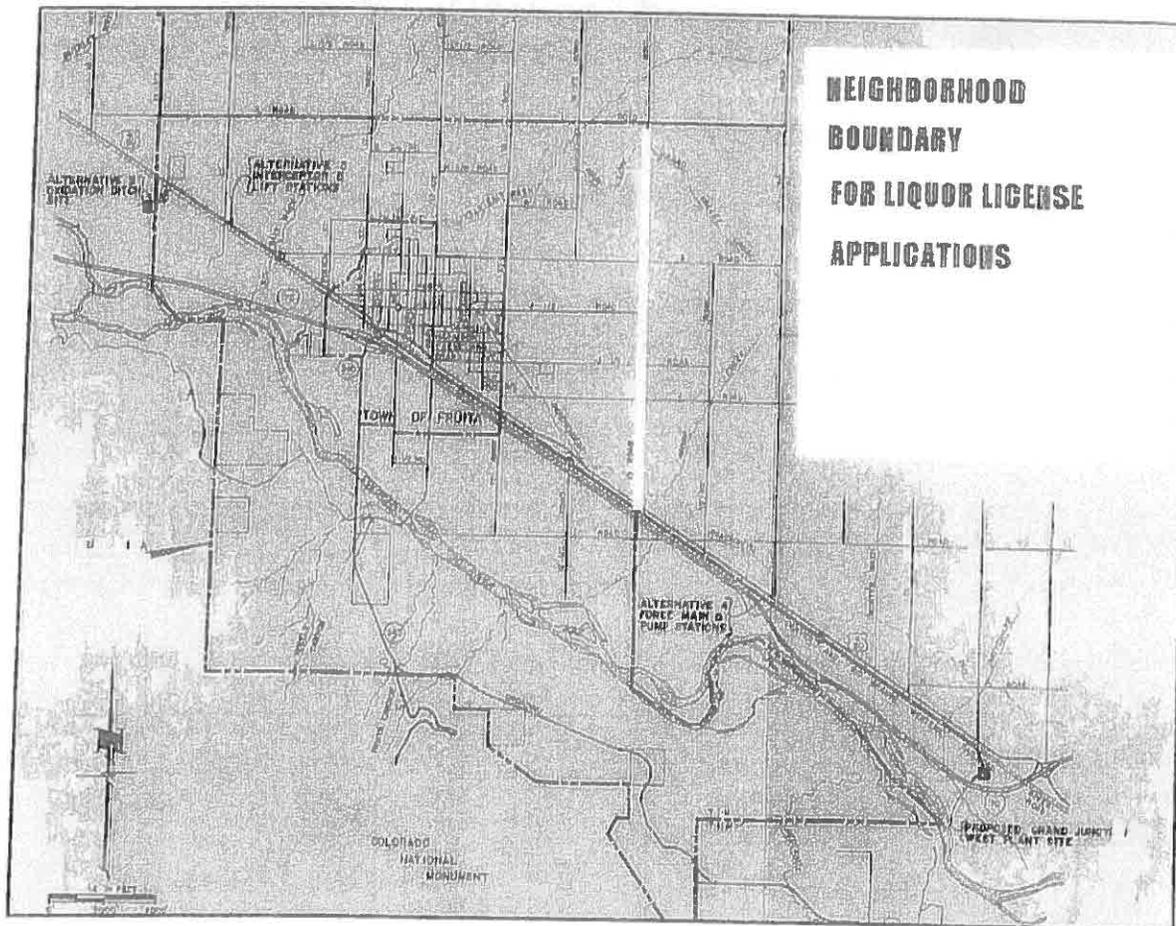


page 4 of 4

NEIGHBORHOOD DEFINED

DATE: January 4, 2008

The Fruita City Council amended the "neighborhood" definition for purposes of surveys for new liquor license applications at their regular meeting of October 5, 1999. The neighborhood is now defined as the 201 boundary, with the east border of the 201 boundary located north of the Colorado River extended from 19 Road to 20 Road. The map below indicates the boundary of the neighborhood.





PUBLIC HEARINGS

Public Hearings are the formal opportunity for the city council to LISTEN to the public regarding the issue at hand. For land use hearings and liquor license hearings; the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record. The council must base their decision on the law and evidence presented at the hearing.

- 1) **Applicant Presentation** (15 minutes max) The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
- 2) **Staff presentation** (15 minutes max) Staff will present the comments and reports received from review agencies, and offer a recommendation.
- 3) **Public Input** (limit of 5 minutes per person. If two people in the audience are willing to cede their time to the speaker, that speaker may receive a total of 10 minutes, referred to as banking time). People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
- 4) **Applicant Rebuttal (limited to 5 minutes)** The Mayor will ask for the applicant's rebuttal. During this brief time, the applicant should answer the questions raised by the public.
- 5) **The hearing is then closed to public comments**
- 6) **Questions from the Council.** After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
- 7) **Make a motion.** A member of the City Council will make a motion on the issue.
- 8) **Discussion on the motion.** The City Council may discuss the motion.
- 9) **Vote.** The City Council will then vote on the motion.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 17, 2016
RE: NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE AN APPLICATION FOR A BEER AND WINE LIQUOR LICENSE FOR DTF WINE BAR AND TAPAS, LLC DBA DTF? WINE BAR AND TAPAS LOCATED AT 138 SOUTH PARK SQUARE, STE #102

BACKGROUND

DTF Wine Bar and Tapas, LLC dba DTF? Wine Bar and Tapas has submitted an application to be granted a Beer and Wine Liquor License at 1308 South Park Square, Ste. 102 in Fruita and has requested a concurrent review with the Liquor Enforcement Division and paid the appropriate fee to the Colorado Department of Revenue Liquor Enforcement Division for the concurrent review.

The following section from the Colorado Liquor Rules outlines the provisions for a concurrent review on a liquor license application.

Regulation 47-324. Concurrent Application Review.

A. A local licensing authority, or a license applicant with local authority approval, can request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application. Local licensing authorities who permit a concurrent review will continue to independently review the applicant's license application for the purpose of establishing the reasonable requirements of the neighborhood, the suitability of the character, record and reputation of the applicant and its principals, the fitness of the applicant's premises for occupancy in compliance with the provisions of Articles 46 and Article 47 of Title 12 C.R.S., and any other provisions required for local authority determination as provided for in these articles.

B. When conducting a concurrent application review, the state licensing authority will advise the local licensing authority of any items that it finds that could result in the denial of the license application. Upon correction of the noted discrepancies, the state licensing authority will notify the local licensing authority of its conditional approval of the license application subject to the final approval by the local licensing authority. The state licensing authority will then issue the applicant's state liquor license upon receiving evidence of final approval by the local licensing authority.

C. All applications submitted for concurrent review must be accompanied by all applicable state license and application fees. Any applications that are later denied or withdrawn will allow for a refund of license fees only. All application fees provided by an applicant shall be retained by the respective

licensing authority.

Background checks were conducted with The Fruita and Grand Junction Police Departments, as well as The Mesa County Sheriff's Department, the Colorado Bureau of Investigation and the Washington County (PA) Sheriff's Office. None of these law enforcement agencies found anything of concern that would hinder the issuance of the license. The Preliminary Findings Report, law enforcement agencies' comments and Colorado Liquor License Application are attached hereto.

The following is a list of questions and guidelines to aid the Council in the decision making process to determine if the liquor license should be approved. These guidelines are from Colorado State Statutes.

Code Of Regulations, 1 C.C.R 203-2

Regulation 47-310 Application – General Provisions

- E. A licensing authority (the City Council in this case) is required to make a determination as to the character, record and reputation of the applicants for new licenses. The City Council may consider the following factors when assessing the character of the applicants, which may include but not be limited to the following:
1. The applicant or licensee has submitted false applications, made willful misrepresentations and/or committed fraudulent acts;
 2. The application or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson kidnapping, sexual assault, illegal drugs or narcotics convictions;
 3. The applicant or licensee has had previous alcohol beverage licenses denied, suspended or revoked as a result of violations of law;
 4. The applicant or licensee has been found to be delinquent in the payment of any state or local taxes, and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;
 5. The applicant or licensee has committed statutory violations resulting in the suspension, revocation or denial or any other professional license. For purpose of this section, the suspension or revocation or a state-issued driver's license shall not be considered.
- F. Pursuant to 24-5-101, C.R.S., when making a determination as to the character, record or reputation of a licensee or applicant as required by Title 12, Article 46, 47 and 48, the licensing authority shall also consider evidence of rehabilitation. Such evidence may include, but not be limited to, evidence of no criminal history record information, educational achievements, financial solvency, community standing, lack of additional arrests or convictions, or the lack or parole or probation violations since the date of last conviction.

ISSUANCE OF A NEW LIQUOR LICENSE

When acting on the issuance of a new liquor license, in addition to the moral character of the applicants, the City Council shall consider following issues when deciding whether or not to issue a license:

1. The reasonable requirements of the neighborhood;
2. The desire of the adult inhabitants as evidenced by petitions, remonstrance's or otherwise;
3. All other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority. (City Council)

No license shall be issued to or held by:

1. Any person until the annual fee therefore has been paid;
2. Any person who is not of good moral character;
3. Any partnership, association, or company any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;
4. Any person unless such person's character, record, and reputation are satisfactory to the respective licensing authority;
5. Any natural person under twenty-one years of age.

FISCAL IMPACT

Unknown

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The consideration of the issuance of a new Beer and Wine Liquor License by the City Council ensures that the proposed establishment is desired in the neighborhood and the applicant is of good moral character.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the Beer and Wine Liquor License for DTF Wine Bar and Tapas located at 138 South Park Square, Ste. #102 as proposed
2. Approve the Beer and Wine Liquor License for for DTF Wine Bar and Tapas located at 138 South Park Square, Ste. #102 with additional requirements
3. Deny the issuance based on the requirements of the needs of the neighborhood and the desires of its adult inhabitants and/or the character of the applicant.

RECOMMENDATION

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

APPROVE THE APPLICATION FOR A BEER AND WINE LIQUOR LICENSE TO DTF WINE BAR AND TAPAS, LLC DBA DTF? WINE BAR AND TAPAS LOCATED AT 138 SOUTH PARK SQUARE, STE. #102

Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Items submitted, please check all appropriate boxes completed or documents submitted

I. Applicant information

- A. Applicant/Licensee identified
- B. State sales tax license number listed or applied for at time of application
- C. License type or other transaction identified
- D. Return originals to local authority
- E. Additional information may be required by the local licensing authority

II. Diagram of the premises

- A. No larger than 8 1/2" X 11"
- B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.)
- C. Separate diagram for each floor (if multiple levels)
- D. Kitchen - identified if Hotel and Restaurant
- E. Bold/Outlined Licensed Premises

III. Proof of property possession (One Year Needed)

- A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk
- B. Lease in the name of the Applicant (or) (matching question #2)
- C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant
- D. Other Agreement if not deed or lease. (matching question #2)
(Attach prior lease to show right to assumption)

IV. Background information and financial documents

- A. Individual History Records(s) (Form DR 8404-I)
- B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license
- D. List of all notes and loans (Copies to also be attached)

V. Sole proprietor / husband and wife partnership

- A. Form DR4679
- B. Copy of State issued Driver's License or Colorado Identification Card for each applicant

N/A

VI. Corporate applicant information (if applicable)

- A. Certificate of Incorporation dated stamped by the Secretary of State
- B. Certificate of Good Standing
- C. Certificate of Authorization if foreign corporation
- D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)

N/A

VII. Partnership applicant information (if applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife
- B. Certificate of Good Standing (If formed after 2009)

N/A

VIII. Limited Liability Company applicant information (if applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office)
- B. Certificate of Good Standing if organized more than two years
- C. Copy of operating agreement
- D. Certificate of Authority if foreign company

IX. Manager registration for hotel and restaurant, tavern licenses when included with this application

- A. \$75.00 fee
- B. Individual History Record (DR 8404-I)
- C. If owner is managing, no fee required

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):
- (a) Been denied an alcohol beverage license?
 - (b) Had an alcohol beverage license suspended or revoked?
 - (c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

If you answered yes to 8a, b or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?
- Waiver by local ordinance? or
Other: _____

11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.

12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
- Ownership Lease Other (Explain in Detail) _____
- a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:

Landlord EFI Development, LLC	Tenant DTR Weber & Taps	Expires 5-31-19
---	---------------------------------------	---------------------------

- b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.
- c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11"

13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
Has a local ordinance or resolution authorizing optional premises been adopted? **N/A**
- Number of additional Optional Premise areas requested. (See license fee chart)

15. Liquor Licensed Drug Store applicants, answer the following:
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? **N/A**
- If "yes" a copy of license must be attached.

16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation
- (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 - (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 - (c) How long has the club been incorporated? **N/A**
 - (d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

17. Brew-Pub License or Vintner Restaurant Applicants answer the following:
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) **N/A**

18a. For all on-premises applicants.
(If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-1)

Last Name of Manager BIRD	First Name of Manager TARA	Date of Birth 3/13/81
-------------------------------------	--------------------------------------	---------------------------------

- 8b. Does this manager acts as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.
- Type of License **N/A** Account Number

9. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?
- If yes, provide an explanation and include copies of any payment agreements.

20. **If applicant is a corporation, partnership, association or limited liability company, applicant must list all officers, directors, general partners, and managing members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% of more in the applicant. All persons listed below must also attach form DR8404-I (Individual History Record), and submit fingerprint cards to their local licensing authority.

Name	Home Address, City & State	DOB	Position	% Owned
Tara Bird	[Redacted] Fruita, CO	[Redacted]	Owner	100
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature <i>Tara Bird</i>	Printed Name and Title Tara Bird Owner	Date 4-22-16
--	---	-----------------

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority April 12, 2016	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) May 17, 2016
---	---

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

I that the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

- (Check One)
- Date of inspection or anticipated date _____
 - Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for The City of Fruita	Telephone Number (970) 858-3663	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print LORI BUCK	Title MAYOR
Signature (attest)	Print MARGARET SELL	Title CITY CLERK



325 E Aspen
Fruita, CO 81521
(970) 858-3663

CITY OF FRUITA LOCAL LICENSING AUTHORITY, MESA COUNTY COLORADO

PRELIMINARY FINDINGS AND REPORT UPON APPLICATION FOR A BEER AND WINE LIQUOR LICENSE

IN RE: DTF? Wine Bar and Tapas, LLC
138 South Park Square Ste. #102
Fruita, CO 81521

TO THE APPLICANT NAMED ABOVE AND OTHER INTERESTED PARTIES:

You are hereby advised that with regard to your application for a Beer and Wine Liquor License, an investigation has been made and based on the results thereof the following has been determined:

1. That the application was filed on April 12, 2016.
2. That the Notices of Public Hearing on this matter were posted by the applicant on May 1, 2016 and publication was made in the Grand Junction Daily Sentinel on May 4, 2016 for the hearing date of May 17, 2016.
3. There has not been, within two years preceding the date of your application, a denial of an application by the County Commissioners of Mesa County, the State Licensing Authority, or the Local Licensing Authority of the City of Fruita for a Beer and Wine Liquor License at the location for which you make application for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants have been satisfied by the existing outlets.
4. It appears from the evidence submitted by you that you will be entitled to possession of the premises where you propose to exercise the license applied for.
5. Employees serving alcohol shall attend a Training Intervention Procedures (TIPS) class. This is a four-hour class on Colorado laws pertaining to but not limited to: serving alcohol, identifying intoxicated persons, and how to identify those of age to drink alcoholic beverages. All employees that serve alcohol should be trained either prior to beginning employment or within 30 days of employment. You may contact the Fruita Police Department, Officer John Coughran at 858-3008. Proof of attendance by employees selling alcohol must be submitted to the City Clerk's office and will be kept on file.

6. The proposed establishment is located in a Downtown Mixed Use Zoning District. Food Service, Restaurant (including alcohol) is an allowed use in this zone. A certificate of occupancy, a food establishment permit and any other applicable licenses and permits must be issued prior to commencement of operations **including Planning Clearances from the City of Fruita Planning Department.**
7. The building and grounds where you propose to exercise the privilege of serving alcohol does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
8. Within a one mile radius from the building and grounds where you propose to sell malt and vinous liquors there are the following Beer and Wine Liquor License establishments:

Hot Tomato Café and Pizzeria
Pablo's Pizza
Camilla's Kaffe

9. The following criminal history information has been brought to the attention of the authority:

Applicant (including partners, officers, directors over 10% shareholders)

Owner: Tara D. Bird - All clear

Source of information:

Fruita Police Department	(Exhibit A)
Grand Junction Police Department	(Exhibit B)
Mesa County Sheriff's Office	(Exhibit C)
Colorado Bureau of Investigation	(Exhibit D)
Washington County (PA) Sheriff's Office	(Exhibit E)

10. The results of the petition circulated with respect to this application are as follows:

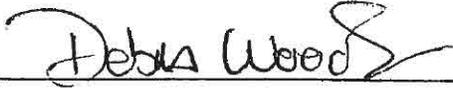
Total Signatures obtained by applicant:	37 (Exhibit F)
For:	37
Against:	0
No Opinion:	0

11. The public hearing on your application will be held on May 17, 2016 at 7:00 p.m. in the Council Chambers at the Fruita City Hall, 325 E Aspen, Fruita, CO. At said hearing you shall have the opportunity to be heard regarding all matters related to your application, including all matters set forth herein.
11. At the public hearing, and pursuant to CRS 12-46-108, as amended, you have the burden of proving that you are qualified to hold the license applied for and that your character,

record and reputation are satisfactory; that the neighborhood needs this license and that the residents of the neighborhood desire that this license be granted.

14. A copy of the "Order of Hearing" procedures used by the Local Licensing Authority of the City of Fruita for use and guidance in holding hearings on liquor license applications is attached for your information and review. (Exhibit G)

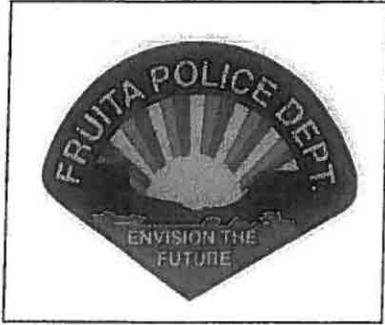
Dated this 5th Day of April, 2016.



Debra Woods, Deputy City Clerk
for the Local Licensing Authority



Fruita Police Department



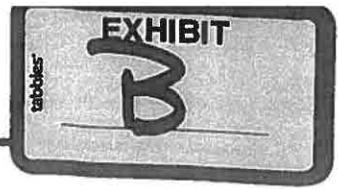
Memo

To: Deb Woods
From: Chief Macy
Date: 04/29/16
Re: Records check: Tara D. Bird

A records check on Tara D. Bird has been completed. The police department has no concerns with the issuance of the license requested.

Please feel free to contact me if you have any questions or concerns.

JHM/4101



Debra Woods

From: PD Records [PDRecords@ci.grandjct.co.us]
Sent: Thursday, May 05, 2016 11:29 AM
To: Debra Woods
Subject: Re: Request for background check on one person for liquor license application

Tara Bird does not have any contacts with the GJPD.

Have a good day
Amy K

Grand Junction Police Records
555 Ute Ave
Grand Junction, CO 81501
phone: 970-549-5000
fax: 970-549-5002
email: pdrecords@gjcity.org

WARNING: This electronic mail transmission, to include any attached document, is from the Records & Data Management Unit of the Grand Junction Police, Grand Junction, Colorado. The information contained in this message may be privileged and/or confidential, and protected by law. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. For questions regarding this information or additional help, please call (970) 549-5000.

>>> Debra Woods <dwoods@fruita.org> 5/5/2016 11:13 AM >>>

Here is another one that I didn't receive back. I think I had the wrong e-mail address.

Thanks!

Deb

Debra Woods

Deputy City Clerk
City of Fruita
(970) 858-3663
dwoods@fruita.org

Mesa County Sheriff's Office

Sheriff Matt Lew

215 Rice Street
P.O. Box 20,000
Grand Junction, CO 81502

970-244-3500 Phone
970-244-3503 Fax
sheriff.mesacounty.us



Date: May 5, 2016

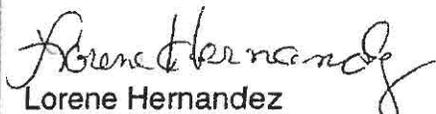
To Whom It May Concern:

Name: BIRD, Tara Dawn
DOB: [REDACTED]

The Mesa County Sheriff's Office has checked for arrest record information on the above referenced individual and has found the following:

- No record of arrest with this agency. (There are contacts)
- Record of arrest with this agency as noted (see attached):
- This person did not present any personal identification. This person may or may not be the person holding this document.

This background check does not include any contacts made for Civil Process. For Civil Process information please contact our Civil Unit at 970-244-3521.


Lorene Hernandez
Law Enforcement Specialist
Mesa County Sheriff's Office
(970) 244-3505



COLORADO
Bureau of Investigation
Department of Public Safety

Identification
690 Kipling Street, Suite 3000
Lakewood, CO 80215
303-239-4208



Page 1 of 1

CITY OF FRUITA
325 E ASPEN
FRUITA, CO 81521

Date: 04/25/16 04:34:23(MT)

RE: BIRD, TARA DAWN

DOB: 031381 SOC: XXXXX [REDACTED]

No Colorado Record of arrest has been located based on information provided.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records, and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
Michael S. Rankin, Director
Colorado Bureau of Investigation





325 E. Aspen
Suite 155
Fruita CO 81521

Phone:
970/858-3663

Fax
970/858-0210

E-Mail
fruita@fruita.org

Web Site
www.fruita.org

City Manager's Office
970/858-3663

City Clerk/Finance
970/858-3663

Community
Development
970/858-0786

Municipal Court
970/858-8041

Police Department
970/858-3008

Engineering
970/858-8377

Human Resources
970/858-8373

Public Works
970/858-9558

Parks and Recreation
970/858-0360

Wastewater
Treatment
Facility
970/858-4081

April 28, 2016

Washington County Sheriff's Office
Fax (724) 223-4719

RE: Records check on an individual for a Liquor License

The City of Fruita has received an application for a Beer and Wine Liquor License for DTF? Wine Bar and Tapas, LLC located at 138 South Park Square #102 in Fruita.

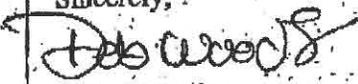
Please conduct a records check and let me know of any items that would reflect the applicant's character. The background check will assist the Fruita City Council in determining whether the applicant is of "Good Moral Character." You can fax or e-mail the information back to me at 858-0210 or dwoods@fruita.org.

Manager Tara Dawn Bird
Current Address [REDACTED]
Fruita, CO 81521
2013 to present

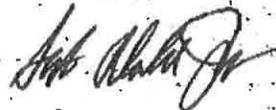
Previous Address [REDACTED]
Amity, PA
2011 to 2013

Date of Birth: [REDACTED]
SSN#: [REDACTED]

Thank you for your assistance in this matter.

Sincerely,

Debra Woods
Deputy City Clerk

SERGEANT DONALD JONES
Washington County Sheriff
Firearm-Background Division
100 W. Beau Street Suite 303
Washington, PA 15301


2 May 2016

NO RECORD FOUND



SURVEY



page 1 of 4

An application has been filed with the City of Fruita for a liquor license. In its consideration of this application, the Fruita City Council must consider the reasonable requirements of the neighborhood and the desires of the inhabitants. An "inhabitant" is an individual who resides in a given neighborhood or community for more than six months each year. The "neighborhood" is defined generally as the area between L Road to the North and the Colorado National Monument to the South, and between 15 1/2 Road to the West and 20 Road to the East. A public hearing will be advertised and held on this application in the Council Chambers at the Fruita Civic Center, 325 E. Aspen, Fruita, Colorado. Please call the City Clerk's Office at 858-3663 to inquire as to the date and time of the hearing.

Do not sign this survey unless you are 21 years or older and reside within the area bounded on the north by L Road, on the south by Colorado National Monument, on the west by 15 1/2 Road, and on the 20 Road to the East.

As an owner of property in the neighborhood, an employee or business lessee of property in the neighborhood and/or an inhabitant who resides in the neighborhood for more than six months each year:

Question 1. *I believe the reasonable requirements of the neighborhood are already being met by other existing outlets. (Yes or No)*

As an inhabitant who resides in the neighborhood for more than six month each year:

Question 2. *It is my desire that the license be issued. (Yes or No or Not Applicable (N/A))*

Name (signature)	Address	Business (B) Residence (R)	Question 1		Question 2			Date
			Yes	No	Yes	No	N/A	
<i>[Signature]</i>	1385 Park Sq, Fruita, CO	B		X	X			4/12/16
<i>[Signature]</i>	1385 PARK Sq. 81521	B		X	X			4/12/16
<i>[Signature]</i>	1385 Park Sq. 81521	B		X	X			4/12/16
<i>[Signature]</i>	1385 Park Sq 81521	B		X	X			4/12/16
<i>[Signature]</i>	512 18 1/2 Rd 81521	R		X	X			4/13/16
<i>[Signature]</i>	512 18 1/2 Rd 81521	B		X	X			4/13/16
<i>[Signature]</i>	512 18 1/2 Rd 81521	R		X	X			4/13/16
<i>[Signature]</i>	136 So. mesa	B		X	X			4/14/16
Michelle Clark	235 Park St Fruita	R		X	X			4/14/16
Athen Robinson	1424 Niblick Way	R		X	X			4/14/16
Days Willey	219 E ASPEN AVE	B		X	X			4/14/16
Tony Beebe	211 E Aspen Ave	B		X	X			4/14/16
John Robert	211 E Aspen Ave	B		X	X			4/14/16
Andrea Budy	211 E Aspen Ave	B		X	X			4/14/16



page 3 of 4

CIRCULATOR'S AFFIDAVIT

I, Tara Bird, who resides at 1740 N 3/10 Road Fruita, CO 81521
(print name) (print address)

do hereby swear or affirm:

That I circulated the foregoing survey for a beer and wine liquor license
(print type of license)
liquor license application within in the area described as the neighborhood,

on the date(s) of April 14th, 2016, and;

That each signature thereon was affixed in my presence;

That each signature thereon is the signature of the person whose name it purports to be;

That to the best of my knowledge and belief, each of the persons signing was, at the time of signing, an owner of property in the neighborhood, an employee or business lessee of property in the neighborhood for more than six (6) months each year, and;

That the signers were not paid and will not be paid, directly or indirectly, any money or other thing of value for the purpose of inducing or causing signature of this survey.

Tara Bird
Signature of Circulator

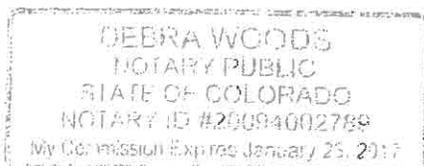
4-14-16
Date

The foregoing instrument was executed before me this 14th day of April, 2016.

My commission expires 4/23/2017

(Seal)

Debra Woods
Notary Public



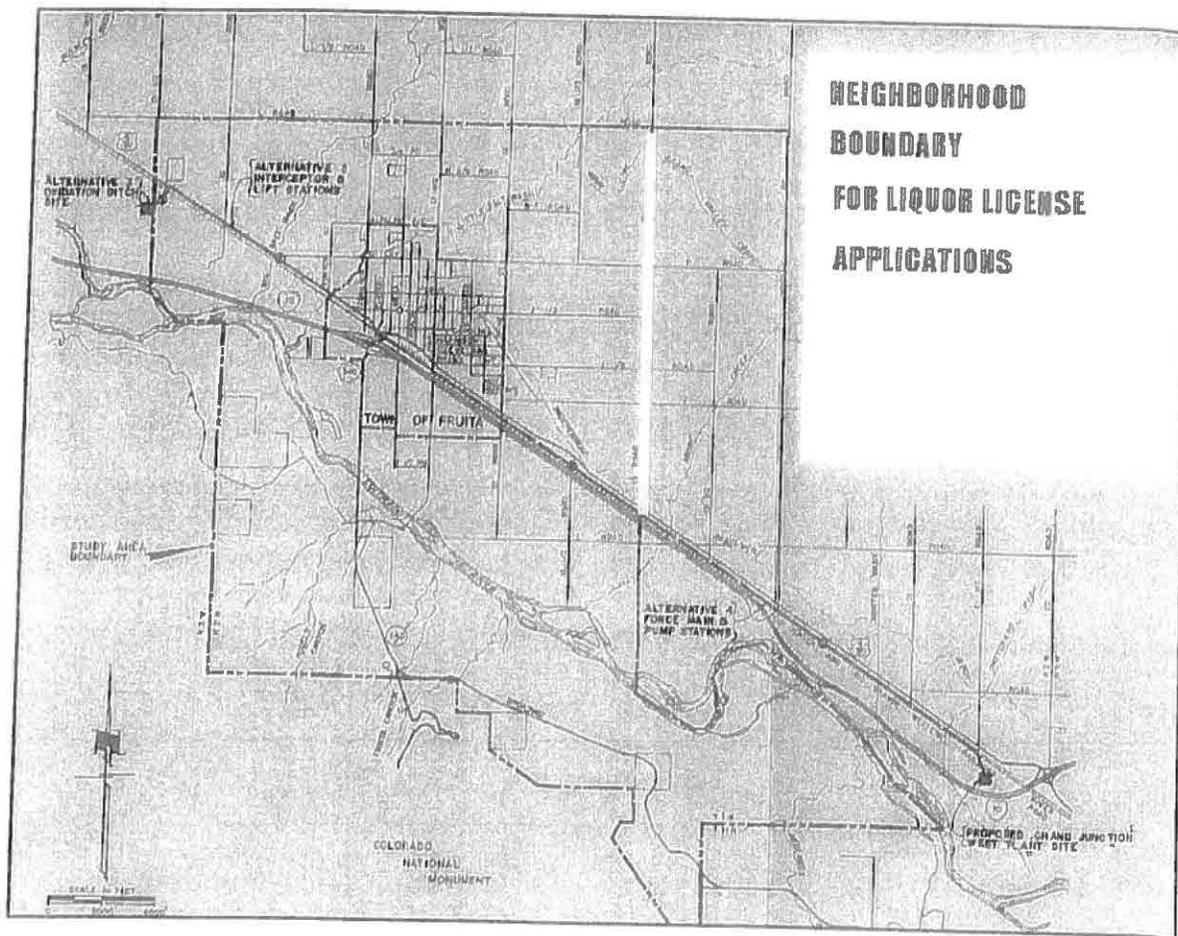


page 4 of 4

NEIGHBORHOOD DEFINED

DATE: January 4, 2008

The Fruita City Council amended the "neighborhood" definition for purposes of surveys for new liquor license applications at their regular meeting of October 5, 1999. The neighborhood is now defined as the 201 boundary, with the east border of the 201 boundary located north of the Colorado River extended from 19 Road to 20 Road. The map below indicates the boundary of the neighborhood.





PUBLIC HEARINGS

Public Hearings are the formal opportunity for the city council to LISTEN to the public regarding the issue at hand. For land use hearings and liquor license hearings; the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record. The council must base their decision on the law and evidence presented at the hearing.

- 1) **Applicant Presentation** (15 minutes max) The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
- 2) **Staff presentation** (15 minutes max) Staff will present the comments and reports received from review agencies, and offer a recommendation.
- 3) **Public Input** (limit of 5 minutes per person. If two people in the audience are willing to cede their time to the speaker, that speaker may receive a total of 10 minutes, referred to as banking time). People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
- 4) **Applicant Rebuttal (limited to 5 minutes)** The Mayor will ask for the applicant's rebuttal. During this brief time, the applicant should answer the questions raised by the public.
- 5) **The hearing is then closed to public comments**
- 6) **Questions from the Council.** After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
- 7) **Make a motion.** A member of the City Council will make a motion on the issue.
- 8) **Discussion on the motion.** The City Council may discuss the motion.
- 9) **Vote.** The City Council will then vote on the motion.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL
FROM: DEBRA WOODS FOR MAYOR BUCK AND COUNCILOR BRACKETT
DATE: MAY 17, 2016
RE: BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF ANNIE PAYNE TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2019

BACKGROUND

Councilors Joel Kincaid and Louis Brackett were both members on the Parks and Recreation Advisory Board before the April 2016 Municipal Election. Councilor Kincaid was the Council liaison on the board. On May 3, 2016 following the election, Louis Brackett was appointed as the Council liaison to the Parks and Recreation Board, thus creating a vacancy for Councilor Kincaid's seat.

Annie Payne submitted her application for the vacant seat on April 29, 2016, which is attached hereto. If Mrs. Payne is appointed, there will be no vacancies remaining on the Parks and Recreation Advisory Board.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Annie Payne to the Parks and Recreation Board.
2. Instruct staff to publish a notice of vacancy and repeat the process.

RECOMMENDATION

It is the recommendation of Mayor Buck and Councilor Brackett that the City Council by motion:

- **APPROVE THE APPOINTMENT OF ANNIE PAYNE TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2019**

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



BOARD OR COMMISSION: Parks and Recreation Advisory Board

NAME: Annie Payne

MAILING ADDRESS: 334 W Applewood Drive

RESIDENCE ADDRESS:

City	State	Zip
<u>Fruita</u>	<u>CO</u>	<u>81521</u>

PHONE NUMBER:

<u>970-640-9531</u>	<u>970-640-9531</u>
Home	Work

E-MAIL ADDRESS: mrsanniepayne@gmail.com

How long have you been a resident of Fruita? 30 years

Occupation/Employer: Moms Every Day TV Host / KKCO

List any volunteer and/or work experience:

I currently work as a TV Host for family information segments on KKCO 11. I have been a radio host at Mix 104.3, and a columnist for The Daily Sentinel. For 6 years I coordinated the Art Heritage program at Shelledy Elementary during which I was nominated Volunteer of the Year 3 times.

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

No

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

I am long time resident of Fruita. It has been very exciting and satisfying for me to see Fruita's growth and community development. I want to be a part of what is yet to come.

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

I have great ideas! I also have a collaborative type of personality which allows me to work well with others. My family and I regularly take advantage of the recreational opportunities provided naturally and by the city in our area.

**City of Fruita
Boards and Commissions Application
Page 2**

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

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

None

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

I hold a certificate in Beginning 1 Adult Tap Dance class with Jean Thomas. Provided upon request.

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

I have been recommended to the board by Lou Brackett and Ture Nycum.

Signature Annie Payne Digitally signed by Annie Payne
Date: 2016.04.29 16:11:24 -0800 Date 4/29/2016

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

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

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



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: MAY 17, 2016
RE: RESOLUTION 2016-18 APPROPRIATING ADDITIONAL FUNDS IN VARIOUS FUNDS FOR THE PURPOSES SPECIFIED

BACKGROUND

The annual budget adopted by the City Council establishes limits for expenditures for the various city departments and projects. The Fruita City Charter allows the Council to make supplemental appropriations from revenues not anticipated at the time the budget was adopted, transfer funds between departments in the same fund and reduce appropriations in a fund. A supplemental appropriation may be made by the Council after public hearing and upon certification by the City Manager that there are excess revenues. The supplemental appropriation can then increase the limits on expenses established by the adopted budget up to the amount of the additional revenues. The following is a summary of the budget amendment.

General Fund - \$25,100

- Appropriation of \$2,725 in additional revenues from reimbursement of expenses from POST and the Forfeiture Board for training of law enforcement personnel in software use and background investigations with funds used to offset the cost of the training in the Public Safety professional development budget.
- Appropriation of \$2,675 in additional revenues refunded from the city's workers compensation insurance carrier based on the 2015 payroll audit to offset costs for workers compensation insurance in various departments.
- Appropriation of \$4,600 in additional revenues from sponsors and ticket sales for the Evening of Art fund raiser put on by the Arts and Culture Board with the additional revenues used to offset expenses of \$1255 and the remaining amount of \$3345 appropriated for art/sculpture acquisitions. Any funds not used by the end of the fiscal year for the intended purpose will be placed in the assigned fund balance for Arts/Sculpture projects.
- Appropriation of \$10,100 in additional revenues from sponsors and registration fees for the Youth Scholarship Golf Tournament fund raiser with \$4,400 of the additional revenues used to offset expenses associated with the fund raiser and the remaining \$5,700 appropriated for scholarship awards for various recreation program activities and Community Center passes.



AGENDA ITEM COVER SHEET

- Appropriation of \$5,000 in additional revenue from a grant from the Associated Governments of Northwest Colorado (AGNC) to prepare a conceptual development plan for the sewer lagoon property. This appropriation is in addition to the initial \$5,000 appropriated for this plan.

Fruita Community Center Fund - \$39,650

Appropriation of \$14,850 in fund balance of the Fruita Community Center Fund restricted for building and equipment replacement for transfer to the Capital Projects Fund for replacement of siding at the Community Center. This is in addition to the existing budgeted amounts of \$20,000 bringing the project total to \$34,850. The city received a partial settlement in 2015 for the defective siding of approximately \$9,000 from the siding manufacturer. It is unknown at this time whether the City will receive any additional funds from the settlement.

Appropriation of \$24,800 from settlement of an insurance claim for indoor pool boiler repairs to offset costs and replace funds that were reduced to pay for the repairs.

Capital Projects Fund - \$14,850

Fruita Community Center Project - \$14,850

Appropriation of \$14,850 from a transfer of funds from the Community Center Fund for the siding replacement project as noted in the previous paragraph.

FISCAL IMPACT

This budget amendment reduces the Fruita Community fund balance assigned for equipment and building replacements from \$571,250 to \$556,400. The other supplemental appropriations have minimal fiscal impact on the City as additional revenues are available to offset the additional costs.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Budget is a financial plan developed for the purpose of allocating resources necessary to implement specific policies and strategies to achieve short and long term goals established by the City throughout the year. This budget amendment allocates additional resources to help achieve these goals.



AGENDA ITEM COVER SHEET

OPTIONS TO THE COUNCIL:

1. Approve the budget amendment as presented or with amendments
2. Disapprove the budget amendment

RECOMMENDATION:

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

ADOPT RESOLUTION 2016-18 AMENDING THE 2016 BUDGET AND APPROPRIATING ADDITIONAL FUNDS IN THE GENERAL FUND, CAPITAL PROJECTS FUND AND COMMUNITY CENTER FUND FROM THE SOURCES AND FOR THE PURPOSES NOTED

RESOLUTION 2016-18

A RESOLUTION FOR SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE CITY OF FRUITA FOR THE 2016 FISCAL YEAR IN VARIOUS FUNDS

WHEREAS, the City has received reimbursement from Mesa County and the Federal Asset Sharing Program for law enforcement training expenses and it necessary to appropriate these funds for additional training needs of the department, and

WHEREAS, the City has been awarded a grant from the Associated Governments of Northwest Colorado (AGNC) for the conceptual development plan for the lagoon property and it is necessary to appropriate these funds to increase the allocation of funds for the plan, and

WHEREAS, the Arts and Culture Board of the City of Fruita held the Evening of Art gala for the purpose of raising funds for art and sculpture acquisitions and it is necessary to appropriate these funds for art and sculpture acquisitions and projects, and

WHEREAS, the City held a Youth Scholarship Golf Tournament for the purpose of raising funds to be used for the scholarship program for recreation activities and passes to the Fruita Community Center and the funds raised need to be appropriated for the intended use, and

WHEREAS, the City received a refund for workers compensation insurance payments based on the 2015 audited payroll and it is necessary to appropriate these funds to offset the cost of workers compensation insurance, and

WHEREAS, the City received settlement from an insurance claim for malfunction of the indoor pool boiler at the Fruita Community Center and it is necessary to appropriate these funds to offset the costs of the repairs and replace funds that were reduced elsewhere in the budget to pay for the repairs, and

WHEREAS, there are funds available in the Community Fund Reserves for additional costs associated with replacement of defective siding at the Fruita Community Center and it is necessary to appropriate these funds to complete the project in 2016, and

WHEREAS, pursuant to Article 8.10 of the Fruita City Charter, the City Manager certifies there are sufficient funds available for the supplemental appropriations.

NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL TO APPROPRIATE AND TRANSFER FUNDS AS FOLLOWS:

Section 1: That the 2016 appropriation for the General Fund is hereby increased by \$25,100 from \$8,180,800 to \$8,205,900 from the following sources for the following uses:

Source of Funds

Law Enforcement Training Reimbursements/Grants	\$ 2,725
Insurance refunds	2,675
AGNC Grant	5,000
Scholarship donations	10,100
Recreation donations – Evening of Art.....	4,600
	<u>\$ 22,425</u>

Use of Funds

Public Safety Department training	\$ 2,725
Workers compensation insurance	2,675
Sewer lagoon property conceptual development plan	5,000
Golf tournament expenses.....	4,400
Scholarship awards	5,700
Arts and Culture Board	4,600
	<u>\$22,425</u>

Section 2: That the 2016 appropriation for the Community Center Fund is hereby increased by \$39,650 from \$2,344,475 to \$2,384,125 from the following sources for the following uses:

Source of Funds

Fund balance assigned for building and equipment replacement	\$14,850
Insurance claim settlement.....	\$24,800
	<u>\$39,650</u>

Use of Funds

Transfer to Capital Projects Fund for Community Center Siding Replacement	\$14,850
FCC Aquatics play equipment.....	20,000
FCC Meeting room furniture	4,800
	<u>\$39,650</u>

Section 3: That the 2016 appropriation for the Capital Projects Fund is hereby increased by \$14,850 from \$2,765,800 to \$2,780,650 from the following sources for the following uses:

Source of Funds

Transfer from Community Center Fund	\$ 14,850
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Use of Funds

Community Center Siding Replacement Project.....	\$14,850
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**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS
17th DAY OF MAY, 2016**

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Lori Buck, Mayor



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: TURE NYCUM, PARKS AND RECREATION DIRECTOR
DATE: MAY 17, 2016
RE: POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH MESA COUNTY

BACKGROUND

The City and Mesa County have worked over the past years to develop a variety of hard surface trails in our community. The City of Fruita's Parks, Open Space and Trails Plan calls for trails, such as the Colorado River Trail, to be built outside the corporate limits of the city. The City and County have jointly worked on gaining funding for these projects in the past and have shared management responsibilities for design and construction purposes

In 2011, an Intergovernmental Agreement between Mesa County and the City of Fruita was adopted which created a clear line of accountability for the maintenance of existing and future trails. This IGA was in force for a period of five years and expired in February of this year. Mesa County once again is proposing to extend the IGA that details levels of responsibility for each organization. Fundamentally, the agreement calls for Fruita to accept responsibility for trail operations, maintenance, law enforcement and liability for segments that are within the City limits. Mesa County will accept responsibility for trail operations, maintenance, law enforcement and liability for segments that are outside City limits, but within Mesa County corporate limits. The term of this IGA will once again be for 5 years.

The executed 2011 IGA as well as the proposed IGA are both provided. No significant changes have been to the proposed IGA from the adopted IGA in 2011.

FISCAL IMPACT

As with all infrastructure projects, there are considerable fiscal impacts. Of course, constructing any project takes dollars, but it should remain clear that oftentimes, maintaining infrastructure can have a greater cost (over the long-term) than the actual

	<p>cost of the original construction. So, while this IGA is clearly fair and equitable, it does have cost implications.</p>
<p><u>APPLICABILITY TO CITY GOALS AND OBJECTIVES</u></p>	
	<p>The City of Fruita has adopted a Parks, Open Space and Trails Plan that calls for the construction (and eventual maintenance) of trails throughout the community, both inside and outside the city limits. This IGA will help meet those stated goals.</p>
<p><u>OPTIONS AVAILABLE TO THE COUNCIL</u></p>	
	<ol style="list-style-type: none"> 1) Adopt the IGA as presented 2) Modify then adopt the IGA 3) Do not enter into the IGA
<p><u>RECOMMENDATION</u></p>	
	<p>It is the recommendation of the Fruita City Staff, that the Council, by motion, Authorize the Mayor to execute the attached IGA with Mesa County</p>

RECEIVED FEB 16 2011

MCA 2011-008

**An Intergovernmental Agreement
Between Mesa County and the City of Fruita**

THIS AGREEMENT by and between the County of Mesa (hereafter, "Mesa County"), Colorado, a local government of the State of Colorado and the City of Fruita of the State of Colorado.

WITNESSETH:

WHEREAS, the parties have full authority to enter into this Agreement pursuant to §29-1-203, C.R.S. (2008); and,

WHEREAS, Mesa County and its Riverfront Partners are undertaking ROW acquisition, design and construction of the Riverfront Trail and Road System from the I 70, Exit 15 (Loma) through the Town of Palisade ; and,

WHEREAS, historically, Mesa County or the municipality within whose boundaries a portion of the trail system has been located, has informally accepted responsibility for operation, maintenance, law enforcement and liability for portions of the trail system within their geographic boundaries, other than in facilities such as the Colorado State Parks along the trail system being maintained by other Riverfront Partners; and

WHEREAS, it is expected that the municipalities of (Fruita, Grand Junction or Palisade) will accept responsibility for operation, maintenance, law enforcement, and liability for new sections of the Riverfront Trail and Road System located within their legal limits as new sections of the trail system are completed, and Mesa County will accept responsibility for operation, maintenance, law enforcement and liability for the new sections of the Riverfront Trail and Road System located within the unincorporated portions of Mesa County; and,

WHEREAS, the Parties desire to formalize their responsibilities with regard to the Riverfront Trail and Road System, as hereafter stated; and

WHEREAS, this inter-governmental agreement does not preclude any informal agreements between governmental entities and their staffs for the purpose of operations and maintenance, but only establishes primary responsibility for such provisions of service; and

WHEREAS, the Parties desire to review the agreement on a regular basis to renew understanding of the provisions.

NOW, THEREFORE, the Parties hereby agree as follows:

- 1. Mesa County and the Riverfront partners shall actively work toward locating, designing and constructing the Riverfront Trail and Road system within the incorporated limits of (Fruita, Grand Junction or Palisade) and the unincorporated portions of Mesa County from the I 70, Exit**

- 15 (Loma) through the Town of Palisade near the Colorado River in accordance with plans to be developed by the Riverfront Partners.
2. Upon construction and completion of the Riverfront Trail and Road System by Mesa County and the Riverfront Partners and acceptance by the municipalities of the sections of the trail system within their incorporated limits (Fruita, Grand Junction or Palisade or Mesa County) in the unincorporated portions of Mesa County, (Fruita, or Grand Junction, Palisade or Mesa County) shall own operate, maintain, police, and accept liability for the sections of the Riverfront Trail and Road System located within their respective legal limits as they from time to time exist.
 3. Upon annexation of an unincorporated portion of Mesa County containing a section of the Riverfront Trail and Road System by one of the municipalities, the annexing municipality shall assume ownership, operation, maintenance, law enforcement and accept liability for the section of the Riverfront Trail and Road System being annexed, subject to limitations on transfer contained in agreements or by law.
 4. For those sections of trail built after January 1, 2010, on property owned by the state of Colorado and outside of the boundaries of a Colorado State Park, operations, maintenance, and policing will be the responsibility of the local government whose political boundaries the section lays.
 5. This agreement will be in force for five (5) years from the date of signed agreement by both parties. Just prior to the end of five years, the elected boards of each entity will review the agreement for purposes of considering any necessary changes but with a view toward renewal.

The Mesa County Board of Commissioners

City of Fruita Council

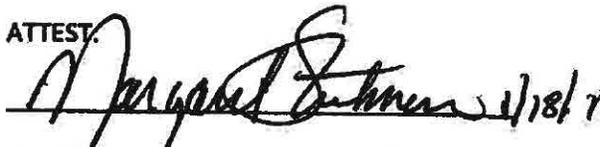

Janet Rowland, Chair 02/14/2011
Greg J. Meis, Chairman


Ken Henry, Mayor

ATTEST:

ATTEST:


02/14/2011


City Clerk Date



An Intergovernmental Agreement
Between Mesa County and the City of Fruita

THIS FIVE YEAR AGREEMENT by and between the County of Mesa (hereafter, "Mesa County"), Colorado, a political subdivision of the State of Colorado and the City of Fruita (hereafter "City") of the State of Colorado is effective _____ and continues the previously executed agreement (MCA 2011-008).

WITNESSETH:

WHEREAS, the parties have full authority to enter into this Agreement pursuant to §29-1-203, C.R.S. (2008); and,

WHEREAS, Mesa County and its Riverfront Partners are undertaking ROW acquisition, design and construction of the Riverfront Trail and Road system from the I 70, Exit 15 (Loma) through the Town of Palisade; and,

WHEREAS, historically, Mesa County or the municipality within whose boundaries a portion of the trail system has been located, has informally accepted responsibility for operation, maintenance, law enforcement and liability for portions of the trail system within their geographic boundaries, other than in facilities such as the Colorado State Parks along the trail system being maintained by other Riverfront partners; and

WHEREAS, it is expected that the municipalities of (Fruita, Grand Junction and Palisade) will accept responsibility for operation, maintenance, law enforcement, and liability for new sections of the Riverfront Trail and Road system located within their legal limits as new sections of the trail system are completed, and Mesa County will accept responsibility for operation, maintenance, law enforcement and liability for the new sections of the Riverfront Trail and Road System located within the unincorporated portions of Mesa County; and,

WHEREAS, the parties desire to formalize their responsibilities with regard to the Riverfront Trail and Road System, as hereafter stated; and

WHEREAS, this inter-governmental agreement does not preclude any informal agreements between governmental entities and their staffs for the purpose of operations and maintenance, but only establishes primary responsibility for such provisions of service; and

WHEREAS, the Parties desire to review the agreement on a regular basis to renew understanding of the provisions.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Mesa County and Riverfront partners shall actively work toward locating, designing and constructing the Riverfront Trail and Road system within the incorporated limits of (Fruita, Grand Junction or Palisade) and the unincorporated portions of Mesa County from the I 70, Exit 15 (Loma) through the Town of Palisade near the Colorado River in accordance with plans to be developed by the Riverfront Partners.
2. Upon construction and completion of the Riverfront Trail and Road System by Mesa County and Riverfront Partners and acceptance by the municipalities of the sections of the trail system within their incorporated limits (Fruita, Grand Junction or Palisade or Mesa County) in the unincorporated portions of Mesa County, (Fruita, or Grand Junction, Palisade or Mesa County) shall own, operate, maintain, police and accept liability for the sections of the Riverfront Trail and Road System located within their respective legal limits as they from time to time exist.
3. Upon annexation of an unincorporated portion of Mesa County containing a section of the Riverfront Trail and Road System by one of the municipalities, the annexing municipality shall assume ownership, operation, maintenance, law enforcement and accept liability for the section of the Riverfront Trail and Road System being annexed, subject to limitations on transfer contained in agreements or by law.
4. For those sections of trail built after January 1, 2010, on property owned by the State of Colorado and outside of the boundaries of a Colorado State Park, operations, maintenance and policing will be the responsibility of the local government whose political boundaries the section lays.
5. Prior to the end of five years, the parties of each entity will review the agreement for purposes of considering any necessary changes but with a view toward renewal.

The Mesa County Board of Commissioners

City of Fruita Council

Date: _____



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: MAY 17, 2016
RE: APRIL 2016 FINANCIAL REPORTS

BACKGROUND

Attached are copies of the April 2016 Financial Reports for the City of Fruita.

Sales and Use Tax Revenues. The following chart shows the percentage change in the most recent months collections of sales and use tax revenue compared to the same month last year, and the year to date collections compared to the same time frame for the prior year. City sales tax is flat and county sales tax is down from the prior year. On the bright side use tax on motor vehicles and building materials are up from the prior year and year to date. We are at 89% (\$66,875) of the total revenues budgeted for the year (\$75,000) for use tax on building materials.

Sales and Use Tax Revenues			
Type	Month	% change Month	% change Y-T-D
City	Mar-16	0.04%	-1.16%
County	Mar-16	-6.35%	-2.38%
Use tax on Motor Vehicles	Apr-16	43.60%	5.71%
Use tax on Building Materials	Apr-16	366.78%	104.19%

Community Center Fund – March 2016. The combination of city sales and use tax revenues for the month reflect a 13.46% increase from 2015 revenues. Sales and use tax revenues are down slightly for the year (0.59%) compared to the prior year.

Marketing and Promotion Fund – March 2016. Lodging tax revenues are up 2.3% for the month and down 1% year to date. The 2016 Budget reflects a decrease of 4.9% from 2015 actual revenues.

General Fund Revenues – April 2016. The General Fund Revenue report is a detailed budget to actual revenue report. Revenues are right on track at 33% of the budgeted amount for the year (4/12 = 33%).

Revenue vs Expense by Account Type – April 2016. This report presents summary information on revenues and expenses and budget comparisons for all funds. The report includes revenues and expenses by category or type of revenue/expense and also by department. The following is a summary of the report by fund showing actual revenues and expenses as a percentage of budget.

Revenues and Expenses as Percentage of Budget - April 2016		
	Revenues as a % Budget	Expenses as a % of Budget
General Fund	33%	33%
Conservation Trust Fund	25%	11%
Marketing	19%	35%
Community Center	33%	33%
Capital Projects	5%	18%
Debt Service	38%	47%
Irrigation Water	3%	33%
Sewer	28%	33%
Trash	27%	17%
Fleet Maintenance Fund	100%	37%
Total	29%	31%

*Revenues do not include April utility billing for Sewer, Trash and Irrigation

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

These reports provide financial information to the Council to monitor the City's financial position and may be used as a tool to hold staff accountable for accomplishing goals and objectives set forth in the Budget.

OPTIONS AVAILABLE TO THE COUNCIL

- Approval of Financial Reports
- Approval of Financial Reports with clarification on specific items

RECOMMENDATION

It is the recommendation of Fruita City staff that the City Council, by motion:
ACCEPT THE APRIL 2016 FINANCIAL REPORTS AS PRESENTED.

GENERAL FUND 2% CITY SALES TAX REVENUES - MAY 9, 2016

	2010	2011	2012	2013	2014	2015	2016	\$ Variance	% Variance
Jan	98,322.29	89,314.15	101,419.74	110,204.24	107,894.03	108,459.92	102,654.47	-5,805.45	-5.35%
Feb	84,525.46	95,295.86	110,489.69	96,957.80	117,630.56	107,188.89	109,027.57	1,838.68	1.72%
Mar	100,841.31	99,780.60	107,316.93	116,327.45	151,397.66	122,437.25	122,491.87	54.62	0.04%
Apr	102,872.82	120,678.35	142,421.79	131,340.78	130,473.13	119,605.83			
May	110,519.20	110,761.47	96,366.93	139,145.24	146,354.29	141,096.11			
Jun	113,710.31	121,036.54	153,521.01	134,614.06	145,170.75	142,137.11			
Jul	106,381.35	111,666.79	117,642.13	119,997.86	128,914.77	129,557.37			
Aug	106,951.08	108,226.15	117,891.22	132,205.95	139,363.95	116,732.34			
Sep	109,072.31	127,962.44	136,662.04	119,797.21	137,994.97	141,331.25			
Oct	100,306.58	105,477.56	118,473.48	131,267.83	123,354.93	116,359.62			
Nov	92,589.67	102,290.50	89,760.11	118,140.73	116,620.45	107,336.71			
Dec	108,661.53	110,977.83	111,679.39	123,646.37	123,855.91	111,500.58			
TOTAL	1,234,753.91	1,303,468.24	1,403,644.46	1,473,645.52	1,569,025.40	1,463,742.98	334,173.91	-3,912.15	-1.16%
%	3.14%	5.57%	7.69%	4.99%	6.47%	-6.71%			

2016 Budget= \$1,525,000, 4% increase from 2015 Actual Revenues

338,086.06 334,173.91 (3,912.15) -1.16%

COUNTY SALES TAX REVENUES- MAY 10, 2016

	2010	2011	2012	2013	2014	2015	\$ Variance	% Variance	
Jan	113,058.19	120,360.46	139,025.37	134,836.51	130,571.18	143,816.00	143,233.57	-582.43	-0.40%
Feb	118,275.57	128,907.44	141,496.92	132,354.45	136,453.63	139,681.16	140,142.92	461.76	0.33%
Mar	139,649.23	147,913.58	160,249.88	152,973.96	156,998.09	166,560.39	155,984.45	-10,575.94	-6.35%
Apr	133,088.63	143,042.21	160,533.08	151,855.18	154,276.05	159,563.89			
May	147,139.03	153,133.55	154,553.36	160,201.04	162,075.43	176,074.56			
Jun	119,282.18	162,878.08	161,305.05	163,671.23	165,562.44	176,818.44			
Jul	143,771.76	152,964.04	147,950.00	155,143.98	166,412.21	168,785.26			
Aug	151,631.97	166,457.23	162,644.66	160,891.70	167,517.03	169,601.48			
Sep	148,068.43	155,015.91	151,264.37	158,830.58	169,036.62	175,746.65			
Oct	145,127.53	134,741.13	147,651.90	156,348.63	156,686.58	151,764.08			
Nov	144,375.13	153,895.13	141,634.37	149,817.01	153,873.00	166,473.69			
Dec	170,647.84	181,793.63	173,798.76	177,187.35	194,349.22	184,665.83			
TOTAL	1,674,115.49	1,801,102.39	1,842,107.72	1,854,111.62	1,913,811.48	1,979,551.43	439,360.94	-10,696.61	-2.38%
%	-4.18%	7.59%	2.28%	0.65%	3.22%	3.44%			

2016 Budget=\$2,040,000, 3% increase from 2015 actual revenue

450,057.55 439,360.94 (10,696.61) -2.38%

Use Tax on Vehicles - 2% General Fund

	2009	2010	2011	2012	2013	2014	2015	2016	Variance	% Change	
JAN	20,721.07	21,010.53	28,474.28	30,152.69	27,942.83	56,070.39	34,956.67	28,122.91	-6,833.76	-19.55%	
FEB	22,901.63	23,512.06	32,236.80	25,415.92	38,537.86	36,000.06	50,225.73	36,471.71	-13,754.02	-27.38%	
MAR	34,251.57	31,711.06	33,956.87	36,496.12	43,071.73	38,156.08	26,009.96	40,528.67	14,518.71	55.82%	
APR	32,178.98	25,064.54	24,077.10	40,616.59	36,939.81	52,092.34	32,776.89	47,068.73	14,291.84	43.60%	
MAY	28,991.09	27,124.89	41,212.91	45,918.39	41,984.05	42,159.85	42,823.62				
JUN	31,756.88	26,232.32	38,459.02	41,628.76	44,597.09	42,893.54	41,419.11				
JUL	27,302.19	31,988.69	39,392.08	40,487.84	38,899.29	46,697.95	52,885.65				
AUG	26,662.40	32,405.36	39,759.24	47,323.03	48,828.89	52,311.48	64,714.85				
SEP	31,920.89	39,773.57	35,811.70	30,358.71	45,580.49	37,084.71	58,410.57				
OCT	27,699.09	25,993.80	30,785.97	47,064.75	43,843.87	60,005.46	53,854.48				
NOV	17,431.56	26,057.48	28,049.93	25,419.72	41,660.04	29,508.89	46,492.91				
DEC	25,156.62	22,964.99	37,661.47	37,047.69	50,357.95	50,261.97	48,616.81				
YTD	326,973.97	333,839.29	409,877.37	447,930.21	502,243.90	543,242.72	553,187.25	152,192.02	8,222.77	5.71%	
%	-41.02%	2.10%	22.78%	9.28%	12.13%	8.16%	1.83%				
								143,969.25	152,192.02	8,222.77	5.71%

2016 Budget = \$520,000 - 5.4% decrease from 2015 actual revenues

Use Tax on Building Materials - 2% General Fund

	2009	2010	2011	2012	2013	2014	2015	2016	Variance	% Change	
JAN	3,558.19	18,147.60	5,439.12	26,313.85	20,923.45	13,167.04	14,735.14	3,256.46	-11,478.68	-77.90%	
FEB	4,047.25	8,504.62	16,282.90	16,100.01	14,788.93	11,632.38	2,458.97	14,608.11	12,149.14	494.07%	
MAR	6,919.27	6,162.62	30,509.68	25,506.73	10,552.31	7,307.73	8,211.61	14,726.17	6,514.56	79.33%	
APR	8,919.35	35,306.94	9,839.22	14,732.71	26,597.25	14,357.92	7,344.73	34,284.04	26,939.31	366.78%	
MAY	9,562.65	16,486.49	7,073.59	12,539.25	13,725.38	12,874.85	3,720.34				
JUN	13,956.59	11,810.90	3,208.84	21,515.83	11,902.04	13,891.13	6,139.39				
JUL	17,372.54	16,884.69	7,956.54	18,255.65	15,093.09	24,526.19	9,501.34				
AUG	25,575.83	9,649.66	7,344.90	16,064.36	27,974.64	12,311.44	7,115.25				
SEP	11,542.90	4,380.71	13,268.39	24,727.66	13,947.63	21,844.73	7,596.69				
OCT	14,667.33	11,302.35	17,526.21	17,943.01	23,497.04	9,547.81	8,877.79				
NOV	6,436.47	14,520.62	8,709.93	5,819.74	10,256.27	9,042.11	9,442.56				
DEC	11,833.53	3,754.79	2,630.75	14,482.99	4,810.32	13,018.26	19,628.19				
YTD	134,391.90	156,911.99	129,790.07	214,001.79	194,068.35	163,521.59	104,772.00	66,874.78	34,124.33	104.19%	
%	-53.64%	16.76%	-17.28%	64.88%	-9.31%	-15.74%	-35.93%				
								32,750.45	66,874.78	34,124.33	104.19%

2016 Budget - \$75,000 - 28% reduction from 2015 actual revenues

2016 COMMUNITY CENTER FUND TAX REVENUES
1% Sales and Use Tax Revenues - May 9, 2016

	2009 Total	2010 Total	2011 Total	2012 Total	2013 Total	2014 Total	2015 Total	City Sales Tax	Use Tax on Motor Vehicles	Use Tax on Building Materials	2016 Total	\$ Change	% Chg
Jan	56,593.55	68,740.22	61,514.93	78,943.15	79,535.26	88,565.74	79,075.86	51,327.24	14,061.46	1,628.23	67,016.93	-12,058.93	-15.25%
Feb	58,002.09	58,148.39	71,825.86	76,002.81	75,142.30	82,631.50	79,936.78	54,513.78	18,235.85	7,304.05	80,053.68	116.90	0.15%
Mar	67,748.11	69,072.06	81,884.01	84,659.89	84,975.73	98,430.74	78,329.40	61,245.94	20,264.33	7,363.09	88,873.36	10,543.96	13.46%
Apr	75,033.32	81,620.90	77,165.81	98,885.55	97,438.92	98,461.69	79,863.73		23,534.36	17,142.02	40,676.38		
May	73,839.15	77,162.18	79,523.99	77,412.30	97,427.34	100,694.49	93,820.03				0.00		
Jun	73,538.22	75,828.93	81,352.21	108,332.79	95,556.60	100,977.70	94,847.80				0.00		
Jul	67,544.66	77,627.37	79,507.70	88,192.80	86,995.11	100,069.45	95,972.19				0.00		
Aug	74,268.70	74,500.07	77,665.14	90,639.31	104,504.75	101,993.43	94,281.22				0.00		
Sep	80,243.54	76,613.29	87,316.31	95,874.21	89,662.68	98,462.20	103,669.26				0.00		
Oct	68,996.64	68,780.04	76,894.86	91,740.61	99,304.36	96,454.10	89,545.94				0.00		
Nov	53,157.55	66,475.61	69,525.19	60,499.78	85,028.51	77,585.72	81,636.09				0.00		
Dec	70,957.51	67,542.34	75,635.02	81,605.04	89,407.32	93,568.08	89,872.79				0.00		
TOTAL	819,923.04	862,111.40	919,811.03	1,032,788.24	1,084,978.88	1,137,894.84	1,060,851.09	167,086.96	76,096.00	33,437.39	276,620.35	-1,398.07	-0.59%
% +/-		5%	6.69%	12.28%	5.05%	4.88%	-6.77%						
2016 Budget								762,500.00	260,000.00	37,500.00	1,060,000.00		
% of Budget								21.91%	29.27%	89.17%	26.10%		

237,342.04

235943.97

-1398.07

-0.59%

General Ledger

General Fund Revenues

Period 04 - 04
Fiscal Year 2016

Account Number	Description	Current Month	End Bal	Budget	% Received
110-000-00-3110	Property Tax	\$ (64,775.33)	\$ (464,164.05)	\$ (1,097,500.00)	42.29%
110-000-00-3120	Specific Ownership Tax	\$ (9,771.94)	\$ (43,216.35)	\$ (142,600.00)	30.31%
110-000-00-3130	County Sales Tax	\$ (143,233.57)	\$ (646,137.17)	\$ (2,040,000.00)	31.67%
110-000-00-3131	City Sales Tax	\$ (109,027.57)	\$ (430,519.33)	\$ (1,525,000.00)	28.23%
110-000-00-3132	Use Tax on Vehicles	\$ (40,528.67)	\$ (153,740.10)	\$ (520,000.00)	29.57%
110-000-00-3133	Use Tax on Building Materials	\$ (34,284.04)	\$ (66,874.78)	\$ (75,000.00)	89.17%
110-000-00-3142	Cigarette Tax	\$ (687.99)	\$ (3,304.58)	\$ (11,000.00)	30.04%
110-000-00-3182	Franchise Fees	\$ (30,385.94)	\$ (137,638.12)	\$ (405,000.00)	33.98%
110-000-00-3190	Penalties and Interest	\$ (6.29)	\$ (6.29)	\$ (3,000.00)	0.21%
	Taxes	\$ (432,701.34)	\$ (1,945,600.77)	\$ (5,819,100.00)	33.43%
110-000-00-3210	Business Licenses	\$ (875.00)	\$ (6,775.00)	\$ (18,500.00)	36.62%
110-000-00-3211	Liquor Licenses	\$ (2,600.00)	\$ (6,225.00)	\$ (8,500.00)	73.24%
110-000-00-3220	Street Excavation Permits	\$ (150.00)	\$ (390.00)	\$ (1,500.00)	26.00%
110-000-00-3221	Other Permits	\$ (185.00)	\$ (890.00)	\$ (1,500.00)	59.33%
	Licenses and permits	\$ (3,810.00)	\$ (14,280.00)	\$ (30,000.00)	47.60%
110-000-00-3330	Severance & Mineral Leasing Ta	\$ -	\$ -	\$ (150,000.00)	0.00%
110-000-00-3342	Energy Impact Grant	\$ -	\$ -	\$ (11,250.00)	0.00%
110-000-00-3351	Add. Motor Vehicle Reg Fees	\$ (1,327.50)	\$ (5,377.50)	\$ (19,000.00)	28.30%
110-000-00-3352	State Highway Users Tax	\$ (30,360.96)	\$ (119,148.19)	\$ (372,000.00)	32.03%
110-000-00-3353	App. Motor Vehicle Reg Fees	\$ (1,992.50)	\$ (8,135.00)	\$ (27,500.00)	29.58%
110-000-00-3370	Tree Grants	\$ -	\$ (400.00)	\$ -	0.00%
110-000-00-3371	Mesa County Grants	\$ -	\$ -	\$ -	0.00%
110-000-00-3373	Local Agency Police Grants	\$ -	\$ (8,595.00)	\$ (8,600.00)	99.94%
110-000-00-3375	AGNC Grant	\$ -	\$ -	\$ -	0.00%
110-000-00-3380	Mesa County Road & Bridge Tax	\$ (1,386.01)	\$ (9,930.85)	\$ (24,000.00)	41.38%
	Intergovernmental revenue	\$ (35,066.97)	\$ (151,586.54)	\$ (612,350.00)	24.75%
110-000-00-3413	Planning Fees	\$ (2,605.25)	\$ (6,951.25)	\$ (13,000.00)	53.47%
110-000-00-3421	Vehicle Inspection Fees	\$ -	\$ (325.00)	\$ (1,100.00)	29.55%
110-000-00-3455	Impound Fees	\$ -	\$ -	\$ (100.00)	0.00%
110-000-00-3470	Recreation Registration Fees	\$ (2,100.80)	\$ (30,426.20)	\$ (77,000.00)	39.51%
110-000-00-3472	Special Event Appl & Booth Fee	\$ (3,725.00)	\$ (3,762.50)	\$ (5,500.00)	68.41%
110-000-00-3473	Retail Sales	\$ (137.52)	\$ (1,031.25)	\$ (9,000.00)	11.46%
110-000-00-3475	Internet sales	\$ -	\$ (693.58)	\$ (1,000.00)	69.36%
110-000-00-3477	Park Rentals	\$ (885.00)	\$ (1,990.00)	\$ (11,000.00)	18.09%
110-000-00-3478	Shipping and Handling Charges	\$ -	\$ -	\$ (50.00)	0.00%
110-000-00-3479	Scholarship Program	\$ (2,715.00)	\$ (10,778.00)	\$ (3,000.00)	359.27%
110-000-00-3480	Manpower and other charges	\$ (2,966.21)	\$ (4,658.21)	\$ (7,775.00)	59.91%
110-000-00-3483	Penalties	\$ (1,791.11)	\$ (8,105.45)	\$ (19,000.00)	42.66%
110-000-00-3484	Developer Contribution - Parks	\$ -	\$ -	\$ -	0.00%
	Charges for services	\$ (16,925.89)	\$ (68,721.44)	\$ (147,525.00)	46.58%

Account Number	Description	Current Month	End Bal	Budget	% Received
110-000-00-3510	City and County Court	\$ (2,199.60)	\$ (10,057.83)	\$ (26,000.00)	38.68%
110-000-00-3511	Penalty Assessments	\$ (1,605.00)	\$ (3,950.00)	\$ (14,500.00)	27.24%
110-000-00-3512	Restitution to City	\$ (50.69)	\$ (50.69)	\$ -	0.00%
110-000-00-3513	Misdemeanor Fee	\$ (160.00)	\$ (1,200.00)	\$ (1,500.00)	80.00%
	Fines and forfeitures	\$ (4,015.29)	\$ (15,258.52)	\$ (42,000.00)	36.33%
110-000-00-3610	Interest on deposits	\$ (2,388.52)	\$ (8,695.71)	\$ (8,000.00)	108.70%
	Interest	\$ (2,388.52)	\$ (8,695.71)	\$ (8,000.00)	108.70%
110-000-00-3640	Senior Center Donations	\$ (35.00)	\$ (234.26)	\$ -	0.00%
110-000-00-3641	Miscellaneous Donations	\$ -	\$ (1,000.00)	\$ (1,000.00)	100.00%
110-000-00-3642	Recreation Donations	\$ (281.20)	\$ (4,622.50)	\$ -	0.00%
110-000-00-3645	Special Event Donations	\$ (1,500.00)	\$ (11,500.00)	\$ (12,000.00)	95.83%
	Donations	\$ (1,816.20)	\$ (17,356.76)	\$ (13,000.00)	133.51%
110-000-00-3680	Miscellaneous	\$ (14.12)	\$ (567.08)	\$ (3,000.00)	18.90%
110-000-00-3681	Cash Over (Short)	\$ (1.20)	\$ 33.94	\$ -	0.00%
110-000-00-3682	Refunds	\$ -	\$ (161.97)	\$ -	0.00%
	Miscellaneous	\$ (15.32)	\$ (695.11)	\$ (3,000.00)	23.17%
110-000-00-3911	Transfer from Sewer Fund	\$ -	\$ (40,000.00)	\$ (160,000.00)	25.00%
110-000-00-3912	Transfer from Trash Fund	\$ -	\$ (12,750.00)	\$ (51,000.00)	25.00%
110-000-00-3913	Transfer from Devils Canyon Fu	\$ -	\$ -	\$ -	0.00%
110-000-00-3914	Transfer from Marketing & Prom	\$ -	\$ -	\$ -	0.00%
110-000-00-3915	Transfer from Irrigation Fund	\$ -	\$ (2,500.00)	\$ (10,000.00)	25.00%
110-000-00-3917	Transfer from Retirement Fund	\$ -	\$ -	\$ (60,000.00)	0.00%
	Transfers from other funds	\$ -	\$ (55,250.00)	\$ (281,000.00)	19.66%
110-000-00-3937	Capital Lease Proceeds	\$ -	\$ -	\$ -	0.00%
110-000-00-3950	Sale of Equipment	\$ -	\$ (180.00)	\$ -	0.00%
110-000-00-3960	Insurance payments	\$ (306.43)	\$ (306.43)	\$ -	0.00%
	Other financing sources	\$ (306.43)	\$ (486.43)	\$ -	0.00%
110-000-00-3624	Rail Car Rentals	\$ -	\$ -	\$ -	0.00%
110-000-00-3625	Rent on Lands and Water	\$ (2,399.01)	\$ (9,596.04)	\$ (29,000.00)	33.09%
110-000-00-3626	Facility Rentals	\$ (420.00)	\$ (1,065.00)	\$ (1,800.00)	59.17%
	Rents	\$ (2,819.01)	\$ (10,661.04)	\$ (30,800.00)	34.61%
Revenue Total		\$ (499,864.97)	\$ (2,288,592.32)	\$ (6,986,775.00)	-33.00%

General Ledger

Actual vs Budget Report



User: msteelman
 Printed: 05/12/16 11:13:25
 Period 04 - 04
 Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
110	General Fund					
000						
R01	Taxes	-432,701.34	-1,945,600.77	-5,819,100.00	-3,873,499.23	33.43
R02	Licenses and permits	-3,810.00	-14,280.00	-30,000.00	-15,720.00	47.60
R03	Intergovernmental revenue	-35,066.97	-151,586.54	-612,350.00	-460,763.46	24.75
R04	Charges for services	-16,925.89	-68,721.44	-147,525.00	-78,803.56	46.58
R05	Fines and forfeitures	-4,015.29	-15,258.52	-42,000.00	-26,741.48	36.33
R06	Interest	-2,388.52	-8,695.71	-8,000.00	695.71	108.70
R07	Donations	-1,816.20	-17,356.76	-13,000.00	4,356.76	133.51
R08	Miscellaneous	-15.32	-695.11	-3,000.00	-2,304.89	23.17
R09	Transfers from other funds	0.00	-55,250.00	-281,000.00	-225,750.00	19.66
R10	Other financing sources	-306.43	-486.43	0.00	486.43	0.00
R12	Rents	-2,819.01	-10,661.04	-30,800.00	-20,138.96	34.61
000		-499,864.97	-2,288,592.32	-6,986,775.00	-4,698,182.68	32.76
410	General Government					
	Department					
E01	Personnel services, salaries	12,600.51	61,198.34	186,950.00	125,751.66	32.74
E02	Personnel services, benefits	3,237.83	16,700.69	43,375.00	26,674.31	38.50
E03	Purchased professional service	2,113.00	13,069.59	64,000.00	50,930.41	20.42
E04	Purchased property services	276.94	1,294.08	6,100.00	4,805.92	21.21
E05	Other purchased services	801.02	2,592.38	8,725.00	6,132.62	29.71
E06	Supplies	107.77	1,824.12	13,550.00	11,725.88	13.46
E07	Capital	0.00	2,220.00	2,225.00	5.00	99.78
E08	Special projects	254.64	27,407.64	45,700.00	18,292.36	59.97
410	General Government	19,391.71	126,306.84	370,625.00	244,318.16	34.08
	Department					
415	Administration Department					
E01	Personnel services, salaries	21,697.51	99,193.49	285,600.00	186,406.51	34.73
E02	Personnel services, benefits	7,030.17	36,392.35	92,100.00	55,707.65	39.51
E03	Purchased professional service	2,092.69	20,762.98	81,000.00	60,237.02	25.63
E04	Purchased property services	10,680.00	42,355.82	90,000.00	47,644.18	47.06
E05	Other purchased services	926.17	8,884.13	30,750.00	21,865.87	28.89
E06	Supplies	6,706.77	19,487.44	52,050.00	32,562.56	37.44

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
E07	Capital	555.19	1,467.69	32,200.00	30,732.31	4.56
E08	Special projects	0.00	0.00	15,000.00	15,000.00	0.00
415	<i>Administration Department</i>	49,688.50	228,543.90	678,700.00	450,156.10	33.67
418	<i>Engineering Department</i>					
E01	Personnel services, salaries	14,380.80	66,213.62	188,875.00	122,661.38	35.06
E02	Personnel services, benefits	5,943.08	31,326.02	76,175.00	44,848.98	41.12
E03	Purchased professional service	25.89	25.89	24,000.00	23,974.11	0.11
E04	Purchased property services	0.00	4,468.92	6,725.00	2,256.08	66.45
E05	Other purchased services	107.32	320.32	3,250.00	2,929.68	9.86
E06	Supplies	172.05	609.18	8,400.00	7,790.82	7.25
E07	Capital	0.00	6,788.19	7,000.00	211.81	96.97
418	<i>Engineering Department</i>	20,629.14	109,752.14	314,425.00	204,672.86	34.91
419	<i>Community Development Dpmt</i>					
E01	Personnel services, salaries	12,259.20	56,426.51	161,375.00	104,948.49	34.97
E02	Personnel services, benefits	5,944.65	29,865.07	75,750.00	45,884.93	39.43
E03	Purchased professional service	0.00	62.00	2,850.00	2,788.00	2.18
E04	Purchased property services	0.00	4,379.10	4,725.00	345.90	92.68
E05	Other purchased services	403.20	1,087.36	8,300.00	7,212.64	13.10
E06	Supplies	192.82	1,773.31	8,275.00	6,501.69	21.43
E08	Special projects	0.00	0.00	5,000.00	5,000.00	0.00
419	<i>Community Development Dpmt</i>	18,799.87	93,593.35	266,275.00	172,681.65	35.15
421	<i>Police Department</i>					
E01	Personnel services, salaries	89,805.08	421,734.45	1,238,825.00	817,090.55	34.04
E02	Personnel services, benefits	36,361.22	213,020.48	493,025.00	280,004.52	43.21
E03	Purchased professional service	336.00	8,219.09	21,800.00	13,580.91	37.70
E04	Purchased property services	146.01	69,670.83	85,725.00	16,054.17	81.27
E05	Other purchased services	22,848.06	94,394.69	303,525.00	209,130.31	31.10
E06	Supplies	3,256.35	9,399.34	72,400.00	63,000.66	12.98
E07	Capital	0.00	6,375.00	79,875.00	73,500.00	7.98
421	<i>Police Department</i>	152,752.72	822,813.88	2,295,175.00	1,472,361.12	35.85
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	38,870.50	157,523.81	449,000.00	291,476.19	35.08
E02	Personnel services, benefits	15,777.02	86,957.01	185,175.00	98,217.99	46.96
E03	Purchased professional service	507.00	1,302.50	13,200.00	11,897.50	9.87
E04	Purchased property services	4,192.54	138,079.29	365,700.00	227,620.71	37.76
E05	Other purchased services	230.23	601.71	3,150.00	2,548.29	19.10
E06	Supplies	22,910.47	94,500.78	366,400.00	271,899.22	25.79
E07	Capital	169,823.00	169,823.00	497,025.00	327,202.00	34.17
431	<i>Public Works Department</i>	252,310.76	648,788.10	1,879,650.00	1,230,861.90	34.52

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	39,039.35	169,524.24	513,425.00	343,900.76	33.02
E02	Personnel services, benefits	12,841.91	76,722.20	177,150.00	100,427.80	43.31
E03	Purchased professional service	691.20	6,688.37	25,325.00	18,636.63	26.41
E04	Purchased property services	5,616.31	45,729.67	83,925.00	38,195.33	54.49
E05	Other purchased services	138.24	1,349.63	16,950.00	15,600.37	7.96
E06	Supplies	19,018.08	56,635.86	143,075.00	86,439.14	39.58
E07	Capital	0.00	23,908.73	25,900.00	1,991.27	92.31
E08	Special projects	259.42	6,715.46	32,800.00	26,084.54	20.47
451	<i>Parks and Recreation Dept</i>	<i>77,604.51</i>	<i>387,274.16</i>	<i>1,018,550.00</i>	<i>631,275.84</i>	<i>38.02</i>
490	<i>Non-Departmental Expenses</i>					
E02	Personnel services, benefits	3,116.39	6,572.23	22,200.00	15,627.77	29.60
E03	Purchased professional service	1,338.17	14,477.59	35,400.00	20,922.41	40.90
E04	Purchased property services	1,080.79	3,062.11	22,000.00	18,937.89	13.92
E05	Other purchased services	0.00	136,515.90	164,000.00	27,484.10	83.24
E08	Special projects	0.00	12,247.25	42,000.00	29,752.75	29.16
E11	Contingency	0.00	0.00	211,000.00	211,000.00	0.00
E12	Transfers to other funds	93,785.82	117,535.82	860,800.00	743,264.18	13.65
490	<i>Non-Departmental Expenses</i>	<i>99,321.17</i>	<i>290,410.90</i>	<i>1,357,400.00</i>	<i>1,066,989.10</i>	<i>21.39</i>
Revenue Total		-499,864.97	-2,288,592.32	-6,986,775.00	-4,698,182.68	-0.33
Expense Total		690,498.38	2,707,483.27	8,180,800.00	5,473,316.73	0.33
110	General Fund	190,633.41	418,890.95	1,194,025.00	775,134.05	35.08

General Ledger
Actual vs Budget Report



User: msteelman
Printed: 05/12/16 11:13:25
Period 04 - 04
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
121	Conservation Trust Fund					
000						
R03	Intergovernmental revenue	0.00	-29,963.60	-120,000.00	-90,036.40	24.97
000		0.00	-29,963.60	-120,000.00	-90,036.40	24.97
880	<i>Purchase of Dev Rights</i>					
E08	Special projects	0.00	0.00	26,000.00	26,000.00	0.00
E12	Transfers to other funds	22,447.44	22,447.44	184,100.00	161,652.56	12.19
880	<i>Purchase of Dev Rights</i>	22,447.44	22,447.44	210,100.00	187,652.56	10.68
	Revenue Total	0.00	-29,963.60	-120,000.00	-90,036.40	-0.25
	Expense Total	22,447.44	22,447.44	210,100.00	187,652.56	0.11
121	Conservation Trust Fund	22,447.44	-7,516.16	90,100.00	97,616.16	-8.34

General Ledger
Actual vs Budget Report



User: msteelman
Printed: 05/12/16 11:13:25
Period 04 - 04
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
125	Marketing and Promotion Fund					
000						
R01	Taxes	-7,755.49	-19,705.95	-101,500.00	-81,794.05	19.41
000		-7,755.49	-19,705.95	-101,500.00	-81,794.05	19.41
465	<i>Marketing Operations</i>					
E01	Personnel services, salaries	957.98	4,436.96	14,000.00	9,563.04	31.69
E02	Personnel services, benefits	335.72	1,661.94	4,600.00	2,938.06	36.13
E04	Purchased property services	14.05	46.58	300.00	253.42	15.53
E05	Other purchased services	3,794.91	19,145.91	62,225.00	43,079.09	30.77
E06	Supplies	0.00	355.00	3,500.00	3,145.00	10.14
E08	Special projects	3,000.00	11,500.00	22,500.00	11,000.00	51.11
465	<i>Marketing Operations</i>	8,102.66	37,146.39	107,125.00	69,978.61	34.68
Revenue Total		-7,755.49	-19,705.95	-101,500.00	-81,794.05	-0.19
Expense Total		8,102.66	37,146.39	107,125.00	69,978.61	0.35
125	Marketing and Promotion Fund	347.17	17,440.44	5,625.00	-11,815.44	310.05

General Ledger
Actual vs Budget Report

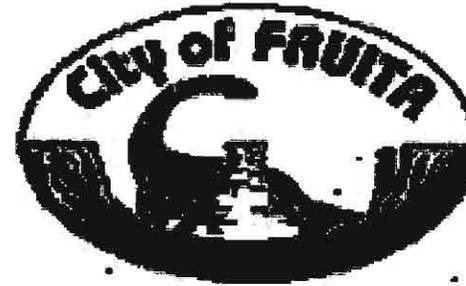


User: msteelman
Printed: 05/12/16 11:13:25
Period 04 - 04
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
127	Community Center Fund					
000						
R01	Taxes	-91,920.13	-325,567.10	-1,060,000.00	-734,432.90	30.71
R03	Intergovernmental revenue	-2,000.00	-2,000.00	-2,000.00	0.00	100.00
R04	Charges for services	-84,382.03	-355,938.99	-1,029,500.00	-673,561.01	34.57
R06	Interest	-5.26	-18.86	0.00	18.86	0.00
R07	Donations	-75.00	-300.00	-500.00	-200.00	60.00
R08	Miscellaneous	-74.11	-500.69	0.00	500.69	0.00
R09	Transfers from other funds	0.00	-23,750.00	-95,000.00	-71,250.00	25.00
R12	Rents	-3,550.00	-24,195.00	-38,000.00	-13,805.00	63.67
000		-182,006.53	-732,270.64	-2,225,000.00	-1,492,729.36	32.91
451	Parks and Recreation Dept					
E01	Personnel services, salaries	69,578.27	288,074.35	879,525.00	591,450.65	32.75
E02	Personnel services, benefits	12,861.19	81,007.86	182,200.00	101,192.14	44.46
E03	Purchased professional service	2,500.06	12,723.71	41,900.00	29,176.29	30.37
E04	Purchased property services	7,415.04	35,697.29	99,275.00	63,577.71	35.96
E05	Other purchased services	517.26	12,103.40	38,050.00	25,946.60	31.81
E06	Supplies	20,544.64	74,253.51	315,175.00	240,921.49	23.56
E07	Capital	17,535.30	39,823.05	65,000.00	25,176.95	61.27
E12	Transfers to other funds	231,783.32	231,783.32	723,350.00	491,566.68	32.04
451	Parks and Recreation Dept	362,735.08	775,466.49	2,344,475.00	1,569,008.51	33.08
Revenue Total		-182,006.53	-732,270.64	-2,225,000.00	-1,492,729.36	-0.33
Expense Total		362,735.08	775,466.49	2,344,475.00	1,569,008.51	0.33
127	Community Center Fund	180,728.55	43,195.85	119,475.00	76,279.15	36.15

General Ledger

Actual vs Budget Report



User: msteelman
 Printed: 05/12/16 11:13:25
 Period 04 - 04
 Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
130	Capital Projects Fund					
000						
R05	Fines and forfeitures	0.00	0.00	0.00	0.00	0.00
R06	Interest	-469.68	-1,699.62	0.00	1,699.62	0.00
000		-469.68	-1,699.62	0.00	1,699.62	0.00
700	<i>Contingency</i>					
E11	Contingency	0.00	0.00	92,500.00	92,500.00	0.00
R09	Transfers from other funds	0.00	0.00	-92,500.00	-92,500.00	0.00
700	<i>Contingency</i>	0.00	0.00	0.00	0.00	0.00
708	<i>Downtown Improvements</i>					
E03	Purchased professional service	0.00	0.00	50,000.00	50,000.00	0.00
E07	Capital	0.00	0.00	20,000.00	20,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-25,000.00	-25,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-45,000.00	-45,000.00	0.00
708	<i>Downtown Improvements</i>	0.00	0.00	0.00	0.00	0.00
733	<i>Sidewalk Replacement</i>					
E07	Capital	1,668.00	1,668.00	40,000.00	38,332.00	4.17
R05	Fines and forfeitures	-4,039.26	-4,372.26	0.00	4,372.26	0.00
R09	Transfers from other funds	-6,866.50	-6,866.50	-40,000.00	-33,133.50	17.17
733	<i>Sidewalk Replacement</i>	-9,237.76	-9,570.76	0.00	9,570.76	0.00
735	<i>Overlays</i>					
E07	Capital	0.00	0.00	400,000.00	400,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-100,000.00	-100,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-300,000.00	-300,000.00	0.00
735	<i>Overlays</i>	0.00	0.00	0.00	0.00	0.00
742	<i>Hwy 340 and I-70 Improvements</i>					
E03	Purchased professional service	0.00	3,325.00	38,300.00	34,975.00	8.68
E07	Capital	0.00	0.00	30,000.00	30,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-20,000.00	-20,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-48,300.00	-48,300.00	0.00

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
742	<i>Hwy 340 and I-70 Improvements</i>	0.00	3,325.00	0.00	-3,325.00	0.00
745	<i>J.2 Road Improvements</i>					
E07	Capital	0.00	65.60	310,450.00	310,384.40	0.02
R03	Intergovernmental revenue	0.00	0.00	-102,300.00	-102,300.00	0.00
R11	Development impact fees	0.00	0.00	-208,150.00	-208,150.00	0.00
745	<i>J.2 Road Improvements</i>	0.00	65.60	0.00	-65.60	0.00
781	<i>Shop Improvements</i>					
E07	Capital	81,983.10	89,934.86	224,450.00	134,515.14	40.07
R03	Intergovernmental revenue	0.00	-0.01	-115,000.00	-114,999.99	0.00
R09	Transfers from other funds	-86,919.32	-86,919.32	-109,450.00	-22,530.68	79.41
781	<i>Shop Improvements</i>	-4,936.22	3,015.53	0.00	-3,015.53	0.00
790	<i>Kokopelli Trail</i>					
E03	Purchased professional service	14,340.17	25,308.98	233,600.00	208,291.02	10.83
R03	Intergovernmental revenue	0.00	0.00	-160,000.00	-160,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-73,600.00	-73,600.00	0.00
790	<i>Kokopelli Trail</i>	14,340.17	25,308.98	0.00	-25,308.98	0.00
791	<i>Lower Little Salt Wash Trail</i>					
E07	Capital	281,114.64	354,340.12	1,260,000.00	905,659.88	28.12
R03	Intergovernmental revenue	0.00	0.00	-849,500.00	-849,500.00	0.00
R09	Transfers from other funds	0.00	0.00	-220,500.00	-220,500.00	0.00
791	<i>Lower Little Salt Wash Trail</i>	281,114.64	354,340.12	190,000.00	-164,340.12	186.49
794	<i>Little Salt Wash Park</i>					
E07	Capital	0.00	9,714.48	10,000.00	285.52	97.14
R09	Transfers from other funds	-9,714.48	-9,714.48	-10,000.00	-285.52	97.14
794	<i>Little Salt Wash Park</i>	-9,714.48	0.00	0.00	0.00	0.00
798	<i>Community Recreation Center</i>					
E07	Capital	0.00	0.00	28,000.00	28,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-28,000.00	-28,000.00	0.00
798	<i>Community Recreation Center</i>	0.00	0.00	0.00	0.00	0.00
802	<i>Veterans Memorial Park</i>					
E07	Capital	4,055.00	12,732.96	20,000.00	7,267.04	63.66
R09	Transfers from other funds	-12,732.96	-12,732.96	-20,000.00	-7,267.04	63.66
802	<i>Veterans Memorial Park</i>	-8,677.96	0.00	0.00	0.00	0.00
803	<i>General Park Improvements</i>					
E07	Capital	75.00	8,225.00	8,500.00	275.00	96.76
R07	Donations	0.00	-8,500.00	-8,500.00	0.00	100.00

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
803	General Park Improvements	75.00	-275.00	0.00	275.00	0.00
<i>Revenue Total</i>		-120,742.20	-130,805.15	-2,575,800.00	-2,444,994.85	-0.05
<i>Expense Total</i>		383,235.91	505,315.00	2,765,800.00	2,260,485.00	0.18
130	Capital Projects Fund	262,493.71	374,509.85	190,000.00	-184,509.85	197.11

General Ledger
Actual vs Budget Report



User: msteelman
Printed: 05/12/16 11:13:25
Period 04 - 04
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
140	Debt Service Fund					
000						
R03	Intergovernmental revenue	0.00	-124,233.27	-248,450.00	-124,216.73	50.00
R06	Interest	-218.04	-781.72	-4,350.00	-3,568.28	17.97
R09	Transfers from other funds	-231,783.32	-231,783.32	-695,350.00	-463,566.68	33.33
000		-232,001.36	-356,798.31	-948,150.00	-591,351.69	37.63
470	<i>Debt Service</i>					
E09	Debt service principal	0.00	0.00	60,000.00	60,000.00	0.00
E10	Debt interest & bond issuance	0.00	444,318.75	888,150.00	443,831.25	50.03
470	<i>Debt Service</i>	<i>0.00</i>	<i>444,318.75</i>	<i>948,150.00</i>	<i>503,831.25</i>	<i>46.86</i>
Revenue Total		-232,001.36	-356,798.31	-948,150.00	-591,351.69	-0.38
Expense Total		0.00	444,318.75	948,150.00	503,831.25	0.47
140	Debt Service Fund	-232,001.36	87,520.44	0.00	-87,520.44	0.00

General Ledger

Actual vs Budget Report

User: msteelman
 Printed: 05/12/16 11:13:25
 Period 04 - 04
 Fiscal Year 2016



Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
211	Irrigation Water Fund					
000						
R04	Charges for services	-45.30	-2,965.41	-103,525.00	-100,559.59	2.86
000		-45.30	-2,965.41	-103,525.00	-100,559.59	2.86
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	6,053.06	13,049.00	48,800.00	35,751.00	26.74
E02	Personnel services, benefits	1,258.60	5,740.95	20,125.00	14,384.05	28.53
E04	Purchased property services	0.00	1,500.00	1,500.00	0.00	100.00
E05	Other purchased services	183.15	667.95	8,200.00	7,532.05	8.15
E06	Supplies	357.13	10,265.54	14,900.00	4,634.46	68.90
E12	Transfers to other funds	0.00	2,500.00	10,000.00	7,500.00	25.00
431	<i>Public Works Department</i>	7,851.94	33,723.44	103,525.00	69,801.56	32.58
Revenue Total		-45.30	-2,965.41	-103,525.00	-100,559.59	-0.03
Expense Total		7,851.94	33,723.44	103,525.00	69,801.56	0.33
211	Irrigation Water Fund	7,806.64	30,758.03	0.00	-30,758.03	0.00

General Ledger

Actual vs Budget Report



User: msteelman
 Printed: 05/12/16 11:13:25
 Period 04 - 04
 Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
212	Sewer Fund					
000						
R04	Charges for services	-88,545.19	-848,977.60	-3,038,000.00	-2,189,022.40	27.95
R06	Interest	-1,402.85	-5,108.42	-4,300.00	808.42	118.80
R08	Miscellaneous	0.00	0.00	-100.00	-100.00	0.00
000		-89,948.04	-854,086.02	-3,042,400.00	-2,188,313.98	28.07
433	Sewer					
E01	Personnel services, salaries	30,828.34	145,608.72	481,475.00	335,866.28	30.24
E02	Personnel services, benefits	12,451.00	73,779.74	193,325.00	119,545.26	38.16
E03	Purchased professional service	14,214.37	25,100.55	62,500.00	37,399.45	40.16
E04	Purchased property services	1,134.80	64,115.00	73,025.00	8,910.00	87.80
E05	Other purchased services	2,202.70	59,583.47	120,450.00	60,866.53	49.47
E06	Supplies	18,996.34	72,726.73	373,050.00	300,323.27	19.50
E07	Capital	0.00	0.00	412,150.00	412,150.00	0.00
E08	Special projects	0.00	0.00	30,000.00	30,000.00	0.00
E09	Debt service principal	0.00	315,000.00	630,000.00	315,000.00	50.00
E10	Debt interest & bond issuance	0.00	281,421.85	562,850.00	281,428.15	50.00
E12	Transfers to other funds	0.00	40,000.00	169,450.00	129,450.00	23.61
433	Sewer	79,827.55	1,077,336.06	3,108,275.00	2,030,938.94	34.66
603	Sewer Line Upgrades					
E07	Capital	55,349.12	55,349.12	262,250.00	206,900.88	21.11
603	Sewer Line Upgrades	55,349.12	55,349.12	262,250.00	206,900.88	21.11
607	Section 2					
E04	Purchased property services	0.00	0.00	30,000.00	30,000.00	0.00
607	Section 2	0.00	0.00	30,000.00	30,000.00	0.00
Revenue Total		-89,948.04	-854,086.02	-3,042,400.00	-2,188,313.98	-0.28
Expense Total		135,176.67	1,132,685.18	3,400,525.00	2,267,839.82	0.33
212	Sewer Fund	45,228.63	278,599.16	358,125.00	79,525.84	77.79

General Ledger Actual vs Budget Report



User: msteelman
 Printed: 05/12/16 11:13:25
 Period 04 - 04
 Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
215	Trash Fund					
000						
R04	Charges for services	-981.21	-170,788.53	-671,000.00	-500,211.47	25.45
000		-981.21	-170,788.53	-671,000.00	-500,211.47	25.45
432	<i>Sanitation Department</i>					
E05	Other purchased services	51,533.63	103,188.71	620,000.00	516,811.29	16.64
E12	Transfers to other funds	0.00	12,750.00	51,000.00	38,250.00	25.00
432	<i>Sanitation Department</i>	51,533.63	115,938.71	671,000.00	555,061.29	17.28
Revenue Total		-981.21	-170,788.53	-671,000.00	-500,211.47	-0.25
Expense Total		51,533.63	115,938.71	671,000.00	555,061.29	0.17
215	Trash Fund	50,552.42	-54,849.82	0.00	54,849.82	0.00

General Ledger
Actual vs Budget Report



User: msteelman
Printed: 05/12/16 11:13:25
Period 04 - 04
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
220	Fleet Maintenance Fund					
000						
R04	Charges for services	0.00	-290,375.00	-290,375.00	0.00	100.00
000		0.00	-290,375.00	-290,375.00	0.00	100.00
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	8,603.71	55,090.64	125,475.00	70,384.36	43.91
E02	Personnel services, benefits	2,523.65	20,294.88	43,900.00	23,605.12	46.23
E03	Purchased professional service	231.51	336.51	1,700.00	1,363.49	19.79
E04	Purchased property services	1,916.21	4,336.72	21,000.00	16,663.28	20.65
E06	Supplies	9,835.78	26,381.07	98,300.00	71,918.93	26.84
431	<i>Public Works Department</i>	23,110.86	106,439.82	290,375.00	183,935.18	36.66
Revenue Total		0.00	-290,375.00	-290,375.00	0.00	-1.00
Expense Total		23,110.86	106,439.82	290,375.00	183,935.18	0.37
220	Fleet Maintenance Fund	23,110.86	-183,935.18	0.00	183,935.18	0.00

General Ledger
Actual vs Budget Report



User: msteelman
Printed: 05/12/16 11:13:25
Period 04 - 04
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
	<i>Revenue Total</i>	-1,133,345.10	-4,876,350.93	-17,064,525.00	-12,188,174.07	-0.29
	<i>Expense Total</i>	1,684,692.57	5,880,964.49	19,021,875.00	13,140,910.51	0.31



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

**FROM: KEN HALEY, PUBLIC WORKS DIRECTOR AND MIKE BENNETT,
CITY MANAGER**

DATE: MAY 17, 2016

RE: DISCUSSION ON DRAINAGE NEEDS & FEES

BACKGROUND

The Grand Valley Drainage District (GVDD) is a special district that maintains drainage facilities to convey irrigation return flows, groundwater seepage, and stormwater to the Colorado River. The City of Fruita lies almost entirely within the service area of the GVDD and has a long history of partnering with the GVDD to address drainage issues as resources allow.

The GVDD recently adopted a utility structure that would start charging fees for service of maintaining the increasing needs of handling stormwater. This stormwater utility fee was to be collected from all property owners within the GVDD service area based upon impervious area starting in 2016. The City recently received an invoice from the GVDD for the properties owned by the City of Fruita totaling \$12,841.06 and are due by May 31, 2016. The City's review of the invoices found that the fees were accurately calculated and a previously approved budget amendment provides the funding necessary for payment of the fees.

The fees collected by the GVDD are intended to address stormwater capacity, maintenance, and water quality issues throughout the community. The financial model developed by the GVDD for the use of fees includes approximately \$90,000 worth of funding for maintenance efforts in the Fruita area. City Staff has been working with the GVDD to prioritize these efforts toward both capital and maintenance needs for the rate payers. From these discussions, the GVDD decided to issue the City of Fruita a check for the \$90,000 amount to administer these efforts. However, the use of these funds is still intended to be used in partnership with the GVDD. Prior to utilization of these funds, City Staff will be drafting an intergovernmental agreement with the GVDD for Council's consideration that identifies the potential partnering opportunities and priorities for stormwater projects in Fruita in order to see that more funds than the current \$90,000 is also spent within Fruita.

Other organizations have disputed the GVDD fees and there is now a pending lawsuit seeking an injunction to halt the GVDD from collection of these fees. It is unclear whether any rulings from the current lawsuit will be issued prior to the May 31, 2016 due date for payment. In speaking with the City's Attorney, it is purely a Council level decision as to whether to pay the bill by the due date or hold the designated funds to pay the bill pending the outcome of the pending lawsuit.

FISCAL IMPACT

Funding for payment of these fees was approved by City Council as part Resolution 2016-17 and no additional funding is being requested. The fees adopted by the Grand Valley Drainage District are structured to be collected on an annual basis and will need to be budgeted in future years similar to other utility fees.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Addressing stormwater issues to protect the health and safety of the community is the responsibility of the City of Fruita as well as the Grand Valley Drainage District and other organizations. The main focus of these efforts is to reduce loss of life & property caused by flooding and environmental protections for waterways.

OPTIONS AVAILABLE TO COUNCIL

Staff is seeking direction from Council on payment of the GVDD fees and direction on partnering opportunities with the GVDD. These options include the following:

1. Direct staff to pay the current GVDD fees and work with GVDD on maximizing and prioritizing the amount of drainage work to be completed in the City limits by developing an Intergovernmental Agreement with the GVDD prior to spending the \$90,000.
2. Direct staff to not pay the current GVDD fees pending the outcome of the pending lawsuit and to postpone spending any GVDD funds that the City has received.
3. Other—a variation of the options above as Council sees fit.

RECOMMENDATION

- **IT IS THE RECOMMENDATION OF STAFF THAT COUNCIL DIRECT STAFF TO PAY THE CURRENT GVDD FEES AND WORK WITH GVDD ON MAXIMIZING AND PRIORITIZING THE AMOUNT OF DRAINAGE WORK TO BE COMPLETED IN THE CITY LIMITS BY DEVELOPING AN INTERGOVERNMENTAL AGREEMENT WITH THE GVDD.**



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: TURE NYCUM, PARKS AND RECREATION DIRECTOR
DATE: MAY 17, 2016
RE: UPDATE ON PARKS AND RECREATION

<u>BACKGROUND</u>	
	Parks and Recreation staff will provide City Council with an overview of parks and recreation facilities as well as an update on current programs, activities and events offered.
<u>OPTIONS AVAILABLE TO THE COUNCIL</u>	
	This is an informational presentation and does not require action by Council.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, CITY CLERK
DATE: MAY 17, 2016
RE: ANNUAL EVALUATION OF CITY MANAGER

BACKGROUND

Pursuant to Article 4.3 of the Fruita City Charter, the City Council shall conduct an annual evaluation of the City Manager. The procedure for the evaluation requires publication of notice for public input on the performance of the manager and making the forms used by the Council for evaluation available to the public for 30 days prior to the evaluation.

The date of the annual evaluation for Mike Bennett is recommended to occur on July 19, 2016. The Charter-mandated public notice will be printed in the Daily Sentinel on May 23, 2016 and will be posted on the City's website. The Charter requires that the Council and the public use the same form to evaluate the City Manager. Attached is a copy of an evaluation form for Council consideration, comment, and adoption.

The proposed schedule for the evaluation is as follows:

- May 17, 2016 – Finalize and approve the evaluation form
- May 23, 2016 – Date of legal publication
- June 30, 2016 – Public comments are due
- July 5, 2016 – Hold an Executive Session in order to draft the evaluation
- July 19, 2016 – Hold an executive session to present the evaluation

In addition to the requirements of the City Charter, the contract between the City and the City Manager allows for an increase in compensation and establishing and defining goals and performance objectives that the Council determines necessary for the proper operation of the City as part of the annual evaluation.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

	<p>The evaluation of the City Manager is important in holding staff accountable for achieving City Council adopted goals.</p>
<p><u>OPTIONS AVAILABLE TO THE COUNCIL</u></p>	
	<ol style="list-style-type: none"> 1. Approve the use of the City Manager Appraisal Form as presented or with amendments. 2. Use another form for evaluation of the City Manager. 3. Establish procedures for the conduct of the evaluation.
<p><u>RECOMMENDATION</u></p>	
	<p>It is the recommendation of City Staff that the Council, by motion:</p>
	<p>DIRECT STAFF TO PUBLISH THE CHARTER-MANDATED NOTICE, MAKE THE APPROVED EVALUATION FORM AVAILABLE FOR USE BY THE PUBLIC, SCHEDULE AN EXECUTIVE SESSION FOR JULY 5, 2016 TO PREPARE THE EVALUATION AND AN EXECUTIVE SESSION ON JULY 29, 2016 TO PRESENT THE REVIEW TO THE CITY MANAGER</p>

CITY OF FRUITA
325 E. Aspen
Fruita, CO 81521
Return by: June 30, 2016

CITY MANAGER APPRAISAL FORM
OCT 2015 - JUNE 2016

The Fruita City Charter provides for public comment on the performance of the City Manager. Those interested in providing input to the City Council in the evaluation process can obtain a copy of the Evaluation from the Office of the City Clerk located in the Fruita Civic Center, 325 E. Aspen, Fruita, CO 81521 (858-3663) or from the City's website at www.fruita.org. Completed forms should be submitted or mailed to the City of Fruita, Attention: City Council, at the above noted address by 5:00 p.m. on June 30, 2016.

Please rate each performance category by either checking the appropriate box or placing a number 1 (low) through 10 (high) next to the category. Written comments are welcome.	Exceeds Expectations 10 or 9	Successful 8 or 7	Meets Expectations 6 or 5	Needs Improvement 4 or 3	Fails/Did Not Meet Expectations 2 or 1	Don't Know
<u>Overall Management Performance</u> Comments:						
<u>Personal Communication, Public Relations</u> Comments:						
<u>Communications/Relationship with the City Council</u> Comments:						
<u>Overall Job Knowledge/Skills</u> Comments:						
<u>Political Relationships with other Municipalities, County Officials, State Officials</u> Comments:						

Please rate each performance category by either checking the appropriate box or placing a number 1 (low) through 10 (high) next to the category. Written comments are welcome.	Exceeds Expectations 10 or 9	Successful 8 or 7	Meets Expectations 6 or 5	Needs Improvement 4 or 3	Fails/Did Not Meet Expectations 2 or 1	Don't Know
<u>Achievement of Goals Set by City Council</u> Comments:						
<u>Overall Leadership of the Organization</u> Comments:						
<u>Staff Supervision/Overall Performance of City Staff</u> Comments:						
<u>Financial Management (including budgeting) and Project Management</u> Comments:						
<u>How would you rate the leadership and direction the Mayor and City Council have provided to the City Manager?</u> Comments:						

Other comments:

Signature _____

Date _____