



**FRUITA CITY COUNCIL
MAY 18, 2021
7:00 P.M.**

Public Link to Meeting

When: May 18, 2021 7:00 PM Mountain Time (US and Canada)

Topic: City Council Meeting – 05/18/21

The link to join the meeting electronically will be posted on 05/18/21 prior to the meeting at <https://www.fruita.org/citycouncil/page/council-meeting-information> or under “Council Meeting Information.” You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting.

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION** – Proclaiming the week of May 16 – 23, 2021 as “National Public Works Week” in the City of Fruita to be accepted by Fruita Public Works Director Kimberly Bullen

5. PUBLIC PARTICIPATION

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

6. CONSENT AGENDA

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

- A. MINUTES** - A request to approve the minutes of the May 4, 2021 Regular City Council Meeting

- B. BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Mary Midgett to the Board of Adjustments for a three-year term to expire in May of 2024
- C. BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Aaron Hancey to the Planning Commission as an alternate member to fulfill an unexpired term to expire in June of 2025
- D. BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Troy Hayes to the Police Commission for a three-year term to expire in May of 2024
- E. FINANCIAL REPORTS** – A request to approve the April 2021 Financial Reports
- F. RESOLUTION 2021-13** - A request to approve a resolution incorporating property into the City of Fruita operated and maintained irrigation system (Ash Street Irrigation)
- G. RESOLUTION 2021-14** – Approving the Final Release of the Subdivision Improvements Agreement for the Brandon Estates Filing 3, Phase 2C Subdivision

7. PUBLIC HEARINGS

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

- **LEGISLATIVE** – Legislative public hearings are held when the City Council is considering an item that establishes legislation such as an ordinance amending or establishing laws of the city. Interactions by members of the public with the City Council or individual members is permissible on items of a legislative nature.
- **ORDINANCES** - After introduction of an Ordinance (First Reading), a public hearing date is set and notice of the hearing is published in the newspaper. Staff presents the ordinance on Second Reading and the hearing is opened to the public for public input. After comments from the public, the Mayor will close the hearing and bring the Ordinance back to the City Council for discussion and potential action. The Council will make a motion to approve the Ordinance or take no action. In the event the ordinance is approved, it will become effective 30 days after adoption.
- **QUASI-JUDICIAL** – Quasi-judicial public hearings are held when the City Council is acting in a judicial or judge like manner and a person with a legitimate interest is entitled to an impartial decision made on the basis of information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of the City Council) outside of the Public Hearings and meetings on the subject application. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:
 - 1) **Staff presentation** Staff will present the comments and reports received from review agencies and offer a recommendation.
 - 2) **Applicant Presentation** The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all the main points of the project.
 - 3) **Public Input** (limit of 3 minutes per person) Speakers must step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
 - 4) **The public hearing is closed to public comments.**
 - 5) **Questions from the Council.** After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
 - 6) **Make a motion.** A member of the City Council will make a motion on the issue.
 - 7) **Discussion on the motion.** The City Council may discuss the motion.
 - 8) **Vote.** The City Council will then vote on the motion.

A. LEGISLATIVE HEARINGS

- 1) RESOLUTION 2021-12 - A request to approve a Resolution amending the 2021 Annual Budget with a transfer of money between funds and supplemental appropriation of those funds for extension of the N. Maple Sewer and Street improvements project and N Ash Irrigation Line Extension – *City Clerk and Finance Director Margaret Sell*

B. QUASI-JUDICIAL HEARINGS

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – CO2UT GRAVEL RACE- A request to approve a Special Event Liquor Permit Application for the Fruita Rotary Club to sell beer on Saturday, May 22, 2021 from 11:30 am to 7:30 pm in Civic Center Memorial Park located at 325 E. Aspen Ave. - *Deputy City Clerk Deb Woods*

8. ADMINISTRATIVE AGENDA

- A. Capital Projects Update – *Sam Atkins, City Engineer*
- B. Municipal Court Update – *Judge Daniel Robinson*

9. CITY MANAGER’S REPORT

10. COUNCIL REPORTS AND ACTIONS

- A. COUNCIL MEETINGS – Discussion and possible action to cancel the May 25, 2021 workshop meeting and schedule a visit to Moon Farm for the City Council on May 25, 2021 at 6:30 pm
- B. COUNCIL REPORTS AND ACTIONS
- C. EXECUTIVE SESSION - Discussion and possible action to consider a motion to convene in Executive Session regarding personnel issues under §24-6-402(4)(F), C.R.S. (Municipal Court Judge informal review) (Judge Robinson will attend virtually) (*Moved from 5/4/21 Council meeting Due to length of Dwell PUD Preliminary Plan Public Hearing*)
- D. EXECUTIVE SESSION - Discussion and possible action to consider a motion to convene in Executive Session pursuant to § 24-6-402(4)(b) and (e), C.R.S. for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators with respect to affordable housing financing and operations

11. ADJOURN



National Public Works Week Proclamation

May 16 – 23, 2021

“Stronger Together”

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

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

WHEREAS, the efforts of the public works professionals in this community focus on providing core services that directly impact the City of Fruita’s strategic outcomes of enhancing Quality of Place, Economic Health, and Lifestyle of the community; and,

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

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association,

NOW, THEREFORE, BE IT RESOLVED that the Fruita City Council proclaims the week of May 16th through the 23rd, 2021 as National Public Works Week and urges all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in paying tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Fruita this 18th day of May 2021.

Joel Kincaid, Mayor of the City of Fruita, Colorado



**FRUITA CITY COUNCIL
VIRTUAL MEETING
MAY 4, 2021
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:02 p.m. The meeting was held both in-person and with virtual access provided through Zoom.

City Council members present:

Mayor Joel Kincaid
Mayor Pro Tem Lori Buck
City Councilor Ken Kreie
City Councilor Kyle Harvey
City Councilor Heather O'Brien
City Councilor Matthew Breman
City Councilor Karen Leonhart

Excused absent: (None)

City staff present:

City Manager Mike Bennett
Assistant to the City Manager Shannon Vassen
Deputy City Clerk Deb Woods
City Attorney Paul Wisor
Planning & Development Director Dan Caris
City Planner Henry Hemphill
City Engineer Sam Atkins
Members of the public

2. PLEDGE OF ALLEGIANCE

Mayor Kincaid led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

Mayor Kincaid noted that a decision had been made to move the Executive Session (Item 10.B) for the Municipal Court Judge's informal review from this meeting to the May 18, 2021 Council meeting in anticipation that the Dwell Planned Unit Development (PUD) Preliminary Plan public hearing would make the meeting run later into the night than usual. Deputy City Clerk Deb Woods responded that there were no other changes to the agenda.

- **COUNCILOR BUCK MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION – PROCLAIMING MAY 9 – 15, 2021 AS “POLICE WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY A MEMBER OF THE FRUITA POLICE DEPARTMENT**

The Proclamation was read by Mayor Pro Tem Lori Buck.

Mayor Kincaid noted that Fruita Police Officer Clem Rodriguez received a call for service and had to leave the meeting to respond to it, so Mesa County Undersheriff Todd Rowell and Palisade Chief of Police Deb Funston accepted the Proclamation on behalf of the Fruita Police Department. They thanked the City Council and the community for their support.

- B. PROCLAMATION – “ARMED FORCES DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY COMMANDER KJ KLINE OF AMERICAN LEGION POST 2006**

Councilor Leonhart read the Proclamation, which was accepted by Commander KJ Kline.

- C. PROCLAMATION – MEMORIAL DAY PROCLAMATION TO BE ACCEPTED BY COMMANDER KJ KLINE OF AMERICAN LEGION POST 2006**

Councilor Kreie read the Proclamation, which was also accepted by Commander KJ Kline on behalf of veterans and in honor of those that made the ultimate sacrifice. He invited everyone to a Memorial Day Service on Monday, May 31st at 10:00 a.m. at Elmwood Cemetery.

- D. PROCLAMATION – PROCLAIMING MAY 3 – 7, 2021 AS “TEACHER APPRECIATION WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY ANGELA CHRISTENSEN, EXECUTIVE DIRECTOR OF MESA COUNTY SCHOOL DISTRICT #51**

Councilor O’Brien read the Proclamation, which was accepted by Dr. Diane Sirko, Superintendent of Mesa County Valley School District 51 and Angela Christensen, Executive Director of District 51 on behalf of the District’s teachers. Dr. Sirko spoke about how this year across the country, many teachers refused to go to work due to the coronavirus pandemic but D51 teachers not only went into work, but also emailed her to make sure that schools would be reopened. Ms. Christensen thanked the Fruita City Council for issuing the Proclamation for the fifth year in a row. She stated that the Proclamation is shared with the entire School District and it makes a big impact on them to see that kind of support.

- E. PROCLAMATION – PROCLAIMING MAY 9 – 15, 2021 AS “NATIONAL HOSPITAL WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY**

FAMILY HEALTH WESTS' STACEY MASCARENAS, DIRECTOR OF PUBLIC RELATIONS & COMMUNICATIONS, DR. KORREY KLEIN, PRESIDENT/CEO AND LORI RANDALL, EXECUTIVE VICE PRESIDENT OF OPERATIONS

The Proclamation was read by Councilor Harvey and subsequently accepted by Family Health Wests' (FHW's) Stacey Mascarenas, Director of Public Relations & Communications on behalf of Dr. Klein and Executive VP Lori Randall, who were unable to attend the meeting.

FHW is celebrating its 75th Anniversary this year; there will be a big celebration in July and an employee recognition event has been scheduled for the upcoming week.

5. PUBLIC PARTICIPATION

There were no comments from the public after Mayor Kincaid reminded the audience that there would likely be people attending the meeting remotely to provide input for the Dwell public hearing whereby, he would alternate between taking public comment in person and virtually.

6. CONSENT AGENDA

A. MINUTES:

- 1) A REQUEST TO APPROVE THE MINUTES OF THE APRIL 20, 2021 REGULAR (VIRTUAL) CITY COUNCIL MEETING**
- 2) A REQUEST TO APPROVE THE MINUTES OF THE APRIL 27, 2021 CITY COUNCIL WORKSHOP MEETING**

B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A RETAIL LIQUOR STORE LICENSE – MALT, VINOUS AND SPIRITUOUS FOR JACKALOPE LIQUORS LOCATED AT 404 JURASSIC AVE., UNIT B

C. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF LOUIS BRACKETT TO THE PARKS AND RECREATION ADVISORY BOARD FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN MAY OF 2024

D. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF NANCY PATTERSON TO THE ARTS & CULTURE ADVISORY BOARD FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN MAY OF 2024

E. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF BRUCE BONAR TO THE BOARD OF ADJUSTMENTS FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN MAY OF 2024

F. RESOLUTION 2021-11 – SUPPORTING A GRANT APPLICATION TO THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR THE REVITALIZING MAIN STREETS PROGRAM FOR SOUTH MESA STREET IMPROVEMENTS

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

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

7. PUBLIC HEARINGS

Mayor Kincaid explained the steps in the process to the audience of how the public hearings were to be held.

A. QUASI-JUDICIAL HEARINGS

1) GRAND VALLEY ESTATES FILING 3 – A REQUEST TO APPROVE A PRELIMINARY PLAN FOR GRAND VALLEY ESTATES FILING 3 LOCATED AT 1848 J ROAD

STAFF PRESENTATION:

City Planner Henry Hemphill gave staff's PowerPoint presentation. He reviewed slides consisting of:

- Application description:
 - 1848 J Road
 - Preliminary Plan
 - Community Residential (CR) zone
- Legal notice methods and dates
- Proof of Publication of legal notice in Daily Sentinel and photo of public notice sign on subject property
- Map of postcard notice to neighboring property owners (350 radius of subject property)
- Project description:
 - Annexation history
 - 18 single-family detached lots over approximately 4.57 acres
 - Access from Bobcat Way and Fremont Street
 - Road improvements to Wildcat Ave. and Fremont St. including the intersection of Fremont and Wildcat
- Site Plan illustrating streets and lots in subdivision
- Zoning map
- Aerial photograph

- List of five Land Use Code criteria that must be considered pursuant to Fruita Municipal Code Section 17.15.070
- Statement of review comments (in packet) and written public comments (none)
- Planning Commission recommendation (approval)
- Staff's recommendation of approval with the condition that all review comments and issues identified in the staff report are adequately resolved with the Final Plat application with the exception of the trail connection to the north (because application meets or can meet all Land Use Code criteria listed in Section 17.15.070)

APPLICANT PRESENTATION:

Mr. Ivan Geer, Principal Engineer with River City Consultants, Inc. provided the applicant's presentation as the applicant's representative. Mr. Geer stated that his firm concurs with staff's assessment of the project meeting all of the Code requirements and in the interest of everyone's time, he had nothing to add to Mr. Hemphill's presentation.

PUBLIC INPUT:

Mayor Kincaid opened the public hearing on the Grand Valley Estates Filing 3 Subdivision Preliminary Plan application.

Mr. Kenneth Favorite, 1456 Bobcat Way (*member of the in-person audience*), expressed his support for the project because Fruita is so limited in its housing inventory. He was confident that irrigation had been addressed by the developer through the acquisition of enough irrigation water shares to accommodate Filing 3 as well as the existing subdivision.

Mr. Favorite provided a brief history of the subject property, which involved a lack of maintenance during the 4.5 years he has been living next to it. In the past, he assumed the responsibility of mowing it and mentioned that there was some damage done to the fence to the east. Mr. Favorite told about how the property caught on fire both last year and two years ago, and after he looked into it, Mesa County told him that because the field does not contain a noxious weed, they will not do anything about it. He was told by the City of Fruita that the City would not address it, either, because it is not within the City limits.

Mr. Favorite said his only concern is that he heard that the pedestrian access on Fremont Street will only go down to J Road (instead of all the way to Highway 6 & 50); that there will only be access up Cougar Run through Bobcat and then out Fremont Street to the north. He asked for clarification on that and reiterated that he had no other concerns.

Will Trump, 1858 J Road (*member of the in-person audience*), explained that he lives upstream of the subject property. He said there is an issue of having sparse irrigation water due to the many users (farmers) upstream, but the main reason he wanted to speak was to plead for minimization of light pollution. Mr. Trump said he requested this of Grand Valley Estates Filing 2 but was unsuccessful. Currently there are large, unshielded porch and garage lights that hit him horizontally, making it very difficult to see the night sky. He commended the City of Fruita for having its lights shielded and

pointing downward correctly. Mr. Trump asked for help with preventing light pollution from the new development.

Jessica Trump, 1858 J Road (*member of the in-person audience*), said she thought she heard that Grand Valley Estates Filing 3 plans to buy more shares of water than the currently owned 17 shares to accommodate the new development, but the people living in Grand Valley Estates 1 and 2 have expressed concerns because that they are already having trouble getting water, so she cannot imagine what is going to happen when they add 18 more homes.

Bridgett Lunt, 149 Pinyon Drive (*member of the in-person audience*), expressed concerns about Grand Valley Estates Filing 3 being a low-income, homeless housing project with increased traffic, and a lack of parking and irrigation water. She asked if taxes were going to go up for Fruita residents due to the new development. She added that there is not enough irrigation water to go around right now.

APPLICANT'S REBUTTAL:

Mr. Ivan Geer had the following responses to the following issues raised:

1. Regarding the long-term plan for **Fremont Street**, he deferred it to the City of Fruita Engineering staff because he wasn't sure what the long-term plan for the street is.
2. Regarding **irrigation**, Grand Valley Estates Filing 1 put in a very large storage vault and the developer is in tune with all the builders from Filings 1 and 2 and has yet to hear of any shortage of irrigation water. Mr. Geer said he reviewed the engineering and there is adequate water for Filing 3.
3. Concerning **light pollution**, he said that the developer is at the mercy of Xcel Energy in terms of which light fixtures are selected, but that the project is in compliance with the City's Land Use Code and excessive lighting will not be encouraged.
4. Concerning the project in general: It is not housing for **homeless people or affordable housing**; it is just adding inventory to the market, which is essential for maintaining some type of attainable housing in the City of Fruita given the recent price increases that have happened across the entire valley.
5. Regarding **parking**, Mr. Geer made assurances that the streets are the standard width for a low-density subdivision and there will be more than adequate parking on both sides of the street for parking inside the subdivision. There is not parking a lot on Fremont or J Road, so there is no expectation of parking issues because all the plans meet the Code and incorporates parking as an inherent standard.
6. About **taxes and valuation**, Mr. Geer said he could not comment on that.

COUNCIL DISCUSSION

Councilor Buck asked how many shares of water per acre the Land Use Code requires and how many had been acquired for the project. City Planner Henry Hemphill answered that 1 to 1.5 shares per irrigated acre are required and Mr. Geer responded that there is also a storage component that will help. He said he will be able to verify the number of additional shares needed through the final engineering process.

Councilor Buck said that city-wide, there really isn't a problem with light pollution, but that it can be caused by homeowners with their garage and porch lights and the City doesn't have much of a say because it's a private property owner's right to choose their outdoor lighting. She added that if an HOA wanted to band together and create some type of covenant to restrict the light, that would be the proper way to get that done. She agreed that there are more people than not that would appreciate the low lighting and preservation of Fruita's night sky. Councilor Buck concluded by saying that the project has adequate infrastructure to get in and out of the City and is in a very good spot with trail connections to get to all the neighborhood schools.

Councilor Leonhart noted that she had seen where Grand Valley Estates has between 17 and 19 shares of irrigation water for all three filings and that sounded like an appropriate amount, especially since Ivan hadn't heard of any issues until just now.

Councilor Kreie asked the City Attorney about people putting in high watt bulbs that shine into other people's yards. He asked if there have been instances where other municipalities have nuisance regulations for light pollution that includes lumen levels or something. Mr. Wisor responded that some have dark sky ordinances, but that really the problem arises when it comes to enforcement.

- **COUNCILOR KREIE MOVED TO APPROVE THE PROPOSED GRAND VALLEY ESTATES FILING 3 PRELIMINARY PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

2) DWELL PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) – A REQUEST TO APPROVE A PRELIMINARY PLAN FOR THE DWELL PUD SUBDIVISION LOCATED AT 1136 17 ½ ROAD

STAFF PRESENTATION:

Planning & Development Director Dan Caris gave staff's PowerPoint presentation, which he formally entered into the record. He noted that staff had received many public comments after the Council packet went out the previous Friday, but that they had been forwarded to the Mayor and Council and hard copies were provided for them on the dais (comments were still being received until after the meeting had started, but will be incorporated into the official record of the application in its entirety).

Mr. Caris described the application as follows:

- Request from Vortex Engineering, Inc. for approval of a Preliminary PUD Plan for a 37-lot subdivision over approximately 4.85 acres located at 1136 17 ½ Road. The plan contains 2 filings with a mix of attached and detached housing types and approximately 1 acre of open space in a Community Residential Zone

Mr. Caris' presentation also included the following:

- Legal notice methods and dates in accordance with Section 17.01.130 of the Fruita Land Use Code
- A map illustrating the 350-foot radius from the subject property where postcards were mailed to property owners at least 15 days prior to this public hearing (total of 96 postcards)
- List of property owners and addresses that fell within the 350-foot buffer
- Project description
- Concept Plan showing Filings 1 and 2
- Concept Plan showing open space and landscaping along N. Maple St.
- Aerial photograph of the subject property
- Zoning map
- List of three steps in the Planned Unit Development process:
 - Concept Plan Review (Optional)
 - Preliminary PUD Plan (Required)
 - Final PUD Plan (Required)
 - Upon approval of the Final PUD Plan/Plat the City Council shall enact an Ordinance zoning the subject property as a Planned Unit Development.
- Review of Land Use Code and Master Plan
- Review comments, public comments and staff recommendation

Other information provided by Mr. Caris included:

- Primary access from Wildwood Drive (existing street stub) and North Maple (17 ½ Road)
- Internal streets are proposed to have approximately 25 feet of asphalt with a detached sidewalk on one side with landscaping between the street and sidewalk (alley access proposed as well for approximately ten of the units)
- Approximately one acre of open space is proposed (nearly 20% of the overall acreage in accordance with the *Fruita In Motion – Plan Like a Local Comprehensive Plan*)
- Open space consists of benches, trails and playground equipment.
- A large park is centrally located in the subdivision. Approximately 46% of the homes will have views of the park.

Mr. Caris explained the difference between a Community Residential (CR) Zone and a Planned Unit Development (PUD) Zone by saying that for lots in a CR zone, a developer must rely on the City's Land Use Code in order to self-regulate where the buildings can get placed, where the driveways will be, how tall the buildings can be and other design standards. For a PUD process, the developer establishes the development's own set of rules based off feedback from the Concept Plan with its own setbacks, building heights and other architectural aspects of the project. This means that there is a great deal of deference, but Mr. Caris asked that everyone keep in mind that the Dwell PUD Subdivision's

base-level, underlying zone is CR and the developer is using a lot of the guiding principles that were established in the fairly recently adopted Comprehensive Plan. Mr. Caris stated that the applicant has the burden of proof to satisfy the community, recommending body and ultimately, approving body (City Council) that their development will be something better than what would have been developed normally under the CR zone.

Mr. Caris also explained that there are 15 major approval criteria in the Land Use Code, and added that he was not going to list them out in grave detail because they were included in the Staff Report in the Council packet and are either referenced as the criteria “has been met,” “can be met (pending a review comment),” or “does not apply.” These criteria are fall under the following four headings:

1. Conformance to the Fruita Master (Comprehensive) Plan
2. Consistency with the purposes as set out in Fruita Municipal Code Section 17.17.010
3. Conformance to the approval criteria for Subdivisions (Chapter 17.15) and/or Site Design Review (Chapter 17.13), as applicable; except where adjustments to the standards of this Title are allowed
4. Where the applicant proposes one or more adjustments to the standards of this Title, consistency with the Adjustment Criteria set forth in Section 17.11.020(B) is required

Mr. Caris briefly reviewed each of the 15 criteria and whether they were categorized by staff as either “has been met,” “can be met (pending a review comment),” or “does not apply.”

Mr. Caris spoke about the development’s attempt to try to maximize not just density, but also efficient use of resources such as the City’s transportation network and infrastructure such as sewer.

Mr. Caris pointed out that Fruita has a very low inventory of attached units and that the City needs to provide housing at different price points for income levels across the community and that it appears that the applicant is trying to achieve that in whatever meaningful way they can. He noted that the project does not have a CHFA or any other affordable housing funding from either the state or federal governments.

Mr. Caris said it was his perspective (and that the City Engineer concurs) that any Review Agency comments can be rectified by the applicant with a Final PUD Plan application without constituting a major redesign of the project.

Mr. Caris stated that it was staff’s recommendation that the Council approve the proposed Dwell PUD Preliminary Plan application with the condition that all review comments and issues identified not only in the staff report, but also in all the Review Agency comments be adequately resolved.

APPLICANT PRESENTATION:

Robert Jones, II with Vortex Engineering invited Senior Planner Ty Johnson (also with Vortex Engineering) to provide a PowerPoint presentation as the applicant’s representative.

Mr. Johnson stated that the goals of the land use designation in the Comprehensive Plan are to encourage infill development within the City limits to make more efficient use of existing infrastructure, encourage a variety of housing types and discourage sprawl. He pointed out that

residential densities for this land use designation are from four to eight dwelling units per acre in order to achieve the goals of the Comprehensive Plan.

The presentation contained many slides, some of which included:

- Location map
- Future Land Use Map
- Zoning Map
- Preliminary Plan map
- Housing types diagram
- Filing Plan
- Open space & trails map
- Landscaping illustrations
- Examples (photos) of housing types
- Design Review process
- Proposed deviations (lot size and setbacks)
- Approval criteria
- Review agency Comments and public comments
- Changes made in response to comments (additional trail connection, open space and trails begin built in Filing 1 to make those amenities available sooner, building height, 4:12 roof pitch and flat roof option, street stubs to the north)
- Community benefits (open space, variety of housing types, infill being priority, efficient use of existing infrastructure/prevent sprawl)
- Dwell PUS vs. CR zone
- Off-street parking illustration and details
- Proposed Dwell PUD standards
- Request for approval

Mr. Johnson explained that housing types will consist of single-family attached and detached units in a variety of configurations. There will be ten (10) single-family detached units on the south side of the development and the remainder of the units will be single-family attached units, either in a two-unit or three-unit plus configuration.

Mr. Johnson noted that the development will be built out over two filings; the first filing will consist of 17 dwelling units and the open space with Filing 2 consisting of 20 units.

The Preliminary Plan proposes .97 acres of park space and 943 linear feet of trails, which exceeds the requirements of the Fruita Land Use Code. Public trails will surround the park space and provide connectivity within the community to public sidewalks and to adjacent neighborhoods.

The centrally located park will include a tot lot with play equipment, picnic tables, a shade shelter and a bench. The landscape plan includes some illustrative examples of amenities that will be included in the park.

Parking pods will be constructed to provide guest parking for residents and the general public. Both the park and the parking will be on a tract that will be owned and operated by the HOA.

The centrally located open space will be a focal point for recreation and social gatherings that will anchor the community.

The exterior of all dwelling units will be of a modern urban cottage or row house design. Clean lines with interaction with the street will be emphasized. All dwelling units will have at least one front-facing porch or deck with a minimum of 60 square feet. Roof pitch will be a minimum of 4:12 and flat roof accents will be allowed.

Roof on all structures shall be asphalt architectural shingles, metal tile or slate material. The outside façade of the structures will primarily be of wood or wood composite siding, but not vinyl or other siding.

All design standards in the construction of Dwell will be governed by the CCRs of the subdivision and the Architectural Control Committee of the subdivision.

Mr. Johnson also reviewed the deviations between a PUD and a CR Zone.

Mr. Johnson stated that the key goals of the Dwell PUD is to create a community with a variety of housing types that meets the new R4 - R8 land use designation. In order to achieve this density and a variety of housing types, smaller lot sizes are necessary. The minimum lot sizes being proposed are 2,900 square feet for single-family detached homes and 2,100 square feet for single-family attached homes. This is a deviation from the 3,500 square foot minimum lot size in the CR zone.

Regarding proposed setback deviations, front yard setbacks in the Dwell PUD have been set at 15 feet in order to bring homes closer to the street and create a greater sense of community and a consistent community look and feel. About 1/3 of the homes in Dwell are alley-loaded, so the applicant is looking for a deviation for the remaining 2/3 of the subdivision to have the 15-foot front setback. No deviations were requested for side or rear yard setbacks.

Mr. Johnson stated that all review comments have been addressed or will be addressed through the subdivision review process. He noted that the Dwell PUD Concept Plan went to two public hearings last year and changes were made to the project as a result of feedback at those public hearings.

Mr. Johnson stated that the proposed deviation of a 40-foot height limit has been removed entirely from the proposal and instead, the development will comply with the existing height regulations for the Community Residential Zone (35 feet).

Mr. Johnson also stated that the Dwell PUD Preliminary Plan meets or can meet the Fruita Land Use Code for a PUD and the applicant respectfully requests approval of the Preliminary Plan.

Mayor Kincaid opened the public hearing.

PUBLIC INPUT:

Bob Gallaher, 737 Hall Street (*member of the in-person audience*), said that he and his wife moved to Fruita from Nashville and they love the small-town feel. He made the comment that when he looks at the plans for the Dwell PUD, it looks like a government housing project to him. He said efficient must mean getting as many people on an acre as possible and that in making the homes affordable, the applicant is stepping on everyone else's property values. Mr. Gallaher said that when Fruita loses its small-town feel, they aren't going to get it back.

Karen Martiny, 1754 L ½ Road (*member of the in-person audience*), stated that she and her husband live north of Fruita after moving here from Breckenridge and she found the presentations very disheartening and disappointing. She stated that she worked for an architectural firm in Breckenridge for 20 years, saw what happened to that town and would hate for the same thing to happen to Fruita. She asked the Council to sincerely think about what they want the future of Fruita to look like. She said Breckenridge is a nightmare with the traffic and she could see that happening here now with developments like Dwell going in. Mrs. Martiny said she and her husband did not move to Fruita for urban developments, that people who live in Fruita are going to be hurt by it and that it will ruin the whole feel of the town.

Assistant to the City Manager informed the Mayor that there were several people online (via Zoom) that would like to submit a public comment and he was going to unmute the first one.

Ron Abeloe, 720 Bella Canyon Drive, Grand Junction (*participating virtually*), stated that he owns property in Fruita as well. He spoke in favor of the project, saying he looked the plans over and it is a product that is sorely lacking in Fruita that could accommodate a number of people that would like to move to Fruita but currently cannot because housing values are so high and most of the homes are larger, which makes the price tag unaffordable for a significant number of people.

Mr. Abeloe continued that the property value question comes up with a project like Dwell, but it has been his experience has been that with the smaller square footages, actually the price per square foot is more than in larger homes because the fixed costs of the lot and fees gets thrown over a much smaller square footage, driving that price higher and having no negative effect on property values at all.

Mr. Abeloe said he thinks the project is innovative and that Vortex was thinking "outside the box" to accommodate a housing need that is very necessary.

Mr. Vassen invited the next person attending the meeting online to provide their input.

Keith Everitt, 1255 O ½ Road in Loma (*participating virtually*), said he has a lot of experience in the real estate industry in Mesa County and he really wants to support the project. He stated that the average wages in the area are increasing at a pretty good rate of 3.74%, but housing has increased 21.7% since last March. He noted that people are moving here from the Front Range and other outside areas wanting to enjoy the small-town feel and what their demand is actually doing is raising the price of the homes in this area so that residents can't afford to live here anymore.

Mr. Everitt said that affordable housing projects like Dwell are going to be key to Mesa County to support the local community and that in general, as people move into the area from more expensive areas with buying power that local residents don't have, the local residents are going to have to move out of the area or there could be homeless challenges that will cause issues with medical needs,

transportation, inflation and wage increases. He said he wants his kids to be able to buy a house in the future and live in the community with him, but that will be too challenging if Fruita doesn't look at the sense of community in the future instead of a more selfish interest.

Mayor Kincaid called for the next person in the room to provide input.

Chriss Rusch, 711 Hall Street (*member of the in-person audience*), stated that his fence borders the subject property and that he would most respectfully like to ask the Council to agree with the people who signed the petition to stop the project. He said there were over 250 signatures and that the plan needs to go back to the drawing board and resubmitted showing that it respects existing neighborhoods and residents, most of whom have lived here for many years. Mr. Rusch said that a 15-foot setback and 35-foot heights are daunting, he can't imagine anybody wanting to live like that and that there are a lot of people in Fruita that feel that way. He also commented that there will be nowhere to park, the streets are too narrow, the project is too dense and there is a potential problem that with the increased traffic, someone is going to get hurt or killed. Mr. Rusch provided each of the Council members, Mayor and Deputy City Clerk with a map showing the property owners who signed the petition. He added a sidenote of thanking everyone who was involved with the art, landscape and architecture in the roundabouts project and said he feels that they represent Fruita in a classy way.

Tim Smith, 507 E. Aspen (*member of the in-person audience*), stated that he lives in the tiny house next to the old Catholic Church and that it is a 686 square foot on a very small lot about 1/8 of an acre. He said it seems that that is about the same density as the proposed Dwell development, although he wasn't sure about the math. He continued that it was ironic that there are people moving to Fruita and then complaining about it not becoming Denver or Breckenridge or wherever. He said he came from Winter Park and he did not see hyper development of tight and tall housing there, but he knows that Breckenridge has. Mr. Smith said the people who are moving here from the Front Range are part of the problem that is creating the issue of housing affordability, which is exactly what the Dwell development is trying to alleviate by having smaller homes that are more affordable. He said it was similar to the short-term rental issue that the City has recently been dealing with where there has been more outside development coming in, raising the prices and forcing people to leave, at least in the downtown area. He concluded by saying he was in support of the project.

Ken Favorite, 1456 Bobcat Way (*member of the in-person audience*), said people are freethinking and have their own opinions, but that the Dwell PUD development would not be an eyesore. He pointed out that there is some attached housing at Aspen and McCune off of Ash Street that is built two stories up and has over 24 homes. He said there's also more at Harrison and Maple that are similar to the proposed development with detached garages behind the units.

Mr. Favorite continued that in 2006 or maybe earlier, the property at Harrison and Maple was zoned for either four or six dwelling units to the acre and he wanted to buy some of that property, but prices were too high; the lot alone was \$200,000 for two pieces of property. Mr. Favorite said there are not enough of those type of developments in Fruita and that the only people who are buying houses in the area are the ones from other places that spend \$750,000 and are paying cash. He said if the City wants to grow, people have to accept change and not be narrow-minded.

Mary Turner, 993 Dee Ann Street (*participating virtually*), said she lives right on the corner of Dee Ann and Wildwood Street. Her main concern is that people already drive too fast through the

roundabout, where they do not go the right way and cut corners and she wanted to know what is going to happen when the street becomes a thoroughfare. She said it will create more chaos and danger with the kids on every corner of the street there.

Mrs. Turner added that the housing doesn't affect her directly as she does not have a property line with the new development; however, the applicant was talking about wood or wood composite houses while most of the houses in the Wildwood Acres Subdivision are stucco. She said this is nonconforming. She asked what the plan was for setbacks and how the new development is going to affect property values. Mrs. Turner said she was born and raised in Fruita and graduated from Fruita Monument High School and that tourism and growth are great and she is not blind to that, but it is not her fault that people are coming in from bigger cities and buying cash houses. Mrs. Turner said the development needs to conform with what is around it and she doesn't feel like that is being considered.

Mrs. Turner went on to say that Fruita has an increasing crime rate with the recent break-ins and now the roadway is going to be opened up and that will just increase the traffic in the area.

Mrs. Turner said she just thinks the plan needs a little bit more fine tuning because row houses do not conform to what Wildwood Acres is and that the new development will have more houses than Wildwood Acres does.

Joe Carmosino, 606 Sabil Drive (*participating virtually*), stated that he was just outside of the public hearing notification zone by one house and it was brought to his attention from a neighbor about the density of the new housing. He said the density seems to be a problem, especially with the size of the new proposed subdivision. He spoke about traffic increasing on 17 ½ and 18 Roads and the bridges that go over the Salt Wash and asked if the bridges had been addressed in a traffic study. Mr. Carmosino said he found it interesting that the people who are in support of the Dwell PUD project don't live near the development.

Dr. Scotty Emsley, 803 Sabil Drive (*member of the in-person audience*), spoke strongly in favor of the Dwell PUD project. He is against all those who are saying that the new development does not reflect the attitude or perspective of those who live in the neighboring subdivision and that he lives a "stone's throw" away from the subject property. He called the project very much needed because there are folks with two full-time salaries who can't afford to buy housing in Fruita and that is not what the community represents more so than anything else.

Dr. Emsley added that affordable housing is a must for the community and that the City is going to price itself out of the market by not allowing growth and development like the Dwell PUD. He said the new development won't even come close to filling the need by itself even if every last one of the units gets filled; there will still be a drought of affordable housing. He noted that he could barely afford his house when he moved here four years ago but that his property values have gone up by over \$120,000. Dr. Emsley requested that the Council consider approving not only this project but all future housing development projects that shoot for affordable housing and fewer of the houses that are glorious, big estates because that's not what the community needs.

Justin Wiese, 794 Dee Ann Street (*member of the in-person audience*), said he is a single father with two girls full-time. They own their house but he has a few concerns. He said he and his girls like to ride their bikes a lot and the traffic is already bad enough with the Vintner's Farm Subdivision. He

commented that the Dwell PUD high-density project with 37 additional units will just add a lot of traffic to Dee Ann Street and Wildwood Drive.

Mr. Wiese stated that his main concern is that the proposed development is not consistent with any of the adjacent subdivision because it is wood-sided, not stucco, they are two stories, the high density, alleys and parking pods are things that none of the other subdivisions actually have. Mr. Wiese added that he *does* want the land to be developed but that he wants it done in a responsible way that is consistent with the adjacent neighborhoods. Mr. Wiese also said that adding high-density housing to the real estate market is not going to lower the overall costs of the inventory, especially when there are 37 units. He said that what the development is going to do is make some people very rich.

Ken Mabery, 207 Applewood Drive (*member of the in-person audience*), stated that he lives adjacent to 17 ½ Road and in the interest of time, he was just going to leave some written comments for the Council and staff. In summary, he said, he agreed with the last speaker that the Dwell PUD is inconsistent with all four of the surrounding subdivisions. He submitted that PUDs are a good thing, but that the City should put them where there are other PUDs in the area and leave the other neighborhoods more open with larger lot sizes because all the of surrounding four sides of the subject property have larger areas that are consistent with each other.

Frank Forantay, 445 Oakwood Ave. (*participating virtually*), stated that he lives just slightly north of the proposed subdivision. He said he wanted to echo Joe's (Joe Carmosino's) comment that it's interesting that most of the people that are in support of the project don't live near it.

He said the next point he wanted to make was that it is obvious that the proposed development is going to cater to the mountain bike crowd, which he said in itself is not an issue because Fruita is a mountain biking destination, but that the reality is that the people who are going to buy the units in the Dwell PUD probably aren't going to live there full-time; they are going to rent them out or turn them into short-term rentals for the weekenders who come to Fruita to mountain bike.

Mr. Frank said the City wants to be altruistic, but he is certain the reality is that the houses in the Dwell PUD are going to be over \$300,000, and the people who are going to buy them will do so for business reasons, not for the ability to live in Fruita.

Mr. Frank also echoed that 17 ½ Road and North Maple is a thoroughfare for everybody heading out to the 18 Road mountain bike area and stated that the new development will probably quadruple the amount of traffic going down that road.

Craig Johnson, 725 Hall Street (*participating virtually*), said that so far, what he has heard from the applicant and the Community Development Department is that they are trying to be flexible and are asking for deviations. He said what they are proposing are false equivalencies to the requirements in the Code for the underlying Community Residential Zone and the surrounding subdivisions.

Mr. Johnson continued that his second point is that the word "affordability" can be subjective and he wanted to know what guarantees the developer will make to provide homes to new, entry level buyers as opposed to real estate investment trusts or investors that will come in and buy up a couple of units and turn them into long- or short-term rentals. He asked how the City would know that there's not

going to be someone coming in and buying a second home in Fruita, which is not in conformity with entry level, affordable housing.

Mr. Johnson said that the City and applicant want some kind of exclusivity for affordable housing, but there is no definition for that and therefore, he thinks that everything about the Preliminary Plan is “squishy;” they’ve changed their building height requirements already, added a so-called trail on one corner of the property and he doesn’t think that the applicant’s plan is going to meet the requirements of what the surrounding property owners have had to do and buy into so far.

Mr. Johnson asked again how the City and applicant are going to ensure that certain people of a certain income level of \$30,000 to \$60,000 (for example) per year are going to be able to buy any of the Dwell units as opposed to the well-moneyed property investors.

Lisa Wolf-Johnson, 725 Hall Street (*member of the in-person audience*), said her property is immediately east of the proposed Dwell PUD. She said that the people of Fruita spent a lot of time, money and thought to develop the Comprehensive Plan – *Fruita in Motion*, and she said she was going to find out tonight who is actually committed to the peoples’ vision of Fruita.

Mrs. Johnson read a prepared statement in opposition of the Dwell PUD Subdivision. She noted that 255 neighbors signed a petition opposing Dwell and rejecting what is “bad precedent” for infill.

Mrs. Johnson said Dwell fails Fruita’s vision in many respects; that it is beyond the example of maximum density in the Fruita in Motion Plan and is far from Fruita’s core and far from transportation corridors.

Mrs. Johnson continued that the neighbors have raised a lot of issues concerning safety, traffic, parking and potential fire department ladder truck access problems with the development as it is currently planned, especially with the tall buildings.

Mrs. Johnson said that she understood that the developer changed the building heights from 40 feet to 35 feet, but that in the downtown area, any building that is one inch over 35 feet must have a 100-foot setback from residential property. She noted that Dwell is asking for a 15-foot setback from her fence.

Mrs. Johnson made the comment that she was told that the development is a done deal; that the Dwell owners and developers will get whatever they ask for.

Mrs. Johnson reiterated that the Plan was going to set a bad precedent by encouraging infill projects in other neighborhoods.

Mrs. Johnson concluded by saying the people of the City of Fruita want the Council to do the right thing, which she believes is to reject this version of the Dwell Plan and condition the future consideration of the next version of Dwell whereby the developers will actually participate in good faith in listening meetings with immediate neighbors face-to-face.

Victor Martiny, 1754 L ½ Road (*member of the in-person audience*), said he wanted to reiterate what other people said and added that he thinks it’s kind of irresponsible to put that development where it is being proposed because he doesn’t think it fits with the area. He said the density is way too high and

it's going to be low-income housing and rentals. Mr. Martiny said he can see why a lot of people are against it, that what it really comes down to is that a few people will make a lot of money on it and that it is a little bit of a social experiment that only looks nice on paper. He said he thinks it would be better if the Dwell PUD was located more towards to core of the town and not out towards the suburbs because it just really doesn't fit there at all.

Christa Robinson, 987 Wildwood Drive (*member of the in-person audience*), stated that she lives on the main stretch of the Wildwood Acres Subdivision, which will become (if approved) a main thoroughfare where the traffic is already bad and heavy. She said if the applicant sells to permanent residents, there are going to be at least 74 more cars traveling up and down that street through Wildwood Acres as parents are taking their children to school. She added that there are also many bicyclists that don't stop at the stop signs and with adding that many more cars and bicycles, the neighbors are looking at some potential problems, not only with increased traffic, but also with additional crime (especially if they become rentals or short-term rentals).

Mrs. Robinson said she Googled the approximate height of a two-story house (which she lives in) and learned that they are typically 18 to 20 feet tall. She said her house is tall, but the applicant wants to put in buildings that are 35 feet tall, which doesn't go with the surrounding communities. She agreed that Fruita needs more housing, but argued that Fruita does not need *these* houses.

William Schultz, 713 Delean Way (*member of the in-person audience*), stated that he lives in the Wildwood Acres Subdivision and his house is very close to the PUD. He said he thinks that ultimately, the thing that the Council needed to keep in mind as they are making their decision is that the City is being asked by the developers to make substantial deviations from the zoning regulations that are already in place and as such, the burden should be on the applicant to establish adequate reasons for them to make those deviations.

Mr. Schultz continued that the people who moved to Wildwood Acres Subdivision have bought properties and lived in those spaces, so they are entitled to their expectations after they recently relied upon the zoning limits that were there. He added that they have lived with the idea that any development that would go in there would be in compliance with the zoning and the height, density and setback requirements. He said he didn't know of a single lot in his subdivision that has a 3,500 square-foot requirement; that they are just not there.

Mr. Schultz recalled that he lived in Moab and said he saw the same type of chaos in the development of that community. He clarified that he is not against development, the poor or reasonable/low-cost housing, but that he is against uncontrolled development. He explained that Moab had a Master Plan and every developer that came along kept asking for variances, which were granted one after the other. Mr. Schultz said that Moab is now an uninhabitable community and if the City and applicant were so interested in low-cost housing, then the City should put the burden on the developer and get a commitment from them that they will build the houses at cost plus five or ten percent.

Mr. Schultz said that Mr. Caris spoke at length about the advantages and recreational amenities, things like that about Dwell's low-cost housing, but that he did not mention the detriments to the people who are living there already.

Mr. Schultz concluded by saying he wasn't happy with the fact that someone who works for the City would take an advocate's position on presenting the project to the Council because he thinks that the people who work in zoning or planning for the City should make a more objective presentation. He said he and his neighbors do need advocates to protect their interests, although he didn't necessarily think that was the job of the City. He said he did, however, want the City and Council to represent them adequately.

David Burgess, 508 Hazel Circle (*member of the in-person audience*), said that at the Planning Commission meeting, everyone was talking about the height of the houses that are surrounding the ranch homes and the applicant said that they would submit another plan, but it looked exactly the same except they cut off half of the building. He said the whole thing doesn't fit Fruita; that what was being proposed looks like a Chicago ghetto and that in ten years, it will be a rundown dump. He asked if City staff had required the applicant to file a different plan.

Mayor Kincaid instructed Mr. Burgess that questions would be addressed after all the public comments had been received.

Helen Robinson, 512 Hazel Circle (*member of the in-person audience*), read a prepared statement that expressed her worry that nothing seems to get accomplished nor any compromise agreed to. She said that in the meantime, the developer is still bringing in trucks of dirt day after day, but there have been no water trucks, silt fence or any concern for those existing residents who are choking on the dust or concern for what the dust is doing to their properties inside and out for who knows how long.

Mrs. Robinson continued that what she was going to say was for selfish reasons. She stated that currently, she and her neighbors have views of the Bookcliffs, Grand Mesa, the Colorado National Monument, the fountain across the way, the trees, the wildlife and so on. She said these will be taken away because of a 35-foot wall or two-story house with a high, tight density and it will be those people living in the new development that will have the views instead of the current community. She called it unfair and not very neighborly.

Mrs. Robinson said it is so peaceful and quiet right now that it is hard to imagine how the new development will fit in. She added that retirement in her and her husband's home no longer seems appealing. She requested that the developer build the park and leave the rest be for the existing community and its well-being.

Mrs. Robinson invited any Council member, Vortex employee and/or the applicant to come to her home, sit in her living room, kitchen and on the patio, look her and her husband right in the eyes and honestly tell them that they would love the new development to be in their backyard. She said she believes their answer would be no.

Tina Pierce, 1470 Windsor Park Drive (*member of the in-person audience*), stated that the term "affordable housing" had been thrown around very loosely and asked if it was going to be based off people's income or if the houses were something that can be bought as a first home. She agreed with others that the Dwell PUD should not be where it is being proposed to be but added that the dirt lot is also unsightly. She said the conversation was going nowhere without giving the applicant some other ideas so she proposed another option such as putting in 17 single-family homes that are one or two stories.

Lisa Wence-Connors, 266 Oakwood Avenue (*member of the in-person audience*), said she lived just north of the subject property and said her concern was also “affordable housing.” She noted that 37 units were being proposed but added that it didn’t seem like there was any guarantee that the units were going to actually be affordable.

Ms. Wence-Connors continued that what Fruita really needs is actual, affordable housing that is accessible to services, and even though the City says the development meets the criteria, it does not. She said that when she was a 20-year old mother, she had to have affordable housing and from there, she had to be able to walk to the grocery store, drugstore and bus stop. Ms. Wence-Connors said the proposed development doesn’t meet any of that and asked: “if these are \$300,000 homes that are then rented out to families, how are they supposed to walk down to the City Market and carry all their groceries back home?” She said it would be wiser to put single-family homes on the lot and that the applicant should find a lot closer to the downtown with its services and jobs so that people who need affordable housing can live there and work there.

Tina Ross, 781 Dee Ann Street (*member of the in-person audience*), stated that she lives in the northwest corner of Wildwood Acres, so she has the running path right behind her house. She apologized for her dog barking at the runners she recognized in the room and said if they had any suggestions, she was open to them.

Mrs. Ross said that she and her husband saved money and worked hard to get their bigger house with a bigger yard that is safe and a wonderful and comfortable place to raise their kids. She said that Fruita is probably the best place she’s ever lived and she just doesn’t want to give that up.

Mrs. Ross continued that she has known since she moved into her house that the subject property would be developed with more houses and that the building out of Vintner’s Farm was a wonderful thing for her kids to watch. She said she is worried about the view from Vintner’s and for the people as they run by because if buildings are that tall, she didn’t know if people could still see the Monument. She said she selfishly has a view of the Monument from her house and she would still have it if the new houses were only as tall as hers, but she thinks 35 feet will probably kill that view, not just for her, but for everybody who currently enjoys the little neighborhood park. She asked the Council to consider that.

Doug Dutton, 1076 Wingate Drive (*member of the in-person audience*), said he wanted to convey to the Council that although he has heard a lot of the comments and he doesn’t want to repeat anybody before him, the community being proposed doesn’t seem to conform in color, height, density or location with the surrounding neighborhoods. He said his basic recommendation to the City and to Mr. Johnson and Mr. Jones is to take a step back and look at a subdivision in Salt Lake City, which is where he used to live before coming to Fruita to retire five years ago.

Mr. Dutton said he believes that the Daybreaks Subdivision (in Salt Lake City) is the largest subdivision in North America; it is several square miles in size and is a mixed community, meaning any time a builder would come in to build, he would have to build houses of certain sizes and proportion them out in a small area. The town grew and provided small houses as well as large houses within the same subdivision.

Mr. Dutton said that with the Dwell PUD Subdivision, he is concerned about increased traffic, building height (his house is two-story but is not as tall as 35 feet) and the total loss of privacy. He stated that he thinks the development can be improved by incorporating full size houses with some duplexes and quadplexes all spread around and with the setbacks being increased.

Bill Lind, 315 Oakwood Avenue (*participating virtually*), stated that he lives a couple of blocks away from the proposed development. He said he thinks that Fruita is going about this wrong; he thinks the City needs to integrate affordable housing into each development as opposed to having one large, affordable housing project piled into the middle of existing neighborhoods. He asked the City to mandate 10% or 20% of each development to be affordable housing and added that a premium could be charged to the other houses that are sold to offset the cost. He suggested that this affordable housing have established income limits so that outsiders couldn't come in and create short-term rentals.

Jimmy Kleager, 449 West Scenic Drive, Grand Junction (*member of the in-person audience*), stated that he is in the real estate industry and he wanted to talk about some statistics that are happening in the market today in Mesa County. He noted that there had been discussion about "affordable housing," but in the real estate community it is called, "attainable housing." He provided the following statistics and said he wanted everyone to understand why the challenges are happening and what's existing in the current market:

- Last year (2020) despite COVID, his agency saw over 11% appreciation in the Grand Valley where over the last three (3) years, it has been up about 25% appreciation. Real Estate agencies are seeing a huge demand for the market in Mesa County.
- Average sale price in Mesa County is \$373,000.
- Average sale price in Fruita is \$383,000.
- The List to Sale ratio in the valley is anywhere from the \$200,000 to \$400,000 price point is 100%. Real Estate agencies are seeing such a demand that they are seeing cash offers coming in and wiping out anybody who wants to get an FHA or VA loan.
- Appraisal gap two weeks ago was \$30,000 (they are coming in at \$30,000 over the asking price because that's what the purchase price had jumped).
- Regularly, agencies are seeing five (5) to seven (7) offers on every single listing that is out there. The most Mr. Kleager has seen is 20 offers on one (1) listing.

Mr. Kleager said that developers can't tell what the home prices are going to be because they don't know how much the raw materials are going to be. Home building prices are going up because the price of both lumber and steel has doubled in the last year. So, if someone tries to put a single-family home in the Dwell PUD Subdivision, Mr. Kleager said he was afraid that due to the cost of building materials, home prices may have to go up to the \$500,000 - \$700,000 range, which no longer becomes affordable or attainable for folks in Mesa County.

Mr. Kleager said he was in support of the Dwell PUD Subdivision because the homes have the greatest chance of being attainable, especially in Fruita and that they are badly needed by teachers, nurses, firemen and policemen. He added that it may be a smaller subdivision in the greater scheme of things, but at least it's a start in helping folks find both affordable and attainable homes.

Merrill Wyatt, 1956 J Road (*member of the in-person audience*), stated that he too, is in the real estate business and noted that everyone had been discussing home ownership, but he wanted to talk about a vacancy rate problem. Mr. Wyatt said that the vacancy rate in Mesa County is under 2%, which means that even if someone wants to rent, they can't find a place. He noticed that others had mentioned they were worried that crime would go up because of lower-income houses or that they would become rentals. Mr. Wyatt said crime goes up astronomically when people are homeless, so even if the Dwell PUD homes come in at a better price point (and a lot of them do turn into rentals), that's still a place for somebody to go.

Mr. Wyatt explained that he has a kid in college who plans on moving back to Fruita, but at this point, unless he is making well over \$100,000 per year by himself, he's not going to be buying a home. For him just to rent, he had to get on a wait list. Mr. Wyatt said that the parcel is going to get developed eventually, whether it is the Dwell PUD or another development that has \$500,000 to \$600,000 homes on it.

Mr. Wyatt said a lot of people are coming in with a lot of money and buying houses to visit on the weekend, which he said is not efficient and will push out any opportunity that local people might have. He noted that in the 2019 Census, the median household income in Fruita was \$58,500, but that is not enough to buy a \$500,000 to \$600,000 house.

Mr. Wyatt continued that he is in strong support of the Dwell PUD Subdivision and a few others that could be put together in Fruita. He said there has to be a place for first-time home buyers and even for renters to maintain what we do have. He also noted that Mesa County has a great tourism industry, but the tourism industry on the whole doesn't pay its workers very well and they are going to have to have a place to stay, too.

Mr. Wyatt said in order for Fruita to maintain its way of life, the City is going to have to have some kind of attainable housing.

Mr. Wyatt commented on the thought that the developer should have to be capped on what he can charge for the homes or else the government will have to get involved. He said affordable housing that the government sponsors will drive down the value of neighbor's homes, but if people will let the market do it, the square footage cost is going to actually bring up the value of those and so, the Dwell PUD Subdivision should not hurt the values of the homes in Wildwood Acres; it should actually help.

Kelley Maves, 1988 J Road (*member of the in-person audience*), noted that her husband owns Maves Construction and is one of the applicants of the Dwell PUD Subdivision. She said she was speaking as someone who:

- Currently sits on the Housing Committee for the Grand Junction Economic Partnership (GJEP)
- Is the past President and current board member of the Housing & Building Association (HBA) of Western Colorado
- Is a current board member of the Colorado Association of Housing & Building
- Is a real estate agent for the past 18 years and;
- Is on the Government Affairs Committee for the Colorado Association of Housing & Building

Mrs. Maves said she's been doing this for a long time. She ran some numbers earlier in the morning and she said they were shocking, even to her. She stated that currently in Fruita, there are 13 active listings in a town with a population of 14,000. She said the average list price of those active listings is \$745,000. Mrs. Maves said this is a problem. Not for the people who have moved here from Moab, North Carolina, Winter Park, Breckenridge, Nashville and Denver, but a problem for her 23-year old son who is in the Air Force and was home this weekend and was very discouraged looking at the housing thinking that he'll never be able to live here.

Mrs. Maves said she understood that it was frustrating for the people who spoke in opposition of the project to see the Dwell PUD Subdivision going on in their backyards, but that she and her family have been watching it happen since 1979, when they first came here. She emphasized that growth is inevitable and the more that people single out the segment of the population that can't afford a \$550,000 or \$600,000 house, it isn't good for the community because it's not good for the firefighters, police officers, and teachers and that doesn't even take into account the people who are renting in Fruita and paying over \$2,000 per month in rent for a three-bedroom house that would love to be able to buy.

Mrs. Maves said there are lots of studies that have shown that when somebody buys a house in a community, they put roots down, which means they give back to the community financially with their time and they invest in volunteering, and she said these are the kind of people everybody wants in Fruita.

Mrs. Maves also addressed "affordable housing" and said what people need to look at is the year-over-year increase of the housing in Fruita. She pointed out that the what was being discussed is not government subsidized housing; it was about attainable housing for those people who are desperate for housing right now. There is a 20.2% year-over-year increase in Fruita from April to April and Mrs. Maves said that is not sustainable. She asked that the Council approve the Dwell PUD Subdivision because she said it is the best thing for the community.

Jean Mabery, 207 Applewood Drive (*member of the in-person audience*), said she looks out her kitchen window every night to the sun coming down and reflecting on the Bookcliffs and she can't even imagine living there with that view being blocked because she moved there for that. Mrs. Mabery said she was sorry if she was selfish, but she feels like her personal quality of life is going to really change with the Dwell PUD Subdivision. She asked the Council to be reasonable to everyone in the room that was fighting for their quality of life, which she said is simply not fair to people that invested so much. Mrs. Mabery then asked the Council to be fair to both sides.

Christy Perry, 713 Delean Way (*member of the in-person audience*), pointed out that real estate is becoming precious everywhere because there are such low interest rates right now, and she likes to keep her eye on real estate prices and availability of places in other areas outside of Fruita such as Salt Lake City. She said you can't find anyplace to live in Salt Lake City that's anything close to what you can buy in Fruita; that it is at least \$700,000 and that's just a small, tiny house.

Ms. Perry said that she feels the applicant needs to submit a revised plan that takes into consideration everybody's comments that were just provided. She said that parcel needs to be developed, just not into 37 homes that are 35 feet tall. She asked that the design of the homes be modified so that they fit into a 3,500 square-foot size per lot and so that the height is brought down. She said she thought that was reasonable.

Michael Maves, owner of Maves Construction (*member of the in-person audience*), told a little bit about himself because he thought everyone in the room had the opinion of him that he is just going to make a lot of money on the Dwell project. He provided a brief history and listed the things he loves. He stated that what he does for a living is take someone's dreams, wants, needs and budget and tries to fit them all together and they never, ever match; whether it's a \$250,000 tiny house or one that is worth \$2.5 million.

Mr. Maves said that everybody was saying that the houses need to be affordable (although he prefers to use the word "attainable"), and he really doesn't know what the houses are going to cost but he could guarantee that they are going to cost less than they will if he does what he originally planned in 2006, which was 22 homes with no park or trails.

Mr. Maves said that when the City updated its Community Plan (the Comprehensive Plan – Fruita in Motion), it gave him the opportunity to do exactly what he is trying to do. He pointed out that he could take the park out and add more houses because he is at less than what he is allowed to have. He said he could also take the park out and make the lots bigger, but he was asking for an exception because he wants to leave the acre-sized park there (that anybody from the nearby subdivisions can use).

Mr. Maves said he was trying to do what Fruita needs even though it would be way easier for him to build twenty-two (22) two-story houses that are 35 feet tall and will be sold closer to \$600,000. He promised that the houses will be cheaper if there are 37 of them than if there are 22 of them because he would have the same amount of infrastructure.

Mr. Maves said he didn't know that the Council would be honoring the Police Officers, teachers and the Military at this meeting. He called it amazing and said that those are the people he is trying to build houses for.

Mayor Kincaid asked if there was anyone else in the audience who wanted to speak that hadn't already spoken. Hearing none, he closed the public hearing and called for a five-minute break.

The Mayor called for a break at 9:48 p.m. The meeting reconvened at 9:53 p.m.

APPLICANT'S REBUTTAL:

Mr. Robert Jones, II with Vortex Engineering stated that he had earlier failed to enter his PowerPoint presentation into the record, which he would like to do.

Mr. Jones said that as he read and listened to the public comments, he had to ask himself the question that someone had posed in the meeting, which was, "City of Fruita, think about what we want to be." Mr. Jones described how he grew up in Fruita grades K through 12 and is now raising his kids in Fruita and he asked himself the same question about what people want Fruita to be and that is why he spends volunteer time on various efforts to ensure that even a little fraction of his opinion of what Fruita should be is hopefully listened to. He said there was an immense amount of time, effort and community outreach through the process of the recent adoption of the Fruita in Motion – Plan Like a Local Comprehensive Plan and updates to the Fruita Land Use Code.

Mr. Jones brought up the matter of the petition that was supposedly signed by 255 people that he said he unfortunately hadn't seen and asked "what about the other 14,000 residents of the City of Fruita?" He said he thought what they wanted were the Comprehensive Plan and Land Use Code updates that were adopted by the City Council after all the public input.

Mr. Jones recalled discussions about 15-foot rear setbacks and 35-foot building heights, which are what is allowed in the underlying zone of Community Residential. He stated that as a matter of fact, the building height of 35 feet is universally accepted throughout western Colorado, as well as the majority of the country. He also pointed out that 35-foot tall buildings are already allowed in all the City's zoning districts.

Mr. Jones addressed the stated concerns of traffic by saying that yes, there will be traffic generated with the project, but traffic was reviewed and analyzed and the street systems, both internally as well as externally, all have capacity for the traffic. He recalled how people had talked about a thoroughfare being created on Wildwood Drive, but that in actuality, as Wildwood Drive is brought into the project from the east, there will be a u-shape where traffic will have to come out before they go out on 17 ½ Road, so he didn't believe there would be a lot of runaway, straight-through traffic from the east.

Mr. Jones said that the majority of what he heard was a displeasure of losing views and various other personal elements, which is inherent, and he completely understands, but what he and his team has attempted to do with this project is to meet the visions and goals that were initiated two and a half years ago and he thinks they've nailed it. He said he thinks its going to be a great project for Fruita that will provide for some much-needed attainable housing.

Mr. Jones said he and his firm have worked very hard with staff listening to public comments and input to bring the Dwell PUD Plan before the City Council and he pointed out that the project does meet the requirements of the Land Use Code as well as the goals and visions in the Comprehensive Plan.

Mr. Jones respectfully requested approval of the Plan before the Council.

Mayor Kincaid turned it over to the City Council.

COUNCIL DISCUSSION:

Councilor Kreie asked if the project met the City's requirements for parking so that there will be enough parking for the number of houses. Planning & Development Director Dan Caris responded that the project does meet the City's parking standards and added that the applicant is proposing to provide parking pods for guests that might visit the neighborhood considering the fact that there would be no parking on one side of the street.

Councilor Kreie asked if there were any concerns expressed about emergency transportation access into the subdivision such as police and fire. City Engineer Sam Atkins said that there were comments from the Lower Valley Fire Department, but there were not any concerns related to access.

Councilor Kreie asked for confirmation that the housing was not designed to be "low-income" or "affordable housing;" it was just to add a variety of housing types and more inventory to help the problem that Fruita has. Mr. Jones confirmed that this was true.

Councilor Kreie asked if the City could require the applicant to implement some affordability in the project and Mayor Kincaid noted for the record that City Attorney Paul Wisor was shaking his head, “no.”

Councilor Kreie noted that in one of written comments, somebody was concerned about the City maintaining the park. He asked if that was the City’s responsibility or if it was the HOA’s. Mr. Caris answered that the park would be maintained by the HOA.

Councilor Kreie asked if the bridges on 17 ½ Road are going to be any issue for the increased traffic. Mr. Atkins stated that it is a two-lane road that has the capacity for the volumes that were being discussed. He added that the City is planning on applying for grant funds later this year for a subsequent build of that bridge, which has already been designed. Mr. Atkins said that as the City Engineer, he did not have concerns about the capacity of the bridge from a traffic volume standpoint.

Councilor Kreie asked who the neighboring residents could call (assuming the project moves forward) should they experience fugitive dust and stormwater nuisance issues. Mr. Caris said that if there were dust nuisances, people should definitely call the City’s Planning & Development Department and typically either the Code Compliance Officer or City Engineer Sam Atkins will go out to the site to make sure that water is being adequately applied. As far as stormwater management, he said the City partners with Mesa County for the permit to make sure that they are not discharging any other stormwater on adjacent properties and that they are keeping it confined in their project.

Councilor Kreie asked Mr. Jones if there will be stipulations in the CC&Rs that homeowners will be forbidden to have short-term rentals or if that will be an option for the homeowners. Mr. Jones responded that the CC&Rs are presently written not to prohibit short-term rentals (they would be allowed).

City Attorney Paul Wisor advised that the Council could make the prohibition of short-term rentals part of the PUD Guide for the subdivision.

Councilor Breman asked how long the subject property has been zoned Community Residential. Mr. Jones said it was better than 15 years.

Councilor Breman noted that there was a comment made earlier that the plans that were submitted the last time it was viewed by the Council had not changed, but he noticed that the 35-foot building height was initially proposed at 40 feet and asked what other changes were made. He also asked if the trees were new. Mr. Jones responded that a trail connection was added, the overall building height was reduced from 40 to 35 feet, the CC&Rs were modified to allow for 4:12 sloped roofs as well as flat roofs to be incorporated into the architecture and some additional stub street connections were added to the north to service the property.

Councilor Buck said she wanted to reiterate the thousands of hours and thousands of people that went into developing the Community (Comprehensive) Plan. She said it wasn’t a small effort; the City Manager, Planning & Development Director and City Engineer were at just about every meeting, as were a lot of developers.

Councilor Buck continued that when the project came through at Sketch Plan, she had one concern, and it wasn't density because she feels it is a perfect infill project for density, but it's how the density is presented. Within the Comprehensive Plan discussion, she said there are diagrams that show a transition from existing homes to a more compatible part of a new subdivision and then the density is placed toward the center of the project. She pointed out that her motion for the Sketch Plan was to "incorporate perimeter homes that are more compatible with existing, adjacent ranch homes in height and interior homes can have the 35- or 40-foot height."

Councilor Buck said she is still really hung up on that one because she knows that that the new development will negatively impact the people that are adjacent to it by allowing a row of 35-foot homes. She added that the density is necessary to make some of the costs come down, but the 35 feet was still a real hang-up for her and hadn't changed her mind about that.

Councilor Harvey said that when the project originally came through on May 19, 2020, the Council spent a good amount of time talking about the concept of "feathering" between developments and there were a number of Council members that brought it up as a concern. He said he agreed with Councilor Buck and that since he has been on the Council (eight years), the Council tries to respect the people who have already invested in the community and that by "feathering," the developer can allow the interior of the project to have greater height. Councilor Harvey noted that all six Council members voted "yes" on the Sketch Plan with the condition that the perimeter homes would be compatible with the existing ranch-style homes that are adjacent to the subject property.

Councilor Harvey said the only other thing that he finds concerning is that when he moved here, it was instilled upon him that Fruita was all about being a good neighbor and when he hears about things like the dust getting kicked up, being a good neighbor means taking care of the dust.

Councilor O'Brien thanked Mr. Maves for trying to address an issue that she thinks is really important in the City of Fruita. She recalled how she worked for a number of years as the President of the Teachers' Union in Mesa County and she negotiated teachers' salaries, so she knows that first, second, third and even fifth-year teachers cannot afford to live in Fruita. She guessed that salaries among police officers and firefighters are similar, so she appreciates very much what the developer is trying to do by honestly aiming for the \$200,000 to \$350,000 price range.

Councilor O'Brien continued that along with Councilor Harvey's thoughts about being a good neighbor, that being a good neighbor also means that we accept people that are around us, so that if the project goes through, she understands it will be impacting the people who already live there, but there are people who can't afford to live in Fruita and the City is trying to accommodate that. She said being a good neighbor is also not automatically assuming that there is going to be more crime in the neighborhood or terrible things are going to happen there. She said these are just people who can't afford to live here because Fruita is pricing them out. Councilor O'Brien said she hopes both sides can be good neighbors because Fruita does want a diverse community and that's going to require allowing a variety of housing.

Councilor Leonhart didn't think she could much more. She said she appreciates the diversity and that it's been a priority during the development of the Comprehensive Plan and added that not everyone wants a house on a big lot and have to maintain it, so having those options is great. She said "attainability" is in question because there are so many unknowns, but she really appreciates the effort.

Councilor Leonhart said she also appreciated the change in height from 40 feet to 35, but she wondered if it was a possibility to change where the taller buildings are in the Plan.

Councilor Leonhart said she remembered when Windsor Park was being put in and she was wondering why anyone would want that, but then it was embraced, so she feels like change at first can be a little bit scary, but she really thinks it is going to be a great project and she looks forward to it moving ahead.

Mayor Kincaid said he lives in a neighborhood that has that same “u” shape and it does help with traffic calming. He said he appreciates the park and agrees with the feathering. The Mayor pointed out that one thing that the Council and City does well is a lot of compromise; it’s not always a win/win on everything, but that he didn’t think this project was one that the Council was going to compromise on. He asked the applicant to think about how to change the perimeter to fit in with the houses around it, but said he thought everything else was great, even though a lot of the houses may not end up being attainable. Mayor Kincaid concluded that the applicant hit the nail on the head with the project.

Mayor Kincaid also wondered if maybe there could be a compromise on the part of the developer where they could put in a story and a half as opposed to two-stories, as an example. He pointed out from what he heard, there were over 4,000 people who provided their input on the Comprehensive Plan.

Mayor Kincaid said it was good to see the community come to the meeting and be respectful and that everyone was doing a good job listening.

City Attorney Paul Wisor noted that this is the first step in a several-step process; this is the Preliminary Plan stage and then there will be a Final PUD that will need to be approved by the Council. He stated that the Council could make a motion to approve the Preliminary Plan with conditions that the changes being discussed (“feathering”) are made and said this also would be helpful because no one has seen the PUD Guide yet to get a better understanding of what exactly is being proposed in terms of uses and how it all conforms with what the Council is looking for. Alternatively, the Council could continue the Preliminary Plan stage to wait to see the changes that they are looking for.

Mayor Kincaid asked applicant Robert Jones if he would rather have the Council move to approve the Plan with conditions or whether he would prefer that the matter be continued until modifications were made to the Plan. Mr. Jones said he would not like to extend the approval of the Plan.

- **COUNCILOR BUCK MOVED TO APPROVE THE DWELL PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY PLAN WITH THE CONDITION THAT THE PERIMETER LOTS ADJACENT TO EXISTING HOMES ARE ADDRESSED AND SHORT-TERM RENTALS ARE NOT ALLOWED.**

COUNCIL DISCUSSION:

Councilor Leonhart asked to see the Sketch Plan again on the overhead monitor and asked him to point out where the two-story homes are planned to be. She asked for confirmation that the houses on 17 ½ are the single-family homes. Mr. Maves responded that the homes on 17 ½ will be duplexes. Councilor

Leonhart asked what the interior homes will be and Mr. Maves said those will be the four and five-plexes with the more density. Councilor Leonhart asked for confirmation that if the project was proposed in a straight Community Residential Zone, the 15-foot setbacks and 35-foot building heights would be allowed. Mr. Wisor confirmed they would.

Mr. Maves stated that concerning being a good neighbor about the dirt, the day afterward he was made aware that it was dusty, he had water trucks over there. He said before that, he did not know; nobody asked or told him, they just wrote a letter to the City to complain about it. Mr. Maves also explained it was not the piles of dirt, it was just the trucks driving in and out that made it dusty.

Mr. Maves added that concerning the houses on the perimeter, they were designed as single-family on purpose to try to “feather,” but he cannot make them single-story; that just will not work. He said he was looking at Page 34 off the City’s plan that shows every single house on the outside being two-stories tall and every house in the middle as small. He stressed that this was the City’s plan around which he designed a subdivision and that he saw in that plan density feathering, but not height feathering.

Councilor Buck said she knew the Council talked about height feathering and thought she saw that in the Plan.

Mr. Maves said perhaps he could put a single-family home on the west and a couple of duplexes on the south or something like that, but that he could not make them single-story.

Councilor O’Brien asked for clarification on density feathering versus height feathering. Mr. Caris said it was tricky with the building height because the 35 feet is already an allowed use. He added that whether it’s front setbacks, building height or lot coverage, those are already by-right uses. He thought he heard the applicant saying that those things are already entitlements that are just consistent with Community Residential and what he heard Councilor Buck saying was that even with that, the lot size is smaller and the size and scale of the homes are going to be greater than if they were just a 35-foot tall house on a 7,000 square foot lot.

Councilor Buck said there is a great example in south Fruita where the City did this exact same thing and everybody was so caught up in the density; that it was going to kill the project, but the density wasn’t nearly as big a negative impact as the height of the structures because not only were the height of the structures up to 35 feet high, they brought in a ton of fill dirt, so it changed the grade and added four feet on top of the building height. For the people who lived below, it ruined their yards and space and Councilor Buck said she doesn’t ever want to be a part that again.

Mr. Maves said that in reality, a 12- or 18-foot tall house is going to ruin the neighbors’ views, so it’s going to happen no matter what the City does and it’s not his fault.

Councilor Buck said she wasn’t trying to protect their views, she was trying to protect their sense of privacy so that there isn’t a row of homes looking down into people’s backyards. She agreed that the harsh reality is that if a person doesn’t own all the land around them, they don’t get to decide what views they get. Mr. Maves responded that what he was trying to do with the 35 feet is really cool architecture with a 12:12 roof.

There was discussion among the Council about the difference between this application for a Planned Unit Development versus an application for the straight zone of Community Residential.

Mr. Maves said if he were to submit his project next week without a PUD, the Council couldn't say anything about it, but that he submitted it as a PUD at the same time the City was making the changes to the Land Use Code. Mr. Caris injected that the spirit of what Mr. Maves was saying is correct; the only element that would be different is that the Council would be evaluating the request for an increase of density through the Density Bonus Chapter. He said it wasn't necessarily an "apples to apples" comparison, but the Council would have to base the project based off the approval criteria for the Density Bonus Chapter, which had changes that were just recently adopted by the Council. Mr. Caris said there are differences with lot size; there would be a minimum of 3,500 square-foot lot sizes and the proposed lot sizes are smaller than that, so there would be topics for discussion in terms of layout, lot orientation and the like. It would be a slightly different review process, he explained.

Mr. Caris said that what he heard Councilor Buck saying was that it was not an "apples to apples" comparison where if the applicant were to bring the exact same project back it would be just evaluated with the subdivision standards that are applicable to just Community Residential; they would be requesting Density Bonus and the Council would have to delineate whether or not the applicant has met those prescriptive measures that are in the Code. Why those don't apply here, he said, is because there's a whole different set of approval criteria for a Planned Unit Development.

Mr. Caris reminded everyone that the project is at the Preliminary Plan stage and that in the City's Land Use Code, it clearly identifies that the applicant has 180 days from approval or approval with conditions to submit the Final Plan, which will spell out all the uses, setbacks and all the things that will be recorded as a part of their PUD Guide.

There was discussion among staff and the Council about how the applicant, if this application were denied, could come back next week and submit another application for a subdivision under the Community Residential Zone and Density Bonus considerations.

Mr. Wisor advised that in light of the lateness of the hour, the Council had the option to continue the public hearing to another meeting if they felt they didn't have a clear and concise vision of what it is that they want to approve with conditions. Mayor Kincaid noted that doing that would open it up to public comment all over again.

Councilor Buck said she was trying to come up with a solution that works for everybody and Mr. Maves said he was too, but, he really didn't want to take the building height under 35 feet or resubmit a whole different application. He said perhaps he could revise the Plan to have 25% of the homes at 30 feet and the rest at 35 feet. Mr. Maves said he really didn't know because he hasn't designed all the houses yet and some of them might only be 30 feet tall; he wasn't saying that everything was going to be 35 feet tall, he just didn't want to be restricted. He remained firm that the houses could not be single-story.

Councilor Breman said he disagreed with Councilor Buck's motion and that he wanted to see what the applicant might come back with for design. He noted that the City wants the high density and infill (which is what the applicant brought to the table) and added that he felt like the Council was sending a conflicting message in terms of what they were asking people to do. He said this was very concerning.

Councilor Buck directed staff to find those pictures that the Council discussed concerning the feathering because she remembered it being a very specific part of that Plan.

- **COUNCILOR BUCK MOVED TO APPROVE THE PROPOSED DWELL PRELIMINARY PLAN PUD WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED BY STAFF AND THE PLANNING COMMISSION BE ADEQUATELY RESOLVED WITH THE FINAL PUD PLAN AND ZONING APPLICATION IN ADDITION TO CHANGING THE BUILDING HEIGHTS AROUND THE PERIMETER ON THE SOUTH SIDE AND THE EAST SIDE TO BE COMPATIBLE WITH THE EXISTING HOMES AND THAT THE PUD GUIDE ALSO STATE THAT SHORT-TERM RENTALS ARE NOT ALLOWED. COUNCILOR HARVEY SECONDED THE MOTION.**

COUNCIL DISCUSSION POST MOTION:

Council Breman stated that he had concerns about the short-term rentals part of Councilor Buck's motion because he doesn't like to restrict what property owners can do with their own property.

City Attorney Paul Wisor recommended that the restriction on short-term rentals be included in the PUD Guide as opposed to the subdivisions' HOA covenants. He clarified that the PUD Guide is the zoning for the property while the CC&Rs are a different concept. Councilor Buck said she preferred to leave her motion as is.

Councilor Kreie said he also felt like the section in the motion concerning short-term rentals was really restrictive.

Councilor Leonhart said she had a problem with part about the heights and having the applicant resubmit another application because she heard it wouldn't matter about the views being blocked at some point anyway.

Councilor Buck requested that the Council take a vote on her motion. Deputy City Clerk Deb Woods polled the Council.

- **THE MOTION FAILED WITH FOUR NO VOTES AND TWO YES VOTES. COUNCILORS BUCK AND HARVEY VOTED YES AND COUNCILORS KREIE, LEONHART, BREMAN, O'BRIEN VOTED NO.**

Councilor Breman asked for clarification on what the ramifications would be to just approve the Preliminary Plan as is and what the next check point and risk would be. City Attorney Paul Wisor advised that the Council could approve the Preliminary Plan now, but the applicant will still have to come back to Council to get approval on the Final Planned Unit Development Plan/Plat, so there would be no risk in saying no to the Final. He said the Council members would need to have reasons for saying no.

Councilor Kreie suggested making a motion to approve the Preliminary Plan with added guidance to the applicant to make an effort to blend the housing to help maintain privacy of neighbors.

Councilor Breman stated that one of the challenges in Councilor Buck's motion was that it included a restriction on short-term rentals being allowed in the subdivision.

Councilor Kreie said he thought the motion should include more of what the Council was hoping to achieve; that he would hate to limit the applicant to one-story houses along the edge when they might be able to find a creative way to make a two-story house still meet the objective of maintaining privacy. He said he has a giant house 15 feet from his fence line and he can't see his neighbors.

Mr. Caris stated that if the Council was generally accepting of the project, its density, the lot configuration, the street layout, the adjustments to the street widths, the park, parking pods and the like, then the Council could approve the Preliminary Plan with the caveat that they need more information on the dimensional standards such as additional streetscape and front elevations, aerial photos or more information about how the houses will relate to the surrounding neighborhoods so that the project can achieve the greatest degree of compatibility that the Council desires when the Final Plan/Plat goes before the Council for approval. Mr. Caris added that there would be pushback from the applicant if the Council were to request that they design all the homes before they submit for the ability to even start construction on the homes. He suggested that the Council ask to see some elevations, not for all the houses, but at least some for the perimeter ones.

Councilor Breman said part of his heartburn was the vision of 15 feet, 6-foot fence and then just a wall behind a person's house. He said he heard from Mr. Maves that this wouldn't be the case because of the peaked roofs at various heights and some flat roofs, but he just didn't want to see a wall.

- **COUNCILOR BREMAN MOVED TO APPROVE THE DWELL PRELIMINARY PLAN WITH THE CONDITION THAT THE APPLICANT RETURN WITH LIMITED ELEVATIONS AND OTHER AGENCY COMMENTS PROVIDED. COUNCILOR KREIE SECONDED THE MOTION.**

There was more discussion about short-term rentals. Councilor Breman stated that it was not part of his motion. Councilor Buck stated that she was suggesting that the City make it mandatory (not allowing short-term rentals) in order to keep housing that locals can buy and so that the housing is not bought by investors to use as rentals. Councilor Leonhart asked if the Council will be allowed to include the restriction on short-term rentals at the time of Final Plan/Plat approval. City Attorney Paul Wisor answered that the Council could make it part of the PUD Guide at that time.

Deputy City Clerk Deb Woods polled the Council.

- **THE MOTION PASSED WITH FOUR YES VOTES AND TWO NO VOTES. COUNCILORS BUCK AND HARVEY VOTED NO AND COUNCILORS KREIE, LEONHART, BREMAN, O'BRIEN VOTED YES.**

City Attorney Paul Wisor informed the Council that the petition that was submitted by the neighboring subdivisions is related to zoning and staff is still evaluation on whether the petition has met the required threshold and will bring it to the Council's attention when the appropriate time comes at the appropriate meeting.

Councilor Buck advised the audience members that they will again be receiving postcards and should show back up again to provide either their support or opposition to the Final Plan/Plat, PUD Guide and zoning. She thanked them for coming.

8. ADMINISTRATIVE AGENDA

There were no Administrative Agenda items.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett did not provide his report due to the lateness of the hour.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL MEETINGS – DISCUSSION AND POSSIBLE ACTION TO CANCEL THE JUNE 22, 2021 WORKSHOP MEETING AND SCHEDULE THE CITY COUNCIL AND CITY STAFF RETREAT ON JUNE 14, 2021 AT 4:00 PM

- **COUNCILOR O'BRIEN MOVED TO CANCEL THE JUNE 22, 2021 WORKSHOP MEETING AND SCHEDULE THE CITY COUNCIL AND CITY STAFF RETREAT ON JUNE 14, 2021 AT 4:00 PM. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

B. COUNCIL REPORTS AND ACTIONS

Mayor Kincaid and Council members had nothing to report.

With no further business before the Council, the Mayor adjourned the meeting at 10:56 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR KINCAID AND COUNCILOR KREIE

DATE: MAY 18, 2021

RE: BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF MARY MIDGETT TO THE BOARD OF ADJUSTMENTS FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2024

BACKGROUND

Jim Morris resigned from the Board of Adjustments on April 19, 2019, thus creating a vacancy. The vacancy was advertised along with another one (expired term) on the City's website at fruita.org and on the City's Facebook page between January 1, 2021 and March 31, 2021.

On February 25, 2021, staff received an application from Mary Midgett, a new Fruita resident who is a retired but is looking for a way to productively spend her time. Her application was emailed to Mayor Kincaid and Council Liaison Ken Kreie and both recommend the appointment of Mary Midgett to the Board of Adjustments for a three-year term to expire in May of 2024.

If Mary Midgett is appointed, there will still be two remaining vacancies on the board due to the expiration of Cullen Purser's term, which expired in April of 2021 and the expiration of Keith Schaefer's term, which expired in November of 2020.

Cullen Purser has expressed interest in remaining on the Board of Adjustments and has assured staff that he will be submitting his application for reappointment soon. A letter and blank application form were sent to Keith Schaefer, whose term also expired. Staff has not received a response from Mr. Schaefer to date on whether he would like to apply for reappointment to the board.

If both Mary Midgett and Cullen Purser are appointed/reappointed, there will still be one remaining vacancy on the Board of Adjustments for the expired term of Keith Schaefer.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Mary Midgett to the Board of Adjustments for a three-year term to expire in May of 2024
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid and Councilor Kreie that the following appointment be made:

- **MARY MIDGETT TO THE BOARD OF ADJUSTMENTS FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2024**



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

BOARD OR COMMISSION: _____

NAME: _____

MAILING ADDRESS: _____

City	State	Zip
------	-------	-----

RESIDENCE ADDRESS: _____

PHONE NUMBER: _____

Home	Work
------	------

E-MAIL ADDRESS: _____

How long have you been a resident of Fruita? _____

Occupation/Employer: _____

List any volunteer and/or work experience:

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

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

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

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

Are you committed to attending meetings? Yes No

Are you committed to serving an entire term? Yes No

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

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

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

Signature _____ Date _____

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

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

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

M. G. MIDGETT

857 Saint Peppin Drive
Fruita, CO 81521

Home (870) 540-0891
Cell: (870) 413-9923

SUMMARY OF QUALIFICATIONS

Twenty-five years professional writing and editing experience. Developed and/or implemented numerous internal policies and procedures. Demonstrated accomplishments in writing and preparing complex, multi-faceted, diverse participant proposals as well as all levels of project documents. Sound abilities to effectively communicate, both orally and in writing with all levels of staff and Subject Matter Experts. Proficient in personal computer applications.

EDUCATION

Bachelors of Science, Kansas State University (magna cum laude)
Graduate Studies, Kansas State University/University of Texas/University of Houston

WORK EXPERIENCE

08/2008 – 08/2009

Dollarway High School

Pine Bluff, AR

- ***Tenth Grade English and Honors English***

12/1998 – 06/2006

Washington Group, Intl. (formerly Raytheon Demilitarization Co)

Pine Bluff, AR

- ***Assistant Contract Manager*** responsible for preparing contractual correspondence to the government; Ghost write most correspondence originating from Project General Manager, Project Controls Manager and Contract Manager as well as other departments. Provided all procedure reviews for department and wrote all departmental procedures.
- ***Manager, Engineering Administration*** responsible for supervising the group assigned to prepare the initial systemization procedures wrote and edited numerous plans, procedures, site monthly report data, staffing plans, salary plans, resource allocation plans and resources.
- ***Senior Subcontracts Administrator*** responsible for writing all Procurement / Supply Chain Policies and Procedures.

6/1998 – 12/1998

Raytheon Engineers & Constructors

Princeton, NJ

Senior Contracts Administrator, Nuclear, responsible for writing primary draft analyses of contract terms and conditions, and negotiation guidelines.

4/1997 – 11/1998

Burns & Roe Enterprises, Inc.

Aiken, SC / Oradell, NJ

Senior Technical Writer/Editor worked with Proposal/Marketing Group providing writing/editing expertise in preparing all aspects of Technical Proposals. Skilled in preparing 255/254s, researching, designing and writing key personnel resumes, relevant project experience summaries and other pertinent proposal sections.

11/1992 – 3/1997

EBASCO Services/Raytheon Engineering & Construction

Augusta, GA/Savannah River Site

Technical Publications Manager responsible for preparing intricate, multi-faceted proposals and project deliverables including Conceptual Design Reports, System Design Descriptions, Project Procedures and Technical Specifications as well as publishing project newsletters and bulletins, drafted compliance matrices. Worked to ensure presentations were consistent, integrated in style, explicit in thought process and in conformance with technical document standards. For *Corporate Security writing/editing scope included preparing corporate level procedures, guides, emergency preparedness plans and other similar level security documents for company offices throughout the world. Provided seconded services in Technical Editing field. Was selected as a Corporate Team Member to prepare the single largest, most detailed proposal in the company's history. Major responsibilities included coordinating and preparing data calls, key personnel resumes and compiling and writing the diversity section of the proposal*

CLEARANCES

DoD National Agency Check (Secret) – Inactive

VOLUNTEER ACTIVITIES

REFERENCES/ADDITIONAL INFORMATION ON REQUEST



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR KINCAID AND COUNCILOR O'BRIEN

DATE: MAY 18, 2021

RE: BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF AARON HANCEY TO THE PLANNING COMMISSION AS AN ALTERNATE MEMBER FOR A THREE-TERM TO EXPIRE IN MAY OF 2024

BACKGROUND

On January 21, 2021, Planning Commission member Laura Simcik resigned as an alternate member of the board, thus creating a vacancy. Her term was due to expire in June of 2025. The vacancy was advertised on the City's website at fruita.org and on the City's Facebook page between March 31, 2021 and the present.

The Fruita Planning Commission's authority is under Chapter 2.39 of the Fruita Municipal Code, which is silent about "alternate members." Since there is nothing that would conflict or necessitate a change in the Municipal Code, staff believes it is beneficial to appoint alternate members to the Planning Commission should the Commission have a shortage of available members to constitute a quorum.

In mid-April, staff received two applications for the vacant alternate seat on the Planning Commission. On May 4, 2021, Mayor Kincaid and Board Liaison Councilor O'Brien interviewed both applicants and subsequently recommended that Aaron Hancey be appointed to the Planning Commission as an alternate member to fulfill Laura Simcik's unexpired term. The other applicant is ineligible because he is related to a regular member of the board, which is not permitted pursuant to the City of Fruita's Boards and Commissions Policy that the Council adopted on August 4, 2020.

Mr. Hancey's application is attached for the Council's review.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Aaron Hancey to the Planning Commission as an alternate member to fulfill an unexpired term to expire in June of 2025.
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid and Councilor O'Brien that the following appointment be made:

- **AARON HANCEY TO THE PLANNING COMMISSION AS AN ALTERNATE MEMBER TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN JUNE OF 2025.**

RECEIVED
APR 14 2021



FRUITA
COLORADO

BY: DW
**CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION**

BOARD OR COMMISSION: Planning Commission

NAME: Aaron Hancey

MAILING ADDRESS: 1892 K. Rd

Fruita CO 81521
City State Zip

RESIDENCE ADDRESS: Same

PHONE NUMBER: 970-261-5413 N/A
Home Cell Work

E-MAIL ADDRESS: aaron.hancey@gmail.com

How long have you been a resident of Fruita? 6+ yrs

Occupation/Employer: Financial Business Consultant / Self-Employed.

List any volunteer and/or work experience:

Controller - West Star Aviation
Boy Scout leader 12+ yrs

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

No

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

Help the community where I live.

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

Through out my career I assess policies/procedures of businesses
- listen + address/recommend.

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

Are you committed to attending meetings?

Yes

No

Are you committed to serving an entire term?

Yes

No

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

None.

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

-

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

Signature *AH* Date *4/13/21*

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

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

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

AARON D. HANCEY

(970) 261-5413 • aaron@hanceyconsulting.com

Financial Business Consultant
Hancey Consulting, LLC

July 2018 – Present
Fruita, CO

What We Do:

- Empower growing businesses by improving their finance and accounting department through consulting as a part-time Chief Financial Officer/Controller
- Increase confidence in financial reporting systems to consult management in making sound business decisions
- Provide in-depth financial analysis to control costs and improve profit margins
- Improve processes and procedures for accurate and timely financial reporting
- Establish budgets and forecasts to set and track financial goals and objectives
- Enable owners to spend time doing what they do best - run their company

What We Have Accomplished:

- Saves client \$60K a year by having a contract CFO versus a full-time CFO
- Facilitated client's growth from requiring a part-time consultant to hiring a full-time Director of Finance and Business Development
- Corrected multiyear accounting issues to receive a tax refund for an overpayment in tax of 40%
- Established stronger processes to decrease Accounts Receivable by 30%

Division Controller
West Star Aviation, LLC

May 2014 – June 2018
Grand Junction, CO

- Supported the profitable sale of company to new investment group
- Helped operational consultants with management to increase efficiencies by 10% in six months
- Advised and assisted executives on acquisitions and startup for new locations for \$20M investments
- Supported corporate accounting in financial reporting, projects, and ad hoc reports to executives and investors
- Produced weekly six-month forecast for investors, executives, and sales department
- Realigned and improved internal controls and processes company wide
- Managed financial preparation, reporting, and analysis for two locations with annual revenues of \$150M and 500+ employees
- Developed and fostered relationships between Accounting department and 15 program managers
- Prepared and presented annual budget with 10%+ growth year-over-year
- Worked directly with general manager to develop and manage KPIs for managers
- Supported and trained team leads and managers in understanding and applying financial data and metrics to improve projects and job performance
- Managed Work-In-Process for 50+ aircraft projects that ranged from \$25K to \$2M
- Discovered and corrected process for fuel inventory reporting issue - \$100K correction

Audit Senior
Bradley Consulting Group, P.C.

December 2007 – May 2014
Lakewood, CO

- Managed 50+ accounting, compilation, review and audit engagements
- Supervised and managed work of four accounting staff
- Established and improved internal controls for clients
- Managed client accounting software conversions

B.S. Accounting
Utah State University

December 2007
Logan, UT



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR KINCAID AND COUNCILOR LEONHART

DATE: MAY 18, 2021

RE: BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF TROY HAYES TO THE POLICE COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2024

BACKGROUND

In December of 2020, Police Commission member Ed Vigil resigned, thus creating a vacancy.

In April of 2021, staff received two applications for the vacant seat on the Police Commission.

On May 4, 2021, Mayor Kincaid and Council Liaison to the Police Commission Karen Leonhart interviewed both applicants and subsequently recommended the appointment of Troy Hayes for the vacant seat. If Mr. Hayes is appointed, there will be no vacancies on the Police Commission.

The other applicant will receive a letter from the Mayor informing him of the decision but also advising him that his application will be kept on file should another vacancy come up on the Police Commission.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

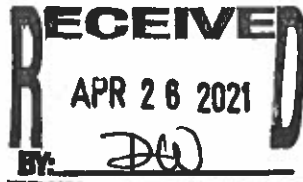
OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Troy Hayes to the Police Commission.
2. Instruct staff to publish a notice of vacancy and repeat the process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid and Councilor O'Brien that the following appointment be made:

- **APPROVE THE APPOINTMENT OF TROY HAYES TO THE POLICE COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2024**



FRUITA
COLORADO

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

BOARD OR COMMISSION: Police Commission

NAME: Troy Hayes

MAILING ADDRESS: 1136 Aspen Village Loop

	City	State	Zip
RESIDENCE ADDRESS:	<u>Fruita</u>	<u>CO</u>	<u>81521</u>

PHONE NUMBER:	<u>520-975-1496</u>	<u>same</u>
---------------	---------------------	-------------

	Home	Work
--	------	------

E-MAIL ADDRESS: turnagain0425@gmail.com

How long have you been a resident of Fruita? 2 years

Occupation/Employer: Nurse Practitioner/VA Medical Center

List any volunteer and/or work experience:

Retired AZ State Trooper/Flight Paramedic, including service on SWAT
Military combat veteran, still serving in army reserve
35 years in emergency services, law enforcement, and health care

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

No

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

Now, more than ever, our law enforcement organizations need committed, knowledgeable citizens in support of policing policies, standards, procedures and limitations recommendations to city government.

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

See work experience

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

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

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


None known

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

See work experience above, and attached resume

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

Angela Harrolle, Director, The 100 Club of AZ. 602-743-9430
Frank Milstead, former Director of AZ Department of Public Safety. 602-980-5788
Dr. Eric Watters, City of Fruita Police Commission member. 954-410-2417

Signature  Date 04/24/2021

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

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

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

Troy S. Hayes, MSN

1136 Aspen Village Loop

Fruita CO 81521

Mobile (520) 975-1496

turnagain0425@gmail.com

Employment Experience

APR 2019 – present

Acute Care Nurse Practitioner, VA Medical Center, Grand Junction, CO. As a licensed independent practitioner for the Surgery and Endoscopy departments, in collaboration with a multidisciplinary team, oversee and direct patient care from preoperative evaluation to postoperative care, discharge, and follow up evaluation. Serve as surgical First Assist, directly participating in operative procedures alongside the attending surgeon. Train family practice residents in minor surgical procedures. During the onset of the 2020 Covid-19 pandemic, researched, implemented and led the development of an institution-wide personal protective equipment (PPE) program, specifically tailored to threats posed by the novel virus.

2008 – 2019

Flight Nurse, Arizona LifeLine, Arizona. (full and part time). Critical care air transport expert, proficient in adult and pediatric medical and surgical/neurosurgical critical care, as well as high risk obstetrical nursing and neonatal stabilization, as part of an interdisciplinary team. Met or exceeded continuing education requirements for the Certified Flight Registered Nurse (CFRN) credential. Led company task force charged with evaluating and improving operational guidelines in preparation for program re-accreditation by the Commission on Accreditation of Medical Transport Systems (CAMTS). Formally recommended updates to clinical care guidelines, according to evidence based practice. Oriented, trained and mentored new flight nurses and paramedics.

JUN 1999- JUN 2017

State Trooper/Flight Paramedic, Arizona Department of Public Safety. Honorably retired. As a helicopter flight crew member and police officer/critical care paramedic, was responsible for autonomous planning, implementation, oversight, and evaluation of wide variety of aviation mission sets, including: emergency medical transportation, backcountry search and rescue, technical rope and water rescue operations, critical law enforcement and homeland security support, and aerial firefighting. Regularly interfaced with and trained personnel from numerous local, county, state, and federal agencies to ensure mission safety, success, and process improvement. Trained and mentored new Trooper/Paramedics. Investigated and recommended industry-wide equipment and technique best practices during ongoing helicopter acquisition projects. Credentialed as General Instructor by Arizona Peace Officers Standards and Training (AZ POST) governing body. Led department-wide Paramedic Training Committee for six years, guiding continuing education and training requirements from medical and operational standpoints. Numerous commendations for lifesaving search and rescue missions. Formally recognized by U.S. Congresswoman Martha McCally as "First Responder of Distinction". Hold FEMA National Incident Management System (NIMS) and Incident Command System (ICS) certifications, and Inland Search and Rescue (SAR) Planning certification – United States Coast Guard

Military Experience (total of approximately 13 years creditable service)

- 2020- present **1st Lieutenant, Critical Care Nurse.** U.S. Army Reserve. Lead critical care element of Forward Resuscitative Surgical Team.
- 2011 – 2012 **Flight Medic.** U.S. Army. Sergeant E-5. Combat medevac deployment to Afghanistan, supporting the U.S. Marines in Helmand Province. In theater, served as squad leader and acting platoon sergeant at remote forward operating base. Conducted over 120 point-of-injury (POI) and interfacility medevac flights. Authorized by U.S. Navy medical chain of command to conduct independent critical care transport flights when Navy critical care nursing personnel were not available. Compiled and evaluated combat casualty statistics and recommended changes to flight medic protocols, based on industry best practices. Subsequently achieved authorization for and implemented usage of advanced pain management and blood product administration aboard Dustoff evacuation missions. Supervised, trained, and mentored junior flight medics. Led efforts to provide formal medical training for helicopter crew chiefs. Awarded Air Medal and Combat Action Badge.
- 2005 – 2011 **Medical Technician.** Technical Sergeant E-6. U.S. Air Force Reserve, Arizona. Drilling reservist through April 2008, then Individual Ready Reserve. Supervised unit immunization program, ensuring compliance for over 200 personnel. Deployed for three weeks to Morocco in 2007 for medical support of the U.S. Marines and provided humanitarian aid to indigenous population.
- 1994 – 1995 **Flight Medic.** Colorado Army National Guard. Awarded Colorado Meritorious Service Medal for exemplary performance as flight crewmember during forest fire operations.
- 1988 – 1991 **Flight Medic.** Wyoming Air National Guard. Included combat air-evac deployment during Operation Desert Shield/Storm.
- 1985 – 1988 **Helicopter Weapons Specialist and Special Operations Medic trainee.** Colorado Army National Guard.
- 1983 – 1985 **Field Artillery Surveyor.** United States Army, Europe. Awarded Army Commendation Medal and numerous certificates of achievement.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, FINANCE DIRECTOR/CITY CLERK

DATE: MAY 18, 2021

RE: FINANCIAL REPORTS FOR APRIL 2021

BACKGROUND

Wastewater Treatment Facility Loan – Refunding

The Colorado Water Resources and Power Development Authority (CWRPDA) refunded the 2010 Bonds which provided the \$21.8 million loan to the City for funding construction of the wastewater treatment facility. This refunding will save the City approximately \$2 million over the remaining life of the loan (2021-2032). The 2021 savings is approximately \$180,000 and the annual savings thereafter average approximately \$160,00. A big thanks to Jim and the CWRPDA for all their work in this refunding!

Sales, Use Tax and Lodging Tax Revenues – March 2021.

The following chart provides a comparison between 2020 and 2021 the 2% sales tax, 2% use tax and 3% lodging tax revenues. Overall tax revenues are up \$231,698 from the prior year and up \$323,325 ahead of budgeted amounts. Lodging tax revenues and county sales tax revenues both show very strong increases over the prior year.

Summary of Sales and Use Tax Revenues - March 2021					
Type	Month	Percent (%) Change		Dollar (\$) Change	
		Month	Y-T-D	From prior year - YTD	Between actual and budget - YTD
City Sales Tax (2%)	Mar-21	13%	13%	\$ 79,537	\$ 115,589
Use tax on Motor Vehicles (2%)	Mar-21	30%	6%	\$ 10,053	\$ 21,473
Use tax on Building Materials (2%)	Mar-21	-22%	14%	\$ 9,686	\$ 31,892
Lodging Tax - (3%)	Mar-21	134%	51%	\$ 6,291	\$ 7,518
County Sales Tax	Mar-21	42%	22%	\$ 120,095	\$ 125,034
Public Safety Tax	Mar-21	52%	26%	\$ 6,036	\$ 21,819
				\$ 231,698	\$ 323,325

The following table shows March 2021 total 3% city sales tax collections by NAICS category.

- Sales tax collections from the “remote” retailers represent approximately 10% of the March 2021 city sales tax collections and increased 27% over the prior year.
- Retail trade continues to be the largest dollar contributor to the monthly 13% increase in city sales tax with a 41% increase (\$63,590) from the same period in 2020. Lodging tax had the largest percentage increase over the prior year at 243% (\$10,766) and reflects the easing of restrictions on travel. Food sales also showed a good come back with an increase of 60% over March 2020 sales (and a 41% increase over March 2019 pre-COVID sales tax revenues).
- Oil and gas sales and related rental and leasing revenues were the 2 areas of declines in sales tax revenues for the month with oil and gas activity down 98% (\$71,524) from March 2020.

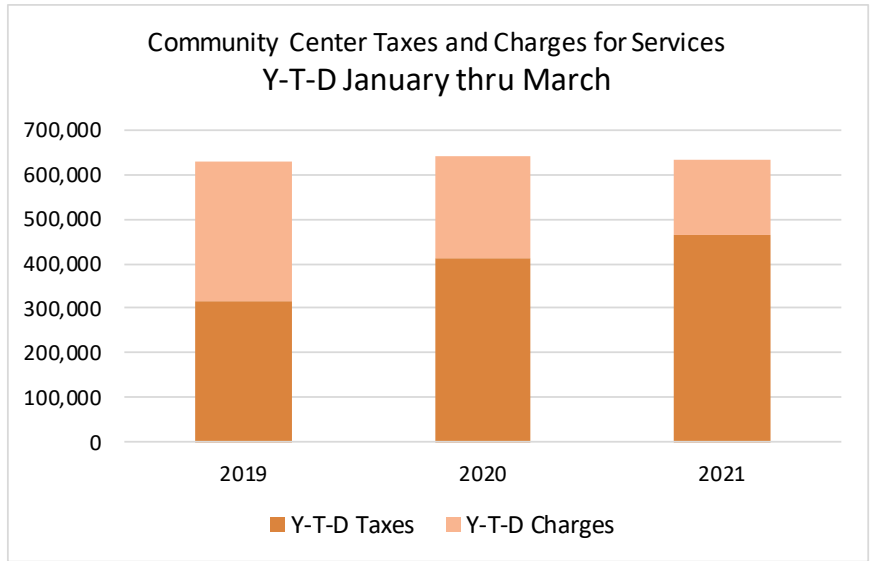
Sales Tax Revenues by Category (3%)				
Mar-21				
Description	2020	2021	1 yr % Chg	1 yr \$ Chg
Sales taxes				
Retail Trade	156,351	219,941	41%	63,590
Food	49,455	79,326	60%	29,871
Other Miscellaneous	7,993	14,192	78%	6,199
Utilities	22,065	23,585	7%	1,520
Manufacturing	9,162	12,853	40%	3,691
Rental and Leasing	11,252	9,034	-20%	(2,218)
Other Services	4,264	7,994	87%	3,730
Lodging	4,425	15,191	243%	10,766
Wholesale Trade	15,204	16,449	8%	1,245
Communications	11,082	11,616	5%	534
Oil and Gas	72,831	1,307	-98%	(71,524)
Total	364,084	411,488	13%	47,404
Remote retailers	33,477	42,449	27%	8,972

Sales and Use Tax Revenues –March Year to Date

Attached is 5 year history of the year-to-date sales and use tax revenues by Category (NAICS).

Community Center Fund – February and March 2021.

The combination of city sales and use tax revenues for March reflect a 12% increase from 2020 revenues. Charges for services for January thru April are down 1% from the prior year and down and down 33% from 2019 pre-COVID levels. The 2021 Budget anticipates charges for services to be approximately 44% of 2019 revenues. As shown on the following graph, year-to-date combined revenues from taxes and charges for services are almost flat compared to 2019 pre-COVID levels.



Revenue vs Expense by Account Type – April 2021. This report presents summary information on revenues and expenses and budget comparisons for all funds. The report includes revenues and expenses by category or type of revenue/expense and also by department. The following is a summary of the report by fund showing actual revenues and expenses as a percentage of budget.

Revenues and Expenses as Percentage of Budget April 2021		
Column 1	Revenues as a % of Budget	Expenses as a % of Budget
General Fund	37%	26%
Conservation Trust Fund	28%	0%
Economic Development Fund	22%	55%
Marketing	27%	19%
Public Places Fund	35%	30%
Community Center	35%	26%
Capital Projects	6%	7%
Debt Service	26%	26%
Devils Canyon Center	0%	100%
Irrigation Water	4%	33%
Sewer	29%	37%
Trash	26%	26%
Fleet Maintenance Fund	100%	40%
Total	30%	25%

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO COUNCIL

Approval of Financial Reports

Approval of Financial Reports with clarification on specific items

RECOMMENDATION

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

ACCEPT THE APRIL 2021 FINANCIAL REPORTS AS PRESENTED



COLORADO WATER RESOURCES & POWER DEVELOPMENT AUTHORITY

Logan Tower Bldg - Suite 620, 1580 Logan Street, Denver, Colorado 80203-1942
303/830-1550 · Fax 303/832-8205 · info@cwrpda.com

May 11, 2021

Ms. Margaret Sell, Finance Director
City of Fruita
msell@fruita.org
(Sent via email)

**Re: City of Fruita
Water Pollution Control Revolving Fund Loan (#W10A053)
Refunding Savings – 2010 Series A**

Dear Ms. Sell:

The Colorado Water Resources and Power Development Authority (“Authority”) refunded certain bonds in May 2021 to generate savings for our borrowers including the City of Fruita. The refunding savings for the City totaled **\$2,018,851.56** and will be applied as payment credits to your upcoming loan repayments as shown on the attached loan repayment schedule. Our loan payment invoice that we send out ahead of each payment will show the applicable payment credit as well.

We were pleased with the interest savings associated with our refunding. All savings, after paying for cost of issuance, is passed on to our borrowers.

Please feel free to contact me if you need more details on the savings and payment credits.

Sincerely,

A handwritten signature in cursive script that reads "Jim Griffiths".

Jim Griffiths
Finance Director
1580 Logan St. Suite 620
Denver CO. 80203
303.830.1550 ext. 1024

Attachment: Revised Loan Repayment Schedule

Colorado Water Resources & Power Development Authority
 Water Pollution Control Revolving Fund Program

Fruita, City of (W10A053)

LOAN REPAYMENT SCHEDULE - EXHIBIT C OF LOAN AGREEMENT

Revised to reflect the savings from the 2021 SRF Series A Refunding (06/03/2021)

Loan Repayment Due Date	Net Loan Principal (1) (2)	Net Loan Interest (2)	Administrative Fee	Anticipated Refunding Savings Credits (3)	Total Loan Repayment
8/1/2010	0.00	184,381.57	0.00	0.00	184,381.57
2/1/2011	220,000.00	301,115.02	0.00	0.00	521,115.02
8/1/2011	220,000.00	307,130.61	0.00	0.00	527,130.61
2/1/2012	235,000.00	306,042.07	0.00	0.00	541,042.07
8/1/2012	235,000.00	306,042.07	0.00	0.00	541,042.07
2/1/2013	252,500.00	274,163.56	0.00	0.00	526,663.56
8/1/2013	252,500.00	299,941.80	0.00	0.00	552,441.80
2/1/2014	272,500.00	293,834.23	0.00	0.00	566,334.23
8/1/2014	272,500.00	293,834.23	0.00	0.00	566,334.23
2/1/2015	295,000.00	287,670.66	0.00	0.00	582,670.66
8/1/2015	295,000.00	287,670.66	0.00	0.00	582,670.66
2/1/2016	315,000.00	281,421.85	0.00	0.00	596,421.85
8/1/2016	315,000.00	281,421.85	0.00	0.00	596,421.85
2/1/2017	340,000.00	271,978.15	0.00	0.00	611,978.15
8/1/2017	340,000.00	271,978.15	0.00	0.00	611,978.15
2/1/2018	365,000.00	262,102.92	0.00	0.00	627,102.92
8/1/2018	365,000.00	262,102.92	0.00	0.00	627,102.92
2/1/2019	390,000.00	251,769.77	0.00	0.00	641,769.77
8/1/2019	390,000.00	251,769.77	0.00	0.00	641,769.77
2/1/2020	422,500.00	237,063.34	0.00	0.00	659,563.34
8/1/2020	422,500.00	237,063.34	0.00	0.00	659,563.34
2/1/2021	455,000.00	221,272.48	0.00	0.00	676,272.48
8/1/2021	455,000.00	221,272.48	0.00	(180,912.48)	495,360.00
2/1/2022	487,500.00	204,449.31	0.00	(83,099.31)	608,850.00
8/1/2022	487,500.00	204,449.31	0.00	(83,299.31)	608,650.00
2/1/2023	522,500.00	186,603.60	0.00	(84,063.60)	625,040.00
8/1/2023	522,500.00	186,603.60	0.00	(85,938.60)	623,165.00
2/1/2024	560,000.00	167,651.16	0.00	(83,961.16)	643,690.00
8/1/2024	560,000.00	167,651.16	0.00	(81,336.16)	646,315.00
2/1/2025	592,500.00	153,069.43	0.00	(86,024.43)	659,545.00
8/1/2025	592,500.00	153,069.43	0.00	(82,599.43)	662,970.00
2/1/2026	627,500.00	137,760.18	0.00	(83,600.18)	681,660.00
8/1/2026	627,500.00	137,760.18	0.00	(81,975.18)	683,285.00
2/1/2027	662,500.00	120,854.96	0.00	(82,004.96)	701,350.00
8/1/2027	662,500.00	120,854.96	0.00	(86,004.96)	697,350.00
2/1/2028	700,000.00	103,139.57	0.00	(85,089.57)	718,050.00
8/1/2028	700,000.00	103,139.57	0.00	(84,464.57)	718,675.00
2/1/2029	740,000.00	84,514.95	0.00	(82,104.95)	742,410.00
8/1/2029	740,000.00	84,514.95	0.00	(82,229.95)	742,285.00
2/1/2030	777,500.00	64,900.22	0.00	(82,965.22)	759,435.00
8/1/2030	777,500.00	64,900.22	0.00	(83,715.22)	758,685.00
2/1/2031	820,000.00	44,343.43	0.00	(82,463.43)	781,880.00
8/1/2031	820,000.00	44,343.43	0.00	(83,963.43)	780,380.00
2/1/2032	862,500.00	22,717.73	0.00	(82,392.73)	802,825.00
8/1/2032	862,500.00	22,717.73	0.00	(84,642.73)	800,575.00
Total:	\$ 21,830,000.00	\$ 8,773,052.58	\$ -	\$ (2,018,851.56)	\$ 28,584,201.02

(1) Principal reductions due to refunding savings credits and/or other credits do not reduce the total loan payable until the period the credits are realized (as reflected on the schedule).

(2) Loan Interest and/or principal shown are net of any previously applied credits.

(3) In the periods where the refunding credit exceeds loan interest, the credit will be applied against loan interest first with any remaining credits applied to principal.

SALES AND USE TAX REPORTS

City Sales Tax - 2% General Fund (110-3131)							
	2017	2018	2019	2020	2021	\$ Variance	% Variance
Jan	110,073.96	116,622.91	124,973.08	190,392.44	204,830.52	14,438.08	7.58%
Feb	106,532.67	106,634.80	144,100.65	167,749.86	201,246.04	33,496.18	19.97%
Mar	139,574.31	159,114.23	165,160.52	242,722.52	274,325.31	31,602.79	13.02%
Apr	143,147.33	158,126.49	191,027.30	211,354.97			
May	164,468.58	167,938.47	198,826.37	236,158.52			
Jun	160,573.33	174,498.93	197,471.05	229,208.70			
Jul	142,369.41	163,430.68	190,974.84	280,361.25			
Aug	144,989.26	175,336.63	200,644.07	229,018.92			
Sep	148,777.11	181,109.36	193,024.68	239,752.16			
Oct	147,596.93	204,845.74	205,934.68	243,770.76			
Nov	144,996.46	153,890.31	192,966.14	224,503.72			
Dec	137,020.73	159,113.63	208,689.86	243,087.11			
TOTAL	1,690,120.08	1,920,662.18	2,213,793.24	2,738,080.93	680,401.87	79,537.05	13.24%
%	12.01%	13.64%	15.26%	23.68%			

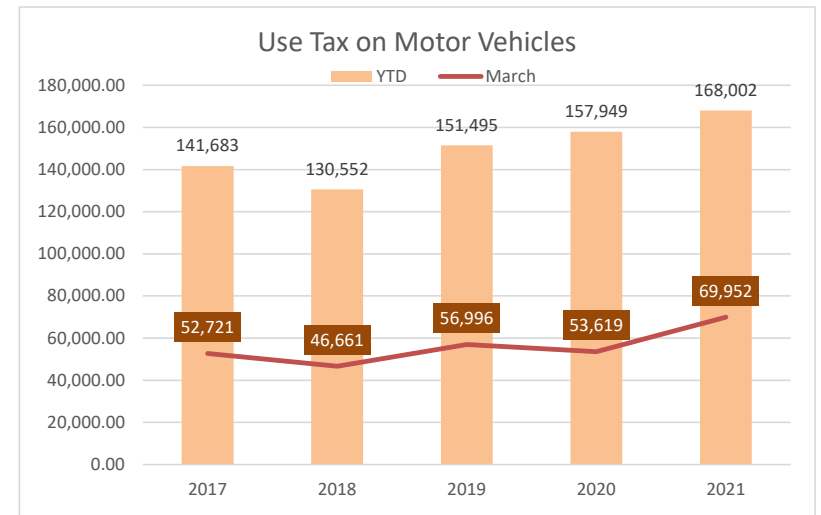
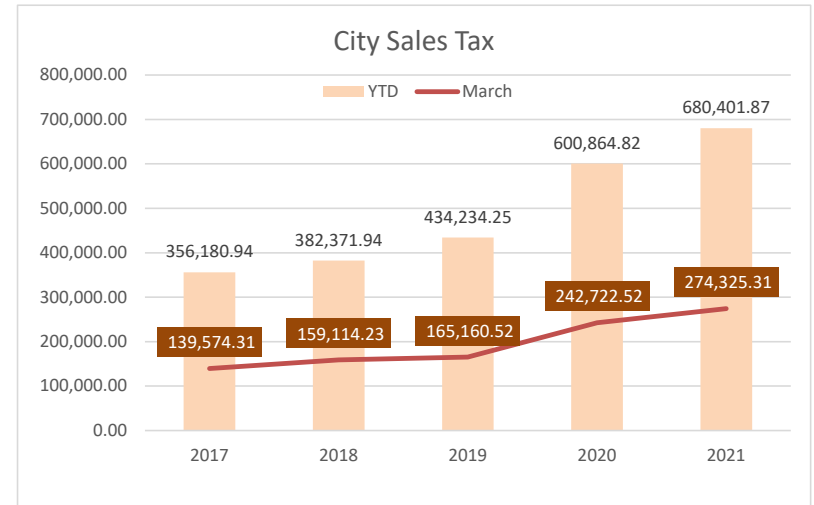
2021 Budget= \$2,575,000, 6% decrease from 2020 Actual Revenues

March	356,180.94	382,371.94	434,234.25	600,864.82	680,401.87	79,537.05	13.24%
3%	534,271.41	573,557.91	651,351.38	901,297.23	1,020,602.81	119,305.58	13.24%

Use Tax on Motor Vehicles - 2% General Fund (110-3132)							
	2017	2018	2019	2020	2021	Variance	% Change
JAN	43,562.42	41,597.40	59,067.65	44,776.20	59,327.64	14,551.44	32.50%
FEB	45,398.99	42,294.19	35,431.97	59,554.07	38,721.90	-20,832.17	-34.98%
MAR	52,721.40	46,660.84	56,995.69	53,618.86	69,952.45	16,333.59	30.46%
APR	30,578.05	60,910.43	58,679.47	37,062.83			
MAY	67,716.13	36,802.77	90,700.80	35,122.84			
JUN	51,241.39	74,048.50	52,822.10	72,285.02			
JUL	52,317.23	72,501.97	67,463.71	89,038.90			
AUG	61,190.50	37,103.59	66,028.27	73,161.03			
SEP	71,360.98	62,407.47	46,789.04	69,374.11			
OCT	62,492.61	75,929.88	51,469.53	61,789.73			
NOV	39,313.29	41,987.01	58,715.01	37,390.30			
DEC	61,912.59	36,418.95	46,583.89	67,505.07			
YTD	639,805.58	628,663.00	690,747.13	700,678.96	168,001.99	10,052.86	6.36%
%	19.97%	-1.74%	9.88%	1.44%			

2021 Budget = \$650,000 - 7.2% decrease from 2020 Actual revenues

March	141,682.81	130,552.43	151,495.31	157,949.13	168,001.99	10,052.86	6.36%
3%	212,524.22	195,828.65	227,242.97	236,923.70	252,002.99	15,079.29	6.36% for chart only

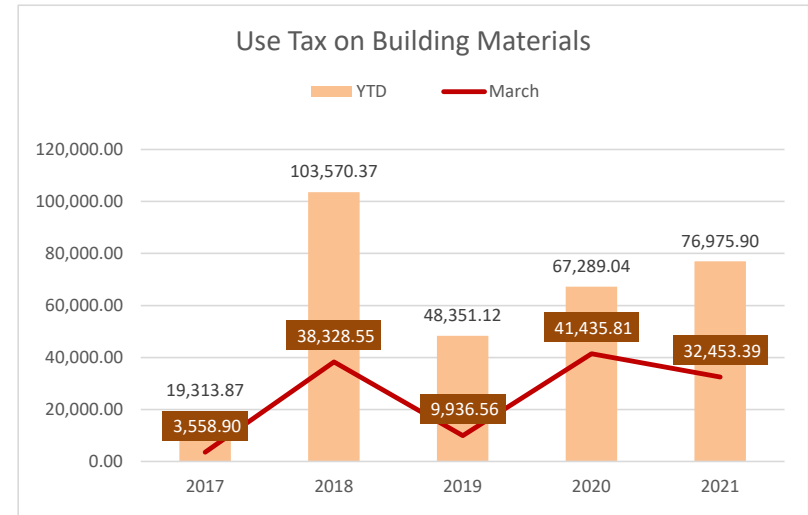


SALES AND USE TAX REPORTS

Use Tax on Building Materials - 2% General Fund (110-3133)							
	2017	2018	2019	2020	2021	Variance	% Change
JAN	11,966.68	40,827.15	19,357.85	14,922.55	16,599.65	1,677.10	11.24%
FEB	3,788.29	24,414.67	19,056.71	10,930.68	27,922.86	16,992.18	155.45%
MAR	3,558.90	38,328.55	9,936.56	41,435.81	32,453.39	-8,982.42	-21.68%
APR	13,173.71	20,911.52	24,173.95	10,766.83			
MAY	11,216.84	37,147.62	32,410.86	38,491.01			
JUN	4,893.13	105,602.45	26,190.88	17,591.28			
JUL	7,689.06	15,634.23	16,836.31	37,279.04			
AUG	32,557.34	18,073.99	8,864.92	20,497.47			
SEP	7,864.41	19,407.92	3,865.13	23,043.51			
OCT	11,756.71	12,148.65	16,537.07	20,654.70			
NOV	35,906.06	19,278.98	12,122.45	32,902.26			
DEC	2,702.11	9,762.50	19,073.22	30,253.24			
YTD	147,073.24	361,538.23	208,425.91	298,768.38	76,975.90	9,686.86	14.40%
%	-27.59%	145.82%	-42.35%	43.35%	-74.24%		

2021 Budget = \$200,000 -33% decrease from 2020 Actual revenues

March	19,313.87	103,570.37	48,351.12	67,289.04	76,975.90	9,686.86	14.40%
3%	28,970.81	155,355.56	72,526.68	100,933.56	115,463.85		

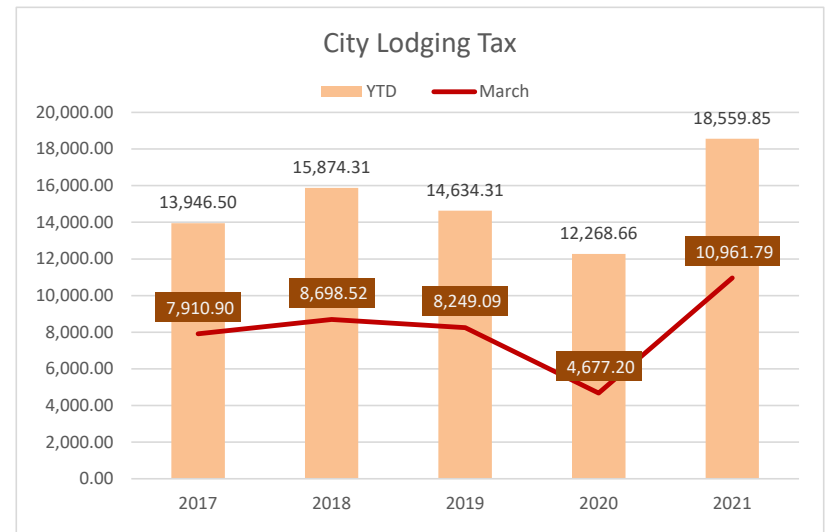


City Lodging Tax - 3% (125-3134)							
	2017	2018	2019	2020	2021	Difference	%
Jan	2,341.15	3,540.60	2,611.13	3,573.20	3,452.69	-120.51	-3.37%
Feb	3,694.45	3,635.19	3,774.09	4,018.26	4,145.37	127.11	3.16%
Mar	7,910.90	8,698.52	8,249.09	4,677.20	10,961.79	6,284.59	134.37%
Apr	10,908.40	10,215.52	8,046.43	2,305.15			
May	15,483.31	17,781.52	15,242.71	5,512.69			
Jun	16,653.43	17,755.34	22,312.67	8,463.77			
Jul	12,908.87	10,384.16	15,335.70	11,150.71			
Aug	13,751.20	17,768.30	12,712.49	11,047.44			
Sep	15,445.86	16,495.92	9,427.07	12,255.47			
Oct	10,637.39	10,668.75	18,400.75	13,854.54			
Nov	6,251.33	7,492.25	6,398.12	7,447.85			
Dec	4,895.53	4,288.01	4,558.22	5,195.64			
TOTAL	120,881.82	128,724.08	127,068.47	89,501.92	18,559.85	6,291.19	51.28%
%	9.05%	6.49%	-1.29%	-29.56%			

2021 Budget = \$80,450 - 10% decrease from 2020 actual revenues

March	13,946.50	15,874.31	14,634.31	12,268.66	18,559.85	6,291.19	51.28%
6%	27,893.00	31,748.62	29,268.62	24,537.32	37,119.70		

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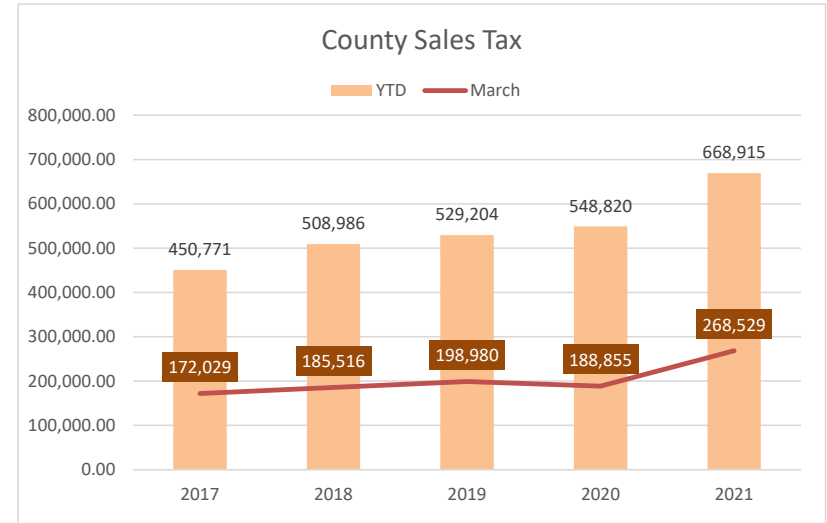


SALES AND USE TAX REPORTS

County Sales Tax - 2% (110-3130)							
	2017	2018	2019	2020	2021	\$ Variance	% Variance
Jan	136,307.24	146,939.45	168,991.80	178,526.13	199,569.41	21,043.28	11.79%
Feb	142,434.80	176,530.32	161,231.36	181,438.93	200,816.29	19,377.36	10.68%
Mar	172,028.79	185,516.49	198,980.47	188,855.08	268,529.00	79,673.92	42.19%
Apr	173,380.86	189,469.26	197,897.18	187,855.58			
May	178,328.17	193,958.66	209,011.45	220,166.38			
Jun	193,003.33	208,276.71	213,850.33	233,449.26			
Jul	178,723.35	189,768.49	210,475.42	227,956.26			
Aug	188,794.09	199,733.45	216,142.51	222,314.16			
Sep	186,027.87	195,797.26	206,870.89	230,820.91			
Oct	173,689.04	188,033.02	210,951.31	228,020.45			
Nov	174,721.72	184,074.04	204,326.68	211,965.09			
Dec	203,167.47	215,052.48	233,401.07	248,034.85			
TOTAL	2,100,606.73	2,273,149.63	2,432,130.47	2,559,403.08	668,914.70	120,094.56	21.88%
%	9.16%	8.21%	6.99%	5.23%			

2021 Budget=\$2,537,000 0.9% decrease from 2020 actual revenue

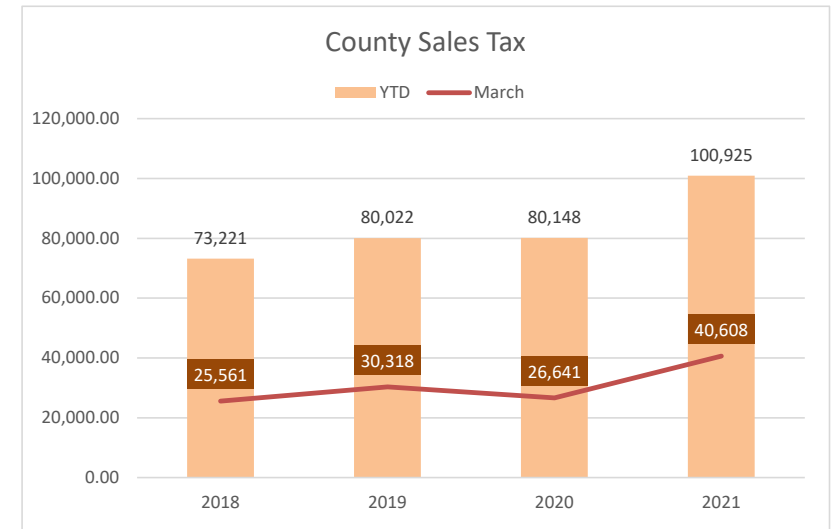
March	450,770.83	508,986.26	529,203.63	548,820.14	668,914.70	120,094.56	21.88%
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County Sales Tax - 0.37% Public Safety Tax (110-3129)							
	2017	2018	2019	2020	2021	\$ Variance	% Variance
Jan		23,704.20	25,508.99	26,762.07	29,794.36	3,032.29	11.33%
Feb		23,956.30	24,195.07	26,744.72	30,522.74	3,778.02	14.13%
Mar		25,560.92	30,317.68	26,640.82	40,608.00	13,967.18	52.43%
Apr		28,690.41	30,643.86	27,635.27			
May		29,288.65	32,085.32	32,800.08			
Jun		30,517.49	32,143.50	35,125.60			
Jul		28,181.20	31,495.72	34,219.03			
Aug		29,822.85	32,200.79	33,414.60			
Sep		29,235.41	31,197.04	34,227.49			
Oct		27,412.35	31,996.22	34,007.72			
Nov		27,259.12	30,373.05	31,513.90			
Dec		32,203.19	35,263.78	36,822.92			
TOTAL	0.00	335,832.09	367,421.02	379,914.22	100,925.10	20,777.49	25.92%
%			9.41%	3.40%			

2021 Budget=\$375,000, 1.3% decrease from 2020 actual revenue

March	0.00	73,221.42	80,021.74	80,147.61	100,925.10	20,777.49	25.92%
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2021 City Lodging Tax - Marketing Fund 3% (125-3134)

	Hotels & Campgrounds		VRBO'S		Monthly Total
	Revenue	% of Total	Revenue	% of Total	
Jan	2,868	83%	584	17%	3,452
Feb	3,283	79%	862	21%	4,145
Mar	9,308	85%	1,654	15%	10,962
Apr					-
May					-
Jun					-
Jul					-
Aug					-
Sep					-
Oct					-
Nov					-
Dec					-
TOTAL	15,459	83%	3,100	17%	18,559

2021 City Lodging Tax - Other Funds 3%

	Economic Development 50%		Public Places 50%		Monthly Total
	Revenue	% of Total	Revenue	% of Total	
Jan	1,726	50%	1,726	50%	3,452
Feb	2,073	50%	2,073	50%	4,146
Mar	5,481	50%	5,481	50%	10,962
Apr					-
May					-
Jun					-
Jul					-
Aug					-
Sep					-
Oct					-
Nov					-
Dec					-
TOTAL	9,280	50%	9,280	50%	18,560

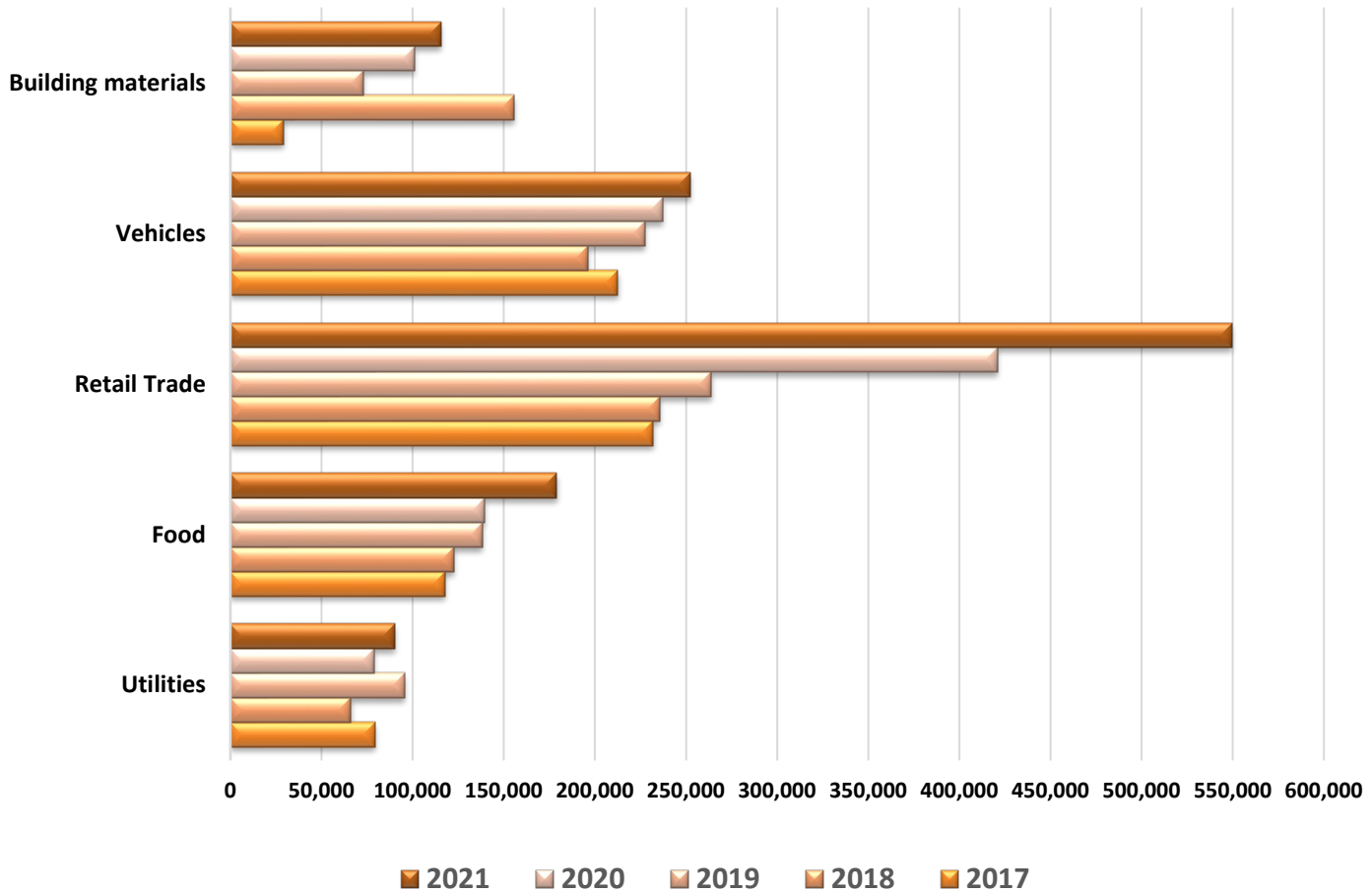


**Sales and Use Tax Revenues by Category (3%)
January thru March**

Description	2017	2018	2019	2020	2021	1 yr % Chg	1 yr \$ Chg	% of 2021 Total
Sales taxes								
Other Services	11,166	10,144	11,741	12,288	17,912	46%	5,624	1%
Other Miscellaneous	7,328	8,308	10,821	22,753	28,590	26%	5,837	2%
Manufacturing	9,228	4,733	10,892	21,745	28,511	31%	6,766	2%
Wholesale Trade	1,175	6,615	11,996	32,611	37,225	14%	4,614	3%
Rental and Leasing	20,278	37,301	34,533	30,550	23,021	-25%	(7,529)	2%
Communications	39,442	51,246	37,254	34,306	34,882	2%	576	3%
Oil and Gas	3,511	15,337	19,604	88,862	3,270	-96%	(85,592)	0%
Utilities	79,127	66,034	95,459	78,864	90,161	14%	11,297	6%
Lodging	13,956	16,131	16,921	19,114	28,654	50%	9,540	2%
Food	117,638	122,309	138,294	139,280	178,942	28%	39,662	13%
Retail Trade	231,848	235,399	263,837	420,924	549,435	31%	128,511	40%
Subtotal	534,697	573,557	651,352	901,297	1,020,603	13%	119,306	74%
Use taxes								
Vehicles	212,524	195,829	227,243	236,924	252,003	6%	15,079	18%
Building materials	28,971	155,356	72,527	100,934	115,464	14%	14,530	8%
Subtotal	241,495	351,184	299,770	337,857	367,467	9%	29,610	26%
Total	776,192	924,741	951,122	1,239,154	1,388,070	12%	148,916	100%

Online sales			24,965	78,209	107,272	37%	29,063	8%
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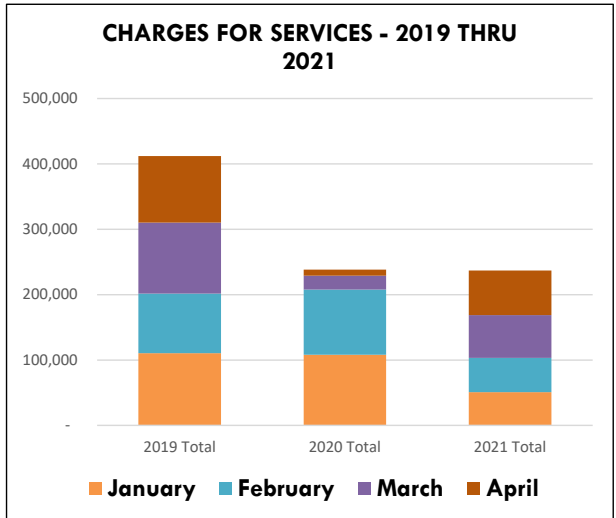
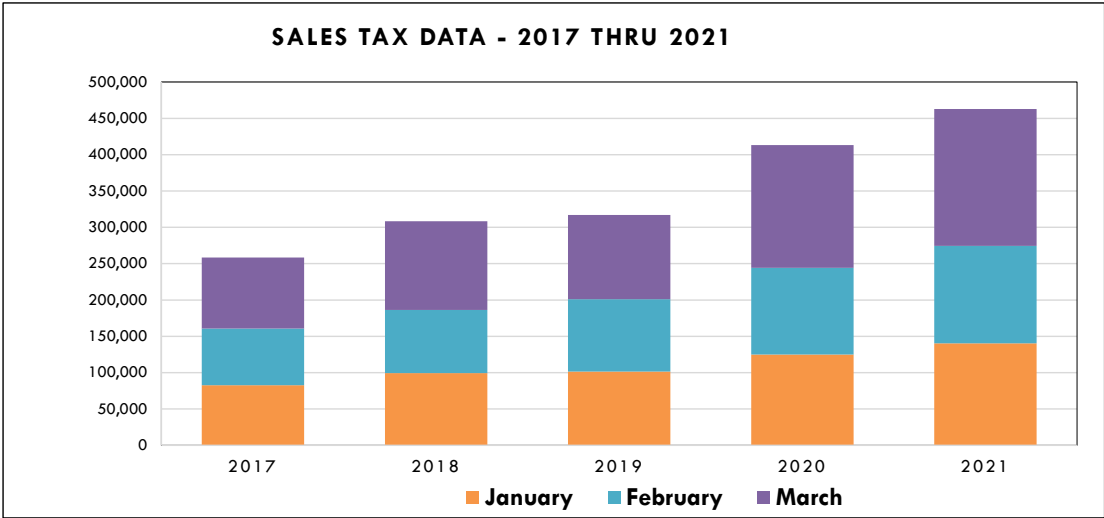
City 3% Sales and Use Tax by Top 5 Industries Year to Date History thru March 2021



2021 COMMUNITY CENTER FUND REVENUES

Month	2020 Totals				2021 Tax Revenues					
	2017 Total	2018 Total	2019 Total	2020 Total	City Sales	Use Tax Motor Vehicles	Use Tax Building Materials	Total	\$ Change	% Chg
January	82,802	99,524	101,699	125,046	102,415.26	29,663.82	8,299.82	140,378.90	15,333	12.26%
February	77,860	86,672	99,295	119,117	100,623.02	19,360.96	13,961.43	133,945.41	14,828	12.45%
March	97,927	122,052	116,046	168,889	137,162.65	34,976.22	16,266.70	188,405.57	19,517	11.56%
April	93,450	119,974	136,940	129,592						
May	121,701	120,944	160,969	154,886						
June	108,354	177,075	138,242	159,543						
July	101,188	125,783	137,637	203,340						
August	119,369	115,257	137,769	161,339						
September	114,001	131,462	121,839	166,085						
October	110,923	146,462	136,971	163,108						
November	110,108	107,578	131,902	147,398						
December	100,818	102,648	137,173	170,423						
TOTAL	1,238,499	1,455,432	1,556,483	1,868,764	340,200.93	84,001.00	38,527.95	462,729.88	49,678	12.03%
% Change	10.31%	17.52%	6.94%	20.06%						
2021 Budget % of Budget					1,287,500	325,000	100,000	1,712,500		
	258,589	308,247	317,040	413,052	26.42%	25.85%	38.53%	27.02%	462,730	49,678 12.03%

Month	2020 Totals				2021 Total		\$ Change	% Chg
	2019 Total	2020 Total	2021 Total	\$ Change	% Chg			
January	110,515	108,150	50,712	(57,438)	-53%			
February	91,033	99,658	52,470	(47,188)	-47%			
March	108,772	21,361	65,392	44,031	206%			
April	101,848	9,239	68,466	59,227	641%			
May	106,903	8,041						
June	151,211	48,220						
July	132,793	58,968						
August	98,229	47,293						
September	73,219	31,642						
October	78,998	37,214						
November	92,771	30,041						
December	90,026	38,366						
TOTAL	1,236,318	538,193	237,040	-1,368	-1%			
2021 Budget	1,322,000	1,275,000	694,300					
% of Budget	93.52%	42.21%	34.14%					
	412,168	238,408	237,040	(1,368)	-1%			



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COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
110	General Fund					
000						
R01	Taxes	-918,567.59	-3,087,764.09	-8,368,200.00	-5,280,435.91	36.90
R02	Licenses and permits	-2,002.50	-18,533.75	-31,450.00	-12,916.25	58.93
R03	Intergovernmental revenue	-52,533.43	-175,280.62	-659,375.00	-484,094.38	26.58
R04	Charges for services	-10,225.91	-45,562.55	-143,350.00	-97,787.45	31.78
R05	Fines and forfeitures	-1,173.26	-4,053.14	-17,300.00	-13,246.86	23.43
R06	Interest	-720.67	-3,330.99	-25,000.00	-21,669.01	13.32
R07	Donations	-12,680.88	-54,780.88	-37,700.00	17,080.88	145.31
R08	Miscellaneous	-2,095.75	-18,395.88	-2,000.00	16,395.88	919.79
R09	Transfers from other funds	0.00	-62,625.00	-250,500.00	-187,875.00	25.00
R10	Other financing sources	-7,210.00	-51,440.00	-37,000.00	14,440.00	139.03
R12	Rents	-2,586.36	-26,220.44	-41,050.00	-14,829.56	63.87
000		-1,009,796.35	-3,547,987.34	-9,612,925.00	-6,064,937.66	36.91
410	<i>General Government Department</i>					
E01	Personnel services, salaries	21,109.42	85,126.98	274,450.00	189,323.02	31.02
E02	Personnel services, benefits	5,815.26	25,874.91	75,075.00	49,200.09	34.47
E03	Purchased professional service	14,681.40	34,623.00	171,750.00	137,127.00	20.16
E04	Purchased property services	369.24	1,292.34	8,450.00	7,157.66	15.29
E05	Other purchased services	197.75	1,139.59	5,100.00	3,960.41	22.34
E06	Supplies	0.00	418.72	4,000.00	3,581.28	10.47
E08	Special projects	0.00	29,153.00	38,700.00	9,547.00	75.33
410	<i>General Government Department</i>	42,173.07	177,628.54	577,525.00	399,896.46	30.76
415	<i>Administration Department</i>					
E01	Personnel services, salaries	26,045.50	106,189.59	408,050.00	301,860.41	26.02
E02	Personnel services, benefits	8,358.50	39,267.24	135,850.00	96,582.76	28.90
E03	Purchased professional service	2,090.94	6,053.27	63,450.00	57,396.73	9.54
E04	Purchased property services	10,040.51	67,182.71	155,050.00	87,867.29	43.33
E05	Other purchased services	1,696.99	4,734.08	38,400.00	33,665.92	12.33
E06	Supplies	2,363.93	10,919.96	40,350.00	29,430.04	27.06
E07	Capital	9,410.00	9,410.00	32,500.00	23,090.00	28.95

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
415	<i>Administration Department</i>	60,006.37	243,756.85	873,650.00	629,893.15	27.90
418	<i>Engineering Department</i>					
E01	Personnel services, salaries	17,737.60	70,950.40	238,300.00	167,349.60	29.77
E02	Personnel services, benefits	7,236.72	37,787.49	94,250.00	56,462.51	40.09
E03	Purchased professional service	0.00	492.50	9,000.00	8,507.50	5.47
E04	Purchased property services	0.00	1,500.00	4,200.00	2,700.00	35.71
E05	Other purchased services	101.34	303.98	2,250.00	1,946.02	13.51
E06	Supplies	47.08	1,023.80	4,900.00	3,876.20	20.89
E07	Capital	24,857.00	24,857.00	31,000.00	6,143.00	80.18
418	<i>Engineering Department</i>	49,979.74	136,915.17	383,900.00	246,984.83	35.66
419	<i>Community Development Dpmt</i>					
E01	Personnel services, salaries	14,969.77	65,167.70	219,300.00	154,132.30	29.72
E02	Personnel services, benefits	7,177.63	35,127.06	91,800.00	56,672.94	38.26
E03	Purchased professional service	35.45	60.45	4,500.00	4,439.55	1.34
E04	Purchased property services	0.00	7,465.30	7,000.00	-465.30	106.65
E05	Other purchased services	32.55	408.68	8,400.00	7,991.32	4.87
E06	Supplies	172.06	782.66	6,575.00	5,792.34	11.90
E07	Capital	23,759.00	23,759.00	31,000.00	7,241.00	76.64
E08	Special projects	3,631.25	10,663.93	31,875.00	21,211.07	33.46
419	<i>Community Development Dpmt</i>	49,777.71	143,434.78	400,450.00	257,015.22	35.82
421	<i>Police Department</i>					
E01	Personnel services, salaries	103,287.05	401,382.91	1,399,900.00	998,517.09	28.67
E02	Personnel services, benefits	44,858.35	239,196.07	603,275.00	364,078.93	39.65
E03	Purchased professional service	1,069.26	1,449.05	16,025.00	14,575.95	9.04
E04	Purchased property services	2,266.97	76,951.36	133,600.00	56,648.64	57.60
E05	Other purchased services	24,192.56	94,587.08	302,200.00	207,612.92	31.30
E06	Supplies	9,719.30	18,276.52	76,100.00	57,823.48	24.02
E07	Capital	43,673.40	58,261.56	70,525.00	12,263.44	82.61
421	<i>Police Department</i>	229,066.89	890,104.55	2,601,625.00	1,711,520.45	34.21
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	39,518.59	150,960.33	578,300.00	427,339.67	26.10
E02	Personnel services, benefits	18,469.85	104,372.56	276,650.00	172,277.44	37.73
E03	Purchased professional service	978.00	6,937.98	8,200.00	1,262.02	84.61
E04	Purchased property services	4,640.82	196,527.17	329,250.00	132,722.83	59.69
E05	Other purchased services	161.68	682.16	3,350.00	2,667.84	20.36
E06	Supplies	26,377.50	85,156.34	345,600.00	260,443.66	24.64
E07	Capital	60,380.00	230,289.42	367,650.00	137,360.58	62.64
E08	Special projects	0.00	0.00	30,000.00	30,000.00	0.00
431	<i>Public Works Department</i>	150,526.44	774,925.96	1,939,000.00	1,164,074.04	39.97

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	44,389.21	157,898.40	627,850.00	469,951.60	25.15
E02	Personnel services, benefits	14,436.55	80,104.31	201,200.00	121,095.69	39.81
E03	Purchased professional service	859.73	2,271.76	40,600.00	38,328.24	5.60
E04	Purchased property services	2,467.79	79,185.80	175,825.00	96,639.20	45.04
E05	Other purchased services	92.82	610.58	8,490.00	7,879.42	7.19
E06	Supplies	16,896.28	34,432.95	149,075.00	114,642.05	23.10
E07	Capital	34,458.00	38,883.28	87,700.00	48,816.72	44.34
E08	Special projects	1,280.13	11,660.95	76,800.00	65,139.05	15.18
451	<i>Parks and Recreation Dept</i>	<i>114,880.51</i>	<i>405,048.03</i>	<i>1,367,540.00</i>	<i>962,491.97</i>	<i>29.62</i>
490	<i>Non-Departmental Expenses</i>					
E02	Personnel services, benefits	793.24	1.17	0.00	-1.17	0.00
E03	Purchased professional service	7,114.50	56,064.51	88,500.00	32,435.49	63.35
E04	Purchased property services	362.61	1,958.17	8,200.00	6,241.83	23.88
E05	Other purchased services	0.00	146,702.75	166,575.00	19,872.25	88.07
E08	Special projects	0.00	8,889.85	67,100.00	58,210.15	13.25
E11	Contingency	0.00	0.00	265,000.00	265,000.00	0.00
E12	Transfers to other funds	0.00	169,650.21	3,257,050.00	3,087,399.79	5.21
490	<i>Non-Departmental Expenses</i>	<i>8,270.35</i>	<i>383,266.66</i>	<i>3,852,425.00</i>	<i>3,469,158.34</i>	<i>9.95</i>
Revenue Total		-1,009,796.35	-3,547,987.34	-9,612,925.00	-6,064,937.66	-0.3691
Expense Total		704,681.08	3,155,080.54	11,996,115.00	8,841,034.46	0.2630
110	General Fund	-305,115.27	-392,906.80	2,383,190.00	2,776,096.80	-16.49

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121	Conservation Trust Fund					
000						
R03	Intergovernmental revenue	0.00	-38,074.76	-135,000.00	-96,925.24	28.20
R06	Interest	-9.75	-40.73	-100.00	-59.27	40.73
000		-9.75	-38,115.49	-135,100.00	-96,984.51	28.21
880	<i>Purchase of Dev Rights</i>					
E12	Transfers to other funds	0.00	0.00	30,000.00	30,000.00	0.00
880	<i>Purchase of Dev Rights</i>	0.00	0.00	30,000.00	30,000.00	0.00
Revenue Total		-9.75	-38,115.49	-135,100.00	-96,984.51	-0.2821
Expense Total		0.00	0.00	30,000.00	30,000.00	0.0000
121	Conservation Trust Fund	-9.75	-38,115.49	-105,100.00	-66,984.51	36.27

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
124	Economic Development Fund					
000						
R01	Taxes	-5,480.90	-9,279.92	-40,225.00	-30,945.08	23.07
R10	Other financing sources	0.00	0.00	-2,650.00	-2,650.00	0.00
000		-5,480.90	-9,279.92	-42,875.00	-33,595.08	21.64
465	<i>Marketing and ED Operations</i>					
E03	Purchased professional service	0.00	422.57	450.00	27.43	93.90
E08	Special projects	0.00	2,641.10	5,150.00	2,508.90	51.28
465	<i>Marketing and ED Operations</i>	0.00	3,063.67	5,600.00	2,536.33	54.71
Revenue Total		-5,480.90	-9,279.92	-42,875.00	-33,595.08	-0.2164
Expense Total		0.00	3,063.67	5,600.00	2,536.33	0.5471
124	Economic Development Fund	-5,480.90	-6,216.25	-37,275.00	-31,058.75	16.68

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
125	Marketing and Promotion Fund					
000						
R01	Taxes	-10,961.79	-23,755.49	-80,450.00	-56,694.51	29.53
R03	Intergovernmental revenue	0.00	-10,000.00	-35,000.00	-25,000.00	28.57
R04	Charges for services	0.00	-78.00	0.00	78.00	0.00
R06	Interest	-3.80	-15.88	0.00	15.88	0.00
R09	Transfers from other funds	0.00	0.00	-12,000.00	-12,000.00	0.00
000		-10,965.59	-33,849.37	-127,450.00	-93,600.63	26.56
465	<i>Marketing and ED Operations</i>					
E01	Personnel services, salaries	910.60	2,699.90	11,950.00	9,250.10	22.59
E02	Personnel services, benefits	375.50	970.96	5,200.00	4,229.04	18.67
E03	Purchased professional service	0.00	0.00	2,500.00	2,500.00	0.00
E04	Purchased property services	26.77	317.62	1,800.00	1,482.38	17.65
E05	Other purchased services	16,250.00	16,250.00	100,000.00	83,750.00	16.25
E06	Supplies	1,468.33	7,168.17	7,000.00	-168.17	102.40
E08	Special projects	0.00	0.00	19,000.00	19,000.00	0.00
465	<i>Marketing and ED Operations</i>	19,031.20	27,406.65	147,450.00	120,043.35	18.59
Revenue Total		-10,965.59	-33,849.37	-127,450.00	-93,600.63	-0.2656
Expense Total		19,031.20	27,406.65	147,450.00	120,043.35	0.1859
125	Marketing and Promotion Fund	8,065.61	-6,442.72	20,000.00	26,442.72	-32.21

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
126	Public Places Fund					
000						
R01	Taxes	-5,480.80	-9,279.67	-40,225.00	-30,945.33	23.07
R03	Intergovernmental revenue	-7,146.00	-7,146.00	-7,150.00	-4.00	99.94
000		-12,626.80	-16,425.67	-47,375.00	-30,949.33	34.67
452	<i>Public Space</i>					
E04	Purchased property services	4,517.84	13,947.07	42,375.00	28,427.93	32.91
E08	Special projects	0.00	0.00	5,000.00	5,000.00	0.00
452	<i>Public Space</i>	4,517.84	13,947.07	47,375.00	33,427.93	29.44
Revenue Total		-12,626.80	-16,425.67	-47,375.00	-30,949.33	-0.3467
Expense Total		4,517.84	13,947.07	47,375.00	33,427.93	0.2944
126	Public Places Fund	-8,108.96	-2,478.60	0.00	2,478.60	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
127	Community Center Fund					
000						
R01	Taxes	-149,246.79	-606,722.72	-1,712,500.00	-1,105,777.28	35.43
R04	Charges for services	-68,836.03	-237,429.55	-694,300.00	-456,870.45	34.20
R06	Interest	-102.50	-470.85	-3,600.00	-3,129.15	13.08
R08	Miscellaneous	-30.26	-149.06	0.00	149.06	0.00
R09	Transfers from other funds	0.00	-23,750.00	-95,000.00	-71,250.00	25.00
R12	Rents	-6,208.80	-22,233.44	-50,250.00	-28,016.56	44.25
000		-224,424.38	-890,755.62	-2,555,650.00	-1,664,894.38	34.85
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	67,233.78	263,458.46	1,184,950.00	921,491.54	22.23
E02	Personnel services, benefits	17,145.22	99,619.28	253,675.00	154,055.72	39.27
E03	Purchased professional service	3,244.27	7,040.19	26,550.00	19,509.81	26.52
E04	Purchased property services	12,438.32	53,517.14	128,425.00	74,907.86	41.67
E05	Other purchased services	991.51	23,248.18	39,200.00	15,951.82	59.31
E06	Supplies	16,066.75	49,669.76	239,875.00	190,205.24	20.71
E07	Capital	0.00	8,344.18	38,600.00	30,255.82	21.62
E08	Special projects	208.51	551.09	550.00	-1.09	100.20
E11	Contingency	0.00	0.00	40,000.00	40,000.00	0.00
E12	Transfers to other funds	0.00	197,400.00	745,200.00	547,800.00	26.49
451	<i>Parks and Recreation Dept</i>	117,328.36	702,848.28	2,697,025.00	1,994,176.72	26.06
Revenue Total		-224,424.38	-890,755.62	-2,555,650.00	-1,664,894.38	-0.3485
Expense Total		117,328.36	702,848.28	2,697,025.00	1,994,176.72	0.2606
127	Community Center Fund	-107,096.02	-187,907.34	141,375.00	329,282.34	-132.91

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130	Capital Projects Fund					
000						
R06	Interest	-61.47	-391.36	0.00	391.36	0.00
000		-61.47	-391.36	0.00	391.36	0.00
732	<i>N Maple Road improvements</i>					
E07	Capital	0.00	51,350.37	672,600.00	621,249.63	7.63
R09	Transfers from other funds	0.00	-51,350.37	-672,600.00	-621,249.63	7.63
732	<i>N Maple Road improvements</i>	0.00	0.00	0.00	0.00	0.00
735	<i>Overlays</i>					
E07	Capital	0.00	0.00	200,000.00	200,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-200,000.00	-200,000.00	0.00
735	<i>Overlays</i>	0.00	0.00	0.00	0.00	0.00
736	<i>Business Park Improvements</i>					
E03	Purchased professional service	0.00	0.00	35,000.00	35,000.00	0.00
E07	Capital	0.00	0.00	190,000.00	190,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-50,000.00	-50,000.00	0.00
R11	Development impact fees	0.00	0.00	-121,700.00	-121,700.00	0.00
736	<i>Business Park Improvements</i>	0.00	0.00	53,300.00	53,300.00	0.00
742	<i>Hwy 340 and I-70 Improvements</i>					
E03	Purchased professional service	0.00	5,000.00	5,000.00	0.00	100.00
E07	Capital	32,714.20	170,141.89	292,700.00	122,558.11	58.13
R09	Transfers from other funds	0.00	-142,427.69	-297,700.00	-155,272.31	47.84
742	<i>Hwy 340 and I-70 Improvements</i>	32,714.20	32,714.20	0.00	-32,714.20	0.00
743	<i>Pine Street Bridge</i>					
E03	Purchased professional	0.00	0.00	75,000.00	75,000.00	0.00

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
E07	service					
E07	Capital	0.00	70.09	2,050,000.00	2,049,929.91	0.00
R09	Transfers from other funds	0.00	0.00	-1,978,000.00	-1,978,000.00	0.00
R11	Development impact fees	0.00	0.00	-147,000.00	-147,000.00	0.00
743	<i>Pine Street Bridge</i>	<i>0.00</i>	<i>70.09</i>	<i>0.00</i>	<i>-70.09</i>	<i>0.00</i>
748	<i>Traffic Safety Improvements</i>					
E08	Special projects	5,201.25	14,848.75	82,500.00	67,651.25	18.00
R03	Intergovernmental revenue	0.00	-4,823.75	-41,700.00	-36,876.25	11.57
R09	Transfers from other funds	0.00	-4,823.75	-40,800.00	-35,976.25	11.82
748	<i>Traffic Safety Improvements</i>	<i>5,201.25</i>	<i>5,201.25</i>	<i>0.00</i>	<i>-5,201.25</i>	<i>0.00</i>
749	<i>Fremont Street MultiModal Des</i>					
E03	Purchased professional service	0.00	47,647.53	228,950.00	181,302.47	20.81
R03	Intergovernmental revenue	0.00	-23,823.76	-114,025.00	-90,201.24	20.89
R09	Transfers from other funds	0.00	-23,823.77	-114,925.00	-91,101.23	20.73
749	<i>Fremont Street MultiModal Des</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
763	<i>Drainage Improvements</i>					
E03	Purchased professional service	0.00	0.00	50,000.00	50,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-50,000.00	-50,000.00	0.00
763	<i>Drainage Improvements</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
792	<i>Swimming Pool Imp</i>					
E03	Purchased professional service	0.00	0.00	10,000.00	10,000.00	0.00
E07	Capital	0.00	0.00	45,500.00	45,500.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-50,000.00	-50,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-5,500.00	-5,500.00	0.00
792	<i>Swimming Pool Imp</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
803	<i>General Park Improvements</i>					
E03	Purchased professional service	0.00	0.00	100,000.00	100,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-100,000.00	-100,000.00	0.00
803	<i>General Park Improvements</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
841	<i>Big Salt Wash Trail</i>					
E07	Capital	0.00	0.00	57,000.00	57,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-57,000.00	-57,000.00	0.00
841	<i>Big Salt Wash Trail</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
Revenue Total		-61.47	-251,464.45	-4,040,950.00	-3,789,485.55	-0.0622
Expense Total		37,915.45	289,058.63	4,094,250.00	3,805,191.37	0.0706
130	Capital Projects Fund	37,853.98	37,594.18	53,300.00	15,705.82	70.53

General Ledger
Actual vs Budget Report

User: msell
Printed: 05/10/21 12:39:49
Period 04 - 04
Fiscal Year 2021



FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
140	Debt Service Fund					
000						
R06	Interest	-69.72	-345.95	-3,000.00	-2,654.05	11.53
R09	Transfers from other funds	0.00	-195,900.00	-739,200.00	-543,300.00	26.50
000		-69.72	-196,245.95	-742,200.00	-545,954.05	26.44
470	<i>Debt Service</i>					
E09	Debt service principal	0.00	0.00	350,000.00	350,000.00	0.00
E10	Debt interest & bond issuance	0.00	195,900.00	392,200.00	196,300.00	49.95
470	<i>Debt Service</i>	0.00	195,900.00	742,200.00	546,300.00	26.39
Revenue Total		-69.72	-196,245.95	-742,200.00	-545,954.05	-0.2644
Expense Total		0.00	195,900.00	742,200.00	546,300.00	0.2639
140	Debt Service Fund	-69.72	-345.95	0.00	345.95	0.00

General Ledger
Actual vs Budget Report

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Period 04 - 04
Fiscal Year 2021



FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
210	Devils Canyon Center Fund					
000						
R06	Interest	-28.22	-117.90	0.00	117.90	0.00
000		-28.22	-117.90	0.00	117.90	0.00
450	DCC Administration					
E12	Transfers to other funds	0.00	25,175.00	25,175.00	0.00	100.00
450	DCC Administration	0.00	25,175.00	25,175.00	0.00	100.00
	Revenue Total	-28.22	-117.90	0.00	117.90	0.0000
	Expense Total	0.00	25,175.00	25,175.00	0.00	1.0000
210	Devils Canyon Center Fund	-28.22	25,057.10	25,175.00	117.90	99.53

General Ledger
Actual vs Budget Report

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Period 04 - 04
Fiscal Year 2021



FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
211	Irrigation Water Fund					
000						
R04	Charges for services	-699.20	-4,620.55	-126,575.00	-121,954.45	3.65
R06	Interest	-3.79	-15.84	-50.00	-34.16	31.68
000		-702.99	-4,636.39	-126,625.00	-121,988.61	3.66
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	4,201.28	16,420.99	61,700.00	45,279.01	26.61
E02	Personnel services, benefits	1,712.88	9,617.52	23,525.00	13,907.48	40.88
E04	Purchased property services	0.00	3,100.00	3,100.00	0.00	100.00
E05	Other purchased services	33.69	33.69	8,400.00	8,366.31	0.40
E06	Supplies	260.72	11,032.21	15,825.00	4,792.79	69.71
E12	Transfers to other funds	0.00	2,625.00	18,000.00	15,375.00	14.58
431	<i>Public Works Department</i>	6,208.57	42,829.41	130,550.00	87,720.59	32.81
Revenue Total		-702.99	-4,636.39	-126,625.00	-121,988.61	-0.0366
Expense Total		6,208.57	42,829.41	130,550.00	87,720.59	0.3281
211	Irrigation Water Fund	5,505.58	38,193.02	3,925.00	-34,268.02	973.07

General Ledger
Actual vs Budget Report

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FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
212	Sewer Fund					
000						
R04	Charges for services	-72,623.65	-1,096,814.77	-3,810,000.00	-2,713,185.23	28.79
R06	Interest	-341.60	-1,633.88	-13,000.00	-11,366.12	12.57
R08	Miscellaneous	0.00	-640.00	-1,500.00	-860.00	42.67
R09	Transfers from other funds	0.00	0.00	-7,500.00	-7,500.00	0.00
000		-72,965.25	-1,099,088.65	-3,832,000.00	-2,732,911.35	28.68
433	<i>Sewer</i>					
E01	Personnel services, salaries	44,703.54	175,220.39	616,200.00	440,979.61	28.44
E02	Personnel services, benefits	22,534.71	113,261.40	293,750.00	180,488.60	38.56
E03	Purchased professional service	10,041.33	19,829.31	66,000.00	46,170.69	30.04
E04	Purchased property services	1,527.91	58,107.32	77,800.00	19,692.68	74.69
E05	Other purchased services	3,120.58	60,346.79	132,800.00	72,453.21	45.44
E06	Supplies	26,729.38	105,391.01	332,400.00	227,008.99	31.71
E07	Capital	11,162.56	71,865.56	118,850.00	46,984.44	60.47
E09	Debt service principal	0.00	455,000.00	910,000.00	455,000.00	50.00
E10	Debt interest & bond issuance	0.00	221,272.48	442,550.00	221,277.52	50.00
E11	Contingency	0.00	0.00	72,800.00	72,800.00	0.00
E12	Transfers to other funds	0.00	92,600.37	476,300.00	383,699.63	19.44
433	<i>Sewer</i>	119,820.01	1,372,894.63	3,539,450.00	2,166,555.37	38.79
603	<i>Sewer Line Upgrades</i>					
E07	Capital	0.00	0.00	225,000.00	225,000.00	0.00
603	<i>Sewer Line Upgrades</i>	0.00	0.00	225,000.00	225,000.00	0.00
604	<i>Sewer Line Improvements</i>					
E07	Capital	0.00	112,746.98	262,500.00	149,753.02	42.95
604	<i>Sewer Line Improvements</i>	0.00	112,746.98	262,500.00	149,753.02	42.95
Revenue Total		-72,965.25	-1,099,088.65	-3,832,000.00	-2,732,911.35	-0.2868
Expense Total		119,820.01	1,485,641.61	4,026,950.00	2,541,308.39	0.3689
212	Sewer Fund	46,854.76	386,552.96	194,950.00	-191,602.96	198.28

General Ledger
Actual vs Budget Report

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FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
215	Trash Fund					
000						
R04	Charges for services	-692.81	-218,223.55	-855,000.00	-636,776.45	25.52
R06	Interest	-4.31	-18.00	0.00	18.00	0.00
000		-697.12	-218,241.55	-855,000.00	-636,758.45	25.53
432	<i>Sanitation Department</i>					
E05	Other purchased services	132,908.72	199,291.86	786,000.00	586,708.14	25.36
E12	Transfers to other funds	0.00	17,250.00	69,000.00	51,750.00	25.00
432	<i>Sanitation Department</i>	132,908.72	216,541.86	855,000.00	638,458.14	25.33
Revenue Total		-697.12	-218,241.55	-855,000.00	-636,758.45	-0.2553
Expense Total		132,908.72	216,541.86	855,000.00	638,458.14	0.2533
215	Trash Fund	132,211.60	-1,699.69	0.00	1,699.69	0.00

General Ledger
Actual vs Budget Report

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Period 04 - 04
Fiscal Year 2021



FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
220	Fleet Maintenance Fund					
000						
R04	Charges for services	0.00	-342,550.00	-342,550.00	0.00	100.00
000		0.00	-342,550.00	-342,550.00	0.00	100.00
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	10,409.60	41,730.80	141,200.00	99,469.20	29.55
E02	Personnel services, benefits	5,312.73	28,250.77	69,200.00	40,949.23	40.82
E03	Purchased professional service	80.00	428.00	2,500.00	2,072.00	17.12
E04	Purchased property services	1,032.15	23,174.64	33,850.00	10,675.36	68.46
E06	Supplies	10,197.59	45,095.05	95,800.00	50,704.95	47.07
E07	Capital	0.00	0.00	2,000.00	2,000.00	0.00
431	<i>Public Works Department</i>	27,032.07	138,679.26	344,550.00	205,870.74	40.25
Revenue Total		0.00	-342,550.00	-342,550.00	0.00	-1.0000
Expense Total		27,032.07	138,679.26	344,550.00	205,870.74	0.4025
220	Fleet Maintenance Fund	27,032.07	-203,870.74	2,000.00	205,870.74	-10,193.54

General Ledger
Actual vs Budget Report

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Period 04 - 04
Fiscal Year 2021



FRUITA

COLORADO

<u>Sort Level</u>	<u>Description</u>	<u>Period Amt</u>	<u>End Bal</u>	<u>Budget</u>	<u>Variance</u>	<u>% Expend/Collect</u>
	<i>Revenue Total</i>	-1,337,828.54	-6,648,758.30	-22,460,700.00	-15,811,941.70	-0.2960
	<i>Expense Total</i>	1,169,443.30	6,296,171.98	25,142,240.00	18,846,068.02	0.2504



TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, CITY CLERK/FINANCE DIRECTOR

DATE: MAY 18, 2021

AGENDA TEXT: RESOLUTION 2021-13 INCORPORATING PROPERTY INTO THE CITY OF FRUITA OPERATED AND MAINTAINED IRRIGATION SYSTEM (ASH STREET IRRIGATION)

BACKGROUND

The City of Fruita has completed the Ash Street Utility improvement project which includes the replacement of sewer and irrigation lines in Ash Street between Pabor and Columbine. As part of this project, an irrigation line was installed. The resolution accepts this new irrigation line into the City operated and maintained irrigation system.

FISCAL IMPACT

The adoption of this Resolution will not have a significant fiscal impact. The City will incur costs for operation and maintenance of the irrigation line but will receive revenue from irrigation charges to properties using the system to help offset these costs.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The incorporation of the Ash Street irrigation system will improve the infrastructure.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the resolution and as presented.
- Approve the resolution with amendments

RECOMMENDATION

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

ADOPT RESOLUTION 2021-13 INCORPORATING THE ASH STREET IRRIGATION SYSTEM IMPROVEMENTS INTO THE CITY OF FRUITA OPERATED AND MAINTAINED IRRIGATION SYSTEM

RESOLUTION 2021-13

**A RESOLUTION INCORPORATING PROPERTY INTO THE CITY OF
FRUITA OPERATED AND MAINTAINED IRRIGATION SYSTEM
(ASH STREET IRRIGATION)**

WHEREAS, the City of Fruita completed the 2021 Ash Street Utility Improvement Project in 2021 which replaced sewer lines and extended irrigation lines in Ash Street between Pabor and Columbine, and

WHEREAS, the irrigation line complies with city construction and design standards and specifications for irrigation systems, and

WHEREAS, the City has agreed to accept the irrigation system for these properties into the City operated and maintained irrigation system.

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

The Ash Street Irrigation Improvements, as shown on Exhibit A attached hereto, is hereby accepted and incorporated into the City operated and maintained irrigation system. Individual properties who connect to the irrigation line will be charged tap fees and the applicable underground irrigation system charge subject to the same terms and conditions as other users of the underground piped irrigation system.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO THIS 18th DAY OF MAY, 2021**

ATTEST:

City of Fruita

City Clerk

Joel Kincaid, Mayor

COLUMBINE AV

COLUMBINE AV

**Affected Parcels, 2021 Ash St.
Irrigation Line Installation**



ORCHARD CT

255 NASH ST

249 NASH ST

239 NASH ST

229 NASH ST

213 NASH ST

ASH ST

242 NASH ST

240 NASH ST

PABOR AVE

ASH ST

ASH STREET IRRIGATION EXTENSION ADDRESSES BETWEEN PABOR AND COLUMBINE:

West side of Ash Street

255 N Ash Street

249 N Ash Street

239 N Ash Street

229 N Ash Street

East side of Ash Street

240 N Ash Street

242 N Ash Street



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: MAY 18, 2021

RE: RESOLUTION 2021-14, A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE BRANDON ESTATES FILING 3, PHASE 2C SUBDIVISION.

BACKGROUND

The Brandon Estates Filing 3, Phase 2C Subdivision was approved in April of 2017 along with the Subdivision Improvements Agreement (reception #2859824). The City Council approved the 1st Release of the SIA (Resolution 2019-18) on May 7, 2019 starting the 2 year warranty period for the improvements.

Since the warranty period has expired for the SIA, a final walk-through of the subdivision was completed by City Staff. The improvements appear to have been completed as required by the subdivision approval and appear to be free of defects in materials and workmanship.

FISCAL IMPACT

The City took over the responsibility of public facilities and began to provide city services when the 1st release of the SIA was approved in 2019. Since the city takes responsibility at the 1st Release of the SIA, there will be no additional fiscal impact on the city than what it currently is with this Final Release.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The process of approving and releasing a Subdivision Improvements Agreement helps ensure that the development is constructed and completed in a way that does not burden the residents and taxpayers to help subsidize development in anyway.

OPTIONS AVAILABLE TO THE COUNCIL:

- Approve Resolution 2021-14
- Deny Resolution 2021-14
- Direct Staff to research any area of the improvements on which Council has concerns or questions.

RECOMMENDATION:

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

APPROVE RESOLUTION 2021-14, A RESOLUTION APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE BRANDON ESTATES FILING 3, PHASE 2C SUBDIVISION.

RESOLUTION 2021-14

A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE BRANDON ESTATES FILING 3, PHASE 2C SUBDIVISION.

WHEREAS, the developer of Brandon Estates Filing 3, Phase 2C Subdivision entered into a subdivision improvements agreement recorded in the records of the Mesa County Clerk and Recorder at Reception # 2859824 to guarantee that required improvements would be completed within a certain time period, and

WHEREAS, the City Council approved the 1st Release of the SIA by Resolution 2019-18 which started the two-year warranty period for the subdivision improvements, and

WHEREAS, the warranty period has expired and the developer has requested the Final Release of the SIA, and

WHEREAS, improvements required by the subdivision improvements agreement for the Brandon Estates Filing 3, Phase 2C Subdivision have been inspected and have been sufficiently completed to allow the Final Release of the SIA, and

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

THAT the required subdivision improvements for the Brandon Estates Filing 3, Phase 2C Subdivision are approved for the Final Release of the Subdivision Improvements Agreement and the 10% of the total cost of improvements for the performance guarantee is hereby released.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THIS 18th DAY OF MAY 2021.

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Joel Kincaid, Mayor



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 18, 2021
RE: SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO SERVE BEER AT THE CO2UT GRAVEL RACE AT CIVIC CENTER MEMORIAL PARK ON:

- **SATURDAY, MAY 22, 2021 FROM 11:00 AM TO 7:30 PM**

BACKGROUND

The Fruita Rotary has filed an application for a Special Events Permit to serve beer during the CO2UT Gravel Race event on Saturday, May 22, 2021 from 11:00 a.m. to 7:30 p.m. at Civic Center Memorial Park. This is a new event to Fruita promoted by Desert Gravel USA and sponsored by Salsa Cycles.

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 Police Department has reviewed the application and has no concerns or additional requirements for the event. The application, narrative, diagram, and Fruita Police Department comments are attached.

The diagram of the licensed premises submitted with the application controls 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 permit for the CO2UT Gravel Race
2. Denial of the special events permit

RECOMMENDATION

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

APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR THE FRUITA ROTARY CLUB TO SERVE BEER AT THE CO2UT GRAVEL RACE EVENT AT CIVIC CENTER MEMORIAL PARK ON:

- **SATURDAY, MAY 22, 2021 FROM 11:00 AM TO 7:30 PM**

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. NO ALCOHOL SHALL BE BROUGHT INTO OR OUT OF THE LICENSED PREMISES**
- 2. THE FRUITA ROTARY CLUB WILL BE SOLELY RESPONSIBLE FOR THE ENFORCEMENT OF LIQUOR LAWS**
- 3. ALL OTHER PROCEDURES PRESENTED BY THE FRUITA ROTARY CLUB WILL BE FOLLOWED.**

Application for a Special Events Permit

Departmental Use Only

CO2UT Gravel Race
 5/18/21
 public hearing

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:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input type="checkbox"/> Fermented Malt Beverage (3.2 Beer) \$10.00 Per Day	

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) PO BOX 471 FRUITA, CO 81521	3. Address of Place to Have Special Event (include street, city/town and ZIP) CIVIC CENTER PARK 325 E Aspen Ave Fruita, CO 81521
--	---

Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
4. Pres./Sec'y of Org. or Political Candidate Abby Landmeier	4/22/86	406 Ridges Blvd, #30, Grand Junction 81507	970-210-4276
5. Event Manager Lou Mudd	01/16/55	126 S Maple St, Fruita, CO 81521	970-201-4881

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? _____	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	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
5/22/2021		11:30a	.m.												
		7:30p	.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 	Title event manager	Date 4/22/2021
---------------	-------------------------------	--------------------------

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) The City of Fruita	<input checked="" type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk (970) 858-3663
Signature JOEL KINCAID, MAYOR	Title JOEL KINCAID, 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)	\$

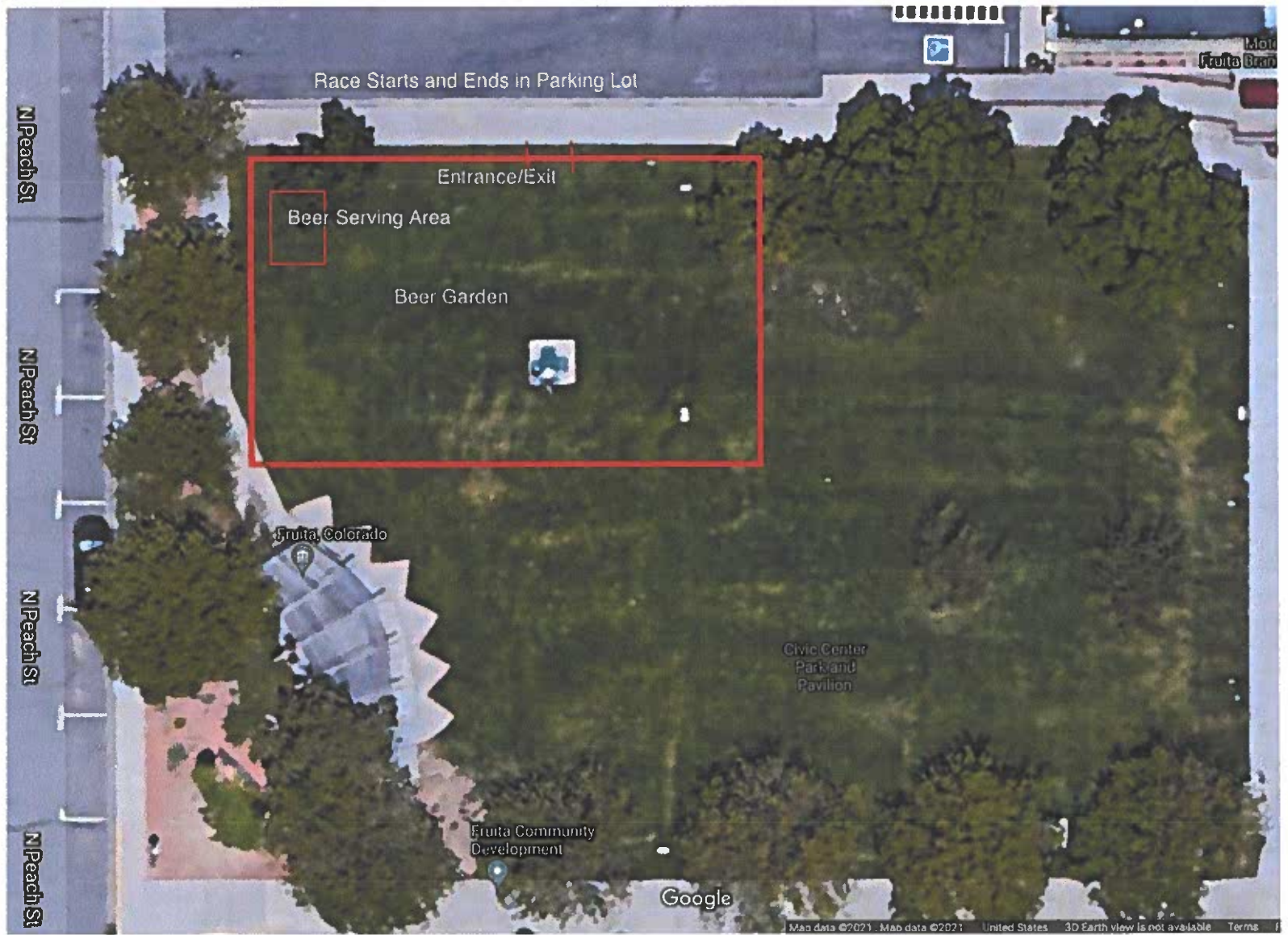
Narrative for CO2UT Gravel Race Beer Permit
May 22, 2021

- 1) Description: The CO2UT Gravel Race is a bicycle race of various length courses that begins and ends at Civic Center Park. The race begins very early and racers will complete the race starting around Noon to later in the evening.

The Fruita Rotary Club has been asked to provide a beer garden service for the event, and will serve from Noon to 7:00 pm. TIPS trained Rotarians will be present at this event

- 2) Security: Rotary Club members will provide security for this low-key event.
- 3) Crowd Control: Rotarians will monitor patrons and the consumption of alcohol to prevent any patrons from becoming intoxicated and stop serving anyone who appears to be intoxicated.
- 4) Fence/Barriers: The Licensed area at Circle Park will be defined by metal fencing as shown on attached maps of the area (showing entrances).
- 5) Porta Potties: Provided porta potties will be located outside the licensed premise. At the North of Civic Center building at Civic Center Park
- 6) Signage: Signs will be posted at each entrance/exit indicating no alcohol allowed into or out of the licensed premise.
- 7) ID's: ID's will be checked by Fruita Rotary members and issued a wristband indicating that their ID has been checked for legal consumption age.
- 8) Food: Snacks will be available at the beer booth and a food vendor will be arranged for the event.
- 9) Trash: Rotarians will patrol the area and pick up empty beverage containers to keep premises clean and neat.

COZUT Gravel Race Beer Garden area



Debra Woods

From: Tom Casal
Sent: Friday, April 23, 2021 10:38 AM
To: Debra Woods
Cc: Lou Mudd
Subject: FW: gravel race beer booth

Hi Deb,

The Fruita Rotary has permission from the City of Fruita Parks and Recreation Department to serve beer at the Fruita Civic Center for CO2UT Gravel Bike Race.

Tom Casal
Recreation Superintendent
City of Fruita
324 N. Coulson St.
Fruita CO 81521
(970) 858-0360 ext. 6405
tcasal@fruita.org



From: Lou Mudd <loumudd@gmail.com>
Sent: Friday, April 23, 2021 10:31 AM
To: Tom Casal <tcasal@fruita.org>
Subject: gravel race beer booth

Hi Tom,

I am working on the beer permit for the gravel race and will need park permission documents. I don't know if Morgan has been issued the permit, or if it includes the grassy area of Civic Center Park, but I'll need something that shows that Fruita Rotary has permission to use the NW corner of the grass to have a beer garden.

Do we need to submit a park use app or will we be good to go with Morgans permission?

Thanks.

Lou Mudd
970-201-4881
loumudd@gmail.com

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Fruita Police Department

Chief David Krouse



157 S. Mesa St
Fruita, CO 81521

970-858-3008 Phone
970-858-3665 Fax
www.fruita.org

To: Debra Woods
From: Dave Krouse, Chief of Police
Date: April 27, 2021
Re: 2021 CO2UT Special Event Liquor Permit

The application and narrative have been reviewed. There is nothing which would prohibit the issuance of the license requested.

The licensee needs to be aware they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/22/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	CONTACT NAME: Ali Sulita PHONE (A/C, No, Ext): 1-833-3ROTARY E-MAIL ADDRESS: rotary@ajg.com	FAX (A/C, No): 630-285-4062
	INSURER(S) AFFORDING COVERAGE	
INSURED All Active US Rotary Clubs & Districts Fruita Rotary Club ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698	INSURER A: Lexington Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 899307648 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL/SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	015375594	7/1/2020	7/1/2021	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY		015375594	7/1/2020	7/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	NOT APPLICABLE			PER STATUTE OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER City of Fruita, 325 E Aspen Ave, Fruita, CO 81521 Fruita Rotary Club - CO2UT Gravel Race - Beer Service May 22, 2021 - Civic Center Park	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	---

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Fruita Rotary Club

is a

Nonprofit Corporation

formed or registered on 03/07/2005 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20051097671 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/19/2021 that have been posted, and by documents delivered to this office electronically through 04/20/2021 @ 15:27:39 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 04/20/2021 @ 15:27:39 in accordance with applicable law. This certificate is assigned Confirmation Number 13111357 .



A handwritten signature in blue ink that reads "Jena Griswold".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/bi/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: SAM ATKINS, CITY ENGINEER
DATE: MAY 18, 2021
RE: UPDATE ON 2021 CAPITAL PROJECTS

BACKGROUND

This item is to provide City Council and update on the already completed projects, current projects under construction and soon-to-start projects that were identified in the 2021 budget.

FISCAL IMPACT

This is an update to the already budgeted 20201 capital projects.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Capital projects are part of the 5-year capital improvement plan that is revisited and prioritized each year during the budget process tied long-term planning, repair and maintenance.

OPTIONS AVAILABLE TO COUNCIL

No action necessary.

RECOMMENDATION

No action necessary.



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO:	FRUITA CITY COUNCIL AND MAYOR
FROM:	MIKE BENNETT, CITY MANAGER
DATE:	MAY 18, 2021
RE:	MUNICIPAL COURT JUDGE UPDATE

BACKGROUND

The purpose of this item is for Municipal Court Judge Dan Robinson to give the Council an update on Fruita's Municipal Court.

No action necessary.



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: MAY 18, 2021

RE: DISCUSSION AND POSSIBLE ACTION TO CANCEL THE MAY 25, 2021 CITY COUNCIL WORKSHOP AND SCHEDULE THE CITY COUNCIL VISIT TO MOON FARM

BACKGROUND

The Grand Valley Equine Assisted Learning Center Organization (GVEALC) is purchasing Moon Farm. GVEALC Board Member Janielle Westermire and President and CEO of GVEALC Jay D. Muller have extended an invitation to the Fruita City Council to go to Moon Farm to learn about the GVEALC's vision and efforts.

Since there are no items on the agenda for the May Workshop meeting of May 25, 2021, staff contacted Mayor Kincaid about canceling the workshop and inviting the Council to go to Moon Farm instead. The Mayor is unable to attend that evening but agreed that staff should propose visiting Moon Farm in place of the Workshop meeting to the rest of the Council. Staff realizes that not all may be able to attend.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Not applicable.

OPTIONS AVAILABLE TO COUNCIL

- Cancel the City Council May 25, 2021 workshop and schedule a trip to Moon Farm at 6:30 pm
- Take no action and maintain the May 25th date for the May City Council workshop and schedule the trip to Moon Farm for another time.

RECOMMENDATION

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

- **CANCEL THE MAY 25, 2021 CITY COUNCIL WORKSHOP AND SCHEDULE A VISIT TO MOON FARM FOR THE CITY COUNCIL ON MAY 25, 2021 AT 6:30 PM**



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MIKE BENNETT, CITY MANAGER
DATE: MAY 18, 2021
RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) (MUNICIPAL COURT JUDGE INFORMAL REVIEW)

BACKGROUND

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

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

N/A

OPTIONS AVAILABLE TO THE COUNCIL

N/A

RECOMMENDATION

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

MOVE TO MEET IN EXECUTIVE SESSION FOR THE INFORMAL REVIEW OF THE MUNICIPAL COURT JUDGE WHICH IS A DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F).

ANNOUNCEMENT NO. 1

***ANNOUNCEMENT TO BE MADE BY CHAIRMAN
AT THE BEGINNING OF THE EXECUTIVE SESSION
(MAKE SURE THE TAPE RECORDER IS TURNED ON;
DO NOT TURN IT OFF DURING THE EXECUTIVE SESSION
UNLESS SO ADVISED BY LEGAL COUNSEL.)***

It's May 18, 2021 and the time is _____. For the record, I am the Mayor, Joel Kincaid. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

_____.

This is an executive session for the following purpose:

To discuss issues related to personnel matters understanding that discussions of such issues in Executive Session are specifically permitted by the State's Open Meeting Law CRS 24-6-402(4)(F) to discuss the Municipal Court Judge's Informal Review.

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

ANNOUNCEMENT NO. 2

***ANNOUNCEMENT TO BE MADE BY THE CHAIRMAN
BEFORE CONCLUDING THE EXECUTIVE SESSION
(WHILE THE TAPE RECORDER IS STILL ON)***

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

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

***OR
(if Executive Director was the
subject of the session and
was not present at the session)***

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

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

(turn off tape and return to open meeting)



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: MAY 18, 2021

RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO § 24-6-402(4)(B) AND (E) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS WITH RESPECT TO AFFORDABLE HOUSING FINANCING AND OPERATIONS

BACKGROUND

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

RECOMMENDATION

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

MOVE TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS WITH RESPECT TO AFFORDABLE HOUSING FINANCING AND OPERATIONS

ANNOUNCEMENT NO. 1

**ANNOUNCEMENT TO BE MADE BY MAYOR
AT THE BEGINNING OF THE EXECUTIVE SESSION**

***(MAKE SURE THE EXECUTIVE SESSION IS BEING RECORDED;
DO NOT STOP RECORDING DURING THE EXECUTIVE SESSION
UNLESS SO ADVISED BY LEGAL COUNSEL)***

It's May 18, 2021 and the time is _____. For the record, I am the Mayor, Joel Kincaid. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

_____.

This is an executive session for the following purposes:

For a conference with City staff for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators with respect to affordable housing financing and operations understanding that discussions of such issues in Executive Session are specifically permitted by the State's open Meeting Law CRS 24-6-402 (4)(B) and (E)

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.



TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, FINANCE DIRECTOR

DATE: MAY 18, 2021

AGENDA TEXT: RESOLUTION 2021-12 - Transferring monies between funds and appropriating said funds for the Ash Street irrigation line improvements and the N Maple sewer and street improvement project

BACKGROUND

- 1) This Budget Amendment transfers funds (\$10,850) from the Irrigation Water Fund to the Sewer Fund. These funds are then appropriated for expenditure in the Sewer Fund for the purpose of the combined Ash Street irrigation and sewer line extension improvement project based on actual costs of the irrigation line portion of the project.
- 2) This Budget Amendments also transfers savings (\$117,850) from the Sewer Fund appropriated for the Ash Street Sewer Project to the Capital Projects Funds and appropriates those funds for replacement of the sewer line in Aspen Avenue (at Maple) as an extension of the N Maple Sewer and Street improvement project. This sewer line will replace two parallel sewer lines, one of which was thought to be abandoned but has several houses connected to it, and is believed to be a source of excess inflow and infiltration into the sewer collection and treatment system.

FISCAL IMPACT

This Budget Amendment will reduce the Irrigation Fund Balance from \$187,086 (12/31/2020 unaudited) to \$176,236. There are sufficient cost savings in the Ash Street sewer project to cover the additional costs of the extension of the sewer line in Aspen Avenue.

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. The City is realizing some cost savings for the Aspen Street sewer line extension using the existing Maple Street contract and addressing needed improvements to the sewer system. The Irrigation Fund appropriation ensures that each utility is paying its fair share of costs associated with improvements.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the budget amendment as presented or with amendments
- Disapprove the budget amendment

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

ADOPT RESOLUTION 2021-12 TRANSFERRING AND APPROPRIATING MONIES BETWEEN FUNDS TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE ASH STREET IRRIGATION LINE EXTENSION AND REPLACEMENT OF THE ASPEN STREET SEWER LINE

RESOLUTION 2021-12

A RESOLUTION TRANSFERRING MONIES BETWEEN FUNDS AND APPROPRIATING SAID FUNDS TO DEFRAID EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF FRUITA

WHEREAS, there is a need to appropriate additional funds in the Irrigation Fund fund balance for transfer to the Sewer Fund for additional costs associated with the Ash Street irrigation line extension, and

WHEREAS, there is a need to increase the appropriation in the Sewer Fund for the additional costs of the irrigation extension in Ash Street, and

WHEREAS, there is a need to transfer budgeted and appropriated moneys from the Ash Street Sewer Improvement Project in the Sewer Fund to the Capital Projects Fund, and

WHEREAS, there is a need to appropriate said funds for the addition of Aspen Avenue sewer and street improvements to the N Maple Sewer and Street Improvement Project.

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

Section 1: That the appropriation for the Irrigation Water Fund is hereby increased by \$10,850 from \$130,550 to \$141,400 from the following sources and for the following uses:

Source of Funds:

Unappropriated fund balance\$10,850

Use of Funds:

Transfer to Sewer Fund.....\$10,850

Section 2: That the appropriation for the Sewer Fund is hereby increased by \$10,850 from \$4,026,950 to \$4,037,800 from the following sources and for the following uses:

Source of Funds:

Transfer from Irrigation Water Fund\$10,850

Use of Funds:

Ash Street sewer and irrigation improvements.....\$10,850

Section 3: That the sum of \$117,850 in unspent funds from the Ash Street sewer project is hereby transferred from the Sewer Fund to the Capital Projects Fund, and

Section 4: That the appropriation for the Capital Projects Fund is hereby increased by \$117,850 from \$4,094,250 to \$4,212,100 from the following sources and for the following uses:

Source of Funds:

Transfer from the Sewer Fund\$117,850

Use of Funds:

N Maple St improvement project – Aspen St sewer segment\$117,850

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 18TH DAY OF MAY, 2021**

ATTEST:

CITY OF FRUITA

City Clerk

Joel Kincaid, Mayor



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 18, 2021
RE: SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO SERVE BEER AT THE CO2UT GRAVEL RACE AT CIVIC CENTER MEMORIAL PARK ON:

- SATURDAY, MAY 22, 2021 FROM 11:00 AM TO 7:30 PM

BACKGROUND

The Fruita Rotary has filed an application for a Special Events Permit to serve beer during the CO2UT Gravel Race event on Saturday, May 22, 2021 from 11:00 a.m. to 7:30 p.m. at Civic Center Memorial Park. This is a new event to Fruita promoted by Desert Gravel USA and sponsored by Salsa Cycles.

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 Police Department has reviewed the application and has no concerns or additional requirements for the event. The application, narrative, diagram, and Fruita Police Department comments are attached.

The diagram of the licensed premises submitted with the application controls 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 permit for the CO2UT Gravel Race
2. Denial of the special events permit

RECOMMENDATION

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

APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR THE FRUITA ROTARY CLUB TO SERVE BEER AT THE CO2UT GRAVEL RACE EVENT AT CIVIC CENTER MEMORIAL PARK ON:

- **SATURDAY, MAY 22, 2021 FROM 11:00 AM TO 7:30 PM**

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. NO ALCOHOL SHALL BE BROUGHT INTO OR OUT OF THE LICENSED PREMISES**
- 2. THE FRUITA ROTARY CLUB WILL BE SOLELY RESPONSIBLE FOR THE ENFORCEMENT OF LIQUOR LAWS**
- 3. ALL OTHER PROCEDURES PRESENTED BY THE FRUITA ROTARY CLUB WILL BE FOLLOWED.**

Application for a Special Events Permit

Departmental Use Only

CO2UT Gravel Race
 5/18/21
 public hearing

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:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input type="checkbox"/> Fermented Malt Beverage (3.2 Beer) \$10.00 Per Day	

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) PO BOX 471 FRUITA, CO 81521	3. Address of Place to Have Special Event (include street, city/town and ZIP) CIVIC CENTER PARK 325 E Aspen Ave Fruita, CO 81521
---	--

Name	Date of Birth	Home Address (Street, City, State, ZIP)	Phone Number
4. Pres./Sec'y of Org. or Political Candidate Abby Landmeier	4/22/86	406 Ridges Blvd, #30, Grand Junction 81507	970-210-4276
5. Event Manager Lou Mudd	01/16/55	126 S Maple St, Fruita, CO 81521	970-201-4881

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? _____	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	Hours From	To	Date	Hours From	To	Date	Hours From	To	Date	Hours From	To
5/22/2021	11:30a	7:30p									

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 	Title event manager	Date 4/22/2021
---------------	-------------------------------	--------------------------

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) The City of Fruita	<input checked="" type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk (970) 858-3663
Signature JOEL KINCAID, MAYOR	Title JOEL KINCAID, 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)	\$

Narrative for CO2UT Gravel Race Beer Permit
May 22, 2021

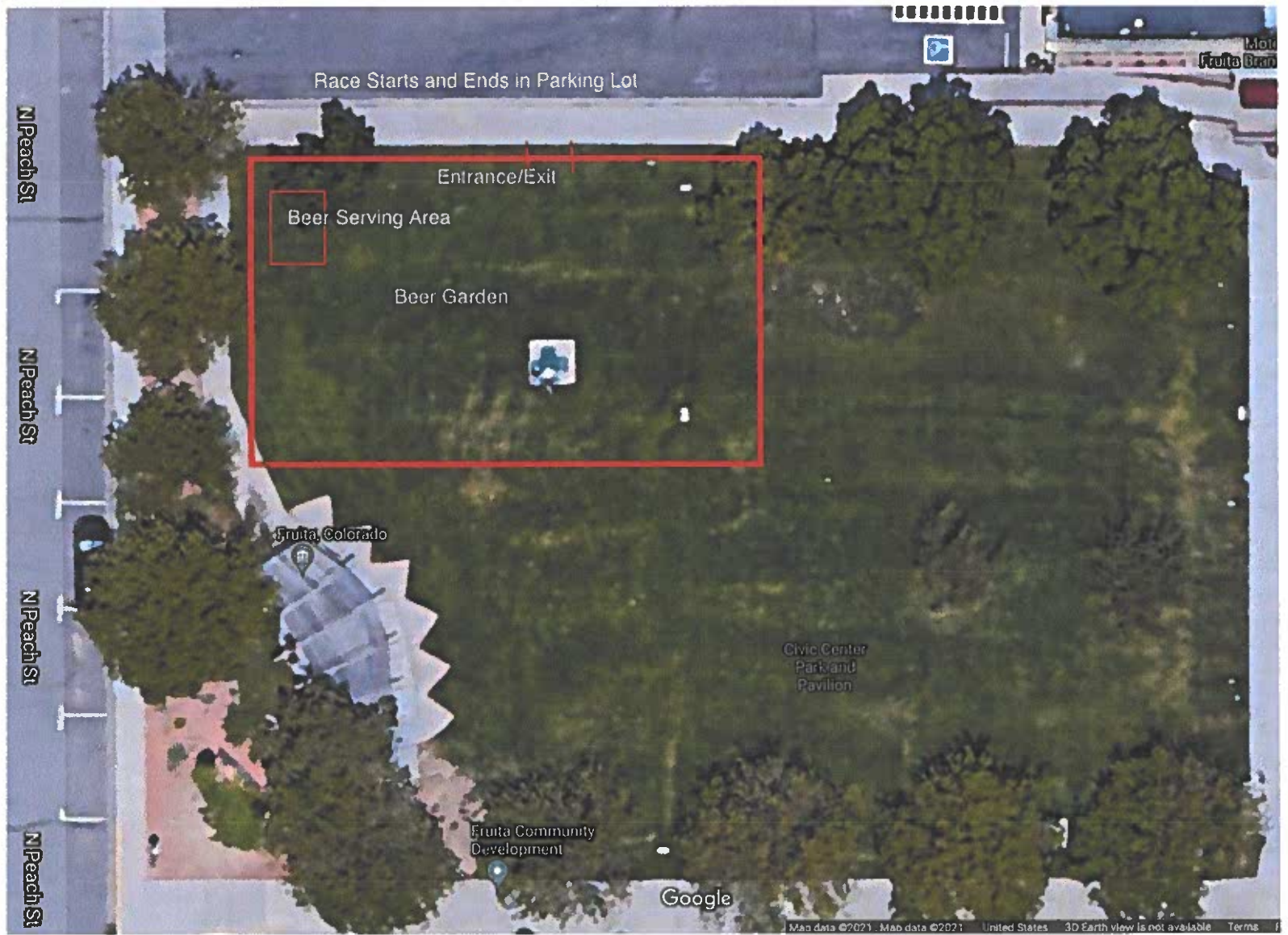
- 1) Description: The CO2UT Gravel Race is a bicycle race of various length courses that begins and ends at Civic Center Park. The race begins very early and racers will complete the race starting around Noon to later in the evening.

The Fruita Rotary Club has been asked to provide a beer garden service for the event, and will serve from Noon to 7:00 pm. TIPS trained Rotarians will be present at this event

- 2) Security: Rotary Club members will provide security for this low-key event.
- 3) Crowd Control: Rotarians will monitor patrons and the consumption of alcohol to prevent any patrons from becoming intoxicated and stop serving anyone who appears to be intoxicated.
- 4) Fence/Barriers: The Licensed area at Circle Park will be defined by metal fencing as shown on attached maps of the area (showing entrances).
- 5) Porta Potties: Provided porta potties will be located outside the licensed premise. At the North of Civic Center building at Civic Center Park
- 6) Signage: Signs will be posted at each entrance/exit indicating no alcohol allowed into or out of the licensed premise.
- 7) ID's: ID's will be checked by Fruita Rotary members and issued a wristband indicating that their ID has been checked for legal consumption age.
- 8) Food: Snacks will be available at the beer booth and a food vendor will be arranged for the event.
- 9) Trash: Rotarians will patrol the area and pick up empty beverage containers to keep premises clean and neat.

COZUT Gravel Race

Beer Garden area



Debra Woods

From: Tom Casal
Sent: Friday, April 23, 2021 10:38 AM
To: Debra Woods
Cc: Lou Mudd
Subject: FW: gravel race beer booth

Hi Deb,

The Fruita Rotary has permission from the City of Fruita Parks and Recreation Department to serve beer at the Fruita Civic Center for CO2UT Gravel Bike Race.

Tom Casal
Recreation Superintendent
City of Fruita
324 N. Coulson St.
Fruita CO 81521
(970) 858-0360 ext. 6405
tcasal@fruita.org



From: Lou Mudd <loumudd@gmail.com>
Sent: Friday, April 23, 2021 10:31 AM
To: Tom Casal <tcasal@fruita.org>
Subject: gravel race beer booth

Hi Tom,
I am working on the beer permit for the gravel race and will need park permission documents. I don't know if Morgan has been issued the permit, or if it includes the grassy area of Civic Center Park, but I'll need something that shows that Fruita Rotary has permission to use the NW corner of the grass to have a beer garden.

Do we need to submit a park use app or will we be good to go with Morgans permission?

Thanks.

Lou Mudd
970-201-4881
loumudd@gmail.com

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Fruita Police Department

Chief David Krouse



157 S. Mesa St
Fruita, CO 81521

970-858-3008 Phone
970-858-3665 Fax
www.fruita.org

To: Debra Woods
From: Dave Krouse, Chief of Police
Date: April 27, 2021
Re: 2021 CO2UT Special Event Liquor Permit

The application and narrative have been reviewed. There is nothing which would prohibit the issuance of the license requested.

The licensee needs to be aware they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/22/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	CONTACT NAME: Ali Sulita PHONE (A/C, No, Ext): 1-833-3ROTARY E-MAIL ADDRESS: rotary@ajg.com	FAX (A/C, No): 630-285-4062
	INSURER(S) AFFORDING COVERAGE	
INSURED All Active US Rotary Clubs & Districts Fruita Rotary Club ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698	INSURER A: Lexington Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 899307648 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL/SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	015375594	7/1/2020	7/1/2021	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY		015375594	7/1/2020	7/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	NOT APPLICABLE			PER STATUTE OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER City of Fruita, 325 E Aspen Ave, Fruita, CO 81521 Fruita Rotary Club - CO2UT Gravel Race - Beer Service May 22, 2021 - Civic Center Park	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Fruita Rotary Club

is a

Nonprofit Corporation

formed or registered on 03/07/2005 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20051097671 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/19/2021 that have been posted, and by documents delivered to this office electronically through 04/20/2021 @ 15:27:39 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 04/20/2021 @ 15:27:39 in accordance with applicable law. This certificate is assigned Confirmation Number 13111357 .



A handwritten signature in blue ink that reads "Jena Griswold".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/bi/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: SAM ATKINS, CITY ENGINEER
DATE: MAY 18, 2021
RE: UPDATE ON 2021 CAPITAL PROJECTS

BACKGROUND

This item is to provide City Council and update on the already completed projects, current projects under construction and soon-to-start projects that were identified in the 2021 budget.

FISCAL IMPACT

This is an update to the already budgeted 20201 capital projects.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Capital projects are part of the 5-year capital improvement plan that is revisited and prioritized each year during the budget process tied long-term planning, repair and maintenance.

OPTIONS AVAILABLE TO COUNCIL

No action necessary.

RECOMMENDATION

No action necessary.



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO:	FRUITA CITY COUNCIL AND MAYOR
FROM:	MIKE BENNETT, CITY MANAGER
DATE:	MAY 18, 2021
RE:	MUNICIPAL COURT JUDGE UPDATE

BACKGROUND

The purpose of this item is for Municipal Court Judge Dan Robinson to give the Council an update on Fruita's Municipal Court.

No action necessary.



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: MAY 18, 2021

RE: DISCUSSION AND POSSIBLE ACTION TO CANCEL THE MAY 25, 2021 CITY COUNCIL WORKSHOP AND SCHEDULE THE CITY COUNCIL VISIT TO MOON FARM

BACKGROUND

The Grand Valley Equine Assisted Learning Center Organization (GVEALC) is purchasing Moon Farm. GVEALC Board Member Janielle Westermire and President and CEO of GVEALC Jay D. Muller have extended an invitation to the Fruita City Council to go to Moon Farm to learn about the GVEALC's vision and efforts.

Since there are no items on the agenda for the May Workshop meeting of May 25, 2021, staff contacted Mayor Kincaid about canceling the workshop and inviting the Council to go to Moon Farm instead. The Mayor is unable to attend that evening but agreed that staff should propose visiting Moon Farm in place of the Workshop meeting to the rest of the Council. Staff realizes that not all may be able to attend.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Not applicable.

OPTIONS AVAILABLE TO COUNCIL

- Cancel the City Council May 25, 2021 workshop and schedule a trip to Moon Farm at 6:30 pm
- Take no action and maintain the May 25th date for the May City Council workshop and schedule the trip to Moon Farm for another time.

RECOMMENDATION

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

- **CANCEL THE MAY 25, 2021 CITY COUNCIL WORKSHOP AND SCHEDULE A VISIT TO MOON FARM FOR THE CITY COUNCIL ON MAY 25, 2021 AT 6:30 PM**



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: MAY 18, 2021

RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) (MUNICIPAL COURT JUDGE INFORMAL REVIEW)

BACKGROUND

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

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

N/A

OPTIONS AVAILABLE TO THE COUNCIL

N/A

RECOMMENDATION

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

MOVE TO MEET IN EXECUTIVE SESSION FOR THE INFORMAL REVIEW OF THE MUNICIPAL COURT JUDGE WHICH IS A DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F).

ANNOUNCEMENT NO. 1

***ANNOUNCEMENT TO BE MADE BY CHAIRMAN
AT THE BEGINNING OF THE EXECUTIVE SESSION
(MAKE SURE THE TAPE RECORDER IS TURNED ON;
DO NOT TURN IT OFF DURING THE EXECUTIVE SESSION
UNLESS SO ADVISED BY LEGAL COUNSEL.)***

It's May 18, 2021 and the time is _____. For the record, I am the Mayor, Joel Kincaid. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

_____.

This is an executive session for the following purpose:

To discuss issues related to personnel matters understanding that discussions of such issues in Executive Session are specifically permitted by the State's Open Meeting Law CRS 24-6-402(4)(F) to discuss the Municipal Court Judge's Informal Review.

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

ANNOUNCEMENT NO. 2

***ANNOUNCEMENT TO BE MADE BY THE CHAIRMAN
BEFORE CONCLUDING THE EXECUTIVE SESSION
(WHILE THE TAPE RECORDER IS STILL ON)***

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

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

***OR
(if Executive Director was the
subject of the session and
was not present at the session)***

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

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

(turn off tape and return to open meeting)



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: MAY 18, 2021

RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO § 24-6-402(4)(B) AND (E) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS WITH RESPECT TO AFFORDABLE HOUSING FINANCING AND OPERATIONS

BACKGROUND

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

RECOMMENDATION

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

MOVE TO CONVENE IN EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS WITH RESPECT TO AFFORDABLE HOUSING FINANCING AND OPERATIONS

ANNOUNCEMENT NO. 1

**ANNOUNCEMENT TO BE MADE BY MAYOR
AT THE BEGINNING OF THE EXECUTIVE SESSION**

***(MAKE SURE THE EXECUTIVE SESSION IS BEING RECORDED;
DO NOT STOP RECORDING DURING THE EXECUTIVE SESSION
UNLESS SO ADVISED BY LEGAL COUNSEL)***

It's May 18, 2021 and the time is _____. For the record, I am the Mayor, Joel Kincaid. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

_____.

This is an executive session for the following purposes:

For a conference with City staff for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators with respect to affordable housing financing and operations understanding that discussions of such issues in Executive Session are specifically permitted by the State's open Meeting Law CRS 24-6-402 (4)(B) and (E)

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

ANNOUNCEMENT NO. 2

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

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

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

***OR
(if Executive Director was the
subject of the session and
was not present at the session)***

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

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

(stop recording and return to open meeting)