

**FRUITA CITY COUNCIL
SEPTEMBER 6, 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. Presentation by Jennifer Stoll, Executive Director of the Greater Grand Junction Sports Commission

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. **MINUTES** – A request to approve the minutes from the August 16, 2016 City Council meeting
- B. **SPECIAL EVENT LIQUOR PERMIT APPLICATION – FRUITA FALL FESTIVAL** – A request to approve a Special Event Liquor Permit application for the Rotary Club to sell beer at the Fruita Fall Festival on Friday, September 23, 2016 from 3:00 pm to 10:00 pm and on Saturday, September 24, 2016 from 11:00 am to 10:00 pm at Circle Park and Civic Center Memorial Park (two beer gardens)
- C. **RESOLUTION 2016-32** - A request to approve a Resolution for supplemental budget and appropriation for overlays and public safety training
- D. **RESOLUTION 2016-33** – A request to approve a Resolution transferring budgeted and appropriated funds from the Capital Projects Fund to the General Fund for economic development expenses (Foreign Trade Zone)
- E. **RESOLUTION 2016-34** – A request to approve a Resolution to grant a license agreement to Black Rock GJ, LLC for the use of the Old Fruita Water Pipeline and easement as recorded in Book 995, Page 21 of the Mesa County Clerk and Recorder's Office for irrigation purposes

- F. **ROBINSON VACATION RENTAL CONDITIONAL USE PERMIT REQUEST – A request to continue the approval of a Conditional Use Permit for a VRBO to the September 20, 2016 City Council meeting**
- G. **ORCHARD HOUSE VACATION RENTAL CONDITIONAL USE PERMIT REQUEST – A request to approve a Conditional Use Permit for a vacation rental on approximately .45 acres of land zoned Community Residential and located at 164 N. Orchard Avenue**

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

9. COUNCIL REPORTS AND ACTIONS

10. CITY MANAGER'S REPORT

11. ADJOURN



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MICHAEL BENNETT, CITY MANAGER
DATE: SEPTEMBER 6, 2016
RE: PRESENTATION FROM THE GREATER GRAND JUNCTION SPORTS COMMISSION

BACKGROUND

Jennifer Stoll, Executive Director of the Greater Grand Junction Sports Commission will provide the City Council with an update on the Sports Commission.

No immediate action is necessary.

**FRUITA CITY COUNCIL
REGULAR MEETING
AUGUST 16, 2016**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was observed in lieu of the Invocation and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Council members present were Bruce Bonar, Dave Karisny, Kyle Harvey, Ken Kreie, Joel Kincaid and Louis Brackett. Mayor Buck called the meeting to order at 7:04 p.m.

3. AGENDA – ADOPT/AMEND

Mayor Buck asked if there were any corrections or additions to the agenda. There were none.

- **COUNCILOR BONAR MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR KARISNY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – GRAND JUNCTION ECONOMIC PARTNERSHIP (GJEP) UPDATE FROM KRISTI POLLARD

Kristi Pollard gave an economic update with a PowerPoint presentation that included results of some of the things that GJEP has been working on and some opportunities for the continued partnership with the City of Fruita. Highlights were:

- GJEP currently is working with 94 Active Prospects and 71 Active Leads
- GJEP has assisted 22 local businesses with expansion/job growth projects in 2015 and 15 assists in 2016
- GJEP has worked with a total of 57 new companies in 2015 and 54 new for 2016
- The industry most represented is Outdoor Industry Product Manufacturing (26%)
- IT/Tech and Agriculture/Food/Beverage are the next most represented (15% each)
- The Jump Start Program (started in January 2016) has resulted in 7 new companies in Mesa County as of July (4 manufacturing, 1 software, 1 GIS mapping, 1 forensic laboratory)
- The Jump Start Program will have created 456 new jobs by 2020
- The Jump Start Program has generated a minimum \$18.8 million in new annual salaries

Ms. Pollard noted that Mesa County was the first and is currently the only county in the state to have companies enrolled in the Jump Start Program. Montrose has also been approved as one of the three counties for the pilot Jump Start Program.

Ms. Pollard reviewed some of the activities and efforts of GJEP's collaboration with Fruita, some of which include:

- Marketing collaboration opportunities
- Governor's visit in May
- Grand Day video (grandday.co.com)
- Foreign Trade Zone
- Tradeshows delegations (Outdoor Retailer and Interbike)
- Marketing of Greenway Business (Industrial) Park
- Continued efforts through Economic Development Partners
- Upcoming dealer show
- Working with 4 prospects who want to locate in Fruita

Ms. Pollard noted that Governor Hickenlooper had talked about the fact that Mesa County is one of the counties with the most opportunities for growth in the next couple of years in the state.

Ms. Pollard stated that when she and the Fruita Mayor, City Manager and Parks and Recreation Director went to the Outdoor Retailer tradeshow in Salt Lake City, they had the opportunity to meet with a company that has great potential for locating in Fruita. She explained that a Foreign Trade Zone is something that the Grand Valley as a community hopefully will be able to work together to establish.

Ms. Pollard stated that there were 75 businesses on the list that she, the Mayor and City staff wanted to target at the Outdoor Retailer show and they were able to accomplish that plus a few more and also walked away with a major prospect that wants to move by November.

Ms. Pollard noted that at the Outdoor Retailer trade show, she and the City Manager also had the opportunity to visit with the Trade Association, which resulted in a bicycle dealer show coming to the Grand Valley in May of next year.

Ms. Pollard stated that the Greenway Business Park is the only shovel-ready property in Mesa County currently and GJEP has used this as an opportunity to market Fruita.

Ms. Pollard handed out several publications to the Council containing ads for Fruita and the Industrial Park.

Ms. Pollard said that the Economic Development Partners include all the Mesa County municipalities, the Chambers, Colorado Mesa University and others. They meet on a pretty regular basis and will be meeting again in the next couple of days to dig more into the Foreign Trade Zone concept and how the team can collaborate on the development of that zone. The Economic Development Partners also continue to look at the subject of sustainable funding for economic development.

GJEP is talking to an existing business that has gone out of their way to specify their interest in Fruita, which Ms. Pollard said speaks well for the City's elected leaders and for what the Fruita community has to offer.

Ms. Pollard continued that in the past year, some of the funding that the City of Fruita has contributed to GJEP has been invested in a prospecting tool that provides names and e-mail addresses of businesses outside of Colorado that are interested in western Colorado. There are 2,000 targeted business decision makers and those people are selected within the six industry clusters. These businesses are being targeted through a variety of different methods such as video trailers, "Expert Advice," and Industry Marketing Messages, which is where professionals from the outdoor and tech industry talking about why their business has flourished. Ms. Pollard explained that these CEO-level business people will get an e-mail and GJEP can track whether they are opening it and if they don't show any interest, the business falls off the list after three tries. New names are then added to the list.

Ms. Pollard said that just two weeks ago, GJEP received a list of over 75 businesses who have gone in and looked at GJEP's messages at least four times, so GJEP is following up with them with additional information about Mesa County. She said this tool allows GJEP to be much more targeted in their business recruiting efforts.

Ms. Pollard reviewed six trade shows that GJEP has attended since the first of the year, as well as a few more that are coming up. The City of Fruita will be joining GJEP at the Interbike Trade Show in Las Vegas, NV September 16 through 18th. Other upcoming tradeshow include the NBAA Aviation Trade Show in Florida in November and the BIOMEDevice Trade Show in California in December.

Ms. Pollard said that as GJEP builds its budget for next year, they are looking for some new opportunities, particularly with the outdoor industry. She noted that some of the trade shows that GJEP is attending are very specific to camping gear or cycling, but they also want to look for trade show opportunities for hunting and fishing as well.

GJEP has spent (to date) a total \$74,854 in adverting dollars in print, social media, radio and television. GJEP has a full built-out Communications and Marketing Plan that Ms. Pollard said she would be happy to provide to anyone who is interested in it. She said that the message is very focused around targeted industries and Colorado's quality of life, and the Jump Start Program is a "sub-message" of each and every one of the different ads because GJEP knows that it will impact folks in every single industry.

Ms. Pollard said that GJEP is trying to drive people to either their website, or three other websites where they can track visitors and follow up with them about doing business in western Colorado. The other websites include:

- JumpStartMesaCo.com
- GrandValleyCO.com
- WestCOEconomicSummit.com

Ms. Pollard stated that GJEP hosted their first annual Economic Summit on June 1st and 400 people were in attendance talking about different issues impacting business and economics in western Colorado.

GJEP will be launching a new website next month that will be much more user friendly with lots of maps and photos that will take people to the content that they are looking for.

GJEP has developed two industry specific brochures and is working on the creation of the other four targeted industries. They are also doing industry spotlight videos where they are talking to professionals in each of the industries. The videos will be used for e-mail prospecting and will also be posted on GJEP's website. Ms. Pollard said this is a tool for GJEP to let the professionals in those industries talk about why they have thrived in western Colorado.

Ms. Pollard continued that GJEP has started "Leader to Leader" meetings. These are monthly meetings with CEO-level decision makers from businesses all over the Grand Valley. It is an opportunity for these folks to come together and talk about what they should be doing as a community to support economic development.

Ms. Pollard said that GJEP is very excited about the opportunity for being able to recruit new businesses using Foreign Trade Zone.

Ms. Pollard said she wanted to reiterate how much GJEP appreciates the City of Fruita because the team is easy to work with and always accessible. She said that GJEP would love to request that the City of Fruita consider them in the budget for this year. GJEP will also be submitting an application for support in 2017.

Ms. Pollard asked the Council if they had any questions.

Councilor Karisny asked if any manufacturing companies that GJEP has talked to have given any indication of what their salary ranges will be for their employees. Ms. Pollard said that they have, and if they are trying to qualify for any sort of tax or cash incentives, they have to spell those salaries out. She said it varies from industry to industry but the mid \$50,000 is the general average. She also gave an example of a new energy company that is manufacturing a new technology for oil shale and they are paying upwards of \$70,000 and \$80,000 per year.

Councilor Karisny said that it was his understanding from the Colorado Business Economic Outlook Study (that was done either through Colorado Mesa University or Colorado University) that the results of the study were that manufacturing salaries are currently at about \$11 to \$15 per hour.

Ms. Pollard responded that the study that Councilor Karisny referred to was done by the CU Leeds School of Business, who got that average of hourly wages from the Mesa County Workforce Center, while the numbers she was referring to were related to the Jump Start manufacturing companies. Ms. Pollard said she could research further and give the City Council the 2016 numbers from the Workforce Center, who calculates those on a quarterly basis by industry. She further explained that manufacturing is broken out into several different types such as energy.

Councilor Karisny asked if the Fruita City Council would be given the information about the specific manufacturing companies that are interested in Fruita.

Mayor Buck explained that if the company has applied through the Jump Start Program or through tax incentives and other assistance, then the City Council should be able to get that information ahead of time.

Ms. Pollard said she would contact the Workforce Center and ask them if they can isolate the City of Fruita from Mesa County to come up with an hourly average wage.

Councilor Karisny said that his interest was more about the new businesses coming into Fruita and who those people would be that would pursue manufacturing jobs that pay between \$11 and \$15 per hour. He continued that as a municipality, he wondered what kind of additional services the City might have to provide if \$11 to \$15 per hour doesn't quite make it as a living wage.

Ms. Pollard responded that most of the new companies haven't submitted their financial numbers, but the Jump Start Program is the best frame of reference for companies that they are working with right now. She noted that the Workforce Center's numbers are more of a census and that she would look into the matter further to get some numbers to the City Council.

Mayor Buck stated that Ms. Pollard has taken over and generally feels that economic development is a collaborative team effort valley-wide, whereas in the past, it was very Grand Junction-centered. She said Fruita appreciates being included in the conversations and being highlighted in other ways as well. Mayor Buck said Fruita looks forward to the continued relationship with GJEP for many years.

B. PROCLAMATION – PROCLAIMING AUGUST 25, 2016 (105TH BIRTHDAY OF HELEN LAMM) AS “HELEN LAMM DAY” IN THE CITY OF FRUITA (REQUESTED BY FRANK LAMM, SON)

Mayor Buck read the Proclamation, which was accepted by Helen Lamm.

C. RECESS – BIRTHDAY CAKE AND REFRESHMENTS FOR HELEN LAMM'S 105TH BIRTHDAY

At 7:29, the Fruita City Council went into recess for cake and refreshments. The meeting reconvened at 7:45.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

A. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE AUGUST 2, 2016 CITY COUNCIL MEETING

- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A 3.2% BEER LICENSE FOR CITY MARKET LOCATED AT 135 S. PLUM**
- C. LIQUOR LICENSE MODIFICATION OF LICENSED PREMISES – A REQUEST TO APPROVE A MODIFICATION OF LICENSED PREMISES FOR FRUITA LIQUOR MART LOCATED AT 423 E. HIGHWAY 6 & 50 (EXPANSION INTO ADJACENT UNIT)**
- D. SPECIAL EVENT LIQUOR LICENSE PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR LICENSE PERMIT FOR THE MUSEUM OF WESTERN COLORADO TO SERVE BEER AND WINE AT THE “FEAST OF SKULLS” RECEPTION FOR DINOSAUR DAYS ON SATURDAY, AUGUST 27, 2016 FROM 5:00 PM TO 12:00 AM**
- E. JULY 2016 FINANCIAL REPORTS – A REQUEST TO APPROVE THE JULY 2016 FINANCIAL REPORTS**
- F. RESOLUTION 2016-31 – A REQUEST TO APPROVE A RESOLUTION SUPPORTING A FEDERAL MINERAL LEASE DISTRICT (MFLD) GRANT APPLICATION FOR CONSTRUCTION OF THE NORTH ASPEN ALLEY IMPROVEMENTS**
- G. ORDINANCE 2016-13 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE TO QUIT CLAIM A 20-FOOT WIDE STRIP OF LAND LOCATED ON THE SOUTH SIDE OF PROPERTY ADDRESSED AS 241 S. SYCAMORE STREET TO THE CURRENT PROPERTY OWNER IN EXCHANGE FOR A PRIVATE UTILITY EASEMENT AGREEMENT FOR PUBLICATION OF PUBLIC HEARING ON SEPTEMBER 20, 2016**

Mayor Buck opened the public hearing on the Consent Agenda. Hearing no comments from the public, she referred back to the City Council.

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

7. PUBLIC HEARINGS

A. COMMUNITY DEVELOPMENT DIRECTOR DAHNA RAUGH

- 1) US TRACTOR & HARVEST INC. SITE DESIGN REVIEW – A REQUEST TO APPROVE THE SITE DESIGN REVIEW FOR A 31,500 SQUARE FOOT BUILDING FOR AGRICULTURAL EQUIPMENT SALES AND SERVICE INCLUDING LARGE AREAS OF OUTDOOR DISPLAY ON APPROXIMATELY 15 ACRES LOCATED AT 1984 HIGHWAY 6 & 50 ZONED GENERAL COMMERCIAL**

Scott Van Horn, co-owner of US Tractor & Harvest, Inc. stated that they were proposing a 31,500 square foot facility located at 1984 Highway 6 & 50. Mr. Van Horn showed photos of a US Tractor building located in Montrose, which is exactly the same building proposed in Fruita. He pointed out the front (retail) area of the building, as well as the shop in the back.

Mr. Van Horn also showed photos of their store located in Monte Vista, which is the same concept as the building proposed in Fruita with brick and stucco combination on the front and a steel building in the back. He said this type building fits the industry standard and is pretty much what all implement dealers have.

Mr. Van Horn said that they were asking for some lenience with the Fruita Land Use Code because it really would not be cost-effective to stucco such a large building, which is built to be expandable.

Mr. Van Horn explained that the colors of the building are all natural and are nothing flashy or metallic. He added that their lots are all landscaped.

Community Development Director Dahna Raugh gave staff's presentation.

Mrs. Raugh said that the request was for Site Design Review approval, although staff usually approves Site Design Review applications. She said the reason this one was before the City Council was because the applicants have asked for an adjustment to the design standards of Chapter 11 of the Fruita Land Use Code.

The design standards acknowledge that there are characteristics of development other than the site placement and use of buildings that can strongly impact the economic stability and morale of the community. Mrs. Raugh continued that knowing that even the best written Codes can't address every possible type of development application a City might see, Chapter 11 does provide a lot of flexibility for those design standards. She continued that staff can review and approve an application with a certain amount of flexibility, but if it goes further, it requires approval by the City Council at a public hearing.

Mrs. Raugh stated that the biggest issue with the application is the finish material of the building, which is primarily a metal exterior, while the Fruita Land Use Code requires anything but metal as the primary exterior material. The roof can be metal as long as it is not reflective, but most of the rest of the building is supposed to be something other than metal with metal used only as an accent.

Mrs. Raugh said that in addition to that particular issue, there are several other exceptions that were being requested. One is that there are several areas of blank walls on the building, but the Land Use Code requires that the building have some visual interest. She said that if blank areas measure more than 800 square feet, there needs to be something to make it not 800 square feet of blank space.

Mrs. Raugh said that also, the building is placed more than 40 feet from the highway without a civic amenity and there are no bicycle and pedestrian accommodations between the highway and the building.

Mrs. Raugh said that the proposed building is on the end of Highway 6 & 50 towards the end of the city limits. There are no pedestrian or bicycle accommodations, but it is rare to see a bicyclist or pedestrian that far out on Highway 6 & 50, so staff believes that the Land Use Code will support the building being further back without having the requirement of bicycle and pedestrian accommodations from the highway into the site.

Mrs. Raugh noted that there is a bicycle rack proposed, so if somebody does ride a bike there, there is at least a place to park it.

Around the building are display areas for the agricultural equipment and staff believes that the landscaping that is proposed along with the equipment does provide the visual interest that Chapter 11 of the Land Use Code is trying to accomplish.

Mrs. Raugh said that the main issue is the finished exterior material of metal and several blank walls. She said that in looking at what has been approved in the past in the City of Fruita (especially along Highway 6 & 50), the design standards become more important the closer into the City that the buildings are. She said when you move further away from those areas where this is less bicycle and pedestrian traffic and there is fast-moving traffic, the design standards become a little less important, but they are still very important.

Mrs. Raugh stated that the closest commercial building to the proposed site is the Fruita Storage buildings, which are all metal exterior with lots of garage doors. She said these don't look very nice. There are several other all metal buildings between the subject property and the center of the City, which is why the Land Use Code (both the current version and the previous one) have these design standards.

Mrs. Raugh said that one of the buildings close to the subject property is currently called the "Cowboy Church," which was originally built in 2004 as a furniture store. The original proposal for this building was an all-metal building, but the City required stucco and some other details on the front to try to improve its appearance.

Mrs. Raugh said that taking all of this into consideration, what the requirement of the Land Use Code is and the reasons for what the Land Use Code says, staff is recommending that the development be approved with the condition that all issues in the staff report and all review comments are adequately resolved, specifically with the exterior material being just under 50% metal. Staff thinks that the Land Use Code does support that; that the intent of the design standards is still met.

Mrs. Raugh stated that the areas of blank walls are mainly towards the rear of the building, but with additional landscaping, that issue can also be resolved (staff believes) to the satisfaction of the Land Use requirements.

At the time of the Planning Commission public hearing, staff had received no public comments, but at the Planning Commission public hearing, several people (property owners in the area) spoke out with concerns about traffic on the highway, noise, lights and irrigation. None of these were big issues in staff's review because the application can meet or does meet all of the requirements

regarding all of those issues. Staff is well aware of the irrigation that runs through the property that serves other properties and this will be addressed with the development of the property. Staff has still not received any written comments to date.

At the Planning Commission public hearing, the Commission voted 5 to 1 in favor of recommending approval of the proposed application with the conditions recommended by staff and the Planning Commission comments. Commissioner Schaefer was the one dissenting vote because he believes that the Code requirements are cookie-cutter standards which shouldn't require a large building to have a stucco exterior, so the Code should be amended instead.

This concluded staff's presentation.

Mayor Buck opened the public hearing on the Site Design Review application for US Tractor & Harvest, Inc. Hearing no comments, she closed the public hearing and brought it back to the applicant for any rebuttal he might have.

Mr. Van Horn noted that the setback of the building is 320 feet off of the highway, so he wasn't sure how much people would be able to tell if the entire building was stucco or not; reiterating that this was not a cost effective option. He added that on the sides, there would be displays covering a majority of the building.

Councilor Kincaid asked to see the photos of the other buildings that US Tractor has and Mr. Van Horn put them up on the overhead.

Mayor Buck said she thought that the proposed Site Design was very appropriate for the highway.

Councilor Bonar noted that staff was requesting slightly above 50% of the exterior to be non-metal. He asked where the 50% of the non-metal would go on the building. Mr. Van Horn said he wasn't sure, but he thought they could do some stucco on the front and somewhat down the sides, along with brick.

Councilor Brackett asked if the applicant was aware of the concern regarding the irrigation. Mr. Van Horn said that he was and it would be addressed.

Mayor Buck asked if staff was okay with having a little bit of brick and glass in the front (but no stucco) and some landscaping. Mrs. Raugh responded that staff was recommending that at least 50% of the whole building be something other than metal because when people would drive down the road, they would see all sides of the building. She said it might not be so important in the very back because only the neighbors would see that.

Councilor Karisny asked to see the aerial view that showed the front of the building and the back.

Mr. Van Horn asked the Council to bear in mind that the speed limit right there is 55 miles per hour.

Councilor Karisny noted that the applicant had said that the front of the building was where a showroom and offices would be and then the back would be more of the bays and repair areas. Mr.

Van Horn confirmed this to be correct and pointed to an area that may be expanded in the future (near the back).

Councilor Karisny stated that in the applicant's narrative, they had indicated the possibility of doing some kind of mural or more landscaping or something. He said he had seen a lot of these same kinds of buildings in Iowa because of all the corn farming.

Mr. Van Horn said a potential mural would have some type of agricultural theme to help with the 800 square feet of blank space if that were an issue.

Councilor Karisny asked if the brick were wrapped around the front office/showroom area and left the service area all steel, where would the landscaping be placed?

Mr. Van Horn said that there are areas on the sides of the building where landscaping could go.

An unidentified audience member stated that there is a spot on the west side of the building between the showroom door and the parts department for potential landscaping. He added that the proposed building is 320 feet from the blacktop of Highway 6 & 50 at its north edge, which is more than a football field length. He said that at 55 miles per hour, he didn't know what people could see other than tractors on display and that he wasn't sure that far back that people would recognize what the building material was made of.

The audience member continued that the apparent plan was to start from the south elevation, which faces the highway and the stone would wrap around the corners of the front of the building for about four feet or so.

Councilor Karisny asked what the distance would be to wrap the stone all the way to the bay area.

The audience member responded that the issue with that is to put stone on the building, it would cost \$22 per square foot, to stucco it, it would cost \$9 per square foot and metal siding is \$3 per square foot, so it is cost effective to proceed in that (the metal) direction.

Councilor Bonar asked where the farm equipment was going to be on display. He asked that if a person was driving at a legal highway speed down 6 & 50 and the building is 300 feet away, and from eye-height in a vehicle, where would the equipment create a visual block of the metal building?

Mr. Van Horn said the display equipment would be placed pretty much all along the highway and the whole front of the lot; that's why they did the setback for far. He said the equipment sits up twelve feet high and would definitely block a lot of the view of the building. He added that if equipment was placed along the sides of the building, the sides couldn't really be seen.

Mayor Buck said that she was almost thinking that the requirements of the Land Use Code being applied in this area was a little excessive, so she would be okay with the proposed elevations. She added that she liked the idea of a mural just because Fruita is kind of an artsy, interesting community and she would like to promote that in some kind of agricultural way. Mayor Buck said

she didn't really see a reason to stucco 50% of the building or do anything other than what the applicant was proposing because it seemed very appropriate for that area.

Councilor Bonar said that given the setback distance of 300 plus feet off of the highway and then having a lot of other visual aspects (display equipment) between the building and the highway, he thought this was a place where a strict application of the design standards is not appropriate, particularly since the site is at the far east end of the city limits.

Mayor Buck added that with 30 trees and 150 shrubs added in, it would look fine.

- **COUNCILOR BONAR MOVED TO APPROVE THE US TRACTOR & HARVEST SITE DESIGN REVIEW APPLICATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT MUST BE ADEQUATELY RESOLVED BEFORE A PLANNING CLEARANCE FOR A BUILDING PERMIT IS ISSUED BUT THAT THE REQUIREMENT FOR 50% OR MORE OF THE EXTERIOR SURFACE TO BE NON-METAL IS WAIVED IN THIS PARTICULAR CASE. COUNCILOR BRACKETT SECONDED THE MOTION.**

Councilor Kreie requested to discuss the motion. He wondered if the motion said that the 50% requirement was waived, then the applicant wouldn't have to put anything on the building except metal.

City Manager Mike Bennett said that one thing that staff liked about the proposal was the stone in the front up to a certain point, so perhaps maintaining this from the original proposal would be good in the motion.

- **COUNCILOR BONAR AMENDED THE MOTION TO INCLUDE THAT WAIVING THE 50% IS CONTINGENT UPON THE CONSTRUCTION BEING CONSISTENT WITH THE ELEVATION SHOWN TO THE CITY COUNCIL, THAT BEING THE STONE AND GLASS FRONT SUCH AS WAS SHOWN ON THE BUILDING IN MONTROSE. COUNCILOR BRACKETT SECONDED THE AMENDED MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

- 2) **ORDINANCE 2016-10 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING SECTION 17.41.040(X), TEMPORARY OFF-PREMISE SIGNS, OF THE FRUITA LAND USE CODE**

Community Development Director Dahna Raugh stated that the Sign Code was recently amended specifically to deal with the off-premise signs that were popping up downtown. The language adopted for this amendment specifically states:

Temporary, Off-Premise. In lieu of two on-premise temporary signs, one temporary off-premise portable freestanding sign is permitted in the public right-of-way directly abutting the subject

property per each business or institutional use as long as the signs meet the following requirements:

The rules permit two temporary on-premise signs and this language requires that if a temporary off-premise sign is use, NO temporary on-premise signs are permitted. Staff believes that the Council intended the changes to allow one temporary off-premise sign in lieu of ONE temporary on-premise sign.

To correct this potential error, the language should be amended to read:

In lieu of ONE on-premise temporary sign, one temporary off-premise portable freestanding sign is permitted in the public right-of-way directly abutting the subject property per each business or institutional use as long as the signs meet the following requirements:

Mrs. Raugh stated that Ordinance 2016-10 – Second Reading – reflects this correction.

Mrs. Raugh stated that the Ordinance did go to the Planning Commission and was approved on the Consent Agenda with no discussion. Staff received no public comments and there are no review agency issues.

Mayor Buck opened the public hearing on Ordinance 2016-10 – Second Reading. Hearing no comments, she referred back to the Council.

Mr. Bennett added that the way the language was being clarified is the way it was explained to the downtown businesses, so it was more of a grammatical clarification to avoid potential future problems.

- **COUNCILOR BONAR MOVED TO APPROVE ORDINANCE 2016-10 – SECOND READING – AN ORDINANCE OF THE FRUITA CITY COUNCIL AMENDING SECTION 17.41.040(X), TEMPORARY OFF-PREMISES SIGNS, OF THE FRUITA LAND USE CODE. COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

8. ADMINISTRATIVE AGENDA

A. CITY MANAGER MIKE BENNETT

1) UPDATE AND DISCUSSION ON ECONOMIC DEVELOPMENT EFFORTS

City Manager Mike Bennett said that he wanted to make sure that everyone was aware of the things that staff and the Council have been working on lately as well as a few things that will be coming up.

Mr. Bennett stated that in the effort to increase Fruita's economic health (one of the Council's main priorities), the City Departments are currently and have been working very strongly on scrutinizing

costs and trying to figure out opportunities as part of the Priority Based Budgeting work that has taken some time due to both the consultant's timeframe and the time that it takes to get into the detail. He added this was not a process that the City should "skip" through, because it will affect the end-result data.

Mr. Bennett continued that staff is currently in the process of allocating every employee's time to every City program that is provided. The next (and basically the final) step will be to take all the City programs that are offered to the public and ranking how each one aligns with the City's goals. This will provide the opportunity to look at everything the City does, how it breaks down in terms of costs and time and how to allocate resources accordingly so that the resources have the biggest impact on the City's goals.

Mr. Bennett stated that economic health is a primary focus during the budget process and looking at the needs the City has. He said staff is seeing increases in the needs and expenses of the City than they know they will have revenue for, which is why so much effort is being put into economic development.

Mr. Bennett said that economic development efforts take a while for revenues to come in and so staff can also look hard internally about where to make changes, noting that there will be some tough budget decisions moving forward.

Mr. Bennett stated that he feels that staff has been very proactive and aggressive in recruiting with the Council's support and the Mayor's participation in the trade shows and in talking with other businesses that have helped with materials and design and all sorts of things. He said it was fun to go the Outdoor Retailer Trade Show this year and have a lot of meetings as opposed to cold calls where they were just walking up to booths all day long. Mr. Bennett said that there was a mix of that and hopefully some of the contacts that were made this year are ones that Fruita will develop relationships with over the next year.

Mr. Bennett said that he, the Parks and Recreation Director (Ture Nycum) and the Mayor attended the Outdoor Retailer Trade Show, for which GJEP has been an incredible partner who has been an amazing extension of City staff. He added that the amount that the City pays GJEP per year has shown some of the highest return that the City has gotten when it comes to outside agency funding. Mr. Bennett said that Fruita's message and focus blend extremely well and having the Mayor on GJEP's Board has been a very good thing.

Mr. Bennett said that after the Outdoor Retailer show, they had some meetings with a few companies that they've been working with. The companies have asked that their names be kept out of the public as they narrow down their locations, but the company that is probably the most serious has Fruita at the top of their list. This company is comparing the City of Fruita with one other city in Bellingham, WA. The City of Fruita will host this company in October to ride trails. Mr. Bennett said that this company's site selector employee likes Fruita a lot and is very familiar with it.

Mr. Bennett continued that Mayor Buck and Ture Nycum (Parks and Recreation Director) went to the Interbike cycling industry expo last year and developed some contacts that staff has continued to

stay in touch with. He said he and Mayor Buck have been trying to schedule a meeting with them at Eurobike.

Mr. Bennett noted that Mayor Buck insisted on paying her own airfare to Eurobike in Germany. Also, Fruita's private land owners in the Greenway Business Park (with no strings attached and knowing that the City is trying to recruit businesses) wrote a \$1,500 check to help subsidize the trip. Mr. Bennett said the main costs have been in promotional materials. The lodging is less than half of what is spent locally because MRP (Mountain Racing Products of Grand Junction) has been a good partner and has a place to stay for less than \$100 per night for two rooms.

Mr. Bennett stated that he and Mayor Buck will be hosting an event at Eurobike in conjunction with MRP, who has an employee based in Germany that is setting up things for the event. There will be a looping video of the biking terrain around Fruita at the event that will include Fruita's new logo.

Mr. Bennett said that staff is sending invites to the contacts that the City of Fruita has made along with MRPs and GJEP's contacts to attend the event at Eurobike and meet with the Mayor and himself.

Mr. Bennett noted that he and Mayor Buck met one of the representatives one of Fruita's main prospects at this year's Fat Tire Festival.

Outerbike in Moab is another trade show that staff and the Mayor will attend in the fall of 2016.

Mr. Bennett showed that Council examples of several of the promotional items that he and Mayor Buck would be handing out at Eurobike and other trade shows. These items included flyers, small booklets with unique fold-out features and other handouts, which were all designed to gain attention by highlighting Fruita's many amenities and characteristics.

Mr. Bennett said he has been talking with Frank Ladd of the Fruita Chamber about getting together with local businesses to have the promotional items on hand at their locations for their customers and have actually already done that with a number of them who want to become advocates for promoting Fruita.

Mr. Bennett stated that staff is entertaining a proposal from Vitality Films to have another type of video produced that shows prospective businesses all the things available in Fruita including overviews of vacant lots.

Mr. Bennett stated that staff has been working with one serious prospective business for quite some time (at least the last year and a half). He continued that when he and Mayor Buck left the Outdoor Retailer trade show, they were a little disappointed because this company's timeframes and needs were quite sizable; they needed a 30,000 square foot building with a minimum of 27-foot ceiling heights and they needed the building constructed by November of 2016. Mr. Bennett said it would take a minimum of six months on a fast track for something like that to happen. This company also required a Foreign Trade Zone, which staff is now realizing that a lot of other companies are going to need as well because they manufacture and ship overseas.

Mr. Bennett continued that then it looked like the company had the opportunity to lease property somewhere in the Grand Valley temporarily while potentially looking for a permanent build in Fruita.

He said that the City of Fruita needs to have all the tools it can to offer prospective businesses and one of these tools that Fruita can't do alone is the Foreign Trade Zone (FTZ). He noted that Grand Junction at one time had paid a consultant to look into becoming an FTZ area and the consultant did an inventory of existing businesses (including those in Fruita) that ship outside of the US. Some of the companies were very interested in it, but some thought it needed to be further studied.

Mr. Bennett stated that at the Grand Junction City Council workshop meeting the previous evening, the Council members decided to have a Special Meeting within the next two weeks to discuss getting a FTZ going. The consultant estimated the cost to be upwards of \$150,000 to go through the application process. Mr. Bennett noted that this was not a guaranteed amount at this point and the City of Grand Junction will be discussing and considering looking to GJEP and the Grand Junction Chamber of Commerce to help lead the process. A consultant will be hired to look at models that would provide sustainable funding for a customs agent going forward, which is required for a FTZ.

Mr. Bennett continued that while he and Mayor Buck will be at Eurobike, a lot of the local governments will be getting together and talking about the FTZ issue after the City of Grand Junction has their Special Meeting (within the next two weeks). He said that it will take every community pulling together their resources to make it happen and Fruita needs to encourage Grand Junction to move forward and do that by showing what kind of support Fruita could give.

Mr. Bennett recommended that the Council approve a commitment of up to \$30,000 towards the process to show that Fruita is fully supportive of the undertaking and to help spur the process along with the contingency that Fruita will be at the table during the whole process and that Fruita city limits and future city limits will be within the FTZ. He said this would have to be brought to Council in the form of a Resolution amending the 2016 Budget and transferring funds from the Capital Projects Contingency Fund to the City Manager Economic Development account.

Councilor Karisny asked for a brief description of an FTZ.

Mr. Bennett explained that an FTZ is where a certain area has a designated customs agent (and there is an approval process to get there) so that a company located in the FTZ is no longer subject to the same costs in tariffs and other taxes for importing and exporting products. Usually companies will pay an annual fee that is much less than paying the high taxes in the trade industry.

Councilor Karisny asked if municipalities and not businesses were the entities that have to establish the FTZ. Mr. Bennett said this was correct and the area could be large so that it would encompass the whole county or it could be specific areas throughout the county.

Councilor Karisny asked if there were any examples of established FTZs in Colorado. GJEP's Kristi Pollard responded that Denver, Limon and Colorado Springs have them, although Colorado Springs has yet to utilize it. She added that what also would be looked into is what's called an Alternative Framework, which is a regional approach that allows a community to extend the FTZ to

90 miles outside the area. She said that she thinks there are strong feelings about giving competitors a tool even though it helps spread the cost out.

Ms. Pollard continued that the line of thinking would be that Mesa County would apply for the zone, but the great thing about the Alternative Framework is that it allows a partitioning of the area to be designated to a company that has materials that are considered foreign trade. The business is then allowed to purchase those materials without paying any duty and they don't pay any duty until the product is actually sold. Ms. Pollard said this is a great tool for companies that buy in bulk to get better pricing.

There will have to be a full-time customs officer and GJEP is looking at the Town of Eagle because there is a customs officer there that is working part-time and there might be an opportunity to share that person, at least for the short term. Ms. Pollard said once there is a bigger capacity, a full-time person could be hired. She added that there are a lot of decisions to be made, but she thinks it would be something that Fruita would be able to utilize as a recruiting tool for those businesses that GJEP and Fruita have been talking to because 90% of those companies are international retailers who are importing most if not all of their products. This is why GJEP is pushing hard to get the FTZ in motion.

Councilor Brackett asked if there was a downside to the FTZ. Ms. Pollard responded that the downside (which she doesn't think is a downside) is the sustainable funding for the FTZ; being able to make sure that there is money to pay the full-time customs officer without needing ongoing subsidies from local governments. She continued that the analysis that the consultant did identified 20 companies that are importing and 24 companies that are exporting in the Mesa County area, but she was sure that there are others because these were just the larger companies.

Ms. Pollard further explained that there is a cost-sharing portion with the businesses; there is a fee associated with being a part of the FTZ. She said in talking to some businesses, they understand the framework.

Councilor Kincaid asked what partners in the valley are on board right now or are looking at coming on board with the FTZ. Ms. Pollard responded that the City of Grand Junction (the previous evening) directed staff to move forward and make the FTZ a priority. She said she and Mr. Bennett spoke with GJ City Manager, Greg Caton earlier that day, but there has been no formal vote yet. She said that she would continue to have conversations with the City of Grand Junction and Mesa County.

Ms. Pollard pointed out that if the Fruita City Council approved the recommendation from City staff to commit up to \$30,000 of funding towards pursuing the application process for the FTZ, it would mean that Fruita is the leader in the effort, which is exciting. She added that when she and Mr. Bennett were talking with Mr. Caton, he (Mr. Caton) felt that this would be a very important message to the rest of the partners in the valley because Fruita is forward-thinking and understands that it is an investment in the future. Ms. Pollard reiterated that there are prospects in the hopper right now that would utilize the FTZ, so Mr. Caton said this would be a very profound statement if Fruita were to be the first one to facilitate the leadership role.

Ms. Pollard also said that the Chamber, GJEP and all the Economic Development partners are certainly behind the effort and have offered to be deputized to do a little bit more if they can, but they are not funders. She added that in talking with some of the businesses, there will be opportunities for them to help fund the effort as well; they just need to know exactly what that cost will be for them.

Mr. Bennett said that in the discussions with the City of Grand Junction, the reason why they asked for an immediate Special Meeting was because there's a lot of interest from the Council members; they know the importance of getting the FTZ going. He also said that the feedback that Fruita has gotten from Mesa County so far has been positive as well, and Fruita is just now starting to reach out to Palisade to get on board.

Mr. Bennett said that his message to the City of Grand Junction is that although there has been a lot of discussion concerning economic development for sustainable funding of the valley-wide branding effort, if the communities do not have the tools, that is where they will fall short. He noted that a lot of the prospective businesses are in the same position of having the FTZ be a tool and a benefit to them.

Mr. Bennett said if Fruita made the statement of the \$30,000 funding commitment with the condition that everyone will participate together in a partnership, it would send the message that Fruita is very serious. He noted that the City has the funds for it and that it will pay off in the long run.

Councilor Karisny asked if the ongoing funding would come from both the businesses and the municipalities.

Mr. Bennett said it wasn't clear yet what the ongoing costs would be; this was part of going through the application process and the final analysis to determine how to make it work, but the idea is to not have an ongoing subsidy. He said it was possible that in the first year or two that there would be some form of municipal funding and that Grand Junction is aware of this and has expressed that they would be willing to make recommendations to put forth the subsidy to start, but not on a long-term basis.

Mr. Bennett said that there are still things that need to be explored such as the possibility of a certain type of fee at the airport that helps fund the FTZ or other forms of potential assistance that combined with the fees that the businesses would pay could help make it a sustainable model so that it is not an ongoing cost to local governments.

- **COUNCILOR BONAR MOVED THAT THE CITY COUNCIL RECOGNIZES THE VALUE OF A FOREIGN TRADE ZONE FOR ECONOMIC DEVELOPMENT IN FRUITA AND THE GRAND VALLEY IN GENERAL AND INSTRUCTS THE CITY MANAGER AND STAFF TO TAKE ALL APPROPRIATE ACTIONS TO MOVE THIS PROCESS FORWARD AND TO DRAFT A RESOLUTION TO BE PRESENTED TO THE COUNCIL AT THE NEXT COUNCIL MEETING AUTHORIZING THE TRANSFER OF UP TO \$30,000 OF ECONOMIC DEVELOPMENT CONTINGENCY MONEY FOR THIS PURPOSE. COUNCILOR**

BRACKETT SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

Mayor Buck thanked the Council members for their support; saying that Fruita is doing what it can without a road map or magical equation, so having the support is huge.

Councilor Bonar commented that as Kristi Pollard noted, once again, Fruita is taking a leadership role.

Councilor Karisny said that what Fruita has been doing is very exciting and is purposeful. He said he believes the right kind of thought has gone into the efforts and it was great fun to see it all happening.

Mr. Bennett stated that the support of the entire Council has been tremendous and Fruita has great partners and staff that are able to see the growth that is needed in the City.

B. CITY MANAGER MIKE BENNETT AND CHIEF OF POLICE JUDY MACY

1) OHV RECOMMENDATION TO COUNCIL

Police Chief Judy Macy asked the Council if they had read and understood the report that she provided in the Council packets. The Mayor and Council said that they did.

Councilor Karisny said he greatly appreciated the thoroughness of Chief Macy's report and he thought that it would be a great document to have on hand for folks who want to know why the Council made the decision that they did.

- **COUNCILOR BONAR MOVED THAT THE FRUITA CITY COUNCIL NOT PURSUE ALLOWING OHVS ON CITY ROADS. COUNCILOR KARISNY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR KARISNY

Councilor Karisny said he wanted to mention that the Planning Commission is a new Commission and they are talking about doing some orientation. The other thought was to possibly have a joint meeting with the City Council at some point. The Planning Commission would like to get through the orientation specific to what the role is for the Planning Commission in Fruita and there are some Commissioners who have a thought or two about some things and so, they would like to meet with the City Council.

COUNCILOR HARVEY

Councilor Harvey gave the following Arts and Culture Board updates:

- Thursday, August 18th at the Copper Club Brewing Company, 10% of gross sales will be donated to the Fruita Arts and Culture Board. There will be live music by a band called Threads.
- On Thursday, September 1st, Aspen Street Coffee will be donating a portion of their sales to the Fruita Arts and Culture Board

Councilor Harvey said that after the Riverfront Commission meeting, he thought it might be important to talk about how Palisade has felt that the Riverfront trail connection from Grand Junction to Palisade has not been a priority for the Mesa County Commissioners (a lot of this part of the trail is located in the county). The Board of Trustees in Palisade has made a point of writing a letter to get the ball moving again. Councilor Harvey said that in regards to valley-wide issues, the Riverfront Trail is a pretty big deal and he wondered if Fruita could write a letter of support for Palisade to get the matter on the county's radar again. He said he thinks this would go a long way towards showing Palisade that Fruita understands that the trail is important to them and would likely be good overall for relations in the valley.

Mayor Buck said she thought that this part of the trail was missing some vital sections for certain reasons. Councilor Harvey said there are some different scenarios that Palisade has mapped out and one of those scenarios is using the irrigation ditch roadways, which the Grand Valley Irrigation Company (GVIC) doesn't favor due to liability issues.

Councilor Bonar responded that the problem is that a lot of the canal trails are easements; they are not rights-of-way. Therefore, the canal company doesn't actually own the ground and this is why they can't let people ride on it. He said a lot of people don't understand that GVIC does not own a lot of that right-of-way and there are also a lot of other emotional issues involved.

Councilor Harvey said he thought there was some sentiment on behalf of the Riverfront Commission and likely the partners that are involved that the emotional side of things has kind of taken the front seat when it comes to making decisions. He continued that in discussing that further, the Riverfront Commission has looked into the liability issue and there is no liability that would fall back on the GVIC. Councilor Harvey reiterated that he thought it would be a really nice gesture if the Fruita City Council decided to direct staff to write a letter of support for the Town of Palisade just to get the conversations started again.

Mr. Bennett suggested that when the recent grant application awards are announced in the next month or two, this would be a good opportunity to thank the county and the Riverfront Commission for their letters of support and remind everyone that Fruita wrote the grant application for the trail to be designated as one of the Governor's 16 Trails in 2016. He continued that the grant application was written in partnership with Palisade, the Riverfront Commission and the City of Grand Junction so that the entire trail could be designated as such. He continued that although Fruita has been focused to get the grants to build the Fruita sections of the trail, that was not the end of the project and everyone needs to rally and get the focus on the gaps because this would only make the trail even better.

Mayor Buck said she liked the idea of waiting to hear the results of the grant applications.

Councilor Harvey said that the Riverfront Commission is thrilled and very grateful about how aggressive the City of Fruita has been about getting grants and they just can't say enough good things about it.

Councilor Kincaid said he felt the Council members all agreed that Fruita should write a letter of support, but should do it when the timing is right.

COUNCILOR KREIE

Councilor Kreie said that at the Downtown Advisory Board (DAB) the previous week, he presented the new goals that City Council and staff have developed. He also noted that the Board is about halfway done making the banners for the poles on Aspen Avenue but they could use more people to help cut out the designs so that Cullen Purser can stitch them up.

Councilor Kincaid asked what the estimated timeframe of completion for the banners is. Councilor Kreie said he didn't think there was one, but he would probably say spring of 2017 because the stitching is pretty intricate.

Mr. Bennett said that he talked to Jeannine Purser about the City ordering other banners because the City will always need extras and replacements and they were such a good price, so they will probably be placed on every pole. When the new banners are ready, then staff will then look at putting them up. Mr. Bennett said that he didn't feel like there was any conflict about it with the DAB.

Councilor Kreie also reported that the DAB discussed the Christmas tree lot that they are going to have again this year for one week. They will file an application with the City Parks and Recreation Department for the street closure on Mulberry.

Councilor Kreie noted that he would be attending the Associated Governments of Northwestern Colorado (AGNC) the following day and would have a report on that at the next Council meeting.

COUNCILOR KINCAID

Councilor Kincaid said he had several things to report from the Fruita Area Chamber of Commerce Board meeting. He said that Mark Angelo has been selected as the Grand Marshal for the Fruita Fall Festival parade this year. The theme is "Hometown Heroes" and the Chamber thought Mark would be a great fit for that.

Councilor Kincaid reported that on October 6th, the Chamber will be hosting a Candidate Forum at the Fruita Civic Center (Council Chambers) at 7:00 p.m.

Councilor Kincaid also reported that Colin Cummings had resigned from the Chamber Board due to starting a new job in Grand Junction, so they are looking for someone to fill the vacancy.

Councilor Kincaid continued that Chamber Director Frank Ladd was trying to put together an Economic Development Summit where he will get local businesses to meet to talk about what other

businesses would benefit their business. The date has yet to be determined, but is estimated to be around the end of the year.

Mr. Bennett added that he met with Mr. Ladd and they discussed holding the summit in early October after Fruita Fall Festival. He said that at the summit, he can give the businesses some of the promotional materials being used at the trade shows and they can discuss the Jump Start Program and other ideas for existing businesses that may be looking to expand.

Councilor Kincaid said that there has also been a big discussion about the political groups that have been setting up outside of the Farmer's Market, so Mr. Ladd and the Chamber Board would like some direction from the City about this issue. He asked what kind of restrictions might be in place because these groups tend to be radical and won't leave or listen to anyone. The Chamber foresees this potentially being a major problem at Fruita Fall Festival.

Police Chief Judy Macy said that she talked to Fruita's City Attorney about this and basically, when an organization such as the Chamber rents out booth spaces for an event, they have the authority to let whoever they want in and out. However, if the political groups want to set up on the sidewalk, they can do so as long as they are not blocking the sidewalk or doing anything unlawful.

Chief Macy continued that she asked the City Attorney about when the City closes down all the streets for Fruita Fall Festival and the bottom line is that the Chamber or the City could ask those people to leave if they are blocking or interfering with any aspects of the festival. She added that if a person is simply walking around and asking for signatures, no one can ask them to leave.

Councilor Kincaid said that the Chamber knows this about the people who walk around with petitions; they are more concerned about the groups who physically set up a table or a booth and how to manage that.

Chief Macy said that there were two instances at the Farmers' Market. The first time it happened, Mr. Ladd asked the group to leave and they left and set up their table over on the east side on the parking lot of the Fruita Civic Center and a Fruita Police Officer thought that this area was not part of the venue and the people weren't doing anything unlawful, so the Officer didn't ask them to leave. Chief Macy pointed out that these people will start citing case law about their rights so it is a little tricky because it is like they are almost ready for an argument.

Mr. Bennett added that staff did get some clarifying statements from the City Attorney regarding the difference between the groups or people setting up a political booth versus walking around and he was just getting that information to the Chamber. He said when he talked to Mr. Ladd, he seemed more concerned about people setting up a booth, but the City Attorney was very clear that the Chamber has the right to set the rules for their events on their venues.

Mr. Bennett noted that for the first instance at the Farmers' Market, the group actually paid for a booth and set it up but did it under false pretenses in their applications. Mr. Ladd gave them their money back when he noticed they were actually a political group and it became a little bit of a squabble.

Chief Macy noted that this group was collecting signatures to put a measure on the ballot, but that election is over.

Mr. Bennett said that for Fruita Fall Festival, it will likely be more candidate-oriented.

Councilor Kincaid said the Chamber wants to know how to define their space and what rights they have moving forward. Chief Macy said that the Chamber can ask people who set up an unauthorized booth to leave and if they won't, the Chamber should call the Fruita Police Department and technically it would be a trespassing violation.

COUNCILOR BRACKETT

Councilor Brackett stated that the Police Commission has a meeting scheduled in September and hopefully he would have a lot of good news to report afterwards.

Councilor Brackett gave kudos to the City Manager and City staff for their hard work in applying for and receiving the \$1 million grant award for the Kokopelli Trail system. He said there were two more grant applications to go and he was being very positive about the acceptance of those as well.

Councilor Brackett stated that the Parks and Recreation Department had published the Summer Activity Guide and will have the fall issue coming up, but regarding the schedule of activities at the last Parks and Recreation Advisory Board meeting, Tom Casal reported that the programs continue to increase. They now have a fencing class and additional new classes which are very favorable. The continued use of the Fruita Community Center is also positive; revenues are up, which is a good sign.

Councilor Brackett also said that the repairs to the outside of the Community Center have now been completed and the Center looks very good.

MAYOR BUCK

Mayor Buck stated that she and the City Manager met with Jennifer Stoll, Executive Director of the Greater Grand Junction Sports Commission the previous week and Ms. Stoll's big message was that the Rimrock Marathon is really trying to become a Fruita City event. She asked Mr. Bennett if Ms. Stoll sent the link regarding the marathon to all the Council members. Mr. Bennett responded that he thought he had put the link in the last Friday Information Update.

Mayor Buck asked everyone to do what they could to promote that because it could turn into something very great.

Mayor Buck said that she paddle boarded on the new lake (on the Riverfront Trail) that has very interesting potential, too; she could definitely see that as being a huge selling point for new businesses.

Mayor Buck continued that she had a nice meeting with Mesa County Commissioner Rose Pugliese, who appreciates the direction that the City of Fruita has, which was nice to hear. Ms. Pugliese said

she was very open to helping Fruita with whatever the county can. Mayor Buck said Ms. Pugliese is very supportive of the Foreign Trade Zone as well.

Mayor Buck also said that the City Manager would be at the GJEP meeting the following day in her place because she will be attending the BLM Resource Advisory Council meeting in Craig for two days. She said she would be back in time to make it to the meeting with Irv Halter, the Executive Director of the Department of Local Affairs (DOLA) on August 18th at the Edgewater Brewery.

Mr. Bennett said it was a good opportunity to thank DOLA for the \$1 million grant recently received (for the Kokopelli Trail) as well as others awarded to Fruita in the past; adding that DOLA doesn't usually award a lot of grants for trails.

10. CITY MANAGER'S REPORT

Mr. Bennett noted that he would not be in the office on Friday, August 19th.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: SEPTEMBER 6, 2016
RE: A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM THE FRUITA ROTARY CLUB TO SELL BEER AT THE FRUITA FALL FESTIVAL AT:

1) CIRCLE PARK ON:

- **FRIDAY, SEPTEMBER 23, 2016 FROM 3:00 PM TO 10:00 PM**
- **SATURDAY, SEPTEMBER 24, 2016 FROM 11:00 AM TO 10:00 PM**

2) CIVIC CENTER MEMORIAL PARK ON:

- **FRIDAY, SEPTEMBER 23, 2016 FROM 3:00 PM TO 10:00 PM**
- **SATURDAY, SEPTEMBER 24, 2016 FROM 11:00 AM TO 10:00 PM**

BACKGROUND

The Fruita Rotary Club has filed an application for Special Events Permits to sell beer during the Fruita Fall Festival on the dates and times noted above at Circle Park and the Civic Center Memorial Park in Fruita. State law allows nonprofit organizations to apply for a special events liquor permit, and the Fruita City Council adopted Resolution 2011-32, which authorizes the Local Licensing Authority to issue Special Events Permits to qualifying organizations and political candidates without sending the application to the State Authority for approval.

The City of Fruita requires that the applicant submit a narrative addressing specific issues related to the special events permit. The applications, narratives, diagrams, and Fruita Police Department comments are attached.

The diagrams of the licensed premises submitted with the applications control the area in which alcohol may be sold or consumed and should be strictly adhered to.

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES

None

OPTIONS AVAILABLE TO THE COUNCIL

1. Approval of the special events permits for the Fruita Fall Festival
2. Denial of the special events permits.

RECOMMENDATION

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

APPROVE THE APPLICATION FOR SPECIAL EVENT LIQUOR PERMITS FOR THE FRUITA ROTARY CLUB TO SELL BEER DURING THE FRUITA FALL FESTIVAL AT:

1) CIRCLE PARK ON:

- **FRIDAY, SEPTEMBER 23, 2016 FROM 3:00 PM TO 10:00 PM**
- **SATURDAY, SEPTEMBER 24, 2016 FROM 11:00 AM TO 10:00 PM**

2) FRUITA CIVIC CENTER MEMORIAL PARK ON:

- **FRIDAY, SEPTEMBER 23, 2016 FROM 3:00 PM TO 10:00 PM**
- **SATURDAY, SEPTEMBER 24, 2016 FROM 11:00 AM TO 10:00 PM**

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPLICANT WILL DISCONTINUE SERVING ALCOHOL AT 9:30 PM ON BOTH FRIDAY, SEPTEMBER 23, 2016 AND SATURDAY, SEPTEMBER 24, 2016**
2. **ALL ALCOHOL WILL SECURED AND REMOVED BY 10:00 PM ON FRIDAY AND SATURDAY**
3. **ROTARIANS WILL MONITOR THE ENTRANCES TO THE LICENSED AREAS AND THEIR PERIMETERS TO MAKE SURE NO ALCOHOL COMES INTO OR LEAVES THE LICENSED AREA**
4. **SIGNS WILL BE POSTED AROUND THE ENTRANCE TO THE PARK, PROHIBITING ALCOHOL FROM BEING CONSUMED IN ANY AREA OTHER THAN THE LICENSED PREMISES**

- 5. NO PERSON UNDER THE AGE OF 21 IS ALLOWED IN THE LICENSED AREA AFTER 9:00 PM WITHOUT A PARENT OR GUARDIAN**
- 6. THE ROTARY CLUB WILL PROVIDE SNACKS FOR PATRONS TO PURCHASE AT THE BEER SERVING TABLE**
- 7. ALL OTHER PROCEDURES PROPOSED BY THE ROTARY CLUB WILL BE FOLLOWED AND THE ROTARY CLUB WILL BE SOLELY RESPONSIBLE FOR THE ENFORCEMENT OF LIQUOR LAWS**

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 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	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) FRUITA CIVIC CTR 325 E Aspen St Fruita, CO 81521 CIRCLE PARK PARK SQUARE
---	---

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? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? 6		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> 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	Date	Date	Date	Date
9/23/2016	9/24/2016			
Hours From				
3p .m.	11a .m.			
To 10p .m.	To 10p .m.	To .m.	To .m.	To .m.

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 8/15/2016
---------------------------------	-------------------------------	--------------------------

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	TITLE LOREL BUCK 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
Fruita Fall Fest September 23-24, 2016
Liquor License Narrative
Locations at Civic Center Park & Circle Park

Attached are maps that shows the event area.

The Fruita Chamber of Commerce for 2016 Fruita Fall Festival has requested that Fruita Rotary Club provide beer serving venues located at Civic Center Park, 325 E Aspen, and at Circle Park to accommodate festival patrons wishing to enjoy a beer.

1. Description: The Fruita Fall Festival is an annual event in Fruita celebrating the season, community, and local culture. 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 entrance 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. SECURITY will be provided by a professional uniformed security firm arranged by the Fruita Chamber of commerce.

FRIDAY 9/23 Beer Gardens 3pm to 10pm

Civic Center: 1 security officer on duty, with Rotarians serving and patrolling the premises

Circle Park: 2 security officers on duty, with Rotarians serving and patrolling the premises

SATURDAY 9/24 Beer Garden opens at 11am-10pm

11am to 4pm : Civic Center/Circle Park: Rotarians will provide security at the beer garden

4pm to 10pm: Civic Center: 1 security officer on duty, with Rotarians serving and patrolling the premises

4pm to 10pm: Circle Park: 2 security officers on duty, with Rotarians serving and patrolling the premises

SUNDAY 9/25 Beer gardens will not be open. We encourage visiting our downtown businesses.

3. Crowd Control: Rotarians and uniformed security 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 the security professional, 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.

Fruita Rotary Club
Fruita Fall Fest September 23-24, 2016
Liquor License Narrative
(continued)

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 Fall Fest Venue.

Debra Woods

From: Judy Macy
Sent: Friday, September 02, 2016 9:20 AM
To: Debra Woods
Subject: RE: FFF 2016 Spec Event Liq Lic permit application
Attachments: image001.png

Debra Woods,

I have reviewed the Special Event Liquor License permit application for Fall Festival 2016. Included in the application were two different and conflicting maps showing the beer garden boundary at Civic Center Park. On 09/02/16, I spoke to Tom McNamara and he clarified and confirmed, the licensed venue at Civic Center Park is on the map which displays the venue as encompassing only the grassy portion of the park (not the parking lot and Aspen Ave.)

With the clarification and confirmation provided by Mr. McNamara, the police department has no problems or recommendations regarding the application.

Judy Macy
Chief of Police | City of Fruita
157 S. Mesa St.
Fruita, Co. 81521
970.858.8008

From: Debra Woods
Sent: Friday, September 02, 2016 9:03 AM
To: Judy Macy
Subject: FFF 2016 Spec Event Liq Lic permit application

Judy – in looking back through my e-mails, I don't see where I got this sent off to you. I sent Feast of Skulls... but....not FFF.

So sorry about that!

Deb

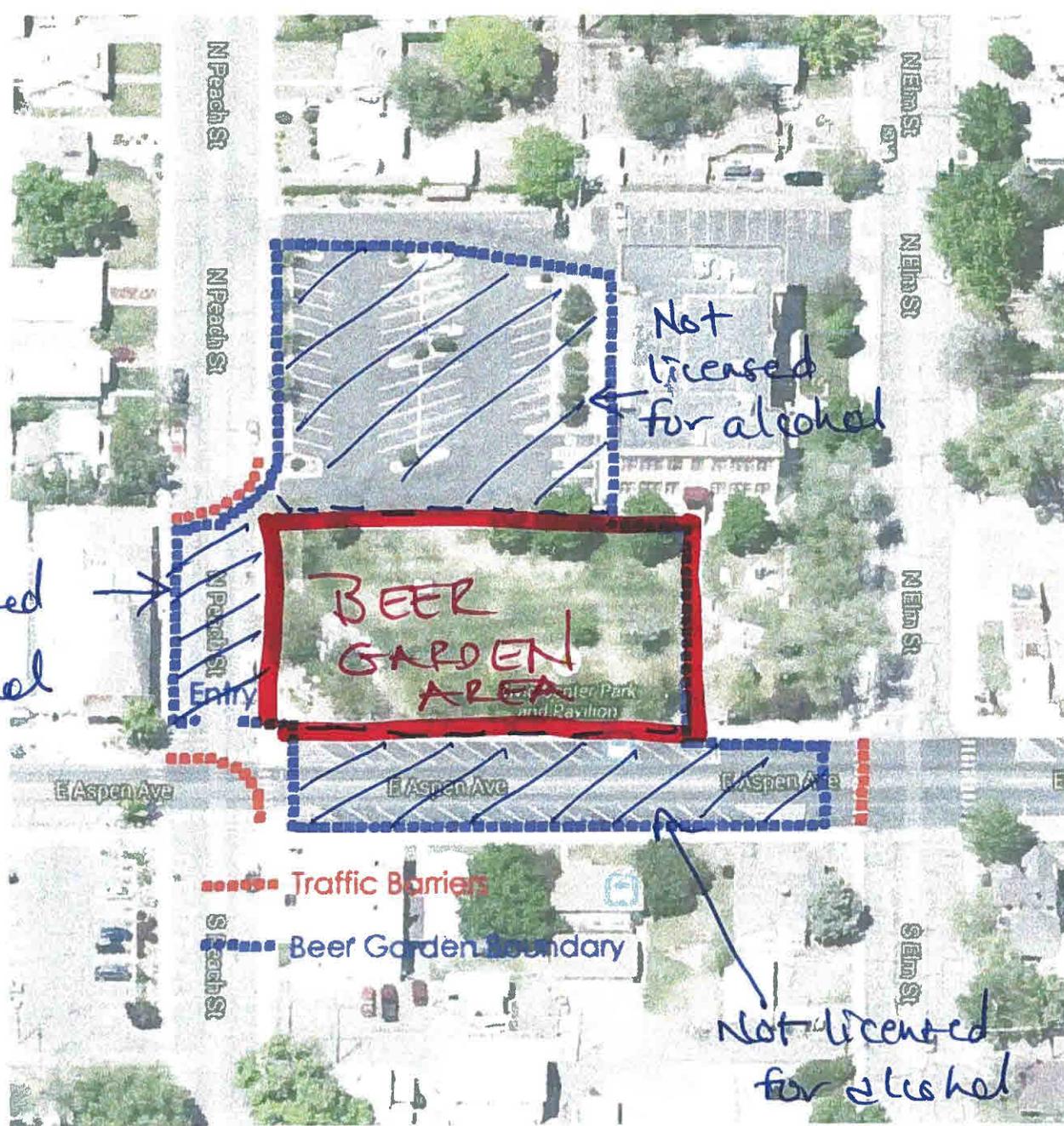
Debra Woods
Deputy City Clerk
City of Fruita
325 E. Aspen, Fruita, CO 81521
(970) 858-3663
www.fruita.org



Not licensed for alcohol

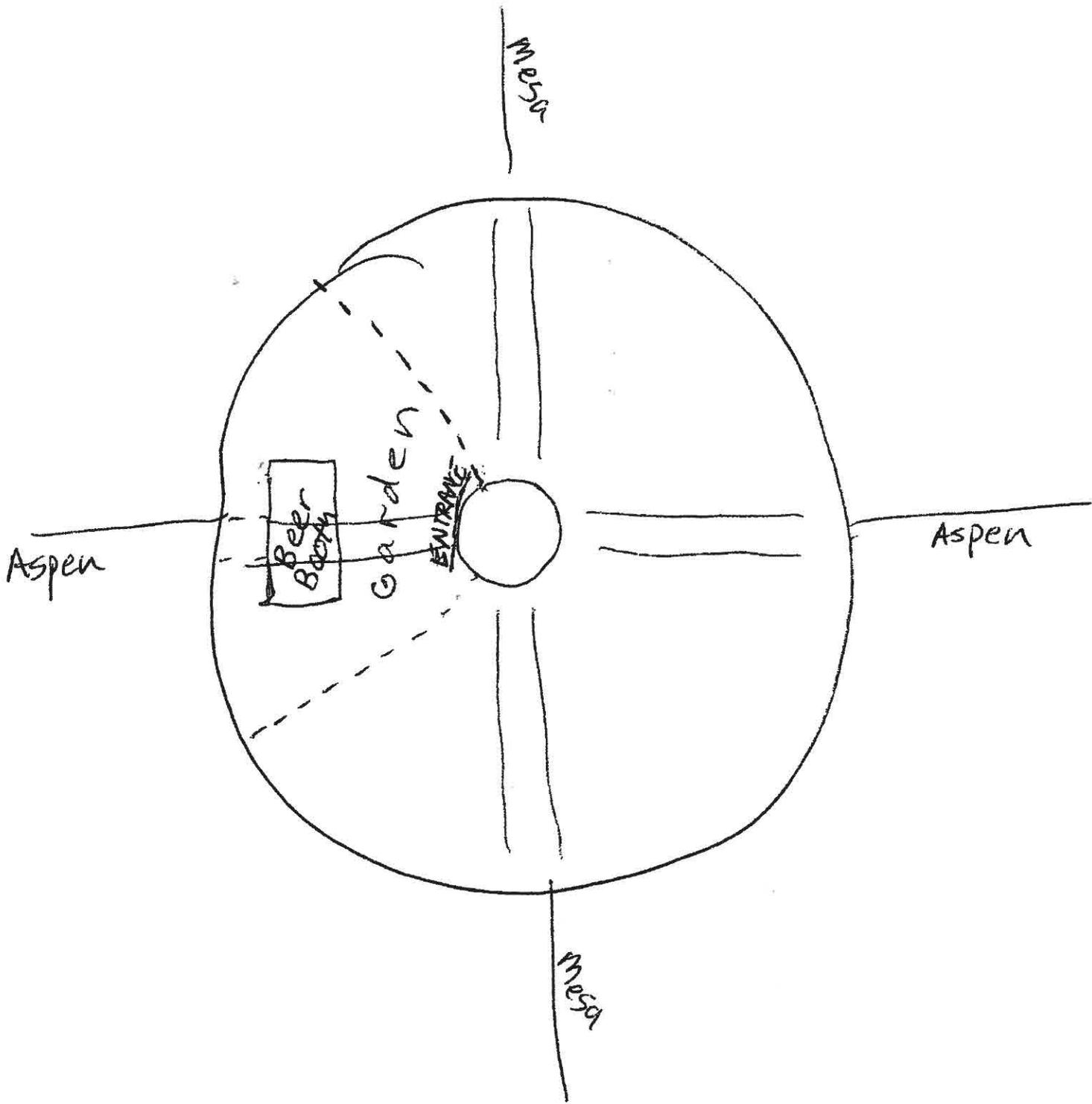
Not licensed for alcohol

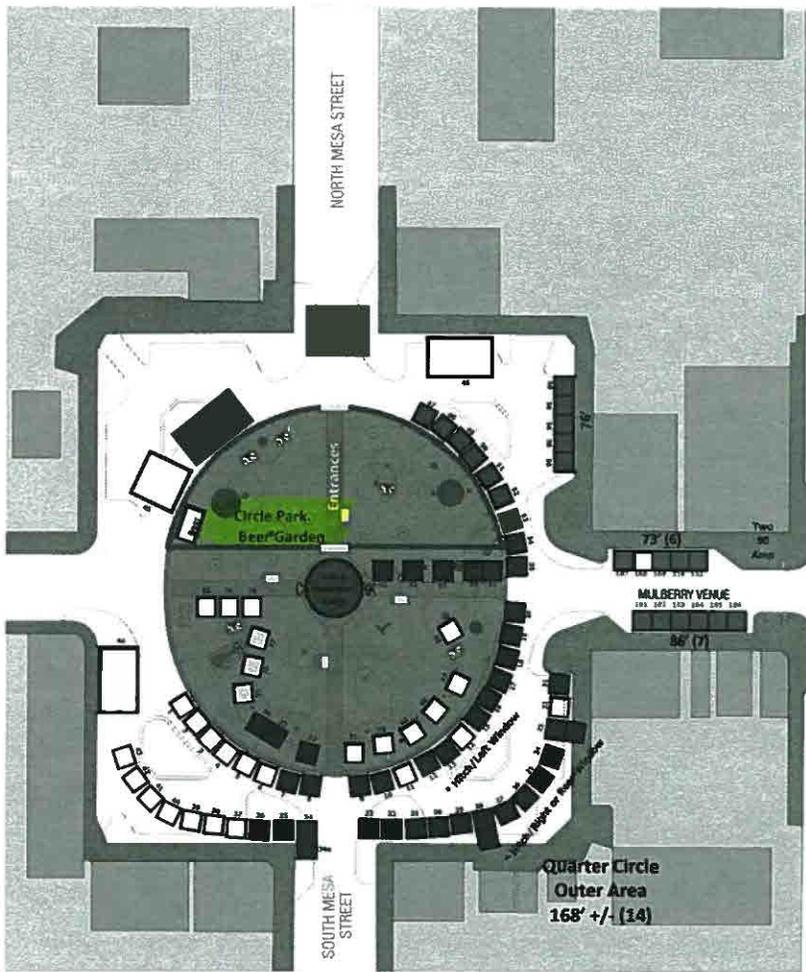
Not licensed for alcohol



--- Traffic Barriers
--- Beer Garden Boundary

Fruita Rotary Club
Beer Garden Map
Fruita Fall Festival





Where booth numbers are placed shall designate FRONT of each booth for sale of product.

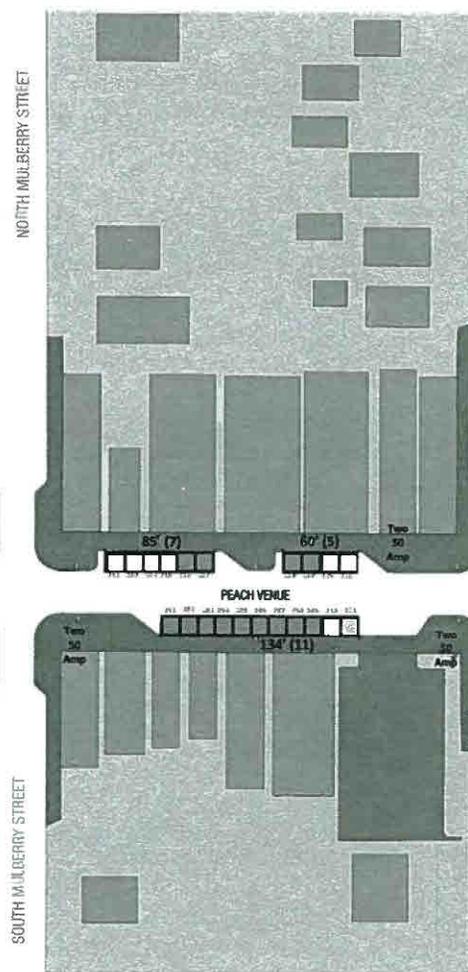
Circle Park Venues

- 1 X
- 2 X
- 3 X
- 4 X
- 5 X
- 6 X
- 7 Great American Foods, LLC
- 8 Great American Foods, LLC
- 9 Eastman Candies
- 10 X
- 11 X
- 12 Dippin Dots
- 13 Dippin Dots
- 14 X
- 15 Mobile Chef
- 16 Mobile Chef

- 17 Mobile Chef
- 18 Gole Izabla Ice
- 19 Euro Gpro
- 20 Euro Gpro
- 21 Sunset Drinks
- 22 X
- 23 Huber's Kitchen
- 24 Lions Club
- 25 Lions Club
- 26 Jewell's Concessions
- 27 Jewell's Concessions
- 28 DC Concessions
- 29 Lou Torres, LLC
- 30 Lou Torres, LLC
- 31 Tucson Tailor Bitch
- 32 Honey Food Fire Grill
- 33 Honey Food Fire Grill
- 34 Hargis's Meats
- 35 Finish Line
- 36 Finish Line
- 37 X
- 38 X

- 39 X
- 40 X
- 41 X
- 42 X
- 43 X
- 44 Colorado Water Walkers
- 45 Euro Boney
- 46 Absolute Prestige Limousine
- 47 X
- 48 X
- 49 X
- 50 X
- 51 X
- 52 X
- 53 X
- 54 Old Time Kettle Corn
- 55 Sompong's Designs
- 56 X
- 57 X
- 58 X
- 59 X
- 60 X

- 61 Reflections in Metal
- 62 Reflections in Metal
- 63 Fabulous Faces by Linda
- 64 Chour Down
- 65 Frontier Seeds
- 66 X
- 67 X
- 68 X
- 69 X
- 70 X
- 71 X
- 72 Engraved by Minicholas
- 73 X
- 74 X
- 75 X
- 76 X
- 77 X
- 78 X
- 79 X
- 80 X



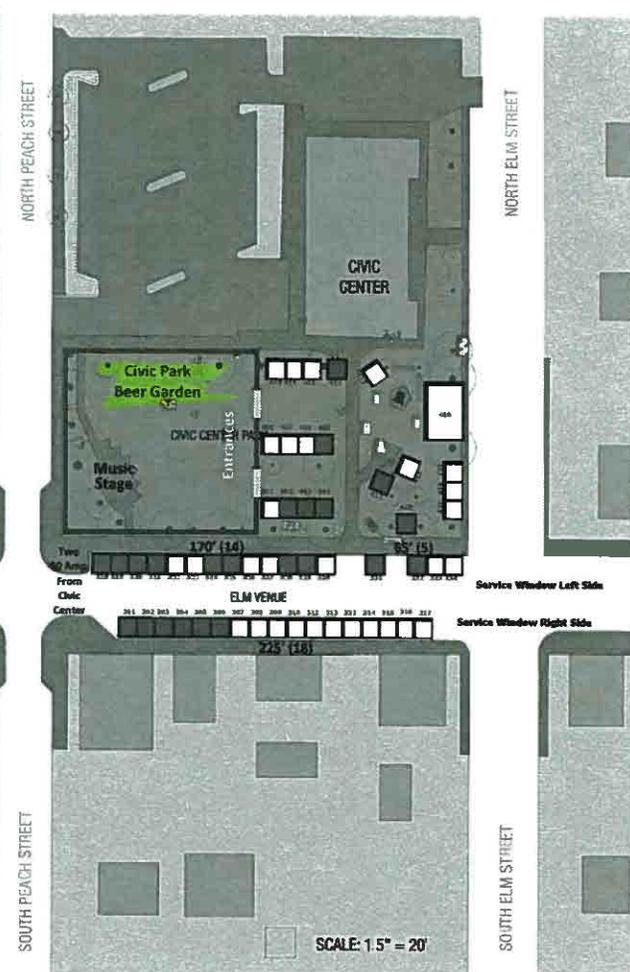
- 101 Landshus by Liz
- 102 Beyond Genetic
- 103 Nevada Stone Works
- 104 Nevada Stone Works
- 105 Calco Candles
- 106 Happy Finish Colorado
- 107 Light N Forward
- 108 X
- 109 Infinity Stone & Gems
- 110 Margarita Village
- 111 Margarita Village

- 209 Renewal by Anderson
- 210 X
- 211 X
- 212 X
- 213 X
- 214 X
- 215 X
- 216 Crystal D'Inusions
- 217 Kingsmen Premium Products
- 218 Ron's Rock Room
- 219 Ecologic Arts
- 220 X
- 221 X

- 308 X
- 309 X
- 310 X
- 311 X
- 312 X
- 313 X
- 314 X
- 315 X
- 316 X
- 317 X
- 318 Dreams Enterprises / Pioneer Concessions
- 319 Dreams Enterprises / Pioneer Concessions
- 320 Dreams Enterprises / Pioneer Concessions
- 321 That's A Wrap LLC
- 322 X
- 323 X
- 324 Chill Out Concessions
- 325 Chill Out Concessions
- 326 X

- 327 X
- 328 Sweet Stop Hawaiian Shaved Ice
- 329 Sweet Stop Hawaiian Shaved Ice
- 330 X
- 331 Medical Station ???
- 332 ATM
- 333 X
- 334 X
- 335 X
- 336 X
- 337 X
- 338 Dreams Enterprises / Pioneer Concessions
- 339 Dreams Enterprises / Pioneer Concessions
- 340 Dreams Enterprises / Pioneer Concessions
- 341 That's A Wrap LLC
- 342 X
- 343 X
- 344 Chill Out Concessions
- 345 Chill Out Concessions
- 346 X

- 412 Air in the Hole
- 413 X
- 414 Marshmallows & Clouds
- 415 X
- 416 X
- 417 X
- 418 X
- 419 X
- 420 The Needle
- 421 X
- 422 X
- 423 X
- 424 X
- 425 X
- 426 X
- 427 X
- 428 X
- 429 X
- 430 X
- 431 X



SCALE: 1.5" = 20'



City of Fruita
325 E. Aspen,
Fruita, CO 81521
(970) 858-3663
www.fruita.org

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: SEPTEMBER 6, 2016
RE: RESOLUTION 2016-32 FOR SUPPLEMENTAL BUDGET AND APPROPRIATION FOR OVERLAYS AND PUBLIC SAFETY TRAINING

BACKGROUND

This budget amendment appropriates additional funds not anticipated at the time the 2016 Budget as follows:

- Additional overlay funds of \$100,000 from the Mesa County Joint Municipalities Projects funds
- Reimbursement of \$1,950 from Mesa County for reimbursement of law enforcement training (K-9 and School Resource Officer) expenses

FISCAL IMPACT

This budget amendment will not have a net fiscal as revenues are available to offset the additional appropriations.

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 works towards achieving the goals for *Quality of Place* and *Lifestyle* through the provision of quality services to the community by providing for professional development and necessary training of city personnel and infrastructure improvements.

OPTIONS TO THE COUNCIL:

- Approve the budget amendment as presented or with amendments
- Take no action and return funds intended for the above noted purposes to the appropriate agencies.

RECOMMENDATION:

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

ADOPT RESOLUTION 2016-32 AMENDING THE 2016 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND FOR TRAINING REIMBURSEMENTS AND IN THE CAPITAL PROJECTS FUNDS FOR THE 2016 OVERLAY PROJECT

RESOLUTION 2016-32

A RESOLUTION FOR SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE CITY OF FRUITA FOR THE 2016 FISCAL YEAR IN THE GENERAL FUND AND CAPITAL PROJECTS FUND

WHEREAS, the City has been awarded funds from the Mesa County Joint Municipal Projects funds for the 2016 Overlay project and it necessary to appropiate these funds for overlays, and

WHEREAS, the City has received reimbursement for various public safety training classes and it is necessary to appropriate these funds for professional development expenses associated with the training, 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 FUNDS AS FOLLOWS:

Section 1: That the 2016 appropriation for the General Fund is hereby increased by \$1,950 from \$8,215,000 to \$8,216,950 from the following sources for the following uses:

Source of Funds

Law enforcement training reimbursements \$ 1,950

Use of Funds

Public Safety Department training\$ 1,950

Section 2: That the 2016 appropriation for the Capital Projects Fund is hereby increased by \$100,000 from \$2,780,650 to \$2,880,650 from the following sources for the following uses:

Source of Funds

Mesa County Joint Municipalities Project Fund.....\$100,000

Use of Funds

Overlays.....\$100,000

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS
6th DAY OF SEPTEMBER, 2016**

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Lori Buck, Mayor



City of Fruita
325 E. Aspen,
Fruita, CO 81521
(970) 858-3663
www.fruita.ora

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: SEPTEMBER 6, 2016
RE: RESOLUTION 2016-33 TRANSFERRING BUDGETED AND APPROPRIATED FUNDS FROM THE CAPITAL PROJECTS FUND TO THE GENERAL FUND FOR ECONOMIC DEVELOPMENT EXPENSES

BACKGROUND

This budget amendment transfers \$30,000 from the Capital Projects Fund contingency account to the General Fund City Manager's program for economic development expenses for joint funding of an application for a Foreign Trade Zone designation.

A Foreign Trade Zone (FTZ) designation permits merchandise to be held in the Foreign-Trade Zone without being subject to customs duties or other added value taxes. Importers, manufacturers, and distributors can realize cost-savings benefits because normally, when foreign cargo lands on U.S. soil it is subject to clearance through Customs and requires immediate payment of U.S. Customs duties. This tariff and tax relief is designed to lower the costs of U.S.-based businesses engaged in international trade and thereby create and retain the employment and capital investment opportunities that result from those operations. Many firms use Foreign-Trade Zones to defer the payment of duties and taxes, and in the case of re-export of cargo, avoid the applicable duties and taxes all together as the merchandise was considered to have never entered the US consumption area.

This designation will assist the FTZ designated area with recruitment of new, and assistance to existing, manufacturers and businesses involved with foreign trade and will provide an additional tool in the toolbox for economic development opportunities.

The City of Fruita is working with other partners including the City of Grand Junction, Mesa County and GJEP to negotiate a cost share agreement for funding and submission of an application for the FTZ designation with the City's contribution not to exceed \$30,000. The City's contribution will be proportional with other partners jurisdictional areas but shall not exceed the \$30,000 allocated.

FISCAL IMPACT

This budget amendment will reduce the contingency account in the Capital Projects Fund by \$30,000 from \$92,500 to \$62,500.



City of Fruita
325 E. Aspen,
Fruita, CO 81521
(970) 858-3663
www.fruita.org

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 works towards the goal of Economic Health specifically by enhancing the business environment in the City of Fruita and providing an effective tool for recruitment of manufacturers and other businesses that would benefit from the FTZ designation.

OPTIONS TO THE COUNCIL:

- Approve the budget amendment as presented or with amendments
- Take no action and not participate in the joint funding effort for the FTZ designation.
-

RECOMMENDATION:

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

ADOPT RESOLUTION 2016-33 AMENDING THE 2016 BUDGET AND TRANSFERRING FUNDS FROM THE CAPITAL PROJECTS CONTINGENCY ACCOUNT TO THE GENERAL FUND FOR ECONOMIC DEVELOPMENT PURPOSES

RESOLUTION 2016-33

**A RESOLUTION TRANSFERRING BUDGETED AND APPROPRIATED MONEYS
FROM THE CAPITAL PROJECTS FUND CONTINGENCY ACCOUNT
TO THE GENERAL FUND FOR REALLOCATION
FOR ECONOMIC DEVELOPMENT EXPENSES FOR THE
CITY OF FRUITA FOR THE 2016 FISCAL YEAR**

WHEREAS, the City of Fruita, along with partners including the City of Grand Junction, Mesa County, the Grand Junction Economic Partnership and others have identified the need to establish a Foreign Trade Zone in the Grand Valley to provide benefits and incentives to both existing and future manufacturing facilities located in the Grand Valley, and

WHEREAS, the City of Fruita wants to ensure the Foreign Trade Zone includes the city limits of Fruita within the designated zone, and

WHEREAS, the City of Fruita want to add the Foreign Trade Zone designation to its' toolbox to both recruit new business and provide benefit to applicable existing businesses, and

WHEREAS, the Grand Junction Economic Partnership has been designated as the agency responsible for applying for a Foreign Trade Zone designation, and

WHEREAS, the City of Fruita and partners are working towards an mutually satisfactory agreement to jointly fund the application process, and

WHEREAS, the Fruita City Council established a contingency account for economic development opportunities in the Capital Projects Fund as part of the adopted 2017 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL TO REDUCE APPROPRIATIONS IN THE CAPITAL PROJECTS FUND AND TRANSFER THESE FUNDS AS FOLLOWS:

Section 1: That the 2016 appropriation for the Capital Projects Fund is hereby reduced by \$30,000 from \$2,728,925 to \$2,698,925 from the following sources for the following uses:

Source of Funds

Reduction in Transfers from the General Fund-\$30,000

Use of Funds

Reduction in Contingency line item-\$30,000

Section 2: The sum of \$30,000 is hereby reallocated from General Fund Transfers to the Capital Projects Fund to the City Manager program for Economic Development expenses.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS
6th DAY OF SEPTEMBER, 2016**

ATTEST:

CITY OF FRUITA

City Clerk

Lori Buck, Mayor



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL MAYOR

FROM: SAM ATKINS, CITY ENGINEER

DATE: SEPTEMBER 6, 2016

RE: RESOLUTION 2016-34 - APPROVING AND GRANTING A LICENSE AGREEMENT TO BLACK ROCK GJ, LLC FOR THE USE OF THE OLD FRUITA WATER PIPELINE AND EASEMENT AS RECORDED IN BOOK 995, PAGE 21 OF THE MESA COUNTY CLERK AND RECORDER'S OFFICE FOR IRRIGATION PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

BACKGROUND

The City of Fruita owns a pipeline running from Pinon Mesa to the valley floor that formerly served as the domestic water source for the City of Fruita. Over the years, Fruita's water needs expanded and the costs of maintaining the water system became less affordable. In 1983, the City of Fruita entered into an agreement with Ute Water Conservancy District to provide domestic water for the City of Fruita and discontinued use of the City's mountain water rights within the City limits. That also eliminated the use of the pipeline north of Glade Park. Currently, the pipeline is being used to provide irrigation water to properties in Glade Park.

Black Rock GJ, LLC (Black Rock) owns several parcels of land between Highway 340 and the Colorado River just north of the West Entrance to the Colorado National Monument. They also have shares of Colorado River water that they want to utilize for irrigating these properties. Black Rock intends to utilize the City pipeline and alignment to pump irrigation water from the river to their properties.

Black Rock shall have the right to use the existing line located in the Easement. With no real idea of the condition of the pipe, the existing line is without warranty or representation as to condition. Any repairs or replacements shall be at Black Rock's expense.

The City has no plans to use the pipeline south of the Colorado River and would not benefit from its use. The easement itself is being retained should direction about its use change in the future.

FISCAL IMPACT

There is no current cost of maintenance for this section of the pipeline and any future maintenance would be the responsibility of Black Rock. So, there is no fiscal impact related to this license agreement.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Maintaining and performing the core functions of government with a high level of expertise.

OPTIONS AVAILABLE TO COUNCIL

- 1. APPROVE RESOLUTION 2016-34 – APPROVING AND GRANTING A LICENSE AGREEMENT TO BLACK ROCK GJ, LLC FOR THE USE OF THE OLD FRUITA WATER PIPELINE AND EASEMENT AS RECORDED IN BOOK 995, PAGE 21 OF THE MESA COUNTY CLERK AND RECORDERS OFFICE FOR IRRIGATION PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**
- 2. DENY RESOLUTION 2016-34 - APPROVING AND GRANTING A LICENSE AGREEMENT TO BLACK ROCK GJ, LLC FOR THE USE OF THE OLD FRUITA WATER PIPELINE AND EASEMENT AS RECORDED IN BOOK 995, PAGE 21 OF THE MESA COUNTY CLERK AND RECORDERS OFFICE FOR IRRIGATION PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

RECOMMENDATION

It is the recommendation of staff that Council:

APPROVE RESOLUTION 2016-34 - APPROVING AND GRANTING A LICENSE AGREEMENT TO BLACK ROCK GJ, LLC FOR THE USE OF THE OLD FRUITA WATER PIPELINE AND EASEMENT AS RECORDED IN BOOK 995, PAGE 21 OF THE MESA COUNTY CLERK AND RECORDERS OFFICE FOR IRRIGATION PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

RESOLUTION 2016-34

A RESOLUTION APPROVING AND GRANTING A LICENSE AGREEMENT TO BLACK ROCK GJ, LLC FOR THE USE OF THE OLD FRUITA WATER PIPELINE AND EASEMENT AS RECORDED IN BOOK 995, PAGE 21 OF THE MESA COUNTY CLERK AND RECORDERS OFFICE FOR IRRIGATION PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Fruita has a pipeline in an easement as recorded in Book 995, Page 21 of the Mesa County Clerk and Records Office; and

WHEREAS, the City of Fruita has not used the pipeline since 1983 and has future plans to use the pipeline; and

WHEREAS, the pipeline and easement for the pipeline are located on real property owned by Black Rock GJ, LLC, and

WHEREAS, Black Rock GJ, LLC has a use for the pipeline and easement for irrigation purposes:

WHEREAS, a License Agreement for Black Rock GJ, LLC's use of the pipeline and pipeline easement has been negotiated with Black Rock GJ, LLC.

NOW, THEREFORE BE IT RESOLVED, that the City of Fruita hereby approves and grants a License Agreement with Black Rock GJ, LLC for the use of the City's pipeline and pipeline easement for irrigation purposes and authorizes the City Manager to execute the License Agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THIS 6TH DAY OF SEPTEMBER, 2016.

CITY OF FRUITA

Lori Buck, Mayor

ATTEST:

Margaret Sell, City Clerk

LICENSE AGREEMENT

This LICENSE AGREEMENT ("Agreement") is made effective as of _____, 2016, by and between **BLACK ROCK GJ, LLC, a Colorado limited liability company**, of 710 S. 15th St., Grand Junction, CO 81501 ("Licensee") and **THE CITY OF FRUITA, COLORADO, a home rule municipal corporation**, of 325 E. Aspen, Fruita, CO 81521 ("Licensor").

In consideration of the mutual promises contained in this Agreement, the parties agree as follows:

SECTION ONE GRANT OF LICENSE; DESCRIPTION OF PREMISES

Licensor grants to Licensee a license to occupy and use, subject to all of the terms and conditions of this Agreement, the following described property located in Mesa County, Colorado:

The easement located in the E½W½, Section 29, Township 1 North, Range 2 West, Ute Meridian, as more specifically described on Exhibit "A" attached hereto ("Easement") and as depicted in the drawing attached thereto as Exhibit "A".

SECTION TWO LIMITATION TO DESCRIBED PURPOSE

Licensee desires to install an underground irrigation water pipeline to serve its property as described in Exhibit "B" attached hereto. Licensee shall install the irrigation pipeline in a workmanlike manner and shall return the surface to its original condition upon completion of the pipeline. Licensee shall have the right to use the existing line located in the Easement. The existing line is without warranty or representation as to condition. Any repairs or replacements shall be at Licensee's expense.

Nothing in this License Agreement shall be deemed to create in the Licensee any interest or estate in the real property of the Licensor. During the term of this License Agreement no interest or estate in the real property of the Licensor shall be created in the Licensee except by express deed or conveyance.

Licensee shall have the right to install its own water line. In the event of such installation the line shall be abandoned in place upon termination of this License.

SECTION THREE TERMINATION

A. This Agreement shall terminate twenty (20) years from the date hereof, unless extended for an additional term of twenty (20) years upon ninety (90) days written notice from Licensee to Licensor.

B. Upon termination of this Agreement, Licensee shall quit the above-described property, and shall return the property of Licensor to its original condition within six (6) months of termination.

C. Any termination of this Agreement, however caused, shall be entirely without prejudice to the rights of Licensor that have accrued under this Agreement prior to the date of such termination.

SECTION FOUR INDEMNITY

Licensee shall indemnify and hold harmless Licensor, its agents, successors and assigns from and against any and all claims, costs, expenses or damages incurred by or asserted against any of them related to or arising out of Licensee's use of Licensor's property hereunder. Such indemnity shall include, but not be limited to, Licensor's reasonable attorney fees, court costs and expenses of litigation. This indemnity shall include, but not be limited to, claims for bodily injury, property damage and mechanic's liens.

No fences, cattle guards or other improvements of Licensor, or the imposition of other safeguards to protect the rights and property of Licensor and surface lessee, if any, shall be cut or damaged by Licensee.

The Licensee agrees that it shall not pollute, contaminate, diminish or in any manner degrade the quality or quantity of any existing water or water resource affected by Licensee's activities on the subject lands.

The duty to conform to environmental laws and to abate the environmental damages resulting from activities of Licensee, both present and future, is the responsibility of the Licensee. Licensee will defend, indemnify and hold harmless the Licensor from any and all violations of environmental law including, but not limited to, hazardous waste, solid waste disposal, clean air, clean water and endangered species caused by Licensee's operations.

Licensee agrees to annually control noxious weeds on the project site and along water discharge drainages to prevent spreading of noxious weeds.

**SECTION FIVE
GOVERNING LAW**

It is agreed that this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Colorado.

**SECTION SIX
ASSIGNMENT**

Licensee's rights and obligations under this License Agreement shall not be transferable in whole or in part, voluntarily or involuntarily, without the prior written consent of Licensor, which Licensor may withhold, delay or condition in Licensor's sole and absolute discretion. Subject to the limitations stated in the preceding sentence, the terms and conditions of this Agreement shall bind and benefit Licensor, Licensee and their respective heirs, successors and assigns.

**SECTION SEVEN
ATTORNEY'S FEES**

In any action or proceeding concerning this License Agreement the prevailing party shall be entitled to recover its reasonable attorneys fees, court costs and expenses of litigation, all in amounts as determined by the judge or other presiding official in such action or proceeding in addition to any other rights and remedies to which they may be entitled.

**SECTION EIGHT
ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding on either party except to the extent incorporated in this Agreement.

**SECTION NINE
MODIFICATION OF AGREEMENT**

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by either party or an authorized representative of each party.

**SECTION TEN
NOTICES**

Any notice provided for or concerning this Agreement shall be in writing and shall be deemed sufficiently given when sent by U.S. Mail, prepaid certified or registered mail if sent to the respective address of each party as set forth at the beginning of this Agreement, or to any

subsequent address provided by either party during the term hereof using the same form of delivery as required for any notice hereunder.

“LICENSEE”

BLACK ROCK GJ, LLC, a Colorado limited liability company

By: _____
Alan Parkerson, Manager

“LICENSOR”

THE CITY OF FRUITA, COLORADO, a home rule municipal corporation

By: _____
Printed Name: _____
Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Black Rock GJ, LLC, a Colorado limited liability company, by Alan Parkerson, Manager.

WITNESS my hand and official seal.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by The City of Fruita, Colorado, a home rule municipal corporation, by _____, its _____.

Witness my hand and official seal.

Notary Public

THIS DEED, Made this 19th day of March, 19 73

between Kenneth J. Young, Lafayette Young, Jr.,
and Ross L. Williams
of the County of Mesa and state of
Colorado, of the first part, and Town of Fruita, a municipal
corporation,

of the County of Mesa and state of
Colorado, of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
TEN DOLLARS and other valuable consideration, ~~FOUR DOLLARS~~
to the said parties of the first part in hand paid by the said party of the second part, the receipt whereof
is hereby confessed and acknowledged, have remised, released, sold conveyed and QUIT CLAIMED, and by
these presents do remise, release, sell, convey and QUIT CLAIM unto the said party of the second part,
its ~~successors~~ successors and assigns, forever, all the right, title, interest, claim and demand which the said
parties of the first part have in and to the following described lot or parcel of land situate, lying and
being in the County of Mesa and State of Colorado, to wit:

10 feet on either side of the following described centerline: Com-
mencing at the SW Corner of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 29, Twp. 1 N, R. 2
W., U.M., and consideration the S line of the SW $\frac{1}{4}$ of Sec. 29 to
bear N 90°00'00" W with all other bearings contained herein relative
thereto; thence N 12° 12'07" E, 944.53 feet to a point on the N'ly
right of way line of Colorado State Highway No. 340 said point also
being the True Point of Beginning: thence N 26°07'30" E, 648.05 feet;
thence N 01°21'45" E, 311.24 feet; thence N 00°34'35" W, 429.19 feet;
thence N 09°49'00" E, 565.92 feet; thence N 09°35'35" E, 893.12 feet;
thence N 06°31'00" E, 282.71 feet; thence N 11°24'25" E, 171.65 feet;
thence N 14°11'40" E, 394.50 feet; thence N 06°03'10" E, 456.57 feet;
thence N 35°21'55" W, 140.11 feet; thence N 48°57'40" W, 167.50 feet;
thence N 25°35'40" W, 193.60 feet to a point on the N line of the
NW $\frac{1}{4}$ of said Sec. 29 from which the NE Corner of Sec. 29 is Easterly
3,179.84 feet, said point being the termination of the above de-
scribed easement; all being over and across the E $\frac{1}{2}$ W $\frac{1}{2}$ of said Sec.
29.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto
belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the
said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said
party of the second part, its ~~successors and assigns~~ successors and assigns forever.
IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands
and seal S the day and year first above written.

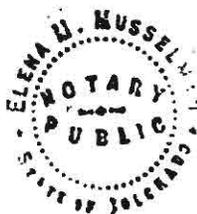
Signed, Sealed and Delivered in the Presence of

Ross L. Williams

Kenneth J. Young [SEAL]
Kenneth J. Young
Lafayette Young, Jr. [SEAL]
Lafayette Young, Jr.
Ross L. Williams [SEAL]
Ross L. Williams

STATE OF COLORADO, }
County of MESA } ss.

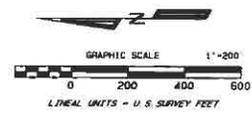
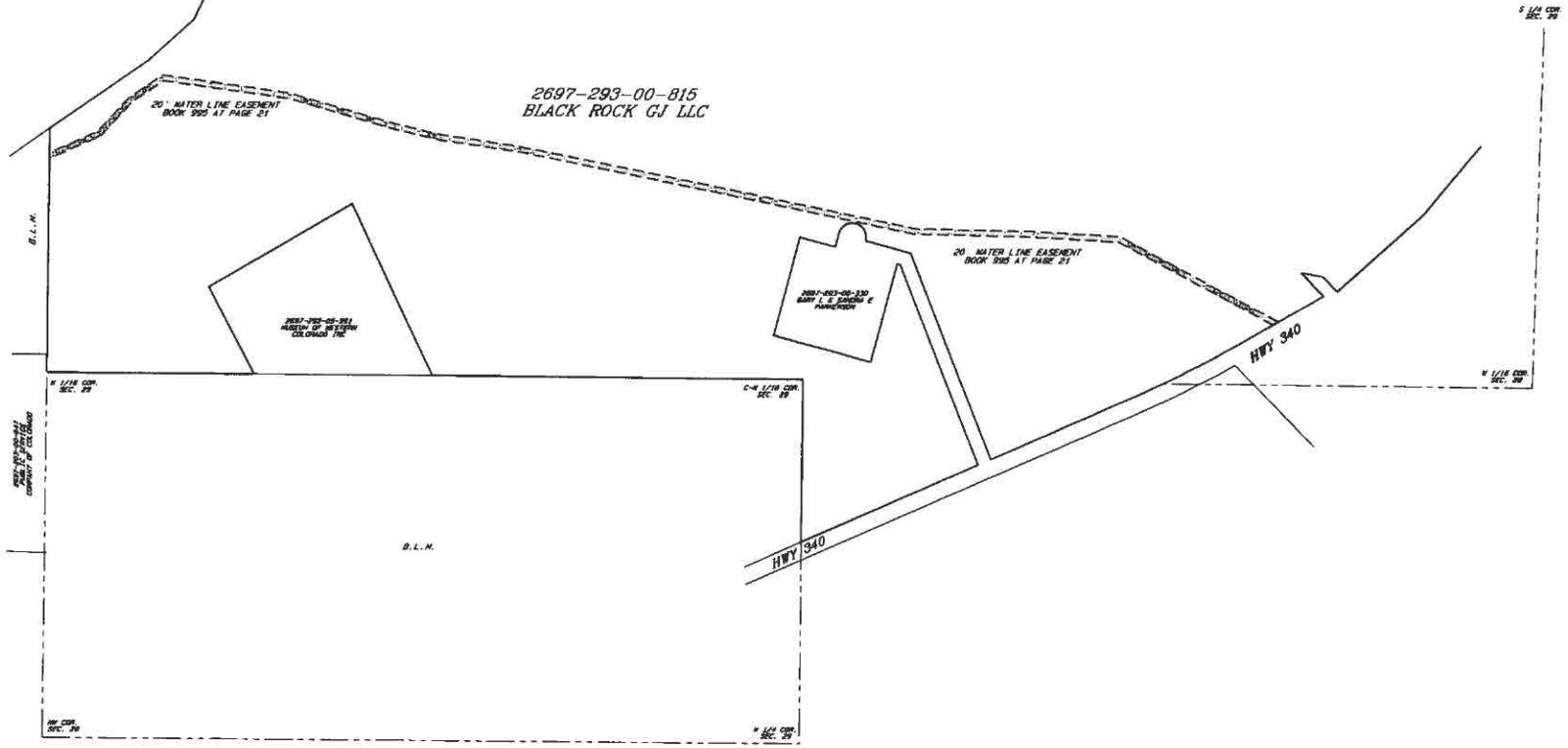
The foregoing instrument was acknowledged before me this 23rd day of March April
19 73, by* Kenneth J. Young, Lafayette Young, Jr., and Ross L.
Williams. My commission expires September 4, 1974
My commission expires 1974. Witness my hand and official seal.



Elena M. Muselman
Notary Public.

*If by natural person or persons here insert name or names; if by person acting in representative or official capacity or as attorney-in-fact, then insert name of person as executor, attorney-in-fact of other capacity or description; if by officer of corporation, then insert name of such officer or officers, as the president or other officers of such corporation, naming it.—Statutory Acknowledgment, Sec. 118-6-1 Colorado Revised Statutes 1961.

CITY OF FRUITA WATER LINE EASEMENT



CITY OF FRUITA WATER LINE EASEMENT SEC. 29 T1N, R2W, U.M.		
D H SURVEYS INC. 118 OURAY AVE - GRAND JUNCTION, CO. (970) 845-8749		
DESIGNED BY	CHECKED BY	JOB NO.
THOMAS	E.E.B.	08-07-20
DRAWN BY	DATE	SHEET
THOMAS	AUG. 2018	1 OF 1



Ken Brownlee, Assessor
 Real Property Record
 P.O. Box 20,000
 544 Rood Avenue
 Grand Junction, CO 81502

Full Color Print

Property Information (Report Date 7/19/2016)

Parcel Number: 2697-293-00-815
 Account Number: R014768
 Property Use: Agricultural
 Location Address:
 Mailing Address: 710 S 15TH ST
 GRAND JUNCTION, CO 81501
 Owner Name: BLACK ROCK GJ LLC
 Joint Owner Name:
 Neighborhood: AREA 29 (29.00)
 Associated Parcel: N/A
 Approx. Latitude: 39.128185
 Approx. Longitude: -108.730646



Legal Description

BEG N 0DEG28'52SEC E 78.87FT FR S4 COR SEC 29 1N 2W ALG CVE TO RIGHT RAD 1382.50FT CH BRS N 78DEG14'40SEC W 265.12FT N 72DEG45' W 180FT N 50DEG18'30SEC W 321.40FT N 41DEG35' W 416.40FT N 29DEG35'04SEC W 37.40FT N 48DEG28' E 73.60FT N 10DEG25' E 80.23FT S 48DEG28' W 116.70FT N 1.26FT W 11.77FT N 29DEG25'38SEC W 399.30FT ALG CVE TO RIGHT RAD 3733FT CH BRS N 26DEG35'19SEC W 369.76FT N 23DEG44'59SEC W 569.5FT N 68DEG39' E 795.55FT N 15DEG09' E 169FT ALG CVE TO LEFT RAD 50FT CH BRS N 15DEG09' E 100FT N 74DEG51' W 50FT N 15DEG09' E 131.60FT N 74DEG51' W 363FT S 15DEG09' W 363FT S 74DEG51' E 363FT S 15DEG09' W 12.40FT S 68DEG39' W 772.44FT N 23DEG44'59SEC W 896.67FT S 89DEG45'42SEC E 589.88FT N 0DEG07'40SEC E 1337.25FT N 84DEG29'15SEC E 674.89FT N 29DEG55' W 592.67FT S 62DEG15'39SEC W 351.31FT N 0DEG13'08SEC E 745.38FT S 89DEG37'04SEC E 889.12FT S 34DEG38'55SEC E 431.81FT S 42DEG23'22SEC E 218.09FT S 83DEG52'54SEC E 59.89FT S 0DEG08'50SEC W 2180.76FT S 0DEG08'50SEC W 1314.67FT S 0DEG28'52SEC W 1267.79FT TO BEG EXC STRIP 20FT WIDE CONVEYED TO FRUITA B-512 P-570 MESA CO RECDS - 142.83AC

Tax Information

Year	Property Code	Improvements (Actual)	Land (Actual)	Total (Actual)	Improvements (Assessed)	Land (Assessed)	Total (Assessed)	TAC Code	Mill Levy/1000	Water Assessment	Tax
2016	4147	\$0	\$3,590	\$3,590	\$0	\$1,040	\$1,040	12705	0.0598690	\$0.00	*\$62.28
2015	4147	\$0	\$3,590	\$3,590	\$0	\$1,040	\$1,040	12705	0.0598890	\$0.00	\$62.28
2014	4147	\$0	\$3,290	\$3,290	\$0	\$950	\$950	12705	0.0594990	\$0.00	\$56.52

*Current estimated tax is using previous year's Mill Levy (Mill Levy determined in December of current year)

Taxing Authority Detail

Year	Agency Name	Agency Abbrev.	TAC Code	Mill Levy	Total (Assessed)	Tax Per Agency
2015	COLORADO RIVER WATER CONSERVANCY	COLRW	12705	0.2430	\$1,040	\$0.25
2015	COUNTY - DEVELOP DISABLED	MCCCB	12705	0.2880	\$1,040	\$0.30
2015	COUNTY GENERAL FUND	MCGF	12705	9.2710	\$1,040	\$9.64
2015	COUNTY ROAD & BRIDGE-FULL LEVY	MCR_B	12705	0.4430	\$1,040	\$0.46
2015	COUNTY TRANSLATOR TV FUND	MCTV	12705	0.0270	\$1,040	\$0.03
2015	ELMWOOD CEMETERY DISTRICT	ECD	12705	0.5560	\$1,040	\$0.58
2015	GRAND RIVER MOSQUITO CTRL	GRMCD	12705	1.5130	\$1,040	\$1.57
2015	LIBRARY DISTRICT	LIBR	12705	3.0810	\$1,040	\$3.20
2015	LOWER VALLEY FIRE PROTECT	LVFD	12705	5.3340	\$1,040	\$5.55
2015	SCHOOL DIST# 51 2006 OVERID	SD51006	12705	2.4250	\$1,040	\$2.52
2015	SCHOOL DIST# 51 BOND	SD51B	12705	8.6590	\$1,040	\$6.93
2015	SCHOOL DIST# 51 GENERAL	SD51	12705	24.9610	\$1,040	\$25.96
2015	SCHOOL DIST# 51 OVERRIDE	SD51O	12705	2.8000	\$1,040	\$2.91
2015	SOCIAL SERVICES	MCSS	12705	2.2680	\$1,040	\$2.36
Tax Authority Contact Information			Total Mill:	59.8690	Total Tax:	*\$62.28

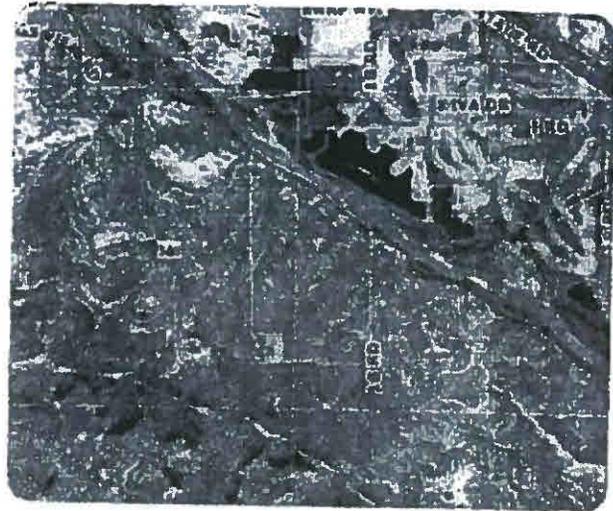


Ken Brownlee, Assessor
 Real Property Record
 P.O. Box 20,000
 544 Road Avenue
 Grand Junction, CO 81502

Full Color Print

Property Information (Report Date: 7/19/2016)

Parcel Number: 2697-294-00-814
 Account Number: R014779
 Property Use: Agricultural
 Location Address:
 Mailing Address: 710 S 15TH ST
 GRAND JUNCTION, CO 81501
 Owner Name: BLACK ROCK GJ LLC
 Joint Owner Name:
 Neighborhood: AREA 29 (29.00)
 Associated Parcel: N/A
 Approx. Latitude: 39.126471
 Approx. Longitude: -108.724677



Legal Description

BEG N 0DEG28'52SEC E 699.17FT FR S4 COR SEC 29 1N 2W N 0DEG28'52SEC E 657.49FT N 0DEG08'50SEC E 1314.67FT N 0DEG08'50SEC E 2180.76FT S 63DEG52'54SEC E 364.32FT S 45DEG57'12SEC E 274.85FT S 58DEG48'23SEC E 255.96FT S 63DEG17'29SEC E 504.23FT S 80DEG02'58SEC E 337.62FT S 48DEG02'05SEC E 452.94FT S 51DEG05'49SEC E 266.43FT S 56DEG42'43SEC E 726.51FT S 0DEG08'08SEC E 443.03FT S 0DEG25'46SEC W 2828.15FT N 89DEG51' W 1142.50FT N 54DEG20'30SEC W 86.09FT N 89DEG51' W 529.40FT S 87DEG54'19SEC W 237.28FT N 0DEG27'53SEC E 618.50FT N 89DEG49'31SEC W 659.66FT TO BEG - 229.97AC

Tax Information

Year	Property Code	Improvements (Actual)	Land (Actual)	Total (Actual)	Improvements (Assessed)	Land (Assessed)	Total (Assessed)	TAC Code	Mill Levy/1000	Water Assessment	Tax
2016	4147	\$0	\$5,790	\$5,790	\$0	\$1,680	\$1,680	12705	0.0598690	\$0.00	*\$100.56
2015	4147	\$0	\$5,790	\$5,790	\$0	\$1,680	\$1,680	12705	0.0598690	\$0.00	\$100.56
2014	4147	\$0	\$5,300	\$5,300	\$0	\$1,540	\$1,540	12705	0.0594980	\$0.00	\$91.64

*Current estimated tax is using previous year's Mill Levy (Mill Levy determined in December of current year)

Taxing Authority Detail

Year	Agency Name	Agency Abbrev.	TAC Code	Mill Levy	Total (Assessed)	Tax Per Agency
2015	COLORADO RIVER WATER CONSERVANCY	COLRW	12705	0.2430	\$1,680	\$0.41
2015	COUNTY - DEVELOP DISABLED	MCCCB	12705	0.2880	\$1,680	\$0.48
2015	COUNTY GENERAL FUND	MCGF	12705	9.2710	\$1,680	\$15.58
2015	COUNTY ROAD & BRIDGE-FULL LEVY	MCR_B	12705	0.4430	\$1,680	\$0.74
2015	COUNTY TRANSLATOR TV FUND	MCTV	12705	0.0270	\$1,680	\$0.05
2015	ELMWOOD CEMETERY DISTRICT	ECD	12705	0.5580	\$1,680	\$0.93
2015	GRAND RIVER MOSQUITO CTRL	GRMCD	12705	1.5130	\$1,680	\$2.54
2015	LIBRARY DISTRICT	LIBR	12705	3.0810	\$1,680	\$5.18
2015	LOWER VALLEY FIRE PROTECT	LVFD	12705	5.3340	\$1,680	\$8.96
2015	SCHOOL DIST# 51 2006 OVERID	SD51006	12705	2.4250	\$1,680	\$4.07
2015	SCHOOL DIST# 51 BOND	SD51B	12705	6.6590	\$1,680	\$11.19
2015	SCHOOL DIST# 51 GENERAL	SD51	12705	24.9610	\$1,680	\$41.93
2015	SCHOOL DIST# 51 OVERRIDE	SD51O	12705	2.8000	\$1,680	\$4.70
2015	SOCIAL SERVICES	MCSS	12705	2.2680	\$1,680	\$3.81
Tax Authority Contact Information			Total Mill:	59.8690	Total Tax:	*\$100.56



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: September 6, 2016

RE: Robinson Rental Conditional Use Permit

BACKGROUND

The applicants for this Conditional Use Permit (CUP) have requested that this land development application be continued from the City Council's September 6, 2016, public hearing to September 20, 2016, to allow time for the applicants to discuss the proposal with the surrounding property owners. Post cards have been sent to the surrounding property owners notifying them of this requested continuance.

This is a request for a CUP for a bed & breakfast use (also known as a vacation rental by owner, or VRBO) in a residential zone. The subject property contains 16,157 square feet and is located at 1424 Niblick Way in the Adobe Falls PUD Filing 1 Subdivision. The 400 square foot guest house attached to the 2,587 square foot main house on the property is intended to be used as a bed & breakfast. The Land Use Code requires a CUP for a bed & breakfast use in all residential zones.

The attorney for the homeowners association (HOA) for this subdivision has provided a letter stating that this use violates the covenants. All other property owners, including the developer of this subdivision who still owns a majority of the lots, also have provided written statements opposing this use and agreeing that the use violates the covenants.

The applicants have requested the continuance to allow time to talk to the surrounding property owners about the proposed vacation rental.



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: September 6, 2016

RE: Orchard House Vacation Rental Conditional Use Permit

BACKGROUND

This is a request for a Conditional Use Permit (CUP) for a vacation rental (bed & breakfast) on approximately .45 acres of land zoned Community Residential (CR) and located at 164 N. Orchard Avenue. The subject property contains a 1,452 square foot detached single family house. The entire home is intended to be available for rent on a less than month-to-month basis. The Land Use Code requires a CUP for to operate a bed and breakfast in a CR zone.

The applicant currently is remodeling the house and has obtained all permits required for the remodel. A certificate of occupancy will be required before the bed & breakfast becomes operational.

This CUP meets or can meet all approval criteria and standards that must be considered for CUPs with the condition that a certificate of occupancy be issued before the business becomes operational.

There are no major concerns with the proposed Conditional Use Permit. No reviewer expressed a concern and no written public comments have been received at this time.

At the August 9, 2016, Planning Commission public hearing, the Commission voted 6-0 to recommend approval of the proposed CUP on their consent agenda

FISCAL IMPACT

The proposed CUP should have a positive fiscal impact on the city. The use appears to be compatible with the surrounding area and should generate sales and lodger's taxes which are used to market and promote the city.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

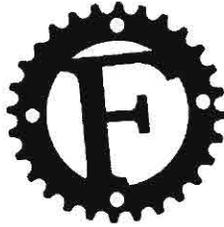
This CUP application meets or can meet all approval criteria and standards of Fruita's Land Use Code with the recommended conditions of approval. The Land Use Code (along with other regulatory documents such as Fruita's Design Criteria and Construction Specifications Manual) implement the city's goals and policies as outlined in the city's Master Plan including the Fruita Community Plan.

OPTIONS AVAILABLE TO COUNCIL

1. Deny the proposed Conditional Use Permit.
2. Approve the proposed Conditional Use Permit with or without conditions.

RECOMMENDATION

Staff recommends that the City Council move to approve the Orchard House Conditional Use Permit for a bed & breakfast with the condition that a certificate of occupancy be issued before the business becomes operational.



**Community Development Department
Staff Report
August 3, 2016**

Application #: 2016-18
Application Name: Orchard House Vacation Rental
Application Type: Conditional Use Permit
Representative: Brian Young
Property Owner: Danen Friedly
Location: 164 N. Orchard Avenue
Zone: Community Residential
Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). The Fruita Land Use Code requires a Conditional Use Permit to operate a Bed and Breakfast in a Community Residential zone.

Project Description:

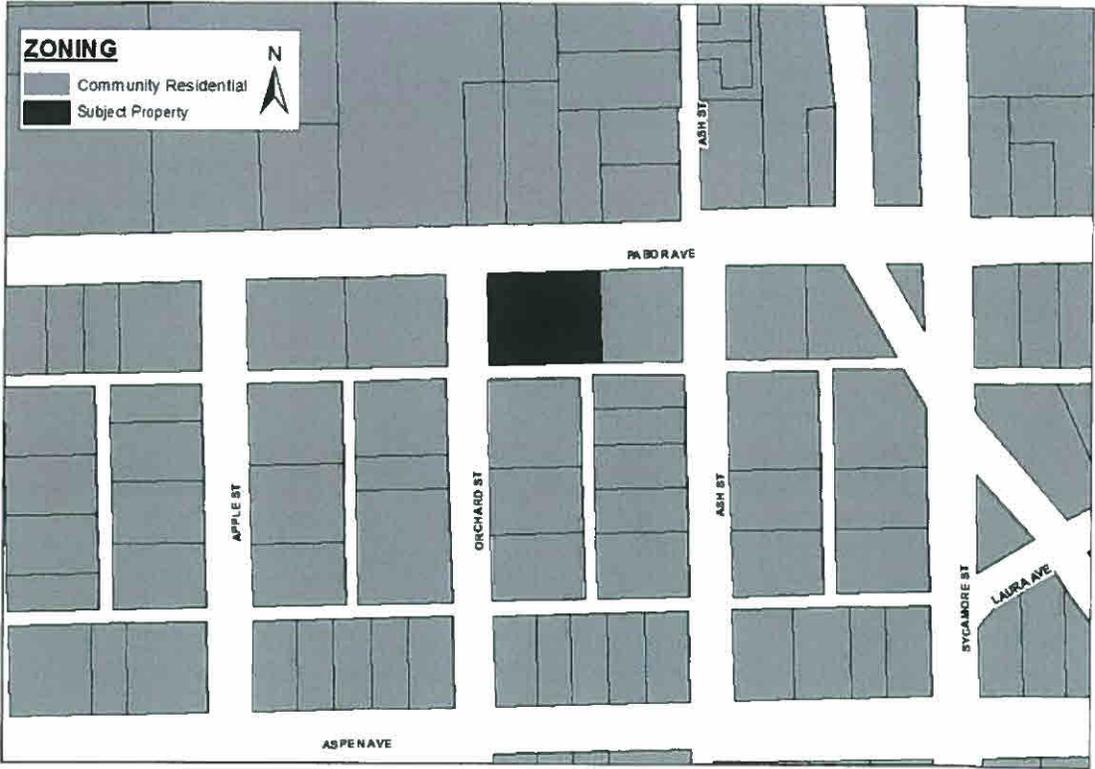
The subject property contains a 1,452 square foot detached single family house on an approximately .45 acre lot located on the southeast corner of Orchard Street and Pabor Avenue. The property owner has requested a Conditional Use Permit (CUP) to use the property for a vacation rental by owner.

The entire home is intended to be available for rent on a less than month-to-month basis. The Land Use Code defines this type of use as a Bed & Breakfast which requires a CUP in the Community Residential (CR) zone.

Surrounding Land Uses and Zoning:

The property is surrounded by Community Residential zoning and other than a duplex directly to the west, the property is surrounded by single family detached houses. In this area, there is a vacation rental across the street to the north, one across the street to the east, and another one at the south end of the alley, south of the subject property.

ZONING MAP



2015 AERIAL PHOTOGRAPH



Review of Applicable Land Use Code Requirements:

Table 17.07.060(F) of the Land Use Code requires a Conditional Use Permit (CUP) for Bed & Breakfast type of land use in the Community Residential zone. The Land Use Code defines a Bed & Breakfast as a facility of residential character that provides sleeping accommodations with or without meals for hire on a day-to-day basis with no more than four guest rooms. It is not required to be owner occupied.

Section 17.07.070, Supplemental Zoning Regulations and Standards, Section A, identifies conditions and standards that must be met for a Bed & Breakfast use:

- 1. Where the applicable zoning district allows bed and breakfast uses as a Conditional Use, the use must be a residential dwelling that contains no more than four (4) guest bedrooms where overnight**

lodging, with or without meals, is provided for compensation. Bed and Breakfast uses with more than four (4) guest bedrooms are considered hotels or motels;

The entire dwelling unit is intended to be used as the Bed and Breakfast. According to the Mesa County Assessor, this home contains 2 bedrooms and 1 ¼ bathrooms.

- 2. Kitchen and dining facilities in bed and breakfast dwellings may serve only residents and guests and shall not be operated or used for any commercial activity other than that necessary for bed and breakfast purposes;**

The representative knows and understands that the kitchen and dining facilities may only serve the guests. However, this is not directly expressed in the Project Narrative.

- 3. The bed and breakfast use shall not change the residential character of the dwelling if located in a residential zone or area;**

Staff believes that the residential character of this property will not change. According to the project narrative, "the property will maintain its compatibility with adjacent properties and will not have a severe or disproportionate impact on other uses."

- 4. In residential zones (including residential developments in the CMU zone), there shall be no advertising display or other indication of the bed and breakfast use on the premises other than a sign that is in compliance with the provisions of Chapter 17.41;**

Chapter 17.41 of the Land Use Code permits an Address or Identification Sign, identifying the address and/or the occupants of a dwelling unit or of an establishment, with a maximum size of two square feet and a maximum height of four feet for a sign in this zone. No illumination of this sign is permitted. There are no signs on the subject property at this time. And according to the project narrative, "There will be no signs on the property for advertisement."

- 5. A minimum of one parking space per guest bedroom and resident bedroom shall be required. Screening may also be required;**

Parking for guests will be provided by two parking spots under the carport and two in the paved driveway. Screening the parking area is not recommended.

- 6. The bed and breakfast facility shall comply with all Building Codes adopted by the city;**

The applicant is currently doing some remodeling on the interior of the house. The applicant has received all permits required for the remodel. A certificate of occupancy will be required before the Bed & Breakfast becomes operable.

- 7. It shall be the responsibility of the applicant to demonstrate that the relevant subdivision's declarations, covenants, conditions or restrictions allow for a bed and breakfast use and/or associated signing; and**

There is no HOA associated with this property. All property owners within 350 feet of the subject property have been notified of this CUP application. At this time, staff has received no written public comments regarding this application.

- 8. Where a bed and breakfast use is subject to Conditional Use Permit approval, any existing or proposed uses in addition to that of a dwelling unit (e.g. home occupation, accessory dwelling unit, etc.) are considered as part of the conditional use review.**

Staff is unaware of any other existing or intended use of this property other than as a dwelling unit and/or as a short term rental as proposed by this CUP request.

Based on this information, this CUP request for a Bed & Breakfast meets or can meet the supplemental zoning regulations and standards of the Land Use Code.

Chapter 13 of the Land Use Code identifies the approval criteria that must be considered for CUP requests. The Code defines a CUP as a use which, because of its unique or varying characteristics, cannot be properly classified as an allowed use in a particular zone district. After due consideration, as provided for in Section 17.13.040 of the Land Use Code, of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

Section 17.13.040, Conditional Uses, of the Land Development Code requires that a conditional use be approved after considering the following:

- 1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Master Plan;**

Based on this review, the proposed conditional use can be consistent with the provisions and purposes of this Title (the Land Use Code), which is to promote the health, safety and welfare of the present and future inhabitants of the community, and with the purposes of the Community Residential zone, which is to allow for moderate density single-family neighborhoods . If the supplemental zoning regulations and standards (identified above) are met along with the approval criteria for CUPs, this criterion can be met. The Land Use Code is one of the main documents used to implement the goals and policies of the City's Master Plan.

2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.07.080;

Section 17.07.080 requires that a proposed development be compatible with adjacent properties, considering both existing and potential land uses on adjacent properties. For all land uses, "compatibility" is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved, and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone. The review authority may require conditions of approval to promote compatibility between a proposed use and existing uses in the vicinity to ensure compatibility.

It appears that this proposed vacation rental will be compatible with the Community Residential zoning uses and with the houses that surround the subject property. This criterion has been met.

3. The proposed use will not materially endanger the public health or safety; and

Use of the house for a vacation rental is not expected to endanger the public health or safety. According to the project narrative, "Relatives to the owner (Brian and Shannon Young- 632 E. Pabor) live across the street from the property and will be responsible for the property. Renters will have contact information for Brian & Shannon so that any issues that arise can be handled in a timely manner." This criterion can be met.

4. Public services and facilities including, but not limited to, transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.

Public services and facilities have been available to this property and will continue to be available to this property while it is used as a vacation rental. The impacts are not expected to be any greater than those generated by a single family residence. This criterion has been met.

Based on this information, this requested Conditional Use Permit meets or can meet all approval criteria for Conditional Use Permits and all supplemental zoning standards.

Review Comments:

All review comments received are included with this Staff Report. There are no concerns from reviewers regarding this Conditional Use Permit request.

Public Comments:

No written public comments have been received regarding this application.

Staff Recommendation:

Because all of the approval criteria for Conditional Use Permits and all supplemental zoning standards and regulations either are or can be met, Staff recommends approval of the proposed Bed & Breakfast with the condition that a certificate of occupancy be issued for the house before the business becomes operational.

Fruita Planning Commission: August 9, 2016

Fruita City Council: September 6, 2016

City of Fruita

Conditional Use Permit application

164 North Orchard Ave, Fruita Co 81521

"Orchard House" Vacation rental

Project Narrative

The goal of this project is to allow visitors who vacation in Fruita and be able to feel "at home" rather than staying in hotels. This property is easy walking distance to downtown as opposed to hotels in the area so for events such as festivals, visitors have the option to walk rather than parking downtown. The property is currently being remodeled under City & County permits and is intended to be fully furnished and ready for vacationers. A certificate of occupancy will be obtained from Mesa County before the property will be rented.

Project Compliance, Compatibility and Impact

*The proposed property is located on a .45 acre lot on the southeast corner of Pabor and Orchard. Currently zoned as "CR" (Community Residential), this property is eligible for Bed and Breakfast (1-4 guest rooms) per section 17.07.060 (F) Land Use / Zoning Table in the Fruita Land Use Code.

*The proposed use will not materially endanger the public health and safety.

*With the proposed conditional use, the property will maintain its compatibility with adjacent properties and will not have a severe or disproportionate impact on other uses.

*There is room for four vehicles to park on the property. Two under the carport and two in the paved driveway (see attached survey plat).

* Utility use on the property is expected to be lower than full time normal use as the residence is not continuously occupied. Utilities are typical gas, electric, water, sewer, irrigation and city trash service. Other public services such as transportation systems, wastewater disposal and treatment, police and fire will not require any more attention with this permit.

Other pertinent information:

*Relatives to the Owner (Brian and Shannon Young – 632 E. Pabor) live across the street from the property and will be responsible for the property. Renters will have contact information for Brian & Shannon so that any issues that arise can be handled in a timely manner.

*Renters will need to provide a valid credit card in order to book the property and the renter will need to be at least 25 years old.

*Rentals will typically range from 2 to 60 days.

*There will be no signs on the property for advertisement.

*A list of rules and regulations, along with contact information will be posted in the property for renters.



LAND DEVELOPMENT APPLICATION

Project Name: "ORCHARD HOUSE" VACATION RENTAL
 Project Location: 164 N. ORCHARD AVE
 Current Zoning District: RESIDENTIAL Requested Zone: VACATION RENTAL
 Tax Parcel Number(s): 2697-171-07-002 Number of Acres: .45
 Project Type: _____

Property Owner: DANEN FRIEDLY Developer: _____
 Property Owner: _____ Contact: _____
 Address: 630 E. PAROE AVE Address: _____
 City/State/Zip: FRUITA CO. 81521 City/State/Zip: _____
 Phone: 970 985-8431 Fax: NA Phone: _____ Fax: _____
 E-mail: danenfriedly@co.garco.co.us E-mail: _____

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: BRIAN YOUNG Engineer: _____
 Contact: BRIAN YOUNG Contact: _____
 Address: 632 E. PAROE AVE Address: _____
 City/State/Zip: FRUITA CO. 81521 City/State/Zip: _____
 Phone: 970 433-1598 Fax: _____ Phone: _____ Fax: _____
 E-mail: b.young@fscd.com E-mail: _____

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.
The above information is correct and accurate to the best of my knowledge.

DANEN FRIEDLY Signature [Signature] Date June 6, 2016
 Name of Legal Owner Signature Date

 Name of Legal Owner Signature Date

 Name of Legal Owner Signature Date

STATE OF COLORADO) State of Florida
) ss.
 COUNTY OF MESA) County of Miami-Dade

The foregoing instrument was acknowledged before me this 6 day of June, 2016
 My Commission expires: April 17, 2020

[Signature]
 Notary Public



VESTED RIGHTS OPTION FORM

Chapter 17.47 of the Fruita Land Use Code requires a landowner to request vested rights in writing at the time a Land Development Application is submitted IF the landowner wishes the approval of the Land Development Application to create a vested property right pursuant to Sections 24-68-101. *et seq.*, C.R.S.

The purpose of this document is to clearly identify whether or not a property owner is requesting creation of a vested right.

I, DANEN FRIEDLY, understand the City's requirements regarding vested rights and the need to request vested rights at the time a Land Development Application for a Site Specific Development Plan is submitted IF I want a vested property right to be created with the approval of my Land Development Application.

Name of the Land Development Application: ORCHARD HOUSE VACATION RENTAL

Address of subject property: 164 N. ORCHARD AVE

Tax Parcel Number(s): 2697-171-07-002

Application Type:

Site Design Review Conditional Use Permit Minor Subdivision
 Major Subdivision Planned Unit Development Other

Vested Rights ARE requested for this development. I understand and acknowledge that certain delays in my project's approval time may result in order to meet the hearing and notice requirements of state law for the creation of a vested property right.

Vested Rights ARE NOT requested for this development, and I choose to voluntarily waive this right. I have been advised by the City to consult an attorney prior to signing this waiver. Further, I understand that this waiver does not abridge any common law vested rights which I may acquire nor does it diminish any right which may exist under the City's land use regulations, except for Chapter 17.47 of the Fruita Land Use Code.

Property Owner Signature: *Danen Friedly*

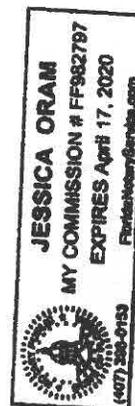
Property Owner Signature: _____

STATE OF COLORADO) State of Florida
COUNTY OF MESA) County of Miami Dade

The foregoing instrument was acknowledged before me this 6th day of June, 2016
by Danen Friedly (Property Owners name(s)).

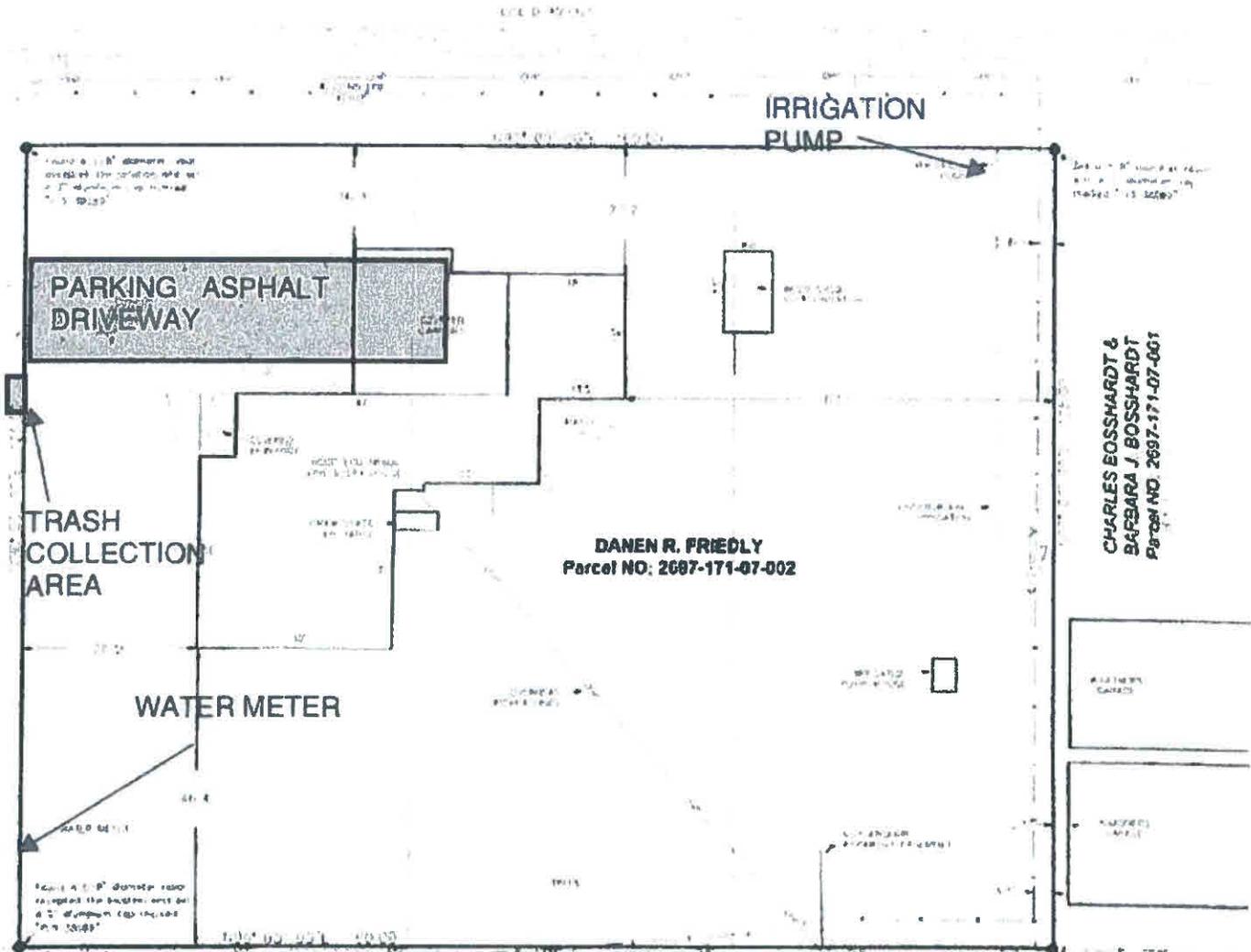
WITNESS MY HAND AND OFFICIAL SEAL

My Commission Expires: April 17, 2020 Notary Public: *Jessica Oram*



IMPROVEMENT SURVEY PLAT

Of Lots 3, 4 and 5 in Block 2 of Varis Addition in Lot Sixty of Orchard Subdivision.
 Located in the SW 1/4 of the NE 1/4 of Section 17,
 Township 1 North, Range 2 West of the 11th Principle Meridian,
 City of Fruita, County of Mesa, State of Colorado



CHARLES BOSSHARDT &
 BARBARA J BOSSHARDT
 Parcel NO. 2697-171-07-001

1. The plat is a true and correct copy of the original survey plat as shown on the ground and as shown on the original survey plat as shown on the ground and as shown on the original survey plat as shown on the ground.

- PLAT NOTES:**
1. The plat is a true and correct copy of the original survey plat as shown on the ground and as shown on the original survey plat as shown on the ground.
 2. The plat is a true and correct copy of the original survey plat as shown on the ground and as shown on the original survey plat as shown on the ground.
 3. The plat is a true and correct copy of the original survey plat as shown on the ground and as shown on the original survey plat as shown on the ground.
 4. The plat is a true and correct copy of the original survey plat as shown on the ground and as shown on the original survey plat as shown on the ground.
 5. The plat is a true and correct copy of the original survey plat as shown on the ground and as shown on the original survey plat as shown on the ground.

2. The plat is a true and correct copy of the original survey plat as shown on the ground and as shown on the original survey plat as shown on the ground.

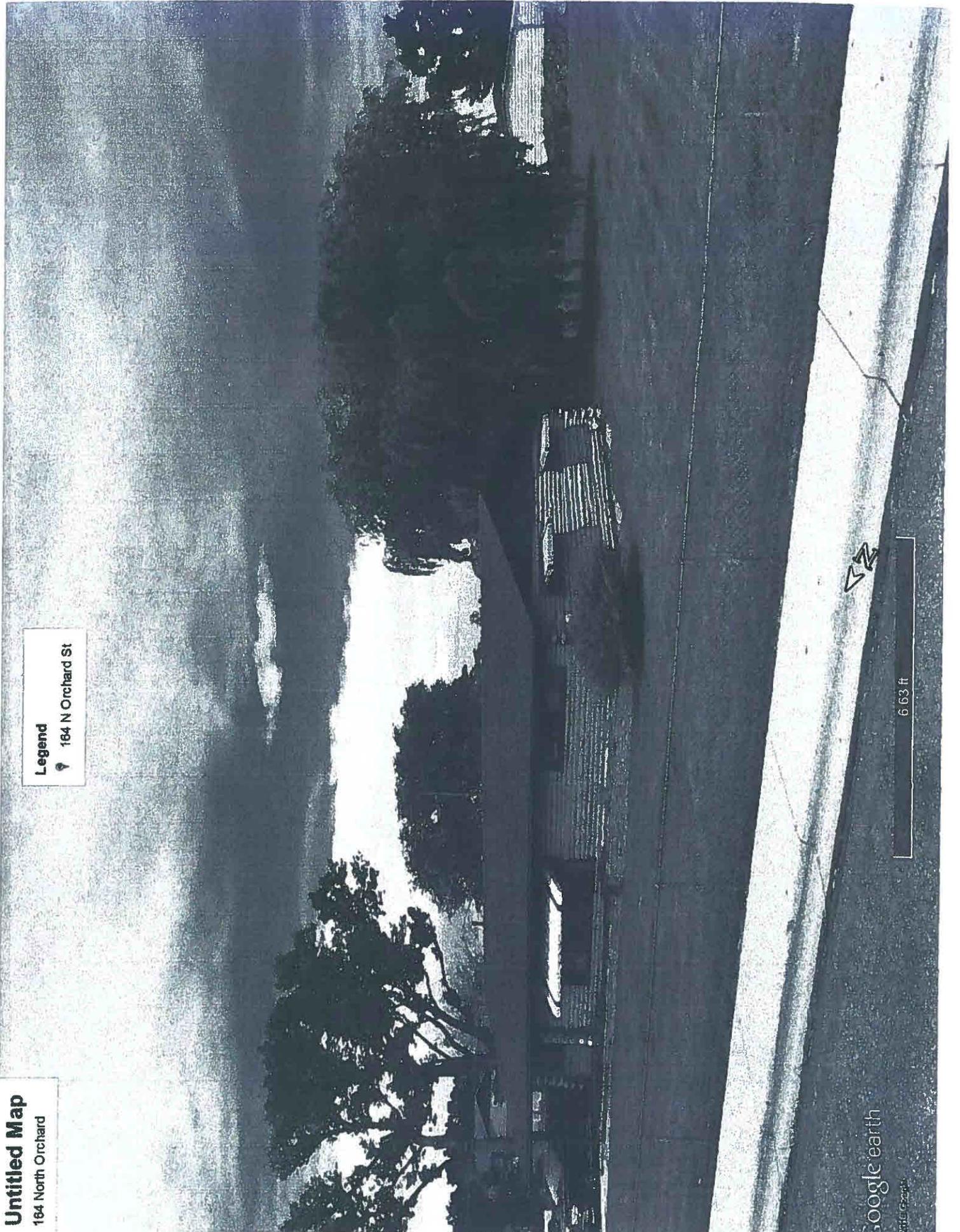
IMPROVEMENT SURVEY PLAT
 For Danen R. Friedly
 Lots 3, 4 and 5 in Block 2 of Varis Addition
 in Lot Sixty of Orchard Subdivision
 Located in the SW 1/4 of the NE 1/4 of Section 17,
 Township 1 North, Range 2 West of the 11th Principle Meridian
 City of Fruita, County of Mesa, State of Colorado

CR SURVEYING
 1700 S. 10th St. Suite 100
 Fruita, CO 81521
 Phone: (970) 861-1111
 Fax: (970) 861-1112

- * APPROXIMATELY .45 ACRES
- * PROPOSED USED IS VACATION RENTAL PROPERTY
- * RESIDENCE IS APPROXIMATELY 1450 SF

Untitled Map
164 North Orchard

Legend
📍 164 N Orchard St



164

6.63 ft

Google earth
2016 Google

Untitled Map

164 North Orchard

Legend

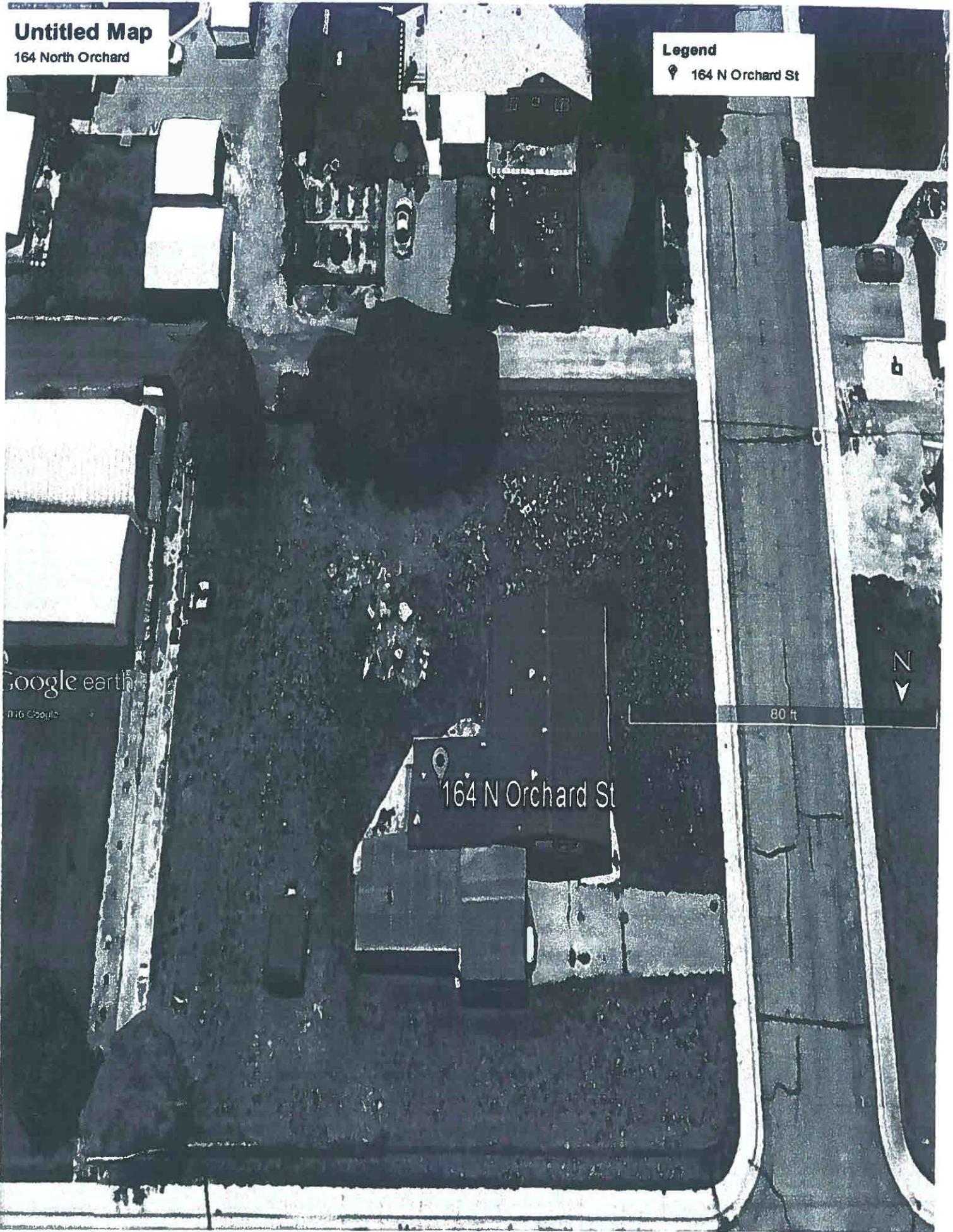
📍 164 N Orchard St

Google earth

© 2016 Google

📍 164 N Orchard St

80 ft



Fruita Planning Commission

Tuesday, August 9, 2016

A. CALL TO ORDER

Chair Doug Van Etten called the meeting to order at 7:00 pm. Members in attendance were: Janet Brazfield, Doug Van Etten, Keith Schaefer, Dave Karisny, and Heidi Jo Elder. Richard Hocter was excused absent.

There were about 35 people from the public in attendance.

B. PLEDGE OF ALLEGIANCE

Doug Van Etten led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None.

D. APPROVAL OF THE AGENDA

Keith Schaefer- I move to approve the agenda

Dave Karisny- I second.

Doug Van Etten- We have a motion and a second for approval of the agenda as written.

6 yes votes; motion passes

E. WITHDRAWN ITEMS

None.

F. CONTINUED ITEMS

Doug Van Etten read the application as follows and put on the record that this application is continued tentatively until September 13, 2016 Planning Commission meeting

Application #:	2016 -22
Project Name:	Chapter 7, Zoning, Uses and General Requirements
Application:	Land Use Code Amendment
Representative:	Dahna Raugh, City of Fruita
Request:	This is a request to amend Chapter 7 of the Fruita Land Use Code.

G. CONSENT ITEMS

Doug Van Etten read the following items on the Consent Agenda as follows:

Application #: 2016-18
 Applicant: Brian Young
 Application Name: Orchard House
 Application Type: Conditional Use Permit
 Location: 164 N. Orchard Avenue
 Zone: Community Residential
 Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). The Fruita Land Use Code requires a Conditional Use Permit to operate a Bed and Breakfast in a Community Residential zone.

Application #: 2016-23
 Application Name: Sign Code Amendment
 Application Type: Land Use Code Amendment
 Applicant: City of Fruita
 Description: A request to amend Chapter 41 of the Fruita Land Use Code regarding Signs.

APPROVAL OF MINUTES

July 12, 2016 Planning Commission meeting

Janet Brazfield- I move that we approve the consent agenda as presented.

Mel Mulder-Second.

6 yes votes; motion passes.

H. HEARING ITEMS

Doug Van Etten read the application as follows:

Application #: 2016-19
 Application Name: US Tractor
 Application Type: Site Design Review
 Applicant: Nick Nipple
 Location: 1984 Highway 6 & 50
 Zone: General Commercial