

**FRUITA CITY COUNCIL
FEBRUARY 16, 2016
7:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

5. PUBLIC PARTICIPATION

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

6. CONSENT AGENDA

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

- A. MINUTES – A request to approve the minutes from the February 2, 2016 City Council meeting**
- B. LIQUOR LICENSE RENEWAL - A request to approve the renewal of a Retail Liquor Store License – Malt, Vinous and Spirituous for Center Town Liquors located at 136 S. Mesa St.**
- C. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a 3.2 Percent Beer Retail (Off-premises) Liquor License for Maverik, Inc. located at 1103 US Highway 6 & 50**
- D. LIQUOR LICENSE RENEWAL - A request to approve the renewal of a Hotel & Restaurant Liquor Store License – Malt, Vinous and Spirituous and Dance Hall License for the Buckboard Café and Lounge located at 155 N. Mulberry St.**
- E. SPECIAL EVENT LIQUOR PERMIT APPLICATION – A request to approve a Special Event Liquor Permit for the Fruita Rotary Club to provide beer and wine serving services at the Fruita Community Center for the Fruita Chamber of Commerce Annual Banquet on Saturday, February 20, 2016 from 5:00 to 10:00 pm**
- F. RESOLUTION 2016-02 – A request to approve a Resolution adopting a policy for funding requests from outside agencies**

- G. BUDGET RESOLUTION 2016-04 – A request to approve a Resolution for a supplemental appropriation for the 2016 Fiscal Year
- H. BRANDON ESTATES SUBDIVISION, FILING 3, PHASE 2B
 - 1) RESOLUTION 2016-05 – A request to approve a Resolution amending the Brandon Estates, Filing 3, Phase 2b Subdivision Improvements Agreement (SIA)
 - 2) RESOLUTION 2016-06 – A request to approve a Resolution for the First Release of the Subdivision Improvements Agreement (SIA) for the Brandon Estates, Filing 3, Phase 2b Subdivision
- I. JANUARY 2016 FINANCIAL REPORTS – A request to approve the January 2016 Financial Reports

7. PUBLIC HEARINGS

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

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

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER'S REPORT

10. COUNCIL REPORTS AND ACTIONS

A. Council Reports and Actions

B. EXECUTIVE SESSION – Discussion and possible action to consider a motion to convene in Executive Session to determine a position relative to a matter that may be subject to negotiation under C.R.S. Section 24-6-402(4)(e) and regarding personnel issues under C.R.S. Section 24-6-402(4)(f)

11. ADJOURN

**FRUITA CITY COUNCIL
REGULAR MEETING
FEBRUARY 2, 2016**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

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

2. CALL TO ORDER AND ROLL CALL

Council members present were Bruce Bonar, Mel Mulder, Kyle Harvey, Stacey Mascarenas and Joel Kincaid. Mayor Buck called the meeting to order at 7:00 p.m.

Mayor Buck asked if there were any corrections or additions to the agenda. City Manager Mike Bennett stated that there were not.

3. AGENDA – ADOPT/AMEND

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

4. PROCLAMATIONS AND PRESENTATIONS

- A. PRESENTATION: BRITNEY GUCCINI, REGISTERED NURSE, EMERGENCY DEPARTMENT DIRECTOR AND TRAUMA COORDINATOR FOR THE COLORADO CANYONS HOSPITAL & MEDICAL CENTER WILL ANNOUNCE THE LEVEL IV TRAUMA DESIGNATION RECENTLY AWARDED TO THE HOSPITAL (INVITED BY COUNCILOR MASCARENAS)**

Britney Guccini explained that the way the Level IV trauma designation works is that it is based on the resources that the Colorado Canyons Hospital & Medical Center has, as well as the amount of patients that are seen in the Emergency Room throughout the year.

Ms. Guccini continued that the hospital had an onsite trauma designation review on January 20, 2016. There were three state observers that put the hospital through chart reviews and many other analyses, which resulted in Colorado Canyons passing “without any reservations,” which is very rare. Only 10% of the hospitals in Colorado pass the review process “without any reservations.”

Ms. Guccini added that the hospital will have their next trauma review in the spring of 2019. She said that what this means for the residents of Fruita is that since the area has a lot of outdoor activities such as mountain biking, rodeos and ATV-ing, the hospital is now able to take care of trauma patients that are at a higher level of acuity than they have been able to in the past. The hospital also has the ability to admit the patients to the trauma floor, there is a hospice program,

there are 24/7 Emergency Department doctors, an in-house radiologist, a full radiology and lab services, respiratory therapy and a robust physical therapy program.

Ms. Guccini stated that the hospital is able to treat their trauma patients very well; they are able to accept more ambulance patients so they don't have to be automatically transferred to Community Hospital or St. Mary's. She noted that if there is a very serious life-threatening situation, Colorado Canyons can stabilize the patient and transfer them out as needed.

Ms. Guccini stated that one of the requirements of the hospital include having an injury prevention program where she goes out into the community to give prevention talks. The next prevention talk will be held at the Sweetheart Run where she will talk about teen violence.

Colorado Canyons also participates in Regional Emergency Medical Services (EMS) Councils and Northeast Colorado Regional EMS/Trauma Advisory Council (NCRETAC) meetings, as well as the Mesa County EMS Council.

Ms. Guccini said that the hospital realizes that they are just one piece of the puzzle in the Colorado Trauma System, but they are the furthest out closest to the Utah border, which is very vital to this area. She added that the hospital is pleased to be able to take care of its community members.

Councilor Mascarenas stated that it is very important for Colorado Canyons to have the Level IV trauma designation and that there would be some community outreach coming up to let people know what is at the hospital and what the level of treatment available.

Ms. Guccini introduced Laura Randall, COO and Chief Nursing Officer at Colorado Canyons Hospital & Medical Center. She added that Ms. Randall is the reason that the hospital has been able to do the things it has done recently.

Councilor Mascarenas asked Ms. Guccini to speak about a grant for which the hospital is applying, noting that the City of Fruita had prepared a letter of support for it.

Ms. Guccini explained that the facility is seven years old and the existing monitoring system is becoming obsolete; the hospital is unable to get parts to fix it, so the entire monitoring system must be replaced including all the wiring for an estimated cost of \$167,000. The hospital is attempting to apply for a grant that will match 50% of the funds. Ms. Guccini stated that this is a crucial component to being able to take care of patients because it is a safety issue.

Mayor Buck presented the letter of support for the hospital's grant request to Ms. Guccini.

5. PUBLIC PARTICIPATION

Mr. Ron Pollard, 2044 Jordan Ct. in Grand Junction, stated that he was in front of the Fruita City Council about one year ago to approach them about the idea of making UTVs and ATVs some sort of multi-purpose vehicle so that they may be allowed on city streets in Fruita. He said he wanted to begin the process again because he thinks the issue got shoved to the bottom of the pile last year.

Mr. Pollard said he had met with City Manager Mike Bennett and told him that he could fill the Council room with people who would love to see being allowed to ride their ATVs or UTVs on city streets. (UTVs look like cars and have a steering wheel while ATVs have a seat on top of the engine and are driven with handlebars).

Mr. Pollard stated that states all around Colorado in the past few years (and even some for quite awhile) have made these types of vehicles legal to drive. In Utah, the only places people can't go on such a vehicle are the very center of Salt Lake City and Interstate Highways. Mr. Pollard added that Utah does not have any horror stories and people with driver's licenses can sign some paperwork to rent an ATV or UTV to go play in the sand, which is a neat tourist attraction for them.

Mr. Pollard said it was his opinion that anytime the populace is given some sort of freedom, somebody else figures out how to make money doing it while adding to the community lifestyle and tourism.

Mr. Pollard requested that the City Council take the matter to a workshop session to see what might be able to be accomplished.

He noted that Mesa County does allow ATVs/UTVs on county roads as long as the vehicles have mirrors, a horn and turn signals, as well as insurance and a driver's license. He added that these requirements are adequate in Utah, Arizona, Wyoming and Montana and that perhaps Fruita could be one of the first towns to reciprocate with Utah where Utah's requirements would be sufficient for people to also be permitted to ride in Fruita city limits. Mr. Pollard added that the City of Delta has approved the use of ATVs/UTs on their streets. He also added that Mesa County (in their regulations) added that the ATVs/UTSs had to be able to stop to the degree of 14 feet per second, meaning that the vehicles have to have a set of breaks in the front and the rear.

Mr. Pollard said he wondered what the next step might be for him to present more information to the Council.

Mayor Buck said that the Council would get the matter back on a workshop agenda.

She asked if anyone else in the audience wanted to speak about something else not on the agenda. Hearing no comments, she closed the public participation section of the agenda.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE JANUARY 5, 2016 CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE JANUARY 19, 2016 CITY COUNCIL MEETING**
- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS FOR RIB CITY GRILL LOCATED AT 455 KOKOPELLI BLVD**

- D. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS FOR EL TAPATIO LOCATED AT 402 JURASSIC AVE**
- E. RESOLUTION 2016-03 – A REQUEST TO APPROVE A RESOLUTION APPROVING THE LEASE OF THE FRUITA MUSEUM PROPERTY LOCATED AT 432 E. ASPEN TO THE FRUITA CHAMBER OF COMMERCE**
- F. EMPLOYEE AGREEMENT AMENDMENT – A REQUEST TO APPROVE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE CITY MANAGER**
- G. XEROX LEASE AGREEMENT – A REQUEST TO APPROVE A COPIER LEASE AGREEMENT FOR FRUITA PARKS AND RECREATION DEPARTMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT**
- H. CONDITIONAL USE PERMIT – A REQUEST TO APPROVE A CONDITIONAL USE PERMIT FOR A VACATION RENTAL BY OWNER (VRBO) IN AN EXISTING HOUSE LOCATED IN A COMMUNITY RESIDENTIAL ZONE AT 325 S. APPLE STREET**

Mayor Buck opened the Consent Agenda for public comments, of which there were none.

Mayor Buck brought the Consent Agenda back to the Council for any comments or questions.

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

7. PUBLIC HEARINGS

There were no public hearing items on the agenda.

8. ADMINISTRATIVE AGENDA

A. COMMUNITY DEVELOPMENT DIRECTOR DAHNA RAUGH

- 1) CONDITIONAL USE PERMIT – A REQUEST TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW ONE HORSE ON APPROXIMATELY 1.19 ACRES OF PROPERTY LOCATED IN A COMMUNITY RESIDENTIAL ZONE AND LOCATED AT 985 E. OTTLEY AVENUE (SHEREEN SHEETS) (CONTINUED FROM THE DECEMBER 1, 2015 CITY COUNCIL MEETING)**

Community Development Director Dahna Raugh noted that the City Council heard this request at their first meeting in December of 2015 and the decision on the Conditional Use Permit was continued for two months to see if more progress could be made on the property. She said there were some nuisance violations and although those have not been completely resolved, there has been a lot of progress made and that certainly the weather and some other things have hindered some of that progress.

Mrs. Raugh stated that the Conditional Use Permit fee has now been paid by the applicant and staff is confident that the approval criteria that must be considered for Conditional Use Permits can be met. She said that the Conditional Use Permit for keeping a horse on the property can meet the requirements of the Land Use Code and the City's Master Plan in the zone that it is located in. She added that staff also believes that the horse can be kept on the property in a way that can be compatible with the surrounding residential neighborhoods and other animals in the area. Staff does not believe that keeping the horse on the property would lead to a health/safety issue. Lastly, all services and facilities needed are available to the property. Mrs. Raugh said these are the four criteria that need to be considered for a Conditional Use Permit and staff believes that those approval criteria have been met or can be met moving forward. Staff does expect ongoing improvements to resolve any small nuisance violations that are still on the property.

Mrs. Raugh said that it was staff's recommendation that the Council approve the Conditional Use Permit.

Mayor Buck asked the Council members if they had any concerns.

Councilor Mascarenas said this shows why Fruita is an awesome place to live; the City does have people that are willing to work with residents instead of being heavy-handed with them. She commended the Community Development Department and the applicant for their hard work.

Councilor Bonar agreed with Councilor Mascarenas and said that this is the way that the process is supposed to work; the applicant got what they asked for, the City's interests were protected and everyone goes forward in a positive direction.

- **COUNCILOR BONAR MOVED TO APPROVE THE SHEETS HORSE CONDITIONAL USE PERMIT. COUNCILOR MULDER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

2) ORDINANCE 2016-01 – SECOND READING – A REQUEST TO APPROVE AN ORDINANCE AMENDING CHAPTER 17.41 OF THE FRUITA LAND USE CODE – SIGN CODE

Community Development Director Dahna Raugh stated that since the First Reading of the Ordinance in January, staff has become aware of efforts by several local businesses to develop a coalition to address issues of concern to the local business community, including issues of signs.

Mrs. Raugh stated that it was staff's recommendation to continue the Second Reading on Ordinance 2016-01 to the first Council meeting in March to give the business owners the opportunity to develop the coalition and hopefully give staff more public input regarding the sign regulations.

Councilor Kincaid asked if there was any kind of deadline that the City was working against. Mrs. Raugh responded that there is no absolute timeline, but the only concern that staff would have is that the current Council has talked a great deal about signs and it would be easier to have a decision about signs before a new Council is seated in April. She added the Ordinance could still be continued as many times as necessary to resolve any issues, however.

- **COUNCILOR BONAR MOVED THAT THE SECOND READING OF ORDINANCE 2016-01 – AN ORDINANCE AMENDING CHAPTER 41, SIGN CODE OF THE FRUITA LAND USE CODE BE CONTINUED TO THE MARCH 1ST, 2016 CITY COUNCIL PUBLIC MEETING. COUNCILOR MULDER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR BONAR

Councilor Bonar reported that the Historic Preservation Board did not meet the previous evening due to the weather.

COUNCILOR HARVEY

Councilor Harvey reported that the Arts and Culture Board is looking for some people to volunteer to help with the Evening of Art event on March 5th at the Fruita Community Center. He said they need people to sit at a door to check IDs, sell tickets or just generally help out.

COUNCILOR MASCARENAS

Councilor Mascarenas reported that Family Health West is a sponsor of the Evening of Art event. She said that the poster for the event was amazing.

COUNCILOR KINCAID

Councilor Kincaid reported that at the Tourism Advisory Council meeting, the board went over the budget with Cobb & Associates and began making plans for their spending in 2016. The board discussed redoing the billboard on I-70 because it hasn't been updated for three years. The board is also looking at how to get some more photography because the photos they have are a little older.

Councilor Kincaid noted that the Mike the Headless Chicken website would be moved over to the same platform that the City uses. Following that, the Fruita Tourism website will be moved over to that platform as well. Staff will maintain the websites and this will save quite a bit of budget dollars for the Tourism Advisory Board.

Councilor Kincaid also noted that the number of visits to the tourism website is up from January of this year compared to last year.

Councilor Mascarenas asked how long the term of the contract was between the City of Fruita and Cobb & Associates. Councilor Kincaid responded that the City entered a two-year contract with Cobb with a one-year right of renewal. At the end of 2016, the Tourism Advisory Council will decide whether to put the City's marketing/promotions out for bid again or renew the contract with Cobb & Associates.

MAYOR BUCK

Mayor Buck stated that she was appointed to the Bureau of Land Management's (BLM's) Northwest Resource Advisory Council. She also said that the five-year anniversary event at the Fruita Community Center had a good turnout despite the weather and that awards were given to people who spend a lot of time at the center.

Mayor Buck continued that she and Mr. Bennett met with Frank Ladd, Director of the Fruita Area Chamber of Commerce and Angelina Salazar, Vice President of Business Development for Family Health West. The Fruita Chamber now has a web television station and it has been suggested that the Fruita City Council meetings be videoed and streamed live onto the internet. Mayor Buck added that it is interesting how the hospital has been reorganized and how they are moving forward.

Mayor Buck noted that on February 18th, the City would be hosting the Fruita Chamber Business After Hours at the Fruita Community Center and that the Chamber's Annual Banquet would be held on February 20th at the FCC. She also said that on March 20th, there will be a stormwater meeting and that Public Works Director Ken Haley would bring the information about the meeting to the Council at a later date.

Councilor Mascarenas noted that the Sweetheart run and Health Expo has been scheduled for February 13th.

10. CITY MANAGER'S REPORT

Mr. Bennett noted that the Municipalities Dinner was being held on February 4th in Palisade and that there was a Candidate Orientation Scheduled for February 3rd at 7:00 p.m. at the Fruita Community Center.

Mr. Bennett stated that the Council would be having a workshop session following this Council meeting and that the consultant for Priority Based Budgeting would be showing a view of the internet and doing a conference call. Mr. Bennett stated that the consultant was ready to go at 7:30 p.m. and he explained to people in the audience that the City is embarking on a new budgeting process to hone in on all the services that the City provides, what the cost of those services are and how those are tied to the City's priorities.

Mr. Bennett noted that the City of Fruita was fortunate to get a grant from the Department of Local Affairs (DOLA) to help cover the cost of the 3-year process with the Center for Priority Based Budgeting.

Councilor Mascarenas asked if the process was for the City's budget process in 2017. Mr. Bennett responded that it would actually be what the City will be doing this year. He explained that after the conference call, staff will start going through some training with the consultant on building the inventory and dissecting all City services and the costs of those. Mr. Bennett said it would be pretty staff intensive until late spring when the Council will begin its goal setting process.

Mr. Bennett noted that the Chamber reserved a table for the Council and staff at their annual banquet at no cost.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: FEBRUARY 16, 2016

RE: LIQUOR LICENSE RENEWAL – A REQUEST TO RENEW THE RETAIL LIQUOR STORE LICENSE – MALT, VINUOUS, AND SPIRITUOUS FOR CENTER TOWN LIQUORS LOCATED AT 136 SOUTH MESA

BACKGROUND

The Retail Liquor Store License - Malt, Vinous, and Spirituous for Center Town Liquors located at 136 South Mesa is up for renewal. Their current license expires on **April 7, 2016**. The Police Department report indicates that there have not been any violations or incidents reported to them in the last year and there is nothing unusual or of concern that would hinder renewal of the license. The City Clerk's office has not been advised of any issues or concerns related to the liquor license during the past year. There are no current TIPS certificates on file in the City Clerk's Office.

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

Pursuant to State Statutes, the local licensing authority (City Council) may cause a hearing on the application for renewal to be held. No renewal hearing shall be held until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.

This item is placed on the agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license. If there is no cause for a hearing, the City Council should approve the renewal of the existing license. If there is cause for a hearing, the City Council should set a date to hold a quasi-judicial hearing to determine if there are sufficient grounds for suspension or revocation of the liquor license. The City Council may also temporarily suspend any license, without notice, pending any prosecution, investigation or public hearing. No such suspension shall be for a period of more than 15 days.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

- 1) Renewal of the Retail Liquor Store License - Malt, Vinous, and Spirituous for Center Town Liquors.
- 2) Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

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

RENEW THE RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS FOR CENTER TOWN LIQUORS LOCATED AT 136 SOUTH MESA

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

CENTER TOWN LIQUORS
 4224 27 1/4 COURT
 GRAND JUNCTION CO 81506

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

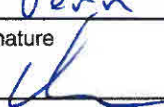
RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name LLENROC LIQUORS LLC		DBA CENTER TOWN LIQUORS		
Liquor License # 42788270000	License Type Liquor Store (city)	Sales Tax License # 42788270000	Expiration Date 4/7/2016	Due Date 2/22/2016
Street Address 136 SOUTH MESA FRUITA CO 81521-2517				Phone Number (970) 858 7901
Mailing Address 4224 27 1/4 COURT GRAND JUNCTION CO 81506				
Operating Manager Vern Cornell	Date of Birth 4-26-55	Home Address 4224 27 1/4 Court, Grand Junction		Phone Number

1. Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

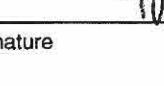
AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Vern Cornell	Title Owner
Signature 	Date 2-2-16

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For The City of FrUITA	Date
Signature 	Title LORI BUCK MAYOR
Attest	

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	FEBRUARY 3, 2016
RE:	RETAIL LIQUOR STORE LICENSE RENEWAL

License Information	
Licensee:	Center Town Liquors
Location:	136 S. Mesa
Type of License:	Retail Liquor Store License
Expiration Date of Current License:	April 7, 2016
City Council Hearing Date:	February 16, 2016
DUE DATE FOR POLICE REPORT:	February 12, 2016

Tips certificates on File

Employee:	Certificate expires:
(None current)	

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	<input checked="" type="radio"/> No
B)	Have there been any incidents reported to the Police Dept in the last year that would pertain to the liquor license and the establishment's control of alcoholic beverages and their patrons?	Yes	<input checked="" type="radio"/> No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	<input checked="" type="radio"/> No

Please attach documentation to support the above noted violation(s), incidents or comments.

Signature: *Paula Rajewich*

Date: *2-9-16*



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: FEBRUARY 16, 2016

RE: MAVERIK, INC. – A REQUEST FOR THE RENEWAL OF A 3.2 PERCENT BEER RETAIL (OFF PREMISES) LIQUOR LICENSE FOR MAVERIK, INC. LOCATED AT 1103 E. US HIGHWAY 6 & 50

BACKGROUND

The 3.2 Percent Beer Retail (Off Premises) Liquor License for Maverik, Inc. located at 1103 E. US Highway 6 & 50 is up for renewal. Their current license expires on **February 22, 2016**. The renewal form is so late in getting to the City Clerk's Office because Maverik (in error) sent their renewal directly to the State Liquor Enforcement Division without the local approval, even though the renewal form directs them to return the renewal to the City licensing authority by the due date.

The City Clerk's office has not been advised of any issues or concerns related to the liquor license during the past year that would hinder the renewal of the license. There are no TIPS certificates on file at the City Clerk's Office.

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

Pursuant to State Statutes, the local licensing authority (City Council) may cause a hearing on the application for renewal to be held. No renewal hearing shall be held until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.

This item is placed on the Consent agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license. If there is no cause for a hearing, the City Council should approve the renewal of the existing license. If there is cause for a hearing, the City Council should set a date to hold a quasi-judicial hearing to determine if there are sufficient grounds for suspension or revocation of the liquor license. The City Council may also temporarily suspend any license, without notice, pending any prosecution, investigation or public hearing. No such suspension shall be for a period of more than 15 days.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Renew the 3.2 Percent Beer Retail (Off Premises) Liquor License.
2. Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

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

RENEW THE 3.2 PERCENT BEER RETAIL (OFF PREMISES) LIQUOR LICENSE FOR MAVERIK, INC. LOCATED AT 1103 E. US HIGHWAY 6 & 50

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

0103769

Fees Due	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

MAVERIK INC #400
 880 W CENTER ST
 NORTH SALT LAKE UT 84054

RECEIVED

FEB 01 2016

LIQUOR ENF. DIVISION

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name MAVERIK INC		DBA MAVERIK INC #400		
Liquor License # 04227300002	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 04227300002	Expiration Date 4/7/2016	Due Date 2/22/2016
Street Address 1103 E US HWY 50 FRUITA CO 81521				Phone Number (970) 858 5346
Mailing Address 880 W CENTER ST NORTH SALT LAKE UT 84054				
Operating Manager Krista Martinez	Date of Birth 5/31/88	Home Address 464 3218 Rd. #3, Clifton		Phone Number 970-712-2693

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business JOHN D. HILLAN	Title VP FUEL SUPPLY
Signature <i>John D. Hillan</i>	Date 1/19/2016

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	FEBRUARY 11, 2016
RE:	3.2 Percent Beer Retail (Off Premises) Liquor License Renewal

License Information

Licensee:	Maverik #400
Location:	1103 E. US Highway 6 & 50
Type of License:	3.2 Percent Beer Retail (Off Premises)
Expiration Date of Current License:	February 22, 2016
City Council Hearing Date:	February 16, 2016
DUE DATE FOR POLICE REPORT:	February 12, 2016

Tips certificates on File

Employee:	Date:	Exp.
(None)		

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	<input checked="" type="radio"/> No
B)	Have there been any incidents reported to the Police Dept in the last year that would pertain to the liquor license and the establishment's control of alcoholic beverages and their patrons?	Yes	<input checked="" type="radio"/> No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	<input checked="" type="radio"/> No

Please attach documentation to support the above noted violation(s), incidents or comments.

Signed: Paula Rapiwach Date: 2-11-16



COLORADO

Department of Revenue

Enforcement Division - Liquor & Tobacco

Physical Address:
1881 Pierce Street
Lakewood, CO 80214

Mailing Address:
P.O. Box 173350
Denver, CO 80217-3350

February 3, 2016

Maverick Inc #400
880 W Center St
North Salt Lake UT 84054
04227300002

Dear Licensee:

We are returning your Renewal Application; it can not be filed as submitted for the following reason(s):

APPLICATION NOT APPROVED BY LOCAL AUTHORITY

Please submit application to the licensing authority in your city or county for approval. Any state fees submitted will be applied to your renewal and do not need to be sent in again. If you have any questions, please contact our office at (303) 205-2300.

Sincerely,

Sue Sampson
Licensing Specialist
Liquor Enforcement Division
Colorado Department of Revenue



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: FEBRUARY 16, 2016

RE: LIQUOR LICENSE RENEWAL - A REQUEST FOR APPROVAL OF THE RENEWAL OF A HOTEL/RESTAURANT LIQUOR LICENSE AND DANCE HALL LICENSE FOR THE BUCKBOARD CAFÉ AND LOUNGE LOCATED AT 155 N. MULBERRY STREET

BACKGROUND

The Hotel/Restaurant Liquor License and the Dance Hall license for the Buckboard Café and Lounge, located at 155 N Mulberry, is up for renewal. Their current license expires on **April 29, 2016**.

The Police Department report indicates there has been nothing of concern that would hinder the renewal, however, a memorandum from Fruita Police Chief Judy Macy recommends TIPS training for all current servers, to ensure new employees are educated and past employees are up to date. The Police report is attached hereto.

There are two current TIPS certificates on file at the City Clerk's Office.

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

Pursuant to State Statutes, the local licensing authority (City Council) may cause a hearing on the application for renewal to be held. No renewal hearing shall be held until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.

This item is placed on the agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license. If there is no cause for a hearing, the City Council should approve the renewal of the existing license. If there is cause for a hearing, the City Council should set a date to hold a quasi-judicial hearing to determine if there are sufficient grounds for suspension or revocation of the liquor license. The City Council may also temporarily suspend any license, without notice, pending any prosecution, investigation or public hearing. No such suspension shall be for a period of more than 15 days.

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

- Renew the Hotel/Restaurant Liquor License and Dance Hall License for the Buckboard Café and Lounge located at 155 N Mulberry.
- Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

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

- **RENEW THE HOTEL/RESTAURANT LIQUOR LICENSE AND DANCE HALL LICENSE FOR THE BUCKBOARD CAFÉ AND LOUNGE LOCATED AT 155 N. MULBERRY**

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

BUCKBOARD CAFE & LOUNGE
 155 NTH MULBERRY ST
 FRUITA CO 81521

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name BRACH JOHN DEE		DBA BUCKBOARD CAFE & LOUNGE		
Liquor License # 40970150000	License Type Hotel & Restaurant (city)	Sales Tax License # 40970150000	Expiration Date 4/29/2016	Due Date 3/15/2016
Street Address 155 NTH MULBERRY ST FRUITA CO 81521				Phone Number (970) 858 3995
Mailing Address 155 NTH MULBERRY ST FRUITA CO 81521				
Operating Manager JD Brach	Date of Birth 5-20-54	Home Address 807 E. Harbor Ave Fruta, Colo 81521		Phone Number 970-250-3365 <i>cell</i>

1. Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business John Dee Brach	Title OWNER
Signature <i>John Dee Brach</i>	Date 2/4/16

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For		Date
Signature	Title	Attest



CITY OF FRUITA DANCE HALL LICENSE RENEWAL APPLICATION

Pursuant to Chapter 5.12 of the Fruita Municipal Code, an annual license is required, and must be approved by the City Council for the operation of a dance hall. Dance Hall renewals are due with the Liquor License Renewal. The fee for a Dance Hall license is \$25.00 and is payable to the City of Fruita.

Name of Applicant: Buck Board A Cafe John Dee Brach

Trade Name:

Location of Hall: 155 Nth Mulberry St. Owned Rented

Years in Business: 15 yr. Phone Number 970-250-3365 cell

Manager of Hall: J.D Brach

Hours of Operation:

Sun AM 11:00 PM 10:00	Mon AM 11:00 PM 10:00	Tues AM 11:00 PM 10:00	Wed AM 11:00 PM 10:00	Thurs AM 11:00 PM 11:00	Fri AM 11:00 PM 1:30 AM	Sat AM 11:00 PM 1:30 A.M
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Has the applicant been convicted of a felony or a crime in any court of the United States? If so, when and what:

N/A

John Dee Brach
Signature of Applicant

2/4/16
Date

OFFICE USE ONLY:

Date Received: <u>2/4/16</u>	Amount Paid: <u>25⁰⁰</u>	Date License Sent:
Business License #:	Check # <u>2165A</u>	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Liquor License #	Cash	Credit Card (Visa/Master Card Only)

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	FEBRUARY 9, 2016
RE:	HOTEL AND RESTAURANT LIQUOR LICENSE RENEWAL

License Information

Licensee:	Buckboard Café and Lounge
Location:	155 N. Mulberry St.
Type of License:	Hotel and Restaurant Liquor License
Expiration Date of Current License:	April 29, 2016
City Council Hearing Date:	March 1, 2016
DUE DATE FOR POLICE REPORT:	February 26, 2016

Tips certificates on File

Employee:	Issued	Exp
Bobbi Eye	12/26/13	12/26/16
Sarah Gentzler	10/23/13	10/23/16

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	<input checked="" type="radio"/> No
B)	Have there been any incidents reported to the Police Dept in the last year that would pertain to the liquor license and the establishment's control of alcoholic beverages and their patrons?	Yes	<input checked="" type="radio"/> No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	<input checked="" type="radio"/> No

Please attach documentation to support the above noted violation(s), incidents or comments.

Signed Paula Rajewich Date 2-9-16



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: FEBRUARY 16, 2016
RE: SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE AN APPLICATION FROM THE FRUITA ROTARY CLUB TO SERVE BEER AND WINE AT THE FRUITA CHAMBER ANNUAL BANQUET TO BE HELD ON SATURDAY, FEBRUARY 20, 2016 FROM 5:00 PM TO 10:00 PM AT THE FRUITA COMMUNITY CENTER

BACKGROUND

The Fruita Rotary Club has filed an application for a special events permit to serve beer and wine during the Fruita Chamber Annual Banquet on Saturday, February 20, 2016 from 5:00 p.m. to 10:00 p.m. at the Fruita Community Center. State law allows nonprofit organizations to apply for a special events liquor permit, and the Fruita City Council adopted Resolution 2011-32, which authorizes the Local Licensing Authority to issue Special Events Permits to qualifying organizations and political candidates without sending the application to the State Authority for approval.

The City of Fruita requires that the applicant submit a narrative addressing specific issues related to the special events permit. The 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 Fruita Chamber Annual Banquet

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 AND WINE DURING THE FRUITA CHAMBER ANNUAL BANQUEST ON SATURDAY, FEBRUARY 20, 2016 FROM 5:00 PM TO 10:00 PM AT THE FRUITA COMMUNITY CENTER UNDER THE FOLLOWING CONDITIONS:

- 1. APPLICANT WILL DISCONTINUE SERVING ALCOHOL AT 9:30 PM ON SATURDAY, FEBRUARY 20, 2016 TO ALLOW PATRONS 30 MINUTES TO FINISH BEVERAGES AND LEAVE THE AREA**
- 2. ALL ALCOHOL WILL SECURED AND REMOVED BY 10:00 PM**
- 3. NO ALCOHOL SHALL BE BROUGHT INTO OR OUT OF THE LICENSED PREMISES**

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	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) P O BOX 471 FRUITA, CO 81521	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) Fruita Community Center 324 N. Coulson St Fruita CO 81521
---	--

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE TOM McNAMARA	12/31/1949	1768 Waters Ln, Fruita, CO 81521	970-260-8689
5. EVENT MANAGER Karen Leonhart	8/15/1958	890 Sabil Drive, Fruita, Co 81521	970-250-4435
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <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	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
2/20/16				
From 5:00p .m. To 10:00p .m.	From .m. To .m.	From .m. To .m.	From .m. To .m.	From .m. To .m.

OATH OF APPLICANT

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

SIGNATURE	TITLE Event Manager	DATE 1/22/16
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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	TITLE LORE BUCC MAYOR	DATE

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

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

**Fruita Rotary Club
Fruita Chamber of Commerce Annual Banquet
Liquor License Narrative
Fruita Community Center Location**

The Fruita Chamber of Commerce has requested that the Fruita Rotary Club provide beer/wine serving services located at the Fruita Community Center to accommodate patrons attending the Fruita Chamber of Commerce Annual Banquet on Saturday, February 20th, 5:00-10:00 p.m.

1. **Description:** The Fruita Chamber Annual Banquet is an annual event in Fruita celebrating the area businesses. The Fruita Rotary Club will sell alcohol at the venue from 5:00-10:00 p.m. in the gymnasium area of the Fruita Community Center.

2. **Security:** Rotarians will monitor the entrance to the licensed area and its perimeter to make sure no alcohol comes into or leaves the licensed area. Signs will be posted on perimeter indicating that no alcohol is allowed into or out of the designated area.

SATURDAY 2/20 5:00-10:00 p.m.

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

4. **Fencing:** No special fencing or barriers are required.

5. **Portable toilets:** Restroom facilities are available in the Community Center

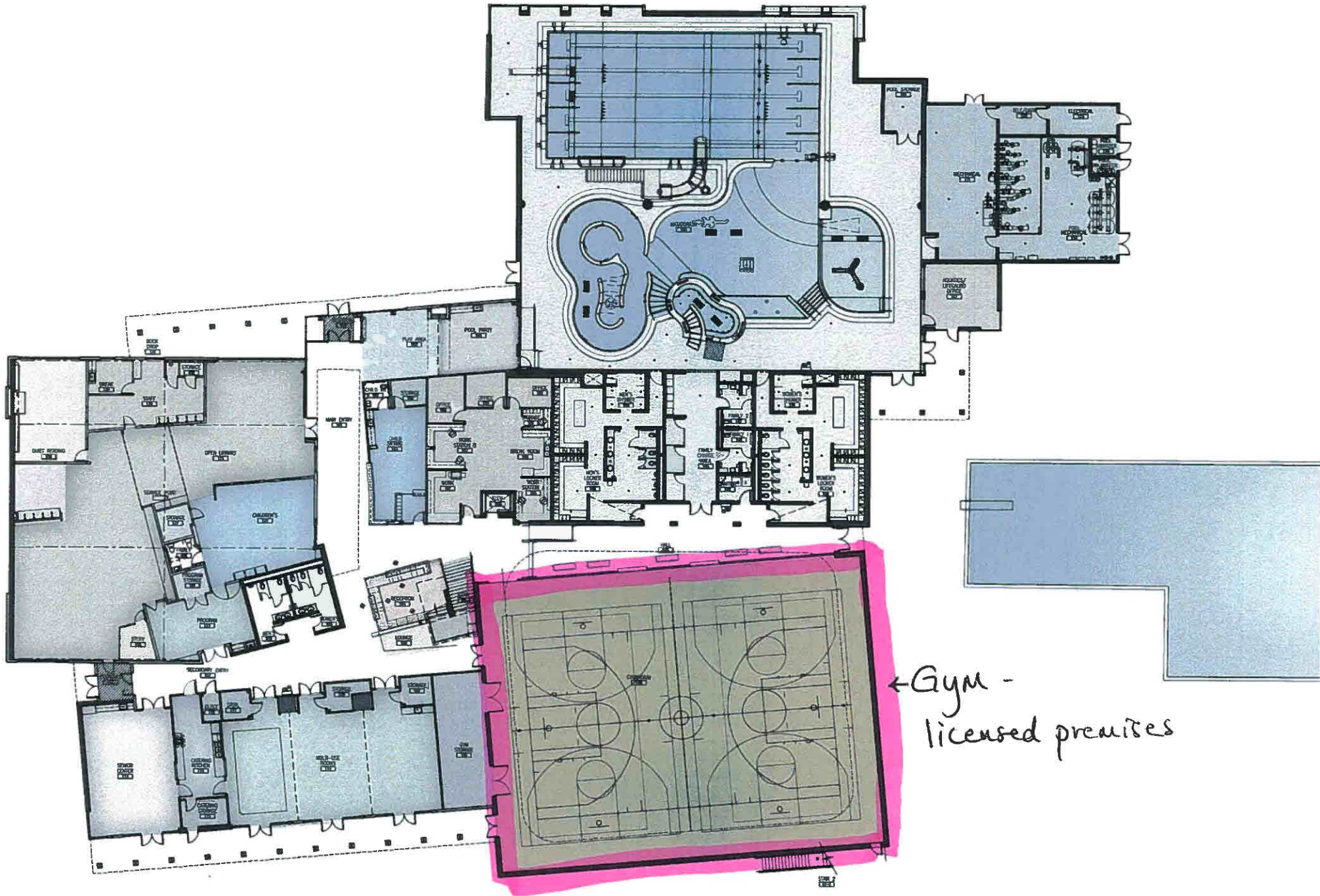
6. **Proper signage** will be posted along the perimeters indicating that ID's will be checked and that No Alcohol can be brought into or removed from the licensed premise.

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

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

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

10. **Food:** Food will be provided for participants at the event



← Gym -
licensed premises

TO: DEBRA WOODS, DEPUTY CITY CLERK
FROM: Chief Macy
DATE: January 28, 2016
SUBJECT: SPECIAL EVENT PERMIT - Chamber of Commerce - Annual Banquet

The license application has been reviewed for this event, to be held at the Community Center on 2/20/16. There are no concerns with the issuance of the license.

JHM/jhm



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: FEBRUARY 16, 2016
**RE: RESOLUTION 2016-02 -- ADOPTING A POLICY FOR FUNDING
REQUEST FROM OUTSIDE AGENCIES**

BACKGROUND

The City of Fruita has historically contributed funds to outside agencies based on requests for funding as part of the budget process. It is the intent of this policy to formalize this process and establish procedures and evaluation criteria for consideration of funding requests. A draft policy was presented to the City Council at the October 2015 workshop. The Council reviewed the policy and did not have any significant issues or concerns at that time. However, they did express interest in addressing requests for purchase of tickets or sponsorships for fundraising events that occur throughout the year as part of the policy.

The draft policy has been revised and includes the addition of a new paragraph under Section 1 that provides direction for requests for contributions/tickets/etc., for fundraising events that Council and staff receive throughout the year. This direction states that the City does not contribute to events which are organized for the purpose of fund raising where a portion of the contribution made by the City is related to fund raising costs (dinner, banquets, shows, etc.). The City desires that contributions of public funds be directly related to the intended purpose that benefits the Fruita community.

FISCAL IMPACT

Funding of outside agency requests does have a fiscal impact on the City. This impact is reviewed on an annual basis as part of the budget adoption process and can vary from year to year based on available resources and requests for funding.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The purpose of funding outside agency requests is to supplement community service programs that provide a public purpose and benefit the Fruita community. Each request is evaluated based on criteria which include its relationship to the City's mission, goals and objectives.

RECOMMENDATION

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

**ADOPTION RESOLUTION 2016-02 ADOPTING A POLICY FOR FUNDING OF
OUTSIDE AGENCY REQUESTS**

RESOLUTION 2016-02

**A RESOLUTION ADOPTING A POLICY FOR FUNDING REQUESTS FROM
OUTSIDE AGENCIES**

WHEREAS, the purpose of granting funding requests to outside agencies is to provide community service programs that fulfill a public purpose and benefit, promote, and serve and enhance the quality of life for Fruita residents at a cost or in a manner that the City could not provide more efficiently or for less cost, and

WHEREAS, the City of Fruita receives a number of requests from outside agencies requesting funding from the City, and

WHEREAS, the Fruita City Council desires to adopt a formal policy and establish procedures for consideration of funding requests from outside agencies in order to ensure that funds are awarded in a consistent manner and within the constraints of available resources.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THAT THE OUTSIDE AGENCY FUNDING POLICY ATTACHED HERETO IS HEREBY ADOPTED.

**PASSED AND ADOPED BY THE FRUITA CITY COUNCIL
THIS ___ DAY OF _____, 2016**

CITY OF FRUITA, COLORADO

Lori Buck, Mayor

ATTEST:

Margaret Sell, City Clerk

**OUTSIDE AGENCY FUNDING POLICY
CITY OF FRUITA, COLORADO**

SECTION 1: POLICY

It is the policy of the City of Fruita, Colorado to consider funding requests from agencies committed to providing community service programs that fulfill a public purpose in that the services to be performed benefit, promote, serve and enhance the quality of life for the Fruita community at large for a cost or in a manner that the City could not provide more efficiently or for less cost.

This policy promotes the concept that the most efficient use of taxpayer funds for contributions to outside agencies are direct contributions that are used for the intended purpose of providing community service programs. Therefore, the City does not contribute funds for fund raising events in which a portion of the contribution is used to offset the cost of fund raising (e.g. tickets for banquets and similar events).

SECTION 2: ELIGIBLE AGENCIES

An eligible agency must be a not-for-profit (public or private), charitable (public or private), governmental, or quasi-governmental entity organized and existing under Colorado law. The agency must be recognized by and provide proof of tax-exempt status under Section 501 (c) of the Internal Revenue Code of the United States, unless the agency is a governmental or quasi-governmental entity.

An agency complying with this provision, but whose proposed service program or project fails to meet the evaluation criteria presented in Section 3 of this policy, may not receive funds from the City.

An agency complying with this provision, but whose proposed service program or project duplicates services or projects provided by another agency may not receive funds from the City.

SECTION 3 PROCEDURES

The City's process for funding an outside agency request is as follows:

- 3.1 The City of Fruita should receive all funding requests from outside agencies no later than September 1 for consideration for funding in the following fiscal year. This allows for consideration of the funding requests as part of the development of the operating budget for the following year.
- 3.2 The City will publish a notice of the deadline for for submission of requests for funding by August 1.

- 3.3 Funding available for outside agency requests will be reviewed on an annual basis as part of the budget process.
- 3.4 The availability of funds awarded will be subsequent to January 1 for the funding cycle of each year and released accordingly upon receipt of invoice and any required supporting documentation.
- 3.5 City operations and capital expenditures will receive priority over all funding requests from outside agencies. Funding Requests from outside agencies will be treated as the lowest priority in the budget process and will be considered only after meeting the other needs of the City government.
- 3.6 The City of Fruita reserves the right to terminate funding for outside agencies at any time. Approval of funding for one fiscal year does not impose a commitment on the City for funding in future years.
- 3.7 No funding decision shall be considered final until the City Council adopts the budget and all aspects of the agency's responsibilities and the conditions under which payment for the agency's services will be rendered have been met.
- 3.8 City funding shall only be used for the purpose and service for which the funding is requested and approved by the City. Any deviation from the approved funding request may be made only by the City's prior, written approval. If not, funds must be returned immediately to the City.

SECTION 4 EVALUATION CRITERIA

The City Council may utilize the criteria listed below in the evaluation and prioritization of funding requests.

- 4.1 Agency's ability to demonstrate the effectiveness and relevancy of a project or service to the community.
- 4.2 The ability to meet a specific or relevant need in the community.
- 4.3 Relationship to the City's mission, goals and/or objectives
- 4.4 The likelihood the project will produce successful results.
- 4.5 Service impact or benefit to the businesses and citizens of Fruita and the number of citizens/businesses, geographic areas and specific impact (quantified).
- 4.6 The effectiveness of the services and/or program and the impact on the City of Fruita community based upon measurable performance data.

- 4.7 The agency's history of success.
- 4.8 Effective use of requested funding, including matching contributions, additional sources, and effort of outside search for financial assistance.
- 4.9 The financial need of the agency and its ability to implement the services and/or programs based upon available resources.
- 4.10 The ability of the agency to continue the project or service after the funding cycle without an ongoing operational contribution from the City to this service.
- 4.11 The amount of previous funding requests and the amount received from the City of Fruita
- 4.12 Budgetary constraints on available funds.

SECTION 5 SUBMITTAL INSTRUCTIONS

Agencies must adhere to the following instructions for submittal of the Funding Requests:

- 5.1 Two copies of the Funding Request should be submitted to the City of Fruita by September 1 (City Manager and Finance Director)
- 5.2 The appropriate agency authorities must complete, sign and date the Funding Request
- 5.3 The Funding Request "must" be clearly identified on the outside of the envelope ("Agency Name" - Funding Request).

SECTION 6 REQUIRED INFORMATION

Funding Requests should contain the following information and/or documentation.

- 6.1 Amount requested from the City of Fruita
- 6.2 A brief narrative of the agency's program(s) and demonstrated benefit to the citizens of Fruita and relationship to helping the City achieve its goals and priorities.
- 6.3 An official statement of support for the Funding Request from the governing body of the agency.
- 6.4 A copy of the budget for the fiscal year the funds are being requested) must accompany the request. In addition, a copy of the budget or financial statements

for the previous fiscal year must accompany the request. These documents may also be provided through email or a link to these documents online.

- 6.5 A copy of the Section 501(c) declaration by the Internal Revenue Service must accompany the Funding Request.
- 6.6 Completed Outside Agency Funding Application.
- 6.7 Letters of support.
- 6.8 Additional supporting documents and information that may be requested by the City.

SECTION 7 AGENCY REQUIREMENTS AFTER RECEIPT OF FUNDING

- 7.1 Financial Report. Agencies must provide an annual report of the expenditure of city funds.
- 7.2 Performance Report. Agencies must provide an annual report on the effectiveness of services or projects for which the agency received funding.

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, CITY CLERK/FINANCE DIRECTOR
DATE: FEBRUARY 16, 2016
RE: BUDGET RESOLUTION 2016-04 FOR SUPPLEMENTAL APPROPRIATION FOR THE 2016 FISCAL YEAR

BACKGROUND

Budget Amendments on the February 16, 2016 Council agenda include re-appropriation of unspent funds initially budgeted for in 2015 for capital projects, capital equipment, and donations and grants for special projects. Capital projects and equipment initially budgeted for in 2015 that need to be re-appropriated in 2016 are as follows:

Description	2016 Reappropriation
Gateway Enhancement Planning and Design	38,300
J.2 Road Improvements	325,450
Lower Little Salt Wash Trail	1,260,000
Kokopelli Trail Project Engineering and Design	33,600
Downtown Project furniture and equipment	20,000
City Shops	9,450
Mulberry Sewer	72,250
Sewer Vector Truck	360,000
Dump Truck	170,500

Other supplemental appropriations for the 2016 Budget included the following:

- Donation of \$8,500 from Fruita Thrift Shop for repairs to Gretta (the dinosaur)
- Donation of \$1,000 from Fruita Thrift Shop for Community Outreach Program (property clean up)
- Grant of \$8,600 from Federal Asset Sharing – MCSO for security camera for the Police Department and Municipal Court

FISCAL IMPACT

This budget amendment will not have a net fiscal as revenues are available to offset the additional appropriations or were already budgeted for use in the prior year.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Budget is a financial plan developed for the purpose of allocating resources necessary to implement specific policies and strategies to achieve short and long term goals established by the City throughout the year. This budget amendment provides for completion of capital projects already identified and under construction.

OPTIONS TO THE COUNCIL:

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

RECOMMENDATION:

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

ADOPT RESOLUTION 2016-04 AMENDING THE 2016 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND, CAPITAL PROJECTS FUND, CONSERVATION TRUST FUND AND SEWER FUND FOR COMPLETION OF CAPITAL PROJECTS AND CAPITAL EQUIPMENT PURCHASES ORIGINALLY INCLUDED IN THE PRIOR YEARS BUDGET AND ADDITIONAL REVENUES IN THE GENERAL FUND FOR REPAIRS TO GRETTA THE DINOSAUR, PROPERTY CLEAN, AND SECURITY CAMERAS

RESOLUTION 2016-04

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

WHEREAS, certain capital projects and capital equipment purchases initially budgeted for in the 2015 fiscal year were not completed as anticipated due to various reasons and unspent funds from 2015 need to be re-appropriated for completion of these capital projects and purchase of capital equipment in 2016, and

WHEREAS, the City of Fruita has received a donation from the Fruita Thrift Shop for repairs to Gretta, the dinosaur sculpture located in Circle Park, and

WHEREAS, the City of Fruita has received a donation from the Fruita Thrift Shop for property clean up as part of the Code Enforcement Community Outreach program, and

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

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

Section 1: That the 2016 appropriation for the General Fund is hereby increased by \$318,400 from \$7,862,400 to \$8,180,8000 from the following sources for the following uses:

Source of Funds

Donations	1,000
Grants.....	8,600
General Fund – Unappropriated fund balance.....	<u>308,800</u>
	\$318,400

Use of Funds

Community Development, Code Enforcment Property Clean Up	1,000
Dump truck.....	170,500
Security cameras (Police Department and Municipal Court)	8,600
Transfer to Capital Projects Fund	<u>138,300</u>
	\$318,400

Section 2: That the 2016 appropriation for the Capital Projects Fund is hereby increased by \$1,695,300 from \$1,070,500 to \$2,765,800 from the following sources for the following uses:

Source of Funds

Enhancement Grant	\$649,500
GOCO Trails Grant	200,000
Energy Impact Grants.....	20,000
Mesa County Grant	117,300
Development Impact Fees.....	208,150
Donations	8,500
Transfer from General Fund.....	138,300
Transfer from Conservation Trust Fund	154,100
Transfer from Sewer Fund.....	9,450

Capital Project Fund - Unappropriated Fund Balance.....	190,000
	\$1,695,300

Use of Funds

Gateway Enhancement Planning and Design.....	\$38,300
J,2 Road Construction.....	325,450
Kokopelli Trail Design.....	33,600
Misc. Park Projects – Sculptures and Artwork (Gretta).....	8,500
Downtown Project furniture and equipment.....	20,000
Lower Little Salt Wash Trail.....	1,260,000
Parks and Public Works Facility Furniture and Equipment.....	9,450
	\$1,695,300

Section 3: That the 2016 appropriation for the Sewer Fund is hereby increased by \$441,700 from \$2,958,825 to \$3,400,525 from the following sources for the following uses:

Source of Funds

Sewer Fund Unappropriated Fund Balance.....	\$441,700
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Use of Funds

Transfer to Capital Projects Fund (Parks/Public Works Maintenance Facility)	\$9,450
Mulberry Street Sewer Project.....	72,250
Sewer Vector Truck.....	360,000
	\$441,700

Section 4: That the 2015 appropriation for the Conservation Trust Fund is hereby increased by \$154,100 from \$56,000 to \$210,100 from the following sources for the following uses:

Source of Funds

Conservation Trust Fund Unappropriated Fund Balance.....	\$154,100
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Use of Funds

Transfer to Capital Projects (Kokopelli and Lower LSW Trail Projects	\$154,100
--	-----------

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 16th DAY OF FEBRUARY, 2016**

ATTEST:

City of Fruita

City Clerk

Lori Buck, Mayor



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: February 16, 2016

RE: Resolution 2016 - 05, A Resolution of the Fruita City Council to Approve Amendments to the Brandon Estates Filing 3, Phase 2b Subdivision Improvements Agreement

Resolution 2016 -06, A Resolution of the Fruita City Council to Approve the 1st Release of the Subdivision Improvements Agreement for the Brandon Estates Filing 3 Phase 2b Subdivision

BACKGROUND

The construction of public and semi-public improvements for Brandon Estates Filing 3, Phases 2b, subdivision have been completed as required with the exception of planting one tree adjacent to the trail in this subdivision. Due to the weather, the tree can't/shouldn't be planted at this time. Staff recommends that the cost of the tree be added into the money required to be reserved for the warranty for the improvements and allow the tree to be planted in the spring.

The applicants also have requested that the required impact fees for this development be permitted to be paid at the time of Planning Clearance for a Building Permit for each individual lot as now permitted by the Fruita Land Use Code. The current subdivision improvements agreement (SIA) states that the fees will be paid before subdivision final plat recording (before construction begins). The applicant's wrote a letter to promise payment of impact fees at the time of Planning Clearance, but the SIA is the legal document required to ensure this can/will happen.

Attached is Resolution 2016-05 which includes the revisions to the SIA to allow the impact fees to be deferred to the time of Planning Clearance for this phase of this subdivision. It should be noted that there also is a correction of a scrivener's error in

Section 11 regarding the Parks, Open Space and Trails impact fee (numbers were transposed).

Attached Resolution 2016-06 is for the 1st release of the SIA to accept the improvements and begin the two-year warranty period. This Resolution reflects the issue of the tree that still needs to be planted. Included with the Resolution is the required Bill of Sale for the public improvements.

The irrigation system that is to be completed in Phase 2a of this subdivision has not yet been completed. The SIA that addresses Phase 2a requires the irrigation system to be completed in March of this year.

FISCAL IMPACT

The change to the timing of impact fees should not have a significant long-term impact to the city. The Land Use Code was amended last year to allow impact fees to be deferred to the time of Planning Clearance and the applicants would like this change to apply to their development.

Approving a 1st release of an SIA has a fiscal impact on the city because the city would then be responsible for maintenance of the public improvements. Ten percent of the cost of all improvements in the subdivision is held by the City for two years to ensure that defects in materials and workmanship for the improvements will be corrected. Within the two-year warranty period, the City will inspect the improvements and if found to be free from defects in materials and workmanship, a final release of the funding guarantee can be requested.

This 1st release will permit the developer to sell lots and begin house construction on all the lots in this phase of this subdivision.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The process of approving and releasing SIAs ensures that the City's goal of requiring development to pay its own way is met and that residents and taxpayers of the City are not subsidizing growth. The change to the SIA will continue to require impact fees to be paid, but the timing of payment will change as permitted by the Fruita Land Use Code. The Land Use Code is one of the primary documents that implements the City's goals and policies as outlined in the City's Master Plan.

OPTIONS AVAILABLE TO COUNCIL

SIA Amendment

1. Approve Resolution 2016-05, A Resolution of the Fruita City Council to Approve Amendments to the Brandon Estates Filing 3, Phase 2b Subdivision Improvements Agreement, with or without amendments.
2. Deny Resolution 2016-05.

1st Release of the SIA

1. Approve Resolution 2016 -06, A Resolution of the Fruita City Council to Approve the 1st Release of the Subdivision Improvements Agreement for the Brandon Estates Filing 3 Phase 2b Subdivision with or without amendments.
2. Deny the Resolution 2016-06.

RECOMMENDATION

SIA Amendment

Staff recommends that the City Council move to approve Resolution 2016-05, A Resolution of the Fruita City Council to Approve Amendments to the Brandon Estates Filing 3, Phase 2b Subdivision Improvements Agreement.

1st Release of the SIA

Staff recommends that the City Council move to approve Resolution 2016 -06, A Resolution of the Fruita City Council to Approve the 1st Release of the Subdivision Improvements Agreement for the Brandon Estates Filing 3 Phase 2b Subdivision.

RESOLUTION 2016 - 05

**A RESOLUTION OF THE FRUITA CITY COUNCIL TO APPROVE
AMENDMENTS TO THE BRANDON ESTATES FILING 3, PHASE 2B
SUBDIVISION IMPROVEMENTS AGREEMENT**

WHEREAS, the developer of Brandon Estates Filing 3, Phase 2b subdivision entered into a subdivision improvements agreement recorded in the records of the Mesa County Clerk and Recorder in Book 5735, at Page 620, to guarantee that required improvements would be completed within a certain time period, and

WHEREAS, the Fruita Land Use Code (Title 17 of the Fruita Municipal Code) has since been amended to allow impact fees to be deferred until the time of Planning Clearance approval, and

WHEREAS, the developer desires to amend the subdivision improvements agreement for Brandon Estates Filing 3, Phase 2b to allow impact fee payment to be deferred until the time of Planning Clearance approval, and

WHEREAS, an agreement to amend the subdivision improvements agreement to show this change in the timing of impact fee payment is attached as Exhibit A, and

WHEREAS, a scrivener's error of transposed numbers exists in Section 11 which also is corrected with this amendment to the subdivision improvements agreement.

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

THAT the agreement to amend the existing subdivision improvements agreement for Brandon Estates Filing 3, Phase 2b subdivision attached hereto as Exhibit A, is hereby approved.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 16th DAY OF FEBRUARY, 2016**

ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Lori Buck, Mayor

EXHIBIT A
(Resolution 2016 - 05)
(7 pages)

**AGREEMENT TO AMEND THE BRANDON ESTATES FILING 3, PHASE 2B
SUBDIVISION IMPROVEMENTS AGREEMENT**

THIS AGREEMENT is made and entered into this 10th day of February, 2016, by and between the CITY OF FRUITA, COLORADO, a municipal corporation, whose address is 325 E. Aspen Ave., Fruita, Colorado (hereinafter referred to as the "City"), and SONSHINE IV CONSTRUCTION AND DEVELOPMENT whose address is ~~2350-G~~ 637 25 Road, Grand Junction, CO 81505 (hereinafter referred to as the "Developer"), and ALLAN E. AND LOLA M. LEDEBUR whose address is 2700 G Road, Apt. 8D, Grand Junction, CO 81506-1408 (hereinafter referred to as the "Owner").

RECITALS

WHEREAS, Owner is the fee simple owner of real property described in Exhibit A attached hereto and incorporated herein by this reference (the "Property") and

WHEREAS, Owner has filed an application with the City for the subdivision of certain property to be known as BRANDON ESTATES FILING 3, PHASE 2b, a tract of land located in the City of Fruita, County of Mesa, State of Colorado, containing approximately 4.32 acres, as more fully described in Exhibit A, attached hereto, herein referred to as the "Subdivision" or the "Property", which Developer intends to improve as a Planned Unit Development; and

WHEREAS, the Owner and Developer, as a condition of approval of the Final Plat of BRANDON ESTATES FILING 3, PHASE 2b entered into a Subdivision Improvements Agreement recorded in the records of the Mesa County Clerk and Recorder in Book 5735, at Page 620, to guarantee that required improvements would be completed within a certain time period, and

WHEREAS, the Fruita Land Use Code (Title 17 of the Fruita Municipal Code) has since been amended to allow impact fees to be deferred until the time of Planning Clearance approval, and

WHEREAS, the Developer and Owner desire to amend the subdivision improvements agreement for Brandon Estates Filing 3, Phase 2b to allow impact fee payment to be deferred until the time of Planning Clearance approval.

NOW, THEREFORE, the City of Fruita hereby agrees to amend Sections 11-15 of the subdivision improvements agreement as follows (amendments shown in *italics* for additions, and in ~~strikeout~~ for deletions):

SECTION 11
PUBLIC PARKS, OPEN SPACE AND TRAILS

Pursuant to Section 17.19.090 of the Fruita Municipal Code, the Developer and/or the Owner shall pay a Public Parks, Open Space and Trails Impact Fee in the amount of \$1,860.00 per dwelling unit multiplied by 11 (number of dwelling units in this Subdivision), which totals \$20,460.00 as a Public Parks, Open Space and Trails Impact Fee.

The parties agree that a credit of \$0.00 against the Public Parks, Open Space and Trails Impact Fee owed for the cost of actual dedication of land and/or the construction and/or improvements for public park, open space and/or trails, shall be applied. The net Public Parks, Open Space and Trails Impact Fee due and payable for this Filing/Phase of the Subdivision is ~~\$20,640.00~~\$20,460.00. ~~Such Fee shall be paid to the City prior to Subdivision Final Plat recording.~~

The Parks, Open Space, and Trails Impact Fee identified above can be paid prior to commencing construction. As an alternative, this impact fee can be deferred until the time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision. If the impact fee is deferred until the time of Planning Clearance for a Building Permit, the impact fee required to be paid for each dwelling unit in this subdivision shall be based on the fees in effect at the time of approval of a Planning Clearance for a Building Permit for each individual dwelling unit. Such fee shall be paid before approval of a Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision.

All land required to be dedicated to the City for public park, open space or trail purposes shall be dedicated or conveyed free and clear of all liens and encumbrances prior to or concurrently with the recording the Subdivision Final Plat.

Developer and the Owner acknowledge that such requirements are roughly proportional to the impacts resulting from development of the Property.

SECTION 12
SCHOOL LAND DEDICATION

Pursuant to Section 17.19.100 of the Fruita Municipal Code, the Developer and/or the Owner shall pay a School Land Dedication Fee of \$920.00 per dwelling unit.

The total number of dwelling units, 11, multiplied by \$920.00, the School Land Dedication Fee per dwelling unit, is \$10,120.00, the total School Land Dedication Fee required to be paid. ~~This Fee shall be paid by Developer and/or Owner to the City prior to Subdivision Final Plat recording.~~

The School Land Dedication Fee identified above can be paid prior to commencing construction. As an alternative, this impact fee can be deferred until the

time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision. If the impact fee is deferred until the time of Planning Clearance for a Building Permit, the impact fee required to be paid for each dwelling unit in this subdivision shall be based on the fees in effect at the time of approval of a Planning Clearance for a Building Permit for each individual dwelling unit. Such fee shall be paid before approval of a Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision.

Developer and the Owner acknowledge that such requirement(s) are roughly proportional to the impacts resulting from development of the Property.

SECTION 13 **TRANSPORTATION IMPACT FEE**

Pursuant to Section 17.19.130 of the Fruita Municipal Code, the Developer and/or the Owner shall pay a Transportation Impact Fee in the amount of \$3,200.00 per lot multiplied by 11, the number of lots in this Subdivision, which totals \$35,200.00 as a Transportation Impact Fee.

The parties agree that a credit of \$35,200 against the Transportation Impact Fee owed for the cost of actual construction of off-site road improvements, shall be applied. The net Transportation Impact Fee due and payable for this Filing/Phase of the Subdivision is \$0.00. ~~Such Fee shall be paid to the City prior to Subdivision Final Plat recording.~~

The Transportation Impact Fee identified above can be paid prior to commencing construction. As an alternative, this impact fee can be deferred until the time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision. If the impact fee is deferred until the time of Planning Clearance for a Building Permit, the impact fee required to be paid for each dwelling unit in this subdivision shall be based on the fees in effect at the time of approval of a Planning Clearance for a Building Permit for each individual dwelling unit, less the credit amount identified below, if any. Such fee shall be paid before approval of a Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision.

Additional Provisions: (Recapture or Reimbursement Agreements, Credit carry forward, etc.):

Old SIA (Phase 2a) carry forward credit = \$72,827.00

Carry forward credit is $\$72,827 - 35,200.00 = 37,627.00$

Developer and the Owner acknowledge that the requirement(s) set forth above are roughly proportional to the impacts generated from development of the Property.

SECTION 14
CHIP AND SEAL IMPACT FEE

Pursuant to Section 17.19.140 of the Fruita Municipal Code, the Developer and/or Owner shall pay \$6,029.00, as the Chip and Seal Impact Fee (Calculation: 1566 (number of square yards) multiplied by \$3.85 per square yard = \$6,029.00) required for this Subdivision. ~~Such Fee shall be paid by Developer and/or Owner to the City prior to Subdivision Final Plat recording.~~

The Chip & Seal Impact Fee identified above can be paid prior to commencing construction. As an alternative, this impact fee can be deferred until the time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision. If the impact fee is deferred until the time of Planning Clearance for a Building Permit, the impact fee required to be paid for each dwelling unit in this subdivision shall be based on the fees in effect at the time of approval of a Planning Clearance for a Building Permit for each individual dwelling unit. Such fee shall be paid before approval of a Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision.

Developer and the Owner acknowledge that such requirement(s) are roughly proportional to the impacts generated from development of the Property.

SECTION 15
DRAINAGE IMPACT FEE

Pursuant to Section 17.19.150 of the Fruita Municipal Code, the Developer and/or the Owner shall pay \$8,220.00, as the Drainage Impact Fee. ~~Said fee shall be paid by Developer and/or the Owner to the City prior to Subdivision Final Plat recording.~~

The parties agree that a credit of \$8,220.00 against the Drainage Impact Fee set forth above for the cost of actual construction of off-site drainage improvements, as delineated in Section 7, shall be applied. The net Drainage Impact Fee due and payable for this Subdivision Filing/Phase is \$0.00.

Additional Provisions: (Recapture or Reimbursement Agreements, Credit carry forward, etc.):

Old SIA (Phase 2a) carry forward credit = \$82,375.00

Carry forward credit is \$82,375.00 - \$8,220.00 = \$74,155.00

Developer and the Owner acknowledge that such requirement(s) are roughly proportional to the impacts generated from development of the Property.

IN WITNESS WHEREOF, the parties have caused this agreement amendment to be executed on this _____ day of _____, 2016.

CITY OF FRUITA, COLORADO, a home rule municipality acting by and through its City Council,

By: _____
Mayor

ATTEST:

City Clerk

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me this _____ day of _____, 20____, by _____, Mayor of the City of Fruita, Colorado.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires:

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me this _____ day of _____, 20____, by _____, City Clerk of the City of Fruita, Colorado.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires:

Notary Public

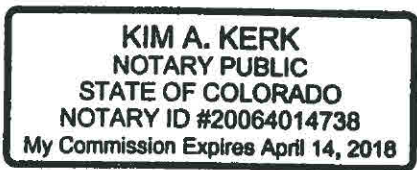
By: [Signature]
Developer
Title: John Davis, Manager

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me this 5th day of February, 2016, by
John Davis.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 04/14/18
[Signature]
Notary Public



By: [Signature]
Property Owner Allan E Ledebur
By: [Signature]
Property Owner Lola M Ledebur

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me this 5th day of February, 2016, by
Allan & Lola Ledebur and _____.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires:
[Signature]
Notary Public

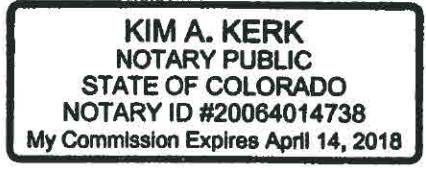


EXHIBIT A - Legal Description

**Subdivision Improvements Agreement Amendment
Brandon Estates filing 3, Phase 2b**

By legal description, the property is described as: Lots 8-13 and Lots 22-26; Tract K, and part of Tract R, Brandon Estates Subdivision, Filing 3. Phase area encompasses approximately 3.78 acres.

RESOLUTION 2016 - 06

**A RESOLUTION OF THE FRUITA CITY COUNCIL TO APPROVE THE FIRST
RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR
BRANDON ESTATES FILING 3, PHASE 2B SUBDIVISION**

WHEREAS, the developer of Brandon Estates Filing 3, Phase 2b subdivision entered into a subdivision improvements agreement recorded in the records of the Mesa County Clerk and Recorder in Book 5735, at Page 620, to guarantee that required subdivision improvements would be completed within a certain time period, and

WHEREAS, the developer has requested a 1st release of the performance guarantee for the improvements that have been completed and to start the two-year warranty period, and

WHEREAS, a Bill of Sale for the required public improvements that will belong to the City of Fruita has been provided and is attached as Exhibit A, and

WHEREAS, all the improvements required by the subdivision improvements agreement for Brandon Estates Filing 3, Phase 2b subdivision have been completed and inspected by City staff and have been found to be constructed as required with the exception of one tree which cannot be planted due to the weather, and

WHEREAS, the cost of the tree to be planted has been added into the money reserved for the warranty on the improvements with the requirement that the tree will be planted early in the spring of 2016 and will be under the same warranty period as the other improvements, and

WHEREAS, the money for the warranty will be held in escrow as per the City of Fruita Subdivision Improvements Escrow Agreement attached hereto as Exhibit B.

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

THAT the subdivision improvements for Brandon Estates Filing 3, Phase 2b subdivision are hereby approved subject to 10% of the total cost of improvements being retained for the required two-year warranty period and including an additional \$500 for a tree to be planted early in the spring of 2016 as per the City of Fruita Subdivision Improvements Escrow Agreement attached hereto as Exhibit B.

THAT the owner of the Brandon Estates Filing 3, Phase 2b subdivision is released from the restriction prohibiting conveyance of lots within this subdivision.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 16th DAY OF FEBRUARY, 2016**

ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Lori Buck, Mayor

BILL OF SALE

BRANDON ESTATES FILING 3, PHASE 2B

Development Name

KNOW ALL MEN BY THESE PRESENTS, that ALLAN and LOLA LEDEBUR AND John Davis (Property Owner Name AND Developer Name) of the County of Mesa, State of Colorado (Seller), for and in good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, has bargained and sold and by these presents does grant and convey unto the City of Fruita, Colorado, a municipal corporation (Buyer), its successors and assigns, the following property, goods and chattels, to wit:

Table with 5 columns: Type of Improvement, Description, Quantity, Measurement, City Use. Rows include Streets (Interior to subdivision, Offsite street improvements, Curbs, gutters and sidewalk, Street signs, Street lights), Storm Sewer (Lines, Inlets, Other), Sewer Lines and Appurtenances (Lines, Mains, Manholes, Other), Open Space dedicated to City (Land, Improvements).

Transferred FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES located at:

MYERS LANE BETWEEN LOIS DRIVE & BRANDON DRIVE

TO HAVE AND TO HOLD the same unto the said Buyer, its successors and assigns, forever. The said Seller covenants and agrees to and with the Buyer, its successors and assigns, to WARRANT AND DEFEND the sale of said property, goods and chattels, against all and every person or persons whomever. When used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

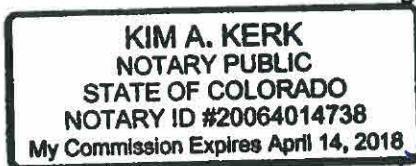
IN WITNESS WHEREOF, the Seller has executed this Bill of Sale this 5th day of February 2016

Allan E Ledebur Lola M Ledebur
Signature of Seller - Property Owner

[Signature]
Signature of Seller - Developer

STATE OF COLORADO

COUNTY OF MESA



The foregoing instrument was acknowledged before me this 5th day of February, 2016 by

Allan + Lola Ledebur; John Davis (Sellers name).

WITNESS MY HAND AND OFFICIAL SEAL

My Commission Expires: 04/14/18

Notary Public: [Signature]

EXHIBIT B - Resolution 2016-06
(7 pages)

**CITY OF FRUITA
SUBDIVISION IMPROVEMENTS
ESCROW AGREEMENT**

THIS AGREEMENT is entered into on February 11, 2016, by and between THE CITY OF FRUITA, COLORADO, a municipal corporation, whose address is City Hall, 325 E. Aspen Avenue, Fruita, CO; and Sonshine IV Construction & Development, LLC, a Colorado corporation/limited liability company, whose address is 637 25 Road, Grand Junction, CO 81505 ("Developer"); and Timberline Bank 633 24 Rd Grand Junction, CO 81505 ("Escrow Agent").

RECITALS:

A. Whereas, the City and Developer entered into a Subdivision Improvements Agreement dated April 1, 2015, recorded in the records of the Mesa County Clerk and Recorder in Book 5735, at Page 620, ("Subdivision Improvements Agreement") containing terms and conditions regarding the subdivision and development of certain property described as Brandon Estates Filing 3, Phase 2b, as more fully described on the Final Plat of Brandon Estates, recorded in the records of the Mesa County Clerk and Recorder on the 23rd day of June, 2015, in Book 5740, at Page 369, as Document No. 2728203 ("Property"); and

B. Whereas, in accordance with Section 5 of the Subdivision Improvements Agreement, Developer is required to deposit the sum of \$15,660.50, an amount equal to ten percent (10%) of estimated cost of constructing and installing certain described public and other required subdivision improvements, and an additional \$500 for a tree to be planted in accordance with Fruita City Council Resolution 2016-06, for a total of \$16,160.50 ("Escrow Funds") with Escrow Agent as the required warranty from the Developer for the construction and installation of such improvements including the tree still to be planted; and the City and Developer have selected Escrow Agent to hold the Escrow Funds.

NOW, THEREFORE, in consideration of the recitals described above, the mutual covenants and conditions contained in this Escrow Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City, Developer, and Escrow Agent agree as follows:

**SECTION 1
FUNDS HELD IN ESCROW**

Concurrently with the execution of this Escrow Agreement, Developer shall deposit the sum of \$16,160.50 with Escrow Agent. Escrow Agent agrees to hold this amount in escrow and any additional amounts deposited in accordance with the terms

of the Subdivision Improvements Agreement. Any interest earned on the funds deposited shall belong to the Developer.

SECTION 2 **DUTIES OF ESCROW AGENT**

The duties of the Escrow Agent shall be as follows:

2.1 Disbursement of Funds. During the term of this Escrow Agreement, Escrow Agent shall hold the Escrow Funds in accordance with the terms and provisions of this Escrow Agreement.

2.2 Limited Liability. The City and Developer agree and acknowledge that Escrow Agent assumes no liability in connection with this Escrow Agreement except for gross negligence or willful misconduct; that Escrow Agent shall never be responsible for the validity, correctness or genuineness of any document or notice referred to in this Escrow Agreement; that Escrow Agent is under no duty or obligation to ascertain the identity, authority or rights of the other parties (or their agents) executing or delivering or purporting to execute or to deliver this Escrow Agreement or any documents, papers or payments deposited or called for under this Escrow Agreement; and that Escrow Agent may seek advice from its own legal counsel and shall be fully protected in any action taken by it in good faith in accordance with the opinion of its counsel.

2.3 Disputes. If Escrow Agent is unable to determine at any time to whom the Escrow Funds should be delivered, or if a dispute develops between the City and the Developer concerning to whom the Escrow Funds should be delivered, then in such event, the Escrow Agent shall deliver the Escrow Funds in accordance with the joint written instructions of the City and Developer. In the event such written instructions are not received by Escrow Agent within ten (10) days after Escrow Agent has issued a written request for instructions to the City and Developer, Escrow Agent shall have the right to pay the Escrow Funds into the registry of the Mesa County District Court and interplead the City and Developer. Escrow Agent shall then be fully discharged of any obligation in connection with this Escrow Agreement. Escrow Agent shall be entitled to recover its reasonable attorneys' fees, related costs, and expenses from the City and Developer in commencing such action.

SECTION 3 **INDEMNIFICATION OF ESCROW AGENT**

City and Developer agree to indemnify and hold Escrow Agent harmless from and against all claims, actions, causes of action, judgments, damage, loss, liability, costs and expenses including, but not limited to, attorneys' fees, expenses, and court costs, arising out of or in any way resulting from the construction and installation of the

required public and other subdivision improvements on the Property as required by the Subdivision Improvements Agreement.

SECTION 4 PARTIES' CONSENT

The City and Developer hereby expressly consent to the disbursement of funds and other conduct of the Escrow Agent as authorized by the provisions of this Escrow Agreement.

SECTION 5 ESCROW AGENT FEES

Any fees charged by the Escrow Agent shall be paid by the Developer.

SECTION 6 DISBURSEMENT OF ESCROW FUNDS

Escrow Agent shall release the Escrow Funds as follows:

6.1 Upon Expiration of the Twenty-Four (24) Month Warranty Period. The funds shall be retained by Escrow Agent until released by a resolution of the City Council after the required twenty-four (24) month warranty period. In accordance with Section 5.4 of the Subdivision Improvements Agreement, the required twenty-four (24) month warranty period for the required subdivision improvements begins from the date of the City Council resolution verifying the acceptance of the improvements. Provided, however, during said period all or part of such funds shall be disbursed upon written certification by the City's Mayor that: any of the public improvements and other necessary subdivision improvements constructed by the Developer in accordance with the Subdivision Improvements Agreement are defective in materials or workmanship; that following notice, the Developer has failed to perform the work necessary to remedy such defects in accordance with the Subdivision Improvements Agreement; and the City, pursuant to the Subdivision Improvement Agreement, is proceeding with the task of correcting the defective materials or work. Such Escrow Funds shall then be disbursed by Escrow Agent to the City or other payee authorized by the City in such amounts as designated by the City.

6.2 Disbursements Upon Default. Upon written certification by the City's Mayor that: the Developer is in default under the Subdivision Improvements Agreement and has failed to perform its obligations under such Agreement, in accordance with all plans, drawings, specifications, and other documents submitted to the City as approved, within the time period set forth in the Subdivision Improvements Agreement; and that

the City, as agent for the Developer, is proceeding with the task of installing the required public and other subdivision improvements on the Property, as specified in the Subdivision Improvements Agreement, in whole or in part; the Escrow Agent shall then disburse Escrow Funds to the City or other payee authorized by the City, in such amounts as requested by the City.

SECTION 7

TERMINATION OF AGREEMENT

Upon expiration of the twenty-four (24) month warranty period set forth in Section 5 of the Subdivision Improvements Agreement, as certified by a resolution of the City Council, Escrow Agent shall disburse any remaining Escrow Funds to Developer and this Escrow Agreement shall then terminate, and no parties shall have any further rights, duties or obligations under this Escrow Agreement.

SECTION 8

MISCELLANEOUS PROVISIONS

8.1 Waiver of Defects. In executing this Escrow Agreement, the parties waive all rights they may have concerning defects, if any, of the form of this Agreement, the formalities whereby it is executed; and concerning the procedure, substance and form of the ordinances or resolutions adopting this Escrow Agreement.

8.2 Complete Agreement. This Escrow Agreement, together with the Subdivision Improvements Agreement, contain all of the understandings, conditions and agreements between the City and the Developer relating to the escrow and disbursement of funds for the construction and installation of the required public and other subdivision improvements, and no other prior or current representation, oral or written, shall be effective or binding upon the City and Developer.

8.3 Attorneys' Fees. In the event that any action is filed or maintained by any party in relation to this Escrow Agreement, the substantially prevailing party shall be entitled to its costs and reasonable attorneys' fees (including legal assistant's fees) or the reasonable value of a salaried attorney's time (including legal assistant's time). All rights concerning remedies or attorneys' fees shall survive termination of this Escrow Agreement.

8.4 Authorization. The signatories to this Escrow Agreement affirm and warrant that they are fully authorized to enter into and execute this Escrow Agreement, and all necessary actions, notices, meetings, and/or hearings pursuant to any law required to authorize their execution of this Escrow Agreement have been made or will be made.

8.5 Amendments. This Escrow Agreement may be amended from time to time by written agreement duly authorized by the parties against whom such amendment may be enforced.

8.6 Notices. All notices required or given by the terms of this Escrow Agreement shall be made by personal delivery or by certified first class mail, postage pre-paid, return receipt requested, to the parties at their addresses listed below. All notices shall be effective upon personal delivery or mailing. These addresses shall remain valid until notice of a change of address is given to all parties.

If to City: City of Fruita, Fruita City Council
325 East Aspen, Ste. 155
Fruita, CO 81521
Attn: Community Development Director

With a copy to: Sands Law Office
450 West Avenue, Suite 204
Rifle, CO 81650

If to Developer: Sonshine IV Construction & Development, LLC
637 25 Rd.
Grand Junction, CO 81505

If to Escrow Agent: Timberline Bank
633 24 Rd.
Grand Junction, CO 81505

8.7 Time of the Essence. Time is of the essence of this Agreement.

8.8 Colorado Law Applicable. This Escrow Agreement is made and delivered within the State of Colorado, and the laws of the State of Colorado shall govern its interpretation, validity and enforceability.

8.9 Jurisdiction of Courts. Personal jurisdiction and venue for any civil action commenced by any of the parties arising out of or relating to this Escrow Agreement will be deemed to be proper only if such action is commenced in the District Court of Mesa County, Colorado. The parties expressly waive any rights to bring such action in or to remove such action to any other court, whether State or federal.

8.10 Rights of Persons Not a Party. No person or entity who or which is not a party to this Escrow Agreement will have any right of action under this Escrow Agreement.

Title

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me this 2nd day of November, 2015, by: John Davis,
SSIV Construction & Development, LLC.
(Developer)

WITNESS MY HAND AND OFFICIAL SEAL

Kim A. Kerk
Notary Public

My commission expires: 04/14/18

KIM A. KERK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20064014738
My Commission Expires April 14, 2018

ESCROW AGENT:

Timberline Bank
(Name of Financing Institution)

By: *Louis John*, AVP 2.11.16
Date

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

Subscribed and sworn to before me this 11th day of February, 2016
by: Louise Goodman as AVP of Timberline Bank
(Escrow Agent)

WITNESS MY HAND AND OFFICIAL SEAL

Sonya K. Kearl
Notary Public

My commission expires: _____

SONYA K. KEARL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20004015849
My Commission Expires December 30, 2016



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: FEBRUARY 16, 2016
RE: JANUARY 2016 FINANCIAL REPORTS

BACKGROUND

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

Sales and Use Tax Revenues. The following chart shows the percentage change in the most recent months collections of sales and use tax revenue compared to the same month last year, and the year to date collections compared to the same time frame for the prior year.

Sales and Use Tax Revenues			
Type	Month	% change Month	% change Y-T-D
City	Dec-15	-9.98%	-6.71%
County	Dec-15	-4.98%	3.44%
Use tax on Motor Vehicles	Jan-16	-19.55%	-19.55%
Use tax on Building Materials	Jan-16	-77.90%	-77.90%

2015 Fiscal Year Comparisons to Prior Year and Budgeted Amounts

- City sales tax revenues were down 6.71% (\$105,282) from the prior year and down 8.5% (\$136,257) from budgeted revenues.
- County sales tax revenues were up 3.4% (\$65,740) from the prior year and up 3.4% (\$65,551) from budgeted revenues.
- Use tax revenues on motor vehicles were up 1.83% (\$9,944) from the prior year and up 0.5% (\$3,187) from budgeted revenues
- Use tax revenues on building materials were down 35.9% (\$58,750) from the prior year and up 16.4% (\$14,772) from budgeted revenues

Overall sales and use tax revenues in the General Fund of \$4.10 million were down 2.1% (\$88,347) in 2015 from 2014 revenues of \$4.19 and down 1.2% (\$52,746) from 2015 budgeted revenues if \$4.15 million. Sales and use tax revenues budgeted for 2016 are \$4.16 million which reflect an overall increase of 1.43%.

Community Center Fund – December 2015. The combination of city sales and use tax revenues for the month reflect a 3.95% decrease from 2014 revenues and an annual decrease of 6.77% (\$77,043) for the 2015 fiscal year with a shortfall from budgeted revenues of 5.7% (\$64,149.) Sales and use tax revenues budgeted for 2016 are \$1.06 million which reflect no change (0%) from 2015 actual revenues. The decline in city sales and use tax revenues noted above affects the

Community Center Fund more intensely than the General Fund as there are no County sales tax revenue increases in the Community Center Fund to offset the decreases.

Marketing and Promotion Fund – December 2015. Lodging tax revenues are up 20.19% for the month and up 15.1% (\$13,994) for the year over the prior year and up 10% (\$9,695) from budgeted revenues for 2015. The 2016 Budget reflects a decrease of 4.9% (\$5,195) from 2015 actual revenues.

General Fund Revenues – January 2016. The General Fund Revenue report is a detailed budget to actual revenue report. Revenues are at 6% of the budgeted amount for the year (1/12 = 8.33%).

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

Revenues and Expenses as Percentage of Budget - January 2016		
	Revenues as a % Budget	Expenses as a % of Budget
General Fund	6%	7%
Conservation Trust Fund	0%	0%
Marketing	5%	6%
Community Center	9%	5%
Capital Projects	1%	0%
Debt Service	0%	0%
Irrigation Water	0%	1%
Sewer	0%	22%
Trash	0%	0%
Fleet Maintenance Fund	0%	8%
Total	4%	8%

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

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

Approval of Financial Reports

Approval of Financial Reports with clarification on specific items

RECOMMENDATION

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

ACCEPT THE JANUARY 2016 FINANCIAL REPORTS AS PRESENTED.

GENERAL FUND 2% CITY SALES TAX REVENUES - February 8, 2016

	2010	2011	2012	2013	2014	2015	\$ Variance	% Variance
Jan	98,322.29	89,314.15	101,419.74	110,204.24	107,894.03	108,459.92	565.89	0.52%
Feb	84,525.46	95,295.86	110,489.69	96,957.80	117,630.56	107,188.89	-10,441.67	-8.88%
Mar	100,841.31	99,780.60	107,316.93	116,327.45	151,397.66	122,437.25	-28,960.41	-19.13%
Apr	102,872.82	120,678.35	142,421.79	131,340.78	130,473.13	119,605.83	-10,867.30	-8.33%
May	110,519.20	110,761.47	96,366.93	139,145.24	146,354.29	141,096.31	-5,257.98	-3.59%
Jun	113,710.31	121,036.54	153,521.01	134,614.06	145,170.75	142,137.11	-3,033.64	-2.09%
Jul	106,381.35	111,666.79	117,642.13	119,997.86	128,914.77	129,557.37	642.60	0.50%
Aug	106,951.08	108,226.15	117,891.22	132,205.95	139,363.95	116,732.34	-22,631.61	-16.24%
Sep	109,072.31	127,962.44	136,662.04	119,797.21	137,994.97	141,331.25	3,336.28	2.42%
Oct	100,306.58	105,477.56	118,473.48	131,267.83	123,354.93	116,359.62	-6,995.31	-5.67%
Nov	92,589.67	102,290.50	89,760.11	118,140.73	116,620.45	107,336.71	-9,283.74	-7.96%
Dec	108,661.53	110,977.83	111,679.39	123,646.37	123,855.91	111,500.58	-12,355.33	-9.98%
TOTAL	1,234,753.91	1,303,468.24	1,403,644.46	1,473,645.52	1,569,025.40	1,463,743.18	-105,282.22	-6.71%
%	3.14%	5.57%	7.69%	4.99%	6.47%	-6.71%		

2015 Budget= \$1,600,000, 2% increase from 2014 Actual Revenues

1,569,025.40 1,463,743.18 (105,282.22) -6.71%

COUNTY SALES TAX REVENUES- FEBRUARY 9, 2016

	2010	2011	2012	2013	2014	2015	\$ Variance	% Variance
Jan	113,058.19	120,360.46	139,025.37	134,836.51	130,571.18	143,816.00	13,244.82	10.14%
Feb	118,275.57	128,907.44	141,496.92	132,354.45	136,453.63	139,681.16	3,227.53	2.37%
Mar	139,649.23	147,913.58	160,249.88	152,973.96	156,998.09	166,560.39	9,562.30	6.09%
Apr	133,088.63	143,042.21	160,533.08	151,855.18	154,276.05	159,563.89	5,287.84	3.43%
May	147,139.03	153,133.55	154,553.36	160,201.04	162,075.43	176,074.56	13,999.13	8.64%
Jun	119,282.18	162,878.08	161,305.05	163,671.23	165,562.44	176,818.44	11,256.00	6.80%
Jul	143,771.76	152,964.04	147,950.00	155,143.98	166,412.21	168,785.26	2,373.05	1.43%
Aug	151,631.97	166,457.23	162,644.66	160,891.70	167,517.03	169,601.48	2,084.45	1.24%
Sep	148,068.43	155,015.91	151,264.37	158,830.58	169,036.62	175,746.65	6,710.03	3.97%
Oct	145,127.53	134,741.13	147,651.90	156,348.63	156,686.58	151,764.08	-4,922.50	-3.14%
Nov	144,375.13	153,895.13	141,634.37	149,817.01	153,873.00	166,473.69	12,600.69	8.19%
Dec	170,647.84	181,793.63	173,798.76	177,187.35	194,349.22	184,665.83	-9,683.39	-4.98%
TOTAL	1,674,115.49	1,801,102.39	1,842,107.72	1,854,111.62	1,913,811.48	1,979,551.43	65,739.95	3.44%
%	-4.18%	7.59%	2.28%	0.65%	3.22%	3.44%		

2015 Budget=\$1,914,000, 0% change from 2014 actual revenue

1,913,811.48 1,979,551.43 65,739.95 3.44%

Use Tax on Vehicles - 2% General Fund

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

2015 Budget = \$550,000 - 1% increase from 2014 actual revenues

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

Use Tax on Building Materials - 2% General Fund

	2009	2010	2011	2012	2013	2014	2015	2016	Variance	% Change
JAN	3,558.19	18,147.60	5,439.12	26,313.85	20,923.45	13,167.04	14,735.14	3,256.46	-11,478.68	-77.90%
FEB	4,047.25	8,504.62	16,282.90	16,100.01	14,788.93	11,632.38	2,458.97			
MAR	6,919.27	6,162.62	30,509.68	25,506.73	10,552.31	7,307.73	8,211.61			
APR	8,919.35	35,306.94	9,839.22	14,732.71	26,597.25	14,357.92	7,344.73			
MAY	9,562.65	16,486.49	7,073.59	12,539.25	13,725.38	12,874.85	3,720.34			
JUN	13,956.59	11,810.90	3,208.84	21,515.83	11,902.04	13,891.13	6,139.39			
JUL	17,372.54	16,884.69	7,956.54	18,255.65	15,093.09	24,526.19	9,501.34			
AUG	25,575.83	9,649.66	7,344.90	16,064.36	27,974.64	12,311.44	7,115.25			
SEP	11,542.90	4,380.71	13,268.39	24,727.66	13,947.63	21,844.73	7,596.69			
OCT	14,667.33	11,302.35	17,526.21	17,943.01	23,497.04	9,547.81	8,877.79			
NOV	6,436.47	14,520.62	8,709.93	5,819.74	10,256.27	9,042.11	9,442.56			
DEC	11,833.53	3,754.79	2,630.75	14,482.99	4,810.32	13,018.26	19,628.19			
YTD	134,391.90	156,911.99	129,790.07	214,001.79	194,068.35	163,521.59	104,772.00	3,256.46	-11,478.68	-77.90%
%	-53.64%	16.76%	-17.28%	64.88%	-9.31%	-15.74%	-35.93%			
							14735.14	3256.46	-11478.68	-77.90%

2015 Budget - \$90,000 - 45% reduction from 2014 actual revenues

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

2015 COMMUNITY CENTER FUND TAX REVENUES
1% Sales and Use Tax Revenues - February 8, 2016

	2009 Total	2010 Total	2011 Total	2012 Total	2013 Total	2014 Total	City Sales Tax	Use Tax on Motor Vehicles	Use Tax on Building Materials	2015 Total	\$ Change	% Chg
Jan	56,593.55	68,740.22	61,514.93	78,943.15	79,535.26	88,565.74	54,229.96	17,478.33	7,367.57	79,075.86	-9,489.88	-10.72%
Feb	58,002.09	58,148.39	71,825.86	76,002.81	75,142.30	82,631.50	53,594.44	25,112.86	1,229.48	79,936.78	-2,694.72	-3.26%
Mar	67,748.11	69,072.06	81,884.01	84,659.89	84,975.73	98,430.74	61,218.62	13,004.98	4,105.80	78,329.40	-20,101.34	-20.42%
Apr	75,033.32	81,620.90	77,165.81	98,885.55	97,438.92	98,461.69	59,802.91	16,388.45	3,672.37	79,863.73	-18,597.96	-18.89%
May	73,839.15	77,162.18	79,523.99	77,412.30	97,427.34	100,694.49	70,548.05	21,411.81	1,860.17	93,820.03	-6,874.46	-6.83%
Jun	73,538.22	75,828.93	81,352.21	108,332.79	95,556.60	100,977.70	71,068.55	20,709.55	3,069.70	94,847.80	-6,129.90	-6.07%
Jul	67,544.66	77,627.37	79,507.70	88,192.80	86,995.11	100,069.45	64,778.69	26,442.83	4,750.67	95,972.19	-4,097.26	-4.09%
Aug	74,268.70	74,500.07	77,665.14	90,639.31	104,504.75	101,993.43	58,366.17	32,357.43	3,557.62	94,281.22	-7,712.21	-7.56%
Sep	80,243.54	76,613.29	87,316.31	95,874.21	89,662.68	98,462.20	70,665.63	29,205.28	3,798.35	103,669.26	5,207.06	5.29%
Oct	68,996.64	68,780.04	76,894.86	91,740.61	99,304.36	96,454.10	58,179.81	26,927.24	4,438.89	89,545.94	-6,908.16	-7.16%
Nov	53,157.55	66,475.61	69,525.19	60,499.78	85,028.51	77,585.72	53,668.35	23,246.46	4,721.28	81,636.09	4,050.37	5.22%
Dec	70,957.51	67,542.34	75,635.02	81,605.04	89,407.32	93,568.08	55,750.29	24,308.41	9,814.09	89,872.79	-3,695.29	-3.95%
TOTAL	819,923.04	862,111.40	919,811.03	1,032,788.24	1,084,978.88	1,137,894.84	731,871.47	276,593.63	52,385.99	1,060,851.09	-77,043.75	-6.77%
% +/-		5%	6.69%	12.28%	5.05%	4.88%						
2015 Budget							800,000.00	280,000.00	45,000.00	1,125,000.00		
% of Budget							91.48%	98.78%	116.41%	94.30%		

1137894.84

1060851.09 -77043.75 -6.77%

MARKETING AND PROMOTION FUND
3% Lodging Tax Revenues - February 10, 2016

	2009	2010	2011	2012	2013	2014	2015	Difference	%
Jan	4,316.10	2,830.41	3,338.63	2,076.12	1,865.42	3,835.87	3,295.72	-540.15	-14.08%
Feb	2,602.49	3,071.45	3,706.38	5,076.82	3,188.23	1,782.08	3,688.48	1,906.40	106.98%
Mar	6,911.31	3,913.06	5,794.48	7,102.70	4,233.87	6,250.18	7,582.11	1,331.93	21.31%
Apr	11,522.20	6,371.84	8,841.90	8,604.24	12,736.42	9,984.25	9,261.50	-722.75	-7.24%
May	12,440.47	7,956.58	11,733.32	11,886.54	13,101.84	13,393.62	13,948.38	554.76	4.14%
Jun	13,343.74	21,363.33	11,893.86	12,811.34	12,179.20	8,646.09	14,742.08	6,095.99	70.51%
Jul	7,927.72	11,871.26	9,621.68	10,697.76	7,045.91	8,991.16	11,676.25	2,685.09	29.86%
Aug	7,538.02	11,636.43	10,462.73	11,478.01	8,063.40	7,171.28	11,237.25	4,065.97	56.70%
Sep	18,157.77	11,580.70	10,956.22	11,061.65	7,074.25	7,753.38	12,311.11	4,557.73	58.78%
Oct	5,940.42	6,220.05	8,141.23	8,189.25	12,413.50	3,106.86	9,543.11	6,436.25	207.16%
Nov	3,289.52	8,265.08	5,119.32	2,957.31	3,536.66	17,384.48	4,118.50	-13,265.98	-76.31%
Dec	8,076.81	3,959.65	3,902.25	5,164.09	14,224.16	4,401.91	5,290.61	888.70	20.19%
TOTAL	102,066.57	99,039.84	93,512.00	97,105.83	99,662.86	92,701.16	106,695.10	13,993.94	15.10%
		-2.97%	-5.58%	3.84%	2.63%	-6.99%			
						92,701.16	106,695.10	13,993.94	15.10%

2015 Budget - \$97,000 - 4.43% increase from 2014 actual revenues

General Ledger

General Fund Revenues

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 Period January 2016

Account Number	Description	Current Month	End Bal	Budget	% Received
110-000-00-3110	Property Tax	\$ -	\$ -	\$ (1,097,500.00)	0.00%
110-000-00-3120	Specific Ownership Tax	\$ (9,961.06)	\$ (9,961.06)	\$ (142,600.00)	6.99%
110-000-00-3130	County Sales Tax	\$ (151,764.08)	\$ (151,764.08)	\$ (2,040,000.00)	7.44%
110-000-00-3131	City Sales Tax	\$ (107,336.71)	\$ (107,336.71)	\$ (1,525,000.00)	7.04%
110-000-00-3132	Use Tax on Vehicles	\$ (48,616.81)	\$ (48,616.81)	\$ (520,000.00)	9.35%
110-000-00-3133	Use Tax on Building Materials	\$ (3,256.46)	\$ (3,256.46)	\$ (75,000.00)	4.34%
110-000-00-3142	Cigarette Tax	\$ (860.88)	\$ (860.88)	\$ (11,000.00)	7.83%
110-000-00-3182	Franchise Fees	\$ (23,044.72)	\$ (23,044.72)	\$ (405,000.00)	5.69%
110-000-00-3190	Penalties and Interest	\$ -	\$ -	\$ (3,000.00)	0.00%
	Taxes	\$ (344,840.72)	\$ (344,840.72)	\$ (5,819,100.00)	5.93%
110-000-00-3210	Business Licenses	\$ (3,575.00)	\$ (3,575.00)	\$ (18,500.00)	19.32%
110-000-00-3211	Liquor Licenses	\$ (1,850.00)	\$ (1,850.00)	\$ (8,500.00)	21.76%
110-000-00-3220	Street Excavation Permits	\$ (60.00)	\$ (60.00)	\$ (1,500.00)	4.00%
110-000-00-3221	Other Permits	\$ (180.00)	\$ (180.00)	\$ (1,500.00)	12.00%
	Licenses and permits	\$ (5,665.00)	\$ (5,665.00)	\$ (30,000.00)	18.88%
110-000-00-3330	Severance & Mineral Leasing Ta	\$ -	\$ -	\$ (150,000.00)	0.00%
110-000-00-3342	Energy Impact Grant	\$ -	\$ -	\$ (11,250.00)	0.00%
110-000-00-3351	Add. Motor Vehicle Reg Fees	\$ (1,407.00)	\$ (1,407.00)	\$ (19,000.00)	7.41%
110-000-00-3352	State Highway Users Tax	\$ (29,050.21)	\$ (29,050.21)	\$ (372,000.00)	7.81%
110-000-00-3353	App. Motor Vehicle Reg Fees	\$ (2,082.50)	\$ (2,082.50)	\$ (27,500.00)	7.57%
110-000-00-3380	Mesa County Road & Bridge Tax	\$ -	\$ -	\$ (24,000.00)	0.00%
	Intergovernmental revenue	\$ (32,539.71)	\$ (32,539.71)	\$ (603,750.00)	5.39%
110-000-00-3413	Planning Fees	\$ (2,125.00)	\$ (2,125.00)	\$ (13,000.00)	16.35%
110-000-00-3421	Vehicle Inspection Fees	\$ -	\$ -	\$ (1,100.00)	0.00%
110-000-00-3455	Impound Fees	\$ -	\$ -	\$ (100.00)	0.00%
110-000-00-3470	Recreation Registration Fees	\$ (3,825.40)	\$ (3,825.40)	\$ (77,000.00)	4.97%
110-000-00-3472	Special Event Appl & Booth Fee	\$ -	\$ -	\$ (5,500.00)	0.00%
110-000-00-3473	Retail Sales	\$ (277.61)	\$ (277.61)	\$ (9,000.00)	3.08%
110-000-00-3475	Internet sales	\$ (693.58)	\$ (693.58)	\$ (1,000.00)	69.36%
110-000-00-3477	Park Rentals	\$ (50.00)	\$ (50.00)	\$ (11,000.00)	0.45%
110-000-00-3478	Shipping and Handling Charges	\$ -	\$ -	\$ (50.00)	0.00%
110-000-00-3479	Scholarship Program	\$ (798.00)	\$ (798.00)	\$ (3,000.00)	26.60%
110-000-00-3480	Manpower and other charges	\$ (564.00)	\$ (564.00)	\$ (7,775.00)	7.25%
110-000-00-3483	Penalties	\$ (2,775.33)	\$ (2,775.33)	\$ (19,000.00)	14.61%
	Charges for services	\$ (11,108.92)	\$ (11,108.92)	\$ (147,525.00)	7.53%
110-000-00-3510	City and County Court	\$ (3,359.15)	\$ (3,359.15)	\$ (26,000.00)	12.92%
110-000-00-3511	Penalty Assessments	\$ (960.00)	\$ (960.00)	\$ (14,500.00)	6.62%
110-000-00-3513	Misdemeanor Fee	\$ (460.00)	\$ (460.00)	\$ (1,500.00)	30.67%
	Fines and forfeitures	\$ (4,779.15)	\$ (4,779.15)	\$ (42,000.00)	11.38%

Account Number	Description	Current Month	End Bal	Budget	% Received
110-000-00-3610	Interest on deposits	\$ (1,428.40)	\$ (1,428.40)	\$ (8,000.00)	17.86%
	Interest	\$ (1,428.40)	\$ (1,428.40)	\$ (8,000.00)	17.86%
110-000-00-3640	Senior Center Donations	\$ (34.96)	\$ (34.96)	\$ -	0.00%
110-000-00-3641	Miscellaneous Donations	\$ -	\$ -	\$ -	0.00%
110-000-00-3642	Recreation Donations	\$ (750.00)	\$ (750.00)	\$ -	0.00%
110-000-00-3643	Police Donations	\$ -	\$ -	\$ -	0.00%
110-000-00-3644	Tree Donations	\$ -	\$ -	\$ -	0.00%
110-000-00-3645	Special Event Donations	\$ (2,500.00)	\$ (2,500.00)	\$ (12,000.00)	20.83%
	Donations	\$ (3,284.96)	\$ (3,284.96)	\$ (12,000.00)	27.37%
110-000-00-3680	Miscellaneous	\$ (131.47)	\$ (131.47)	\$ (3,000.00)	4.38%
110-000-00-3681	Cash Over (Short)	\$ (1.00)	\$ (1.00)	\$ -	0.00%
110-000-00-3682	Refunds	\$ (161.97)	\$ (161.97)	\$ -	0.00%
	Miscellaneous	\$ (294.44)	\$ (294.44)	\$ (3,000.00)	9.81%
110-000-00-3911	Transfer from Sewer Fund	\$ -	\$ -	\$ (160,000.00)	0.00%
110-000-00-3912	Transfer from Trash Fund	\$ -	\$ -	\$ (51,000.00)	0.00%
110-000-00-3915	Transfer from Irrigation Fund	\$ -	\$ -	\$ (10,000.00)	0.00%
110-000-00-3917	Transfer from Retirement Fund	\$ -	\$ -	\$ (60,000.00)	0.00%
	Transfers from other funds	\$ -	\$ -	\$ (281,000.00)	0.00%
110-000-00-3624	Rail Car Rentals	\$ -	\$ -	\$ -	0.00%
110-000-00-3625	Rent on Lands and Water	\$ (2,399.01)	\$ (2,399.01)	\$ (29,000.00)	8.27%
110-000-00-3626	Facility Rentals	\$ (270.00)	\$ (270.00)	\$ (1,800.00)	15.00%
	Rents	\$ (2,669.01)	\$ (2,669.01)	\$ (30,800.00)	8.67%
Revenue Total		\$ (406,610.31)	\$ (406,610.31)	\$ (6,977,175.00)	-6.00%

General Ledger

Actual vs Budget Report



User: msteelman
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 Period 01 - 01
 Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
110	General Fund					
000						
R01	Taxes	-344,840.72	-344,840.72	-5,819,100.00	-5,474,259.28	5.93
R02	Licenses and permits	-5,665.00	-5,665.00	-30,000.00	-24,335.00	18.88
R03	Intergovernmental revenue	-32,539.71	-32,539.71	-603,750.00	-571,210.29	5.39
R04	Charges for services	-11,108.92	-11,108.92	-147,525.00	-136,416.08	7.53
R05	Fines and forfeitures	-4,779.15	-4,779.15	-42,000.00	-37,220.85	11.38
R06	Interest	-1,428.40	-1,428.40	-8,000.00	-6,571.60	17.86
R07	Donations	-3,284.96	-3,284.96	-12,000.00	-8,715.04	27.37
R08	Miscellaneous	-294.44	-294.44	-3,000.00	-2,705.56	9.81
R09	Transfers from other funds	0.00	0.00	-281,000.00	-281,000.00	0.00
R12	Rents	-2,669.01	-2,669.01	-30,800.00	-28,130.99	8.67
000		-406,610.31	-406,610.31	-6,977,175.00	-6,570,564.69	5.83
410	<i>General Government Department</i>					
E01	Personnel services, salaries	13,995.59	13,995.59	186,950.00	172,954.41	7.49
E02	Personnel services, benefits	4,782.45	4,782.45	43,375.00	38,592.55	11.03
E03	Purchased professional service	6,392.00	6,392.00	64,000.00	57,608.00	9.99
E04	Purchased property services	276.94	276.94	6,100.00	5,823.06	4.54
E05	Other purchased services	400.10	400.10	8,725.00	8,324.90	4.59
E06	Supplies	280.33	280.33	13,550.00	13,269.67	2.07
E08	Special projects	23,000.00	23,000.00	45,700.00	22,700.00	50.33
410	<i>General Government Department</i>	49,127.41	49,127.41	368,400.00	319,272.59	13.34
415	<i>Administration Department</i>					
E01	Personnel services, salaries	23,478.78	23,478.78	285,600.00	262,121.22	8.22
E02	Personnel services, benefits	13,448.30	13,448.30	92,100.00	78,651.70	14.60
E03	Purchased professional service	10,039.86	10,039.86	81,000.00	70,960.14	12.39
E04	Purchased property services	25,275.97	25,275.97	90,000.00	64,724.03	28.08
E05	Other purchased services	0.00	0.00	30,750.00	30,750.00	0.00
E06	Supplies	6,169.93	6,169.93	52,050.00	45,880.07	11.85
E07	Capital	0.00	0.00	32,200.00	32,200.00	0.00
E08	Special projects	0.00	0.00	15,000.00	15,000.00	0.00

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
415	<i>Administration Department</i>	78,412.84	78,412.84	678,700.00	600,287.16	11.55
418	<i>Engineering Department</i>					
E01	Personnel services, salaries	15,880.81	15,880.81	188,875.00	172,994.19	8.41
E02	Personnel services, benefits	10,230.19	10,230.19	76,175.00	65,944.81	13.43
E03	Purchased professional service	0.00	0.00	24,000.00	24,000.00	0.00
E04	Purchased property services	0.00	0.00	6,725.00	6,725.00	0.00
E05	Other purchased services	0.00	0.00	3,250.00	3,250.00	0.00
E06	Supplies	304.24	304.24	8,400.00	8,095.76	3.62
E07	Capital	0.00	0.00	7,000.00	7,000.00	0.00
418	<i>Engineering Department</i>	26,415.24	26,415.24	314,425.00	288,009.76	8.40
419	<i>Community Development Dpmt</i>					
E01	Personnel services, salaries	13,272.21	13,272.21	161,375.00	148,102.79	8.22
E02	Personnel services, benefits	10,450.32	10,450.32	75,750.00	65,299.68	13.80
E03	Purchased professional service	45.00	45.00	2,850.00	2,805.00	1.58
E04	Purchased property services	1,304.10	1,304.10	4,725.00	3,420.90	27.60
E05	Other purchased services	-192.00	-192.00	7,300.00	7,492.00	-2.63
E06	Supplies	392.61	392.61	8,275.00	7,882.39	4.74
E08	Special projects	0.00	0.00	5,000.00	5,000.00	0.00
419	<i>Community Development Dpmt</i>	25,272.24	25,272.24	265,275.00	240,002.76	9.53
421	<i>Police Department</i>					
E01	Personnel services, salaries	101,012.20	101,012.20	1,238,825.00	1,137,812.80	8.15
E02	Personnel services, benefits	59,904.27	59,904.27	493,025.00	433,120.73	12.15
E03	Purchased professional service	1,407.14	1,407.14	21,800.00	20,392.86	6.45
E04	Purchased property services	438.07	438.07	85,725.00	85,286.93	0.51
E05	Other purchased services	22,017.23	22,017.23	303,525.00	281,507.77	7.25
E06	Supplies	1,308.27	1,308.27	72,400.00	71,091.73	1.81
E07	Capital	0.00	0.00	73,500.00	73,500.00	0.00
421	<i>Police Department</i>	186,087.18	186,087.18	2,288,800.00	2,102,712.82	8.13
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	37,235.66	37,235.66	449,000.00	411,764.34	8.29
E02	Personnel services, benefits	24,557.00	24,557.00	185,175.00	160,618.00	13.26
E03	Purchased professional service	0.00	0.00	13,200.00	13,200.00	0.00
E04	Purchased property services	1,254.66	1,254.66	365,700.00	364,445.34	0.34
E05	Other purchased services	0.00	0.00	3,150.00	3,150.00	0.00
E06	Supplies	1,717.16	1,717.16	366,400.00	364,682.84	0.47
E07	Capital	0.00	0.00	326,525.00	326,525.00	0.00
431	<i>Public Works Department</i>	64,764.48	64,764.48	1,709,150.00	1,644,385.52	3.79
451	<i>Parks and Recreation Dept</i>					

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
E01	Personnel services, salaries	39,424.91	39,424.91	513,425.00	474,000.09	7.68
E02	Personnel services, benefits	22,313.62	22,313.62	177,150.00	154,836.38	12.60
E03	Purchased professional service	5,613.22	5,613.22	25,325.00	19,711.78	22.16
E04	Purchased property services	560.42	560.42	83,925.00	83,364.58	0.67
E05	Other purchased services	293.20	293.20	16,950.00	16,656.80	1.73
E06	Supplies	7,577.23	7,577.23	143,075.00	135,497.77	5.30
E07	Capital	2,093.00	2,093.00	25,900.00	23,807.00	8.08
E08	Special projects	4,658.98	4,658.98	32,800.00	28,141.02	14.20
451	<i>Parks and Recreation Dept</i>	<i>82,534.58</i>	<i>82,534.58</i>	<i>1,018,550.00</i>	<i>936,015.42</i>	<i>8.10</i>
490	<i>Non-Departmental Expenses</i>					
E02	Personnel services, benefits	229.31	229.31	22,200.00	21,970.69	1.03
E03	Purchased professional service	34.90	34.90	35,400.00	35,365.10	0.10
E04	Purchased property services	0.00	0.00	9,000.00	9,000.00	0.00
E05	Other purchased services	-138.16	-138.16	164,000.00	164,138.16	-0.08
E08	Special projects	0.00	0.00	42,000.00	42,000.00	0.00
E11	Contingency	0.00	0.00	224,000.00	224,000.00	0.00
E12	Transfers to other funds	0.00	0.00	722,500.00	722,500.00	0.00
490	<i>Non-Departmental Expenses</i>	<i>126.05</i>	<i>126.05</i>	<i>1,219,100.00</i>	<i>1,218,973.95</i>	<i>0.01</i>
Revenue Total		-406,610.31	-406,610.31	-6,977,175.00	-6,570,564.69	-0.06
Expense Total		512,740.02	512,740.02	7,862,400.00	7,349,659.98	0.07
110	General Fund	106,129.71	106,129.71	885,225.00	779,095.29	11.99

General Ledger
Actual vs Budget Report



User: msteelman
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Period 01 - 01
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
121	Conservation Trust Fund					
000						
R03	Intergovernmental revenue	0.00	0.00	-120,000.00	-120,000.00	0.00
000		0.00	0.00	-120,000.00	-120,000.00	0.00
880	<i>Purchase of Dev Rights</i>					
E08	Special projects	0.00	0.00	26,000.00	26,000.00	0.00
E12	Transfers to other funds	0.00	0.00	30,000.00	30,000.00	0.00
880	<i>Purchase of Dev Rights</i>	0.00	0.00	56,000.00	56,000.00	0.00
Revenue Total		0.00	0.00	-120,000.00	-120,000.00	0.00
Expense Total		0.00	0.00	56,000.00	56,000.00	0.00
121	Conservation Trust Fund	0.00	0.00	-64,000.00	-64,000.00	0.00

General Ledger
Actual vs Budget Report



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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
125	Marketing and Promotion Fund					
<i>000</i>						
R01	Taxes	-5,290.61	-5,290.61	-101,500.00	-96,209.39	5.21
<i>000</i>		-5,290.61	-5,290.61	-101,500.00	-96,209.39	5.21
<i>465</i>	<i>Marketing Operations</i>					
E01	Personnel services, salaries	957.98	957.98	14,000.00	13,042.02	6.84
E02	Personnel services, benefits	532.45	532.45	4,600.00	4,067.55	11.58
E04	Purchased property services	0.00	0.00	300.00	300.00	0.00
E05	Other purchased services	1,220.00	1,220.00	62,225.00	61,005.00	1.96
E06	Supplies	0.00	0.00	3,500.00	3,500.00	0.00
E08	Special projects	3,500.00	3,500.00	22,500.00	19,000.00	15.56
<i>465</i>	<i>Marketing Operations</i>	<i>6,210.43</i>	<i>6,210.43</i>	<i>107,125.00</i>	<i>100,914.57</i>	<i>5.80</i>
Revenue Total		-5,290.61	-5,290.61	-101,500.00	-96,209.39	-0.05
Expense Total		6,210.43	6,210.43	107,125.00	100,914.57	0.06
125	Marketing and Promotion Fund	919.82	919.82	5,625.00	4,705.18	16.35

General Ledger

Actual vs Budget Report



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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
127	Community Center Fund					
000						
R01	Taxes	-79,604.99	-79,604.99	-1,060,000.00	-980,395.01	7.51
R03	Intergovernmental revenue	0.00	0.00	-2,000.00	-2,000.00	0.00
R04	Charges for services	-103,452.18	-103,452.18	-1,029,500.00	-926,047.82	10.05
R06	Interest	-4.10	-4.10	0.00	4.10	0.00
R07	Donations	-75.00	-75.00	-500.00	-425.00	15.00
R08	Miscellaneous	-168.11	-168.11	0.00	168.11	0.00
R09	Transfers from other funds	0.00	0.00	-95,000.00	-95,000.00	0.00
R12	Rents	-14,770.00	-14,770.00	-38,000.00	-23,230.00	38.87
000		-198,074.38	-198,074.38	-2,225,000.00	-2,026,925.62	8.90
451	Parks and Recreation Dept					
E01	Personnel services, salaries	60,454.70	60,454.70	879,525.00	819,070.30	6.87
E02	Personnel services, benefits	20,111.22	20,111.22	182,200.00	162,088.78	11.04
E03	Purchased professional service	2,658.28	2,658.28	41,900.00	39,241.72	6.34
E04	Purchased property services	14,067.21	14,067.21	99,275.00	85,207.79	14.17
E05	Other purchased services	785.23	785.23	38,050.00	37,264.77	2.06
E06	Supplies	3,870.22	3,870.22	290,175.00	286,304.78	1.33
E07	Capital	5,499.00	5,499.00	90,000.00	84,501.00	6.11
E12	Transfers to other funds	0.00	0.00	723,350.00	723,350.00	0.00
451	Parks and Recreation Dept	107,445.86	107,445.86	2,344,475.00	2,237,029.14	4.58
	Revenue Total	-198,074.38	-198,074.38	-2,225,000.00	-2,026,925.62	-0.09
	Expense Total	107,445.86	107,445.86	2,344,475.00	2,237,029.14	0.05
127	Community Center Fund	-90,628.52	-90,628.52	119,475.00	210,103.52	-75.86

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
130	Capital Projects Fund					
000						
R06	Interest	-360.80	-360.80	0.00	360.80	0.00
000		-360.80	-360.80	0.00	360.80	0.00
700	<i>Contingency</i>					
E11	Contingency	0.00	0.00	92,500.00	92,500.00	0.00
R09	Transfers from other funds	0.00	0.00	-92,500.00	-92,500.00	0.00
700	<i>Contingency</i>	0.00	0.00	0.00	0.00	0.00
708	<i>Downtown Improvements</i>					
E03	Purchased professional service	0.00	0.00	50,000.00	50,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-25,000.00	-25,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-25,000.00	-25,000.00	0.00
708	<i>Downtown Improvements</i>	0.00	0.00	0.00	0.00	0.00
733	<i>Sidewalk Replacement</i>					
E07	Capital	0.00	0.00	40,000.00	40,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-40,000.00	-40,000.00	0.00
733	<i>Sidewalk Replacement</i>	0.00	0.00	0.00	0.00	0.00
735	<i>Overlays</i>					
E07	Capital	0.00	0.00	400,000.00	400,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-100,000.00	-100,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-300,000.00	-300,000.00	0.00
735	<i>Overlays</i>	0.00	0.00	0.00	0.00	0.00
742	<i>Hwy 340 and I-70 Improvements</i>					
E07	Capital	0.00	0.00	30,000.00	30,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-30,000.00	-30,000.00	0.00
742	<i>Hwy 340 and I-70 Improvements</i>	0.00	0.00	0.00	0.00	0.00
781	<i>Shop Improvements</i>					
E07	Capital	0.00	0.00	200,000.00	200,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-100,000.00	-100,000.00	0.00

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
R09 781	Transfers from other funds <i>Shop Improvements</i>	0.00 0.00	0.00 0.00	-100,000.00 0.00	-100,000.00 0.00	0.00 0.00
790 E03	<i>Kokopelli Trail</i> Purchased professional service	0.00	0.00	200,000.00	200,000.00	0.00
R03 R09 790	Intergovernmental revenue Transfers from other funds <i>Kokopelli Trail</i>	0.00 0.00 0.00	0.00 0.00 0.00	-160,000.00 -40,000.00 0.00	-160,000.00 -40,000.00 0.00	0.00 0.00 0.00
794 E07 R09 794	<i>Little Salt Wash Park</i> Capital Transfers from other funds <i>Little Salt Wash Park</i>	0.00 0.00 0.00	0.00 0.00 0.00	10,000.00 -10,000.00 0.00	10,000.00 -10,000.00 0.00	0.00 0.00 0.00
798 E07 R09 798	<i>Community Recreation</i> Center Capital Transfers from other funds <i>Community Recreation</i> Center	0.00 0.00 0.00	0.00 0.00 0.00	28,000.00 -28,000.00 0.00	28,000.00 -28,000.00 0.00	0.00 0.00 0.00
802 E07 R09 802	<i>Veterans Memorial Park</i> Capital Transfers from other funds <i>Veterans Memorial Park</i>	0.00 0.00 0.00	0.00 0.00 0.00	20,000.00 -20,000.00 0.00	20,000.00 -20,000.00 0.00	0.00 0.00 0.00
803 R07 803	<i>General Park Improvements</i> Donations <i>General Park Improvements</i>	-8,500.00 -8,500.00	-8,500.00 -8,500.00	0.00 0.00	8,500.00 8,500.00	0.00 0.00
Revenue Total		-8,860.80	-8,860.80	-1,070,500.00	-1,061,639.20	-0.01
Expense Total		0.00	0.00	1,070,500.00	1,070,500.00	0.00
130	Capital Projects Fund	-8,860.80	-8,860.80	0.00	8,860.80	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expen
140	Debt Service Fund					
000						
R03	Intergovernmental revenue	0.00	0.00	-248,450.00	-248,450.00	
R06	Interest	-164.29	-164.29	-4,350.00	-4,185.71	
R09	Transfers from other funds	0.00	0.00	-695,350.00	-695,350.00	
000		-164.29	-164.29	-948,150.00	-947,985.71	
470	<i>Debt Service</i>					
E09	Debt service principal	0.00	0.00	60,000.00	60,000.00	
E10	Debt interest & bond issuance	500.00	500.00	888,150.00	887,650.00	
470	<i>Debt Service</i>	500.00	500.00	948,150.00	947,650.00	
	Revenue Total	-164.29	-164.29	-948,150.00	-947,985.71	
	Expense Total	500.00	500.00	948,150.00	947,650.00	
140	Debt Service Fund	335.71	335.71	0.00	-335.71	

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
211	Irrigation Water Fund					
000						
R04	Charges for services	0.00	0.00	-103,525.00	-103,525.00	0.00
000		0.00	0.00	-103,525.00	-103,525.00	0.00
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	580.58	580.58	48,800.00	48,219.42	1.19
E02	Personnel services, benefits	349.77	349.77	20,125.00	19,775.23	1.74
E04	Purchased property services	0.00	0.00	1,500.00	1,500.00	0.00
E05	Other purchased services	0.00	0.00	8,200.00	8,200.00	0.00
E06	Supplies	50.00	50.00	14,900.00	14,850.00	0.34
E12	Transfers to other funds	0.00	0.00	10,000.00	10,000.00	0.00
431	<i>Public Works Department</i>	980.35	980.35	103,525.00	102,544.65	0.95
Revenue Total		0.00	0.00	-103,525.00	-103,525.00	0.00
Expense Total		980.35	980.35	103,525.00	102,544.65	0.01
211	Irrigation Water Fund	980.35	980.35	0.00	-980.35	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
212	Sewer Fund					
000						
R04	Charges for services	-8,330.60	-8,330.60	-3,038,000.00	-3,029,669.40	0.27
R06	Interest	-1,100.02	-1,100.02	-4,300.00	-3,199.98	25.58
R08	Miscellaneous	0.00	0.00	-100.00	-100.00	0.00
000		-9,430.62	-9,430.62	-3,042,400.00	-3,032,969.38	0.31
433	Sewer					
E01	Personnel services, salaries	38,668.15	38,668.15	481,475.00	442,806.85	8.03
E02	Personnel services, benefits	24,864.13	24,864.13	193,325.00	168,460.87	12.86
E03	Purchased professional service	219.69	219.69	62,500.00	62,280.31	0.35
E04	Purchased property services	887.60	887.60	73,025.00	72,137.40	1.22
E05	Other purchased services	1,113.90	1,113.90	120,450.00	119,336.10	0.92
E06	Supplies	1,620.11	1,620.11	373,050.00	371,429.89	0.43
E07	Capital	0.00	0.00	52,150.00	52,150.00	0.00
E08	Special projects	0.00	0.00	30,000.00	30,000.00	0.00
E09	Debt service principal	315,000.00	315,000.00	630,000.00	315,000.00	50.00
E10	Debt interest & bond issuance	281,421.85	281,421.85	562,850.00	281,428.15	50.00
E12	Transfers to other funds	0.00	0.00	160,000.00	160,000.00	0.00
433	Sewer	663,795.43	663,795.43	2,738,825.00	2,075,029.57	24.24
603	Sewer Line Upgrades					
E07	Capital	0.00	0.00	190,000.00	190,000.00	0.00
603	Sewer Line Upgrades	0.00	0.00	190,000.00	190,000.00	0.00
607	Section 2					
E04	Purchased property services	0.00	0.00	30,000.00	30,000.00	0.00
607	Section 2	0.00	0.00	30,000.00	30,000.00	0.00
Revenue Total		-9,430.62	-9,430.62	-3,042,400.00	-3,032,969.38	0.00
Expense Total		663,795.43	663,795.43	2,958,825.00	2,295,029.57	0.22
212	Sewer Fund	654,364.81	654,364.81	-83,575.00	-737,939.81	-782.97

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
215	Trash Fund					
000						
R04	Charges for services	-520.10	-520.10	-671,000.00	-670,479.90	0.08
000		-520.10	-520.10	-671,000.00	-670,479.90	0.08
432	<i>Sanitation Department</i>					
E05	Other purchased services	0.00	0.00	620,000.00	620,000.00	0.00
E12	Transfers to other funds	0.00	0.00	51,000.00	51,000.00	0.00
432	<i>Sanitation Department</i>	0.00	0.00	671,000.00	671,000.00	0.00
	Revenue Total	-520.10	-520.10	-671,000.00	-670,479.90	0.00
	Expense Total	0.00	0.00	671,000.00	671,000.00	0.00
215	Trash Fund	-520.10	-520.10	0.00	520.10	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
220	Fleet Maintenance Fund					
000						
R04	Charges for services	0.00	0.00	-290,375.00	-290,375.00	0.00
000		0.00	0.00	-290,375.00	-290,375.00	0.00
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	11,683.41	11,683.41	125,475.00	113,791.59	9.31
E02	Personnel services, benefits	6,147.30	6,147.30	48,900.00	42,752.70	12.57
E03	Purchased professional service	0.00	0.00	1,700.00	1,700.00	0.00
E04	Purchased property services	1,490.76	1,490.76	21,000.00	19,509.24	7.10
E06	Supplies	4,564.83	4,564.83	93,300.00	88,735.17	4.89
431	<i>Public Works Department</i>	23,886.30	23,886.30	290,375.00	266,488.70	8.23
Revenue Total		0.00	0.00	-290,375.00	-290,375.00	0.00
Expense Total		23,886.30	23,886.30	290,375.00	266,488.70	0.08
220	Fleet Maintenance Fund	23,886.30	23,886.30	0.00	-23,886.30	0.00

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Actual vs Budget Report



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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
	<i>Revenue Total</i>	-628,951.11	-628,951.11	-15,549,625.00	-14,920,673.89	-0.04
	<i>Expense Total</i>	1,315,558.39	1,315,558.39	16,412,375.00	15,096,816.61	0.08



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MICHAEL BENNETT, CITY MANAGER
DATE: FEBRUARY 16, 2016
RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION TO DETERMINE A POSITION RELATIVE TO A MATTER THAT MAY BE SUBJECT TO NEGOTIATION UNDER C.R.S. SECTION 24-6-402(4)(E) AND REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F)

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 and also regarding personnel issues. 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 A CONFERENCE WITH CITY STAFF FOR THE PURPOSE OF DETERMINING A POSITION RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATION UNDER C.R.S SECTION 24-6-402 (4) (E) AND REGARDING PERSONNEL ISSUES 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 February 16, 2016 and the time is _____. For the record, I am the Mayor, Lori Buck. 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 determining a position relative to matters that may be subject to negotiation understanding that discussions of such issues in Executive Session are specifically permitted by the State's open Meeting Law CRS 24-6-402 (4)(e) and regarding personnel issues under CRS section 24-6-402(4)(f)

I caution each participant to confine all discussion to the stated purposes 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)