

**FRUITA CITY COUNCIL
NOVEMBER 1, 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. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant – Malt, Vinous and Spirituous Liquor License for Dragon Treasure Chinese Restaurant located at 576 Kokopelli Blvd. located at 576 Kokopelli Blvd.**
- B. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Bev Carnett to the Arts and Culture Board for a three year term to expire in November of 2019**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Ed Vigil to the Police Commission to fulfill an unexpired term plus an additional three year term to expire in October of 2020**
- D. ORDINANCE 2016-11 – Second Reading – A request to approve an Ordinance accepting approximately 32.76 acres of real property located at 1081 16 Road for public trail and other public recreational purposes**
- E. ORDINANCE 2016-17 – First Reading – An introduction of an Ordinance annexing property located at 965 18 Road containing 7.33 acres to the City of Fruita (Adobe View North Annexation) for publication of public hearing on December 6, 2016**
- F. ORDINANCE 2016-18 – First Reading – An introduction of an Ordinance amending the Official Zoning Map of the City of Fruita and zoning newly annexed property located at 965 18 Road to South Fruita Residential (Adobe View North Annexation) for publication of public hearing on December 6, 2016**

- G. RESOLUTION 2016-35 – A request to approve a Resolution supporting a an application for a Local Parks and Outdoor Recreation grant from Great Outdoors Colorado (GOCO) to expand Little Salt Wash Park
- H. RESOLUTION 2016-36 – A request to approve a Resolution for a supplemental budget and appropriation for flood plain map revisions, economic development and Fruita Community Center operations
- I. RESOLUTION 2016-37 – A request to approve a Resolution supporting a planning grant application to Great Outdoors Colorado (GOCO) for the North Fruita Desert
- J. LAND DEDICATION FEES DISBURSEMENT – A request to approve the disbursement of school land dedication fees collected by the City of Fruita to Mesa County School District #51

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.

- A. Ordinance 2016-14 – Second Reading - (continued from October 18, 2016) - An Ordinance authorizing the issuance, sale and delivery of tax exempt and taxable healthcare revenue bonds for the Colorado Canyons Hospital Project, Series 2016, in an amount not to exceed \$46 million

8. ADMINISTRATIVE AGENDA

A. 2017 Budget Presentation

- 1) Community Center Fund – Ture Nycum, Parks and Recreation Director

9. COUNCIL REPORTS AND ACTIONS

- A. 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)

10. CITY MANAGER'S REPORT

11. ADJOURN



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: NOVEMBER 1, 2016
RE: RENEWAL OF A HOTEL AND RESTAURANT – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR DRAGON TREASURE CHINESE RESTAURANT LOCATED AT 576 KOKOPELLI BLVD.

BACKGROUND

The Hotel/Restaurant Liquor License for the Dragon Treasure Chinese Restaurant, located at 576 Kokopelli Blvd. is up for renewal. Their current license expires on **December 2, 2016**.

The Police Department report indicates there has been nothing of concern that would hinder the renewal. 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

- Renew the Hotel/Restaurant Liquor License
- 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 AND RESTAURANT LIQUOR LICENSE FOR THE DRAGON TREASURE CHINESE RESTAURANT LOCATED AT 576 KOKOPELLI BLVD.

**RETAIL 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	

DRAGON TREASURE CHINESE RESTAURANT
 P O BOX 2687
 GRAND JUNCTION CO 81502

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

Licensee Name ONNIE & ZHONG INC		DBA DRAGON TREASURE CHINESE RESTAURANT		
Liquor License # 41256490000	License Type Hotel & Restaurant (city)	Sales Tax License # 41256490000	Expiration Date 12/02/2016	Due Date 10/18/2016
Operating Manager Zhong (Da) Yang	Date of Birth 8-5-72	Home Address 523 Sandstone Fruita CO 81521		
Manager Phone Number 970-858-8655 8655		Email Address		
Street Address 576 KOKOPELLI BLVD FRUITA CO 81521				Phone Number 9708588655
Mailing Address P O BOX 2687 GRAND JUNCTION CO 81502				

- 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 March 2018
174. Since the date of filing of the last 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 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 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

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 Zhong Yi Yang	Title President
Signature <i>Zhong Yi Yang</i>	Date 9-30-16

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 LORI BUCK	Title MAYOR
	Attest

**CITY OF FRUITA
MEMORANDUM**

TO: FRUITA POLICE DEPARTMENT
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: OCTOBER 25, 2016
RE: HOTEL RESTAURANT LIQUOR LICENSE RENEWAL

License Information

Licensee: Dragon Treasure Chinese Restaurant
Location: 576 Kokopelli Blvd.
Type of License: Hotel/Restaurant
Expiration Date of Current License: December 2, 2016
City Council Hearing Date: November 15, 2016
DUE DATE FOR POLICE REPORT: November 11, 2016

Tips certificates on File

Employee:	Date:	Exp
(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.

Signed

Paula Rajewich

Date 10-24-16



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR BUCK AND COUNCILOR HARVEY

DATE: NOVEMBER 1, 2016

RE: BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF BEV CARNETT TO THE ARTS AND CULTURE BOARD FOR A THREE-YEAR TERM TO EXPIRE IN NOVEMBER OF 2019

BACKGROUND

There are currently three vacancies on the Arts and Culture Board subsequent to the removal of three members who were not attending the meetings. On October 24, 2016, Bev Carnett submitted her application for appointment to the Board, which is attached.

Mayor Buck and Councilor Harvey recommend the appointment of Bev Carnett to the Arts and Culture Board for a three-year term to expire in November of 2019. If Ms. Carnett is appointed, there will be two vacancies remaining on the Arts and Culture Board.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Bev Carnett to the Arts and Culture Board for a three-year term to expire in November of 2019
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

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

- **APPROVE THE APPOINTMENT OF BEV CARNETT TO THE ARTS AND CULTURE BOARD FOR A THREE YEAR TERM TO EXPIRE IN NOVEMBER OF 2019.**

Rec'd
10/24/16

Tnycum@Fruita.org



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

BOARD OR COMMISSION: ART + CULTURE

NAME: DEV CARNETT

MAILING ADDRESS: 430 HALL AVE

GRAND JET CO 81501

City State Zip

RESIDENCE ADDRESS: _____

PHONE NUMBER: 970 314-4234

Home Work

E-MAIL ADDRESS: devcarnett@brayandco.com

How long have you been a resident of Fruita? I AM NOT!

Occupation/Employer: REALTOR BRAY REAL ESTATE

List any volunteer and/or work experience:

VOLUNTEER HOPE WEST SILENT AUCTION COMMITTEE
PAST BOARD MEMBER MESA COUNTY WOMENS NETWORK
VOLUNTEER POWDERHORN "YOUNG AT HEART"

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

No

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

sounds like a good way to get involved w/
the community & the Arts.

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

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

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


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

ONLY CONFLICT WOULD BE IF I HAVE TO SHOW PROPERTY & CANNOT RE-SCHEDULE

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

LICENSED REALTOR - COLO.
BFA - FINE ART

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

Signature  Date 1-21-16

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

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

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



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL
FROM: DEBRA WOODS FOR MAYOR BUCK AND COUNCILOR BRACKETT
DATE: NOVEMBER 1, 2016
RE: BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF ED VIGIL TO THE POLICE COMMISSION TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN OCTOBER OF 2020

BACKGROUND

Ernest Griffith's term on the Police Commission is due to expire in October of 2017. Mr. Griffiths resigned from the board on September 21, 2016, therefore creating a vacancy.

On September 30, 2016, Frank E. (Ed) Vigil submitted an application letter for the open seat on the Police Commission, which is attached.

Mayor Buck and Councilor Brackett recommend the appointment of Ed Vigil to the Police Commission to fulfill Mr. Griffith's term plus an additional three year term to expire in October of 2020. If Mr. Vigil is appointed, there will be no vacancies on the Police Commission.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Frank E. (Ed) Vigil to the Police Commission.
2. Instruct staff to publish a notice of vacancy and repeat the process.

RECOMMENDATION

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

- **APPROVE THE APPOINTMENT OF FRANK E. (ED) VIGIL TO THE POLICE COMMISSION TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE YEAR TERM TO EXPIRE IN OCTOBER OF 2020**

September 30, 2016

To whom it may concern:

My name is Ed Vigil. I spoke with Chief Massey recently about the Police Citizens Commition and she mentioned of an opening coming up. I told her I would be interested in it.

I went to school in Craig, Colorado, graduated in 1970, went to college and got an AA degree in Arts & Science.

From 1972-1974 I was in the US Army and upon returning I worked for Safeway Stores for 30 years, retired in 2002 from Denver, CO.

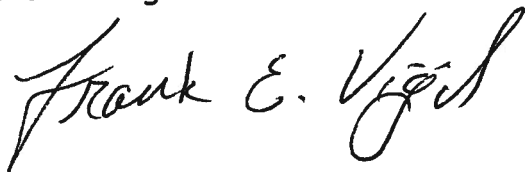
In 2004 I started working full time with the City of Fruita and worked 12 years until my retirement in April 2016.

I have been married for 38 years and have been a resident of Fruita for 14 years.

During my working years with the City of Fruita, I received several awards. Twice I was Employee of the Month and I was Employee of the Year once. I am bilingual and translated on many occasions for the Police Department. I have gotten to know quite a few officers since I worked with the City of Fruita.

Thanks for considering me for the open position.

Frank E Vigil



Ed Vigil
1148 Richwood Ave
Fruita CO 81521
858.4649

Debra Woods

From: Judy Macy
Sent: Tuesday, October 25, 2016 10:50 AM
To: Debra Woods
Subject: RE: Police Commission vacancy?
Attachments: image001.png

Deb,

Earnest Griffiths decided to take a break from his Police Commission duties. His official resignation date was 09/21/16.

Thank you,

Judy Macy
Chief of Police | City of Fruita
157 S. Mesa St.
Fruita, Co. 81521
970.858.3008

From: Debra Woods
Sent: Tuesday, October 25, 2016 10:34 AM
To: Judy Macy
Subject: Police Commission vacancy?

Judy – I have an application from Ed Vigil for an upcoming vacancy on the Police Commission. Who is resigning and do they know they need to send me a resignation letter?

Thanks,
Deb

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





AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: November 1, 2016

RE: Ordinance 2016-11, 2nd Reading, An Ordinance of the Fruita City Council Accepting Approximately 32.76 Acres of Real Property Located at 1081 16 Road for Public Trail and Other Public Recreational Purposes

BACKGROUND

The subject property is located on the west side of 16 Road, directly adjacent to the north side of I-70. It is known as Lot 22 in the Pabco Industrial Park Filing No. 2 subdivision, or 1081 16 Road. The property is vacant except for a lake and some fencing. The lake is a result of a previous gravel mining operation and the property has been properly rehabilitated and the bond for rehabilitation has been released.

As part of an annexation agreement approved by the Council in April of 2011, it was agreed that the owners of this property would work with Fruita toward the development of a public recreational opportunity. At this time, the property owners would like to donate the entire Lot 22 to the city of Fruita for this purpose. In addition to other future recreational uses, Fruita currently is working to locate a portion of the Colorado Riverfront Trail on this property.

The city's regulations require that real property be accepted by ordinance. Attached is an ordinance to accept this property which includes the deed.

FISCAL IMPACT

Accepting the donation of this property is expected to have an overall positive fiscal impact to the city by providing more parkland and open space for citizens and visitors.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Fruita's Parks, Open Space and Trail Master Plan identifies a Primary Multi-Purpose Trail in the area along the south side of the subject property. Additionally, the Fruita Greenway Business Park Plan (another portion of the City's Master Plan) recommends recreation and parkland uses in this area to avoid creating an area that is used only during business hours and to help make the area an attractive place in which to work and invest.

OPTIONS AVAILABLE TO COUNCIL

1. Approval of Ordinance 2016 -11, 2nd Reading, An Ordinance of the Fruita City Council Accepting Approximately 32.76 Acres of Real Property Located at 1081 16 Road for Public Trail and Other Public Recreational Purposes
2. Denial of the proposed Ordinance

RECOMMENDATION

Staff recommends that the City Council move to adopt Ordinance 2016-11, 2nd Reading, An Ordinance of the Fruita City Council Accepting Approximately 32.76 Acres of Real Property Located at 1081 16 Road for Public Trail and Other Public Recreational Purposes

ORDINANCE 2016 - 11

AN ORDINANCE OF THE FRUITA CITY COUNCIL ACCEPTING APPROXIMATELY 32.76 ACRES OF REAL PROPERTY LOCATED AT 1081 16 ROAD FOR PUBLIC TRAIL AND OTHER PUBLIC RECREATIONAL PURPOSES

WHEREAS, an annexation agreement approved by the City Council in 2011, recorded in Book 5153 at Page 881, requires that the property owners work with the city toward the development of public recreational opportunity on Lot 22 of the Pabco Industrial Park Filing No. 2 subdivision, and

WHEREAS, Fruita's Master Plan recommends a trail and other recreational uses in the area of the subject property, and

WHEREAS, the property owners have provided a deed, which is attached as Exhibit A, to dedicate the entire Lot 22 (approximately 32.76 acres) to the city.

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

THAT the real property described on the quit claim deed attached as Exhibit A is hereby accepted by the Fruita City Council.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 1st DAY OF NOVEMBER, 2016**

CITY OF FRUITA, COLORADO

ATTEST:

Lori Buck, Mayor

Margaret Sell, City Clerk

EXHIBIT A
Ordinance 2016 - 11

QUITCLAIM DEED

THIS DEED is dated June 24, 2016, and is made between Mesa Grand, LLC, the "Grantor", a Colorado Limited Liability Company with a principal office street address at 136 East 57th Street, 15th Floor, New York, New York, and City of Fruita, Colorado, the "Grantee," whose legal address is 325 E. Aspen Avenue, of the County of Mesa and State of Colorado.

WITNESS, that the Grantor, for TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, and the Grantee's heirs and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon, located in the City of Fruita, County of Mesa and State of Colorado, described as follows:

Lot 22,
PABCO INDUSTRIAL PARK FILING NO. 2

County of Mesa
State of Colorado

also known by street address as: 1081 16 Road, Fruita, Colorado 81521
and assessor's schedule or parcel number: 2693-131-02-022

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and the Grantee's heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Mesa Grand, LLC



By: Wenke B. Thoman, Member

STATE OF NEW YORK)


) ss.
)

COUNTY OF NEW YORK)

The foregoing instrument was acknowledged before me this 28th day of JUNE, 2016, by Wenke B. Thoman, Member of Mesa Grand, LLC a Colorado limited liability company on behalf of the limited liability company.

Witness my hand and official seal.

My commission expires:



WILLIAM G. SPIERING, III
Notary Public, State of New York
No. 31-4927256
Qualified in New York County
Commission Expires March 21, 2017



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: October 18, 2016

RE: Ordinance 2016-17, 1st Reading, An Ordinance annexing to the City of Fruita approximately 7.33 acres of property located on the west side of Pine Street (18 Road) and south of I-70. (965 18 Road)

Ordinance 2016-18, 1st Reading, An Ordinance amending the Official Zoning Map of the City of Fruita to zone approximately 7.33 acres of property located on the west side of Pine Street (18 Road) and south of I-70 to South Fruita Residential. (965 18 Road)

BACKGROUND:

Adobe View Development Company LLC, the owners of 7.33 acres of property located on the west side of Pine Street (18 Road) and south of I-70, submitted an application to annex the subject property with a request for South Fruita Residential zone. Staff has reviewed this annexation request and finds that the property meets the approval criteria that must be considered for annexations, including compliance with State laws.

A Resolution to find the property eligible for annexation and initiating annexation procedures was adopted on August 2, 2016. A request for approval of Adobe View North Subdivision preliminary plan was also submitted along with the annexation request and was approved by City Council on August 2, 2016.

FISCAL IMPACT

Annexation of property requires that the city provide it with city services (such as police protection and sanitary sewer service). The cost of providing services varies with each annexation.

A Final Plat application has been submitted for approval in conjunction with this annexation request. As a general rule of thumb, residential developments typically do not provide enough direct revenue to offset the costs of services. Development impact fees will be collected at the time of planning clearance for a building permit to help offset the cost of services.

Annexation of enclave areas ensures that the City has some control over development which might otherwise occur outside the city limits and provide a drain on city resources and infrastructure.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This annexation and requested zone meet the goals and polices of the Fruita Community Plan 2008 (a major component of the City's Master Plan) and the requirements of the Land Use Code. As identified in the Fruita Community Plan 2008, the subject property is inside the Urban Growth Area (UGA).

The UGA is the primary area where most new population growth is expected to be absorbed in the next 10-15 years. The UGA is the area that typically is efficiently served by City services, utilities and capital investments (sewer, parks, streets, etc.) and can most easily meet City's infrastructure standards. This is also the area that provides the most potential contiguity to the City limits. This annexation has a logical physical, social and economic association with the City.

OPTIONS AVAILABLE TO COUNCIL

ANNEXATION

1. Approve Ordinance 2016-17, 1st Reading, An Ordinance annexing to the City of Fruita approximately 7.33 acres of property located on the west side of Pine Street (18 Road) and south of I-70. (965 18 Road)
2. Deny Ordinance 2016-17.

ZONING

1. Approve Ordinance 2016-18, 1st Reading, An Ordinance amending the Official Zoning Map of the City of Fruita to zone approximately 7.33 acres of property located on the west side of Pine Street (18 Road) and south of I-70 (965 18 Road) to South Fruita Residential.
2. Deny Ordinance 2016-18

RECOMMENDATION

ANNEXATION

Staff recommends that the City Council move to:

Publish a synopsis of Ordinance 2016-17, 1st Reading, An Ordinance annexing to the City of Fruita approximately 7.33 acres of property located on the west side of Pine Street (18 Road) and south of I-70 for the City Council public hearing on December 6, 2016.

ZONING

Staff recommends that the City Council move to:

Publish a synopsis of Ordinance 2016-18, 1st Reading, An Ordinance amending the Official Zoning Map of the City of Fruita to zone approximately 7.33 acres of property located on the west side of Pine Street (18 Road) and south of I-70 to South Fruita Residential for the City Council public hearing on December 6, 2016.

ORDINANCE 2016-17

**AN ORDINANCE OF THE FRUITA CITY COUNCIL ANNEXING TO THE CITY OF FRUITA APPROXIMATELY 7.33 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF PINE STREET (18 ROAD) AND SOUTH OF I-70 (965 18 ROAD).
(Adobe View North Annexation, project #2016-12)**

WHEREAS, the Fruita City Council finds that it is necessary to annex certain real property contiguous to the City of Fruita in order to:

1. Promote the public health, safety, and welfare of the community;
2. Insure efficient provision of municipal services and fair and equitable distribution of cost amongst those who use services provided by the community; and,
3. Provide for orderly growth of the community; and,

WHEREAS, the City Council adopted Resolution 2016-27 finding that the real property described and shown on Exhibit A is eligible for annexation pursuant to C.R.S. 31-12-104 and 105, stating their intent to annex same and initiating the annexation procedures.

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

Section 1: The Fruita City Council, having reviewed a properly constituted petition of all the owners of real property in the area proposed for annexation, hereby annexes the property as described and shown in Exhibit A, and the Fruita City limits are hereby modified to reflect said annexation.

Section 2: Conditions of said annexation include:

Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
_____ DAY OF _____, 20____.**

ATTEST:

City of Fruita

City Clerk

Lori Buck, Mayor

Exhibit A

LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, Adobe View Development Company, LLC, the owners of 100% interest in the following described property, including any public areas and ways, do hereby certify that the following description is correct and true to the best of our knowledge and belief, and that we have the right to execute the same and to convey the same to the City of Fruita, Colorado, by Resolution Number 12, Title 11, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita, Colorado, by Ordinance Number _____, adopted on the _____ day of _____, 20____.

The City Council of the City of Fruita, Colorado, by Resolution Number 12, Title 11, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita, Colorado, by Ordinance Number _____, adopted on the _____ day of _____, 20____, did adopt the property herein described to the City of Fruita, Colorado.

CITY COUNCIL CERTIFICATE

The City Council of the City of Fruita, Colorado, by Resolution Number 12, Title 11, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita, Colorado, by Ordinance Number _____, adopted on the _____ day of _____, 20____, did adopt the property herein described to the City of Fruita, Colorado.

ATTEST:
City Clerk _____ Mayor _____

SURVEYOR'S CERTIFICATE

I, _____, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that I have examined the above described property and that the information herein is correct to the best of my knowledge and belief, and that I have the necessary authority to execute the same and to convey the same to the City of Fruita, Colorado, by Ordinance Number _____, adopted on the _____ day of _____, 20____.

EXECUTED this _____ day of _____, 20____.

Registered Land Surveyor _____

TITLE CERTIFICATE

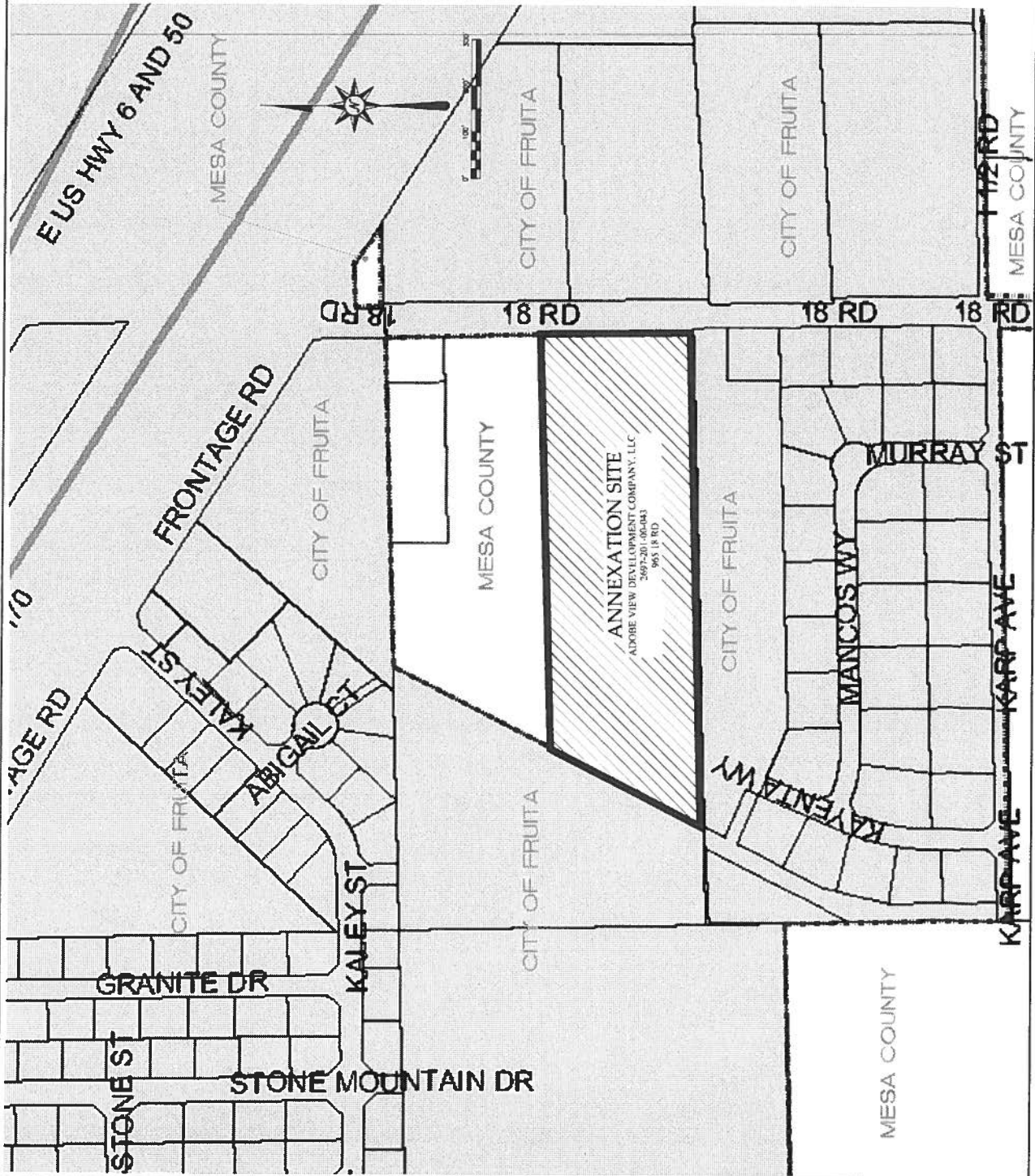
I, _____, do hereby certify that I have examined the title to all lands shown on this plan and that the same are correctly described and that the same are the property of Adobe View Development Company, LLC, and that the same are eligible for annexation to the City of Fruita, Colorado, by Ordinance Number _____, adopted on the _____ day of _____, 20____.

EXECUTED this _____ day of _____, 20____.

PLANNING COMMISSION CERTIFICATE

This Plan approved by the City of Fruita Planning Commission on the _____ day of _____, 20____.

Chairman _____



ADOBE VIEW NORTH SUBDIVISION ANNEXATION MAP

ADOBE VIEW DEVELOPMENT COMPANY, LLC
2697-201-06-043, 295 S W RD
FRUITA, CO 81521
MESA COUNTY, COLORADO

Scale: 1" = 100'

Plan No. _____ Date: 7/17/18

ORDINANCE 2016-18

**AN ORDINANCE OF THE FRUITA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING NEWLY ANNEXED PROPERTY CONSISTING OF APPROXIMATELY 7.33 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF PINE STREET (18 ROAD) AND SOUTH OF I-70 (965 18 ROAD) TO SOUTH FRUITA RESIDENTIAL.
(Adobe View North Annexation, project #2016-12)**

WHEREAS, the subject property is shown and described in attached Exhibit A and was recently annexed to the City of Fruita by Ordinance 2016-17, and

WHEREAS, newly annexed property must be zoned in accordance with applicable law, and

WHEREAS, the city received an application by Adobe View Development Company LLC, the owners of the subject property, for a South Fruita Residential zone in conjunction with the annexation of the subject property, and

WHEREAS, at their July 12, 2016 public meeting, the Fruita Planning Commission recommended approval of the requested South Fruita Residential zone to the Fruita City Council, and

WHEREAS, public hearings were held by the City Council on July 5, 2016 and August 2, 2016 for the annexation and this zoning request, and

WHEREAS, the requested zone is consistent with the city's goals and policies including the city's Master Plan.

WHEREAS, the requested zone meets the approval criteria of Section 17.13.060 of the Fruita Land Use Code that must be considered for an Amendment to the Official Zoning Map (rezone).

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

THAT the Official Zoning Map adopted pursuant to Section 17.07.020 of the Fruita Land Use Code (2009, as amended) is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 7.33 acres, is hereby zoned South Fruita Residential.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
____ DAY OF _____, 20 ____.**

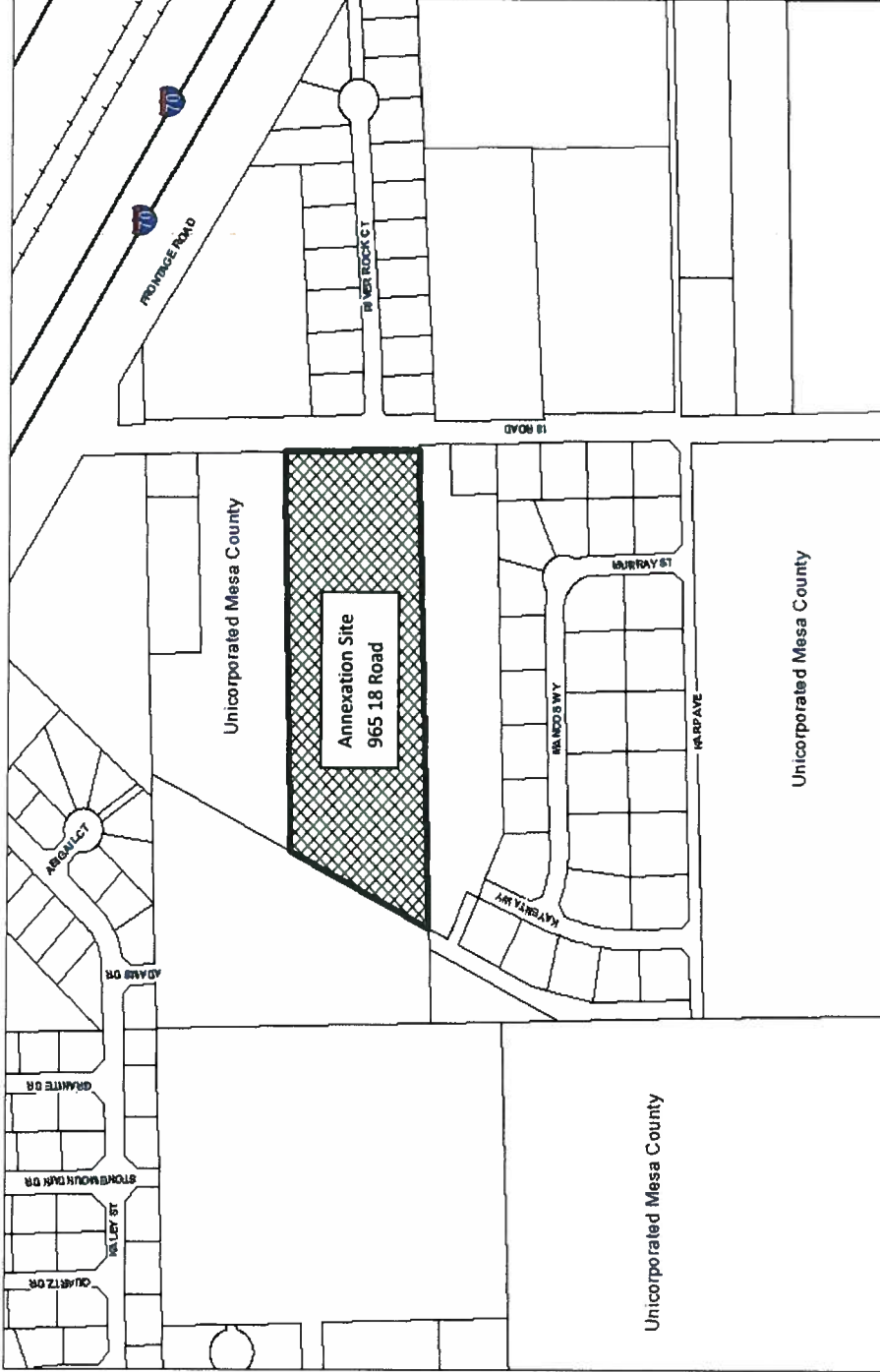
ATTEST:

City of Fruita

City Clerk

Lori Buck, Mayor

Exhibit A





AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: TURE NYCUM, PARKS AND RECREATION DIRECTOR

DATE: NOVEMBER 1, 2016

RE: RESOLUTION 2016-35 – A REQUEST TO APPROVE A RESOLUTION SUPPORTING A GREAT OUTDOORS COLORADO LOCAL PARKS AND OUTDOOR RECREATION GRANT APPLICATION FOR ACQUIRING LAND TO EXPAND LITTLE SALT WASH PARK

BACKGROUND

Little Salt Wash Park (LSWP) is the busiest, most programmed park in the City of Fruita. In addition to being available to the community for passive recreation (walking, biking, playground activity, etc.), LSWP hosts a variety of athletic programs including softball and baseball practices/games coordinated by the Fruita Little League and Youth Soccer and Flag Football coordinated by the City's Parks and Recreation Department.

Since the Little Salt Wash Park was constructed in 2007 (completed in 2010), it has become the most used and visited park in the City of Fruita. It is an actively scheduled park with Fruita Little League utilizing the 3 baseball and 1 softball fields in both the spring and fall months as well as the City of Fruita programming youth soccer in the spring and fall and flag football in the fall. With approximately 165 parking stalls at the parks and upwards of 14 teams being schedule simultaneously, parking at Little Salt Wash Park has become an issue. Many participants and spectators have been parking in local neighborhoods, not only causing congestion within those neighborhoods but also safety concerns as people cross busy streets, including 18 Road. In addition, players and participants are parking in noon-designated locations along 18 Road.

These programs continue to grow and the need for additional parking and park amenities are not going to subside any time soon. Purchasing land that is adjacent to Little Salt Wash Park will help with the short term and long term needs at the park. If land is purchased, overflow parking will be created allowing for additional parking taking care of the short term need. Long Term the City will have the opportunity through a public process to add additional amenities to the park, such as outdoor basketball, tennis, or even pickle ball courts.

This park due to the high activity is overcrowded and as such parking will overflow into the nearby roads and neighborhoods. This does cause safety concerns as some park patrons are parking on 18 Road, across the street in Sunflower and Monument Glen neighborhoods and then walking across 18 Road which a City collector street.

A 3 acre parcel of land SW yet adjacent to LSWP has been vacant for several years as the land owner is residing in another community. The City has approached the land owner about purchasing the land on the condition of a successful Great Outdoors Colorado LLPOR Grant application for Land Acquisition. The Landowner has verbally agreed to the City purchasing the land for \$160,000 and the structures on the land for \$30,000.

Grant match of 30% of the land purchase has been allocated in the 2017 Capital Improvement Projects Budget and staff is preparing the Land Acquisition grant which is due on November 17. A resolution is attached for your approval. The resolution is a requirement by GOCO for this grant opportunity.

FISCAL IMPACT

The City of Fruita has allocated Capital Improvement Project funds for acquiring land adjacent to LSWP to expand the park. The City of Fruita in the 2017 budget has allocated \$82,500 for the purchase of this land, of which, approximately \$44,000 will be used to match the GOCO grant application. The City of Fruita will apply for a \$131,625 grant.

The City may see some impacts to the Parks and Recreation operations budget in 2017 for the maintenance of the over flow parking area. However, these are anticipated to be minimal and should be covered in the current operational budget set forth for 2017. In future years as the land is improved and additional amenities are added, there will be operational impacts and additional resources, including staff may be required at that time.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Expansion of Little Salt Wash Park will directly support 2 of the 3 goals City Council set in early 2016. It will enhance resident's **Quality of Life** and improve the overall **Lifestyle** residents have.

<u>OPTIONS AVAILABLE TO THE COUNCIL</u>	
	<ol style="list-style-type: none"> 1. Pass and adopt the resolution as written. 2. Modify the resolution and pass as amended. 3. Do not pass and adopt the resolution.
<u>RECOMMENDATION</u>	
	Staff recommends that this resolution be adopted as written.

RESOLUTION 2016-35

A RESOLUTION OF THE FRUITA CITY COUNCIL SUPPORTING AN APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO FOR ACQUIRING LAND TO EXPAND LITTLE SALT WASH PARK

WHEREAS, the City of Fruita supports the Great Outdoors Colorado Grant Application for the purposes of expanding Little Salt Wash Park through purchasing land that is directly adjacent; and

WHEREAS, providing park and open space lands within the city is critical; and

WHEREAS, the development and completion of Little Salt Wash Park was a high priority in the City of Fruita's Parks, Open Space and Trails Master Plan as a high priority; and

WHEREAS, the Little Salt Wash Park is the busiest and most programmed park in the city, and;

WHEREAS, the Little Salt Wash Park is the primary athletic complex for the community hosting baseball and softball practices and games for Fruita Little and Fruita Monument High School as well as youth soccer and flag football practices and games for the City's Parks and Recreation Department, and;

WHEREAS, the Little Salt Wash Park will be over-crowded requiring activity participant to park off-sight, creating potentially hazardous conditions, and;

WHEREAS, acquiring land adjacent to Little Salt Wash Park will allow the city to expand the park with additional amenities as well as add parking to address over-crowding, and;

WHEREAS, if the land is acquired, the city will engage the community to solicit input on adding amenities in the future, and;

WHEREAS, the City of Fruita is requesting \$131,625 from Great Outdoors Colorado, to acquire land;

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

Section 1: The City Council of the City of Fruita strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.

Section 2: If the grant is awarded, the City Council of the City of Fruita strongly supports the completion of the project.

Section 3: The City Council of the City of Fruita authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.

Section 4: The project site is owned by City of Fruita and will be owned by City of Fruita for the next 25 years.

Section 5: The City Council of the City of Fruita will continue to maintain the Little Salt Wash Park in a high quality condition and will appropriate funds for maintenance in its annual budget.

Section 6: If the grant is awarded, the City Council hereby authorizes the City Manager to sign the grant agreement with Great Outdoors Colorado.

Section 7: This resolution to be in full force and effect from and after its passage and approval

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO THIS 1st DAY OF NOVEMBER, 2016.**

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Lori Buck, Mayor

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: NOVEMBER 1, 2016
RE: RESOLUTION 2016-36 FOR SUPPLEMENTAL BUDGET AND APPROPRIATION FOR FLOOD PLAIN MAP REVISIONS, ECONOMIC DEVELOPMENT AND COMMUNITY CENTER OPERATIONS

BACKGROUND

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

- Additional economic development funds of \$1,500 from a private donation for marketing and recruitment of outdoor recreation businesses
- Use of drainage development impact fees of \$28,000 to prepare the Letter of Map Revision (LOMR) for changes to the flood plain along the Lower Little Salt Wash required as part of the Trail construction project
- Additional sponsorship of \$1,200 for Night at the FCC program expenses
- Fund balance restricted for Community Center of \$16,800 for costs associated with conversion and exchange of land (PABCO Lake being donated by Mesa Grand) to meet the Land Water Conservation Fund requirements that the former Fruita Park site on which the new Community Center is located (library portion) be used for outdoor recreation purposes.
- Additional user fees and tax revenues of \$36,000 to offset increased personnel costs for extended hours and days for aquatics activities for both the indoor and outdoor pool and scheduling issues.

FISCAL IMPACT

This budget amendment will decrease the undesignated fund balance in the Community Center Fund by \$16,800 from \$26,700 to \$9,900. The total fund balance in the Community Center Funds includes assigned amounts of \$558,713, an operating reserve of \$370,314 and amounts appropriated for capital project and equipment expenses in 2016 of \$119,475. Additional revenues are available for the other supplemental appropriations.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Budget is a financial plan developed for the purpose of allocating resources necessary to implement specific policies and strategies to achieve short and long term goals established by the City throughout the year. This budget amendment works towards achieving the goals for *Quality of Place* and *Lifestyle* through the provision of quality services to the community by providing for professional development and necessary training of city personnel and infrastructure improvements.



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

OPTIONS TO THE COUNCIL:

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

RECOMMENDATION:

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

**ADOPT RESOLUTION 2016-36 AMENDING THE 2016 BUDGET TO APPROPRIATE
ADDITIONAL FUNDS IN THE GENERAL FUND, CAPITAL PROJECTS FUND AND
FRUITA COMMUNITY CENTER FUND**

RESOLUTION 2016-36

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

WHEREAS, the City received a donation from private sources for economic development expenses associated with business recruitment for national and international outdoor and recreation businesses, and it is necessary to appropriate these funds for use in 2016, and

WHEREAS, the City has received a sponsorship for Night at the Fruita Community Center and it is necessary to appropriate these funds for expenses associated with Night at the FCC, and

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

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

Section 1: That the 2016 appropriation for the General Fund is hereby increased by \$1,500 from \$8,165,225 to \$8,166,725 from the following sources for the following uses:

Source of Funds

Donations \$ 1,500

Use of Funds

City Manager Program – Economic Development\$ 1,500

Section 2: That the 2016 appropriation for the Fruita Community Center Fund is hereby increased by \$54,000 from \$2,384,125 to \$2,438,125 from the following sources for the following uses:

Source of Funds

Sponsorship.....\$ 1,200

Fund Balance restricted for Community Center16,800

FCC Passes/Daily Admissions.....5,000

FCC Program Fees.....12,000

FCC Room Rentals2,000

Use Tax on Building Materials17,000

\$54,000

Use of Funds

Youth Activities – Night at the FCC\$1,200

Land Acquisition (appraisals and environmental analysis)16,800

Aquatics (part time salaries)36,000

\$54,000

Section 3: That the 2016 appropriation for the Capital Projects Fund is hereby increased by \$28,000 from \$2,798,925 to \$2,826,925 from the following sources for the following uses:

Source of Funds

Development Impact Fees (Drainage)\$28,000

Use of Funds

Lower Little Salt Wash Trail LOMR\$28,000

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS
1st DAY OF NOVEMBER, 2016**

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Lori Buck, Mayor



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: TURE NYCUM, PARKS AND RECREATION DIRECTOR
DATE: NOVEMBER 1, 2016
RE: RESOLUTION SUPPORTING A COLORADO PARKS AND WILDLIFE
NON-MOTORIZED PLANNING GRANT APPLICATION FOR THE
NORTH FRUITA TRAILS MASTER PLAN.

BACKGROUND

The North Fruita Desert, Special Recreation Management Area (NFD, SRMA) consists of 11,600 acres of BLM land which designated as a mountain bike emphasis area. There are currently 32.5 miles of trail, over 30 campsites and the NFD, SRMA is 10 miles north of the Fruita Community or a fifteen minute drive. This area has a significant impact on the Fruita community not only as an area where our local residents can play but as an area that attracts thousands of visitors a year to mountain bike. In the last year, BLM reports that there have been over 83,000 visitors to the NFD which is up from 68,000 visitors just 5 years ago. It can be inferred that our local business community benefits from these visits to the NFD

The City has developed a tremendous partnership over the years with both BLM and the Colorado Plateau Mountain Bike Association (COPMOBA). These two organizations along with the city have been working towards developing new trail in the region, mostly recently having success with new trail at the Mack Ridge/ Kokopelli Trail systems. The three entities have been working on the NFD for several years including when COPMOBA hosted a meeting in 2013 to specifically discuss trail development at the NFD.

In 2016, Mesa County applied for and is short-listed to receive a Federal Lands Access Program grant to improve the road leading to the NFD trailhead. This grant also includes the development of an events area (large dirt parking lot and additional campgrounds) at the NFD. New trails will need to be developed to host races (mountain biking and running) to connect the events area with new trails and the overall system of trails that are already in place. This leads to the need of developing a master plan for

the NFD area.

FISCAL IMPACT

The City of Fruita has allocated \$5,000 in the 2017 budget for development of the North Fruita Desert Trails Master Plan. These funds will be used as cash match for the CPW Non-Motorized Planning Grant Application. Additional match is being provided by our partners the BLM (\$5,000 cash and \$5,000 in-kind) and COPMOBA (\$3,000 cash).

There will be no future operational impact from developing this master plan or even new trail in the NFD as the BLM has jurisdiction and assumes maintenance responsibility of these lands.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Developing Trail inside and outside of Fruita is identified as a Council Goal in 2014. In addition, trails in our area add to the overall quality of life and lifestyle for our residents. Trail creation and in particular development of an events staging area at the NFD will attract additional visitor and have positive impact to our business community. The Parks Open Space and Trails Master Plan (adopted in 2009) identified connectivity to the NFD, indicating that this area is important to our community.

OPTIONS AVAILABLE TO THE COUNCIL

1. Pass and adopt the resolution as written.
2. Modify the resolution and pass as amended.
3. Do not pass and adopt the resolution.

RECOMMENDATION

Staff recommends that this resolution be adopted as written.

RESOLUTION 2016-37

A RESOLUTION OF THE FRUITA CITY COUNCIL SUPPORTING AN APPLICATION FOR A COLORADO PARKS AND WILDLIFE NON-MOTORIZED PLANNING GRANT FOR THE DEVELOPMENT OF A NORTH FRUITA TRAILS MASTER PLAN

WHEREAS, the City of Fruita supports the CPW Non-Motorized Planning Grant Application for the development of a master plan of the North Fruita Desert Special Recreation Management Area on BLM lands; and

WHEREAS, the North Fruita Desert attracts thousands of visitors a year to the Fruita and greater Grand Valley communities; and

WHEREAS, the City of Fruita recognizes that trail and trail development are important to the continued sustainability of the local economy by attracting visitors to the area; and

WHEREAS, developing trail is an effort to become the trails capital of the world, identified as a goal in 2014 by City Council, and

WHEREAS, providing connectivity of trails inside and outside the city is critical; and

WHEREAS, trail connectivity to the North Fruita Desert is identified in the City of Fruita's Parks, Open Space and Trails Master Plan; and

WHEREAS, the Bureau of Land Management has pledged \$10,000 (\$5,000 cash and \$5,000 in-kind) to be used as grant match in conjunction with funds allocated by the City of Fruita, and

WHEREAS, the Colorado Plateau Mountain Bike Association (COPMOBA) has pledged \$3,000 (cash) to be used as grant match in conjunction with funds allocated by the City of Fruita, and

WHEREAS, the City of Fruita is requesting \$45,000 from Colorado Parks and Wildlife through the State Trails Program, to fund the development of the NFD Trails Master Plan; and

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

Section 1: The City Council of the City of Fruita strongly supports the application and has appropriated matching funds for a grant with Colorado Parks and Wildlife, State Trail Program.

Section 2: If the grant is awarded, the City Council of the City of Fruita strongly supports the completion of the project.

- Section 3: The City Council of the City of Fruita authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 4: If the grant is awarded, the City Council hereby authorizes the City Manager to sign the grant agreement with Colorado Parks and Wildlife.
- Section 5: This resolution to be in full force and effect from and after its passage and approval

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO THIS 1st DAY OF NOVEMBER, 2016.

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Lori Buck, Mayor



CITY COUNCIL AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, CITY CLERK/FINANCE DIRECTOR
DATE: NOVEMBER 1, 2016
RE: REQUEST FOR DISBURSEMENT OF SCHOOL LAND DEDICATION FEES COLLECTED BY THE CITY OF FRUITA TO MESA COUNTY SCHOOL DISTRICT #51

BACKGROUND

Mesa County School District #51 has requested disbursement of the school land dedication fees held by the City of Fruita pursuant to the May 20, 1997 intergovernmental agreement between the City and School District. Pursuant to the agreement the fees are to be expended only to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities within the District or to reimburse the District for sums previously expended for such purposes. Attached is a list of real property and facility purchases made by the School District and fees collected by the District since the inception of the IGA.

The IGA stipulates that the request for disbursement shall be heard at a regular meeting of the Council within 30 days after it is filed at which time the District shall demonstrate to the Council a need for the funds requested.

The following is a summary of the funds available for disbursement.

School land dedication fees collected

2015 Fees May thru December.....	\$ 0
2016 Fees January thru October.....	\$4,600
	\$4,600

less Administrative fee

3% of school land dedication fees collected.....	(\$138)
--	---------

Amount due to School District \$4,462

FISCAL IMPACT

Minimal. The City collects and holds these fees on behalf of the School District. The City will retain a 3% administrative fee of \$138.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The purchase of property and facilities for educational purposes is important to building and maintaining an educated workforce and community.



CITY COUNCIL AGENDA ITEM COVER SHEET

OPTIONS TO THE COUNCIL:

Approve the request for disbursement of school land dedication fees collected by the City.

Request additional information for justification of property purchases.

RECOMMENDATION:

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

APPROVE THE DISBURSEMENT OF SCHOOL LAND DEDICATION FEES IN THE AMOUNT OF \$4,462 TO MESA COUNTY SCHOOL DISTRICT #51.



September 8, 2016

City of Fruita
Attn: Margaret Steelman, Finance Director
325 East Aspen Avenue
Fruita, CO 81521

Dear Margaret,

As you know, the City of Fruita has been collecting School Land Dedication Fees from developers. These fees were to be “expended by such School District to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new residential development in such School District, or to reimburse the School District for sums expended to acquire such property.”

School District 51 has made several purchases of property that meet the criteria established above (see attached schedule). Please consider this our sixteenth application for the accumulated fees and interest to be released to the District.

I hope I have supplied enough information, but if you need additional information, please call me at 254-5157.

Thanks for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Cara Golden".

Cara Golden
District Accountant

Cc: Steven D. Schultz, Superintendent of Schools
Phil Onofrio, Chief Operations Officer

**Mesa County Valley School District No. 51
Real Property Purchases/SLD Fees**

Qualifying property purchases:

	\$		
Matchett Property	200,154	14.24 acres at Hawthorne and 28 1/4 Rd, GJ, CO 81504	6/19/1996
Redlands Middle School	5,536,981	on 20 acres at 2200 Broadway, Grand Junction, CO 81503	8/1/1992
Grand Mesa Middle School	202,980	23.86 acres at 585 31 1/2 Road, Grand Junction, CO 81504	3/24/1995
Dos Rios Elementary	165,406	15 acres at 265 Linden Ave, Grand Junction, CO 81503	11/12/1997
Fruitvale	85,085	.5 acres at 587 30 Rd, Grand Junction, CO 81504	6/10/1998
East Valley	400,000	39.14 acres at 3260 D1/2 Rd, Clifton, CO 81520	1/21/1997
Fruitvale	35,000	2.36 acres at 589 30 Rd, Grand Jct., CO 81504	11/22/1996
Fruita Monument	100,750	16.12 acres at 1835 J Road, Fruita, CO 81521	
Modular Classroom-Shellely Elem	94,370	363 N. Mesa St., Fruita, CO 81521	
Modular Classroom-Fruita Middle	94,370	239 N. Maple St., Fruita, CO 81521	
Modular Classroom-Grand Mesa Middle	94,370	583 31-1/2 Rd., Grand Junction, CO 81504	5/6/1997
Modular Classroom-Shellely Elem	54,359	363 N. Mesa St., Fruita, CO 81521	
Modular Classroom-Shellely Elem	52,311	363 N. Mesa St., Fruita, CO 81521	
Modular Classroom-Fruita Middle	118,290	239 N. Maple St., Fruita, CO 81521	
Modular Classroom-R-5 High School	101,125	310 North 7th Street, Grand Junction, CO 81501	
Pear Park path access	46,666	3051.5 Wedgewood	4/17/2007
Dual Immersion Academy school	2,588,192	552A West Main, Grand Junction, CO 81501	thru 4/1/08
Riverside Center	700,870	552B West Main, Grand Junction, CO 81501	6/30/2007
Redlands Land (non-bond funds)	1,718,695	450 Wildwood Drive, Grand Junction, CO 81503	5/24/2007
Modular Classroom-Columbine	42,013	624 N. 9th Street, Grand Junction, CO 81501	6/30/2007
Modular Classroom-Columbine	42,013	624 N. 9th Street, Grand Junction, CO 81501	6/30/2007
Modular Classroom-Shellely Elem	42,949	363 N. Mesa St., Fruita, CO 81521	6/30/2007
Modular Classroom-Fruita 8/9	148,282	1835 J Road, Fruita, CO 81521	6/30/2008
Modular Classroom-Fruita 8/9	148,282	1835 J Road, Fruita, CO 81521	6/30/2008
Modular offices-Emerson	36,192	930 Ute Avenue, Grand Junction, CO 81501	6/30/2007
Modular offices-Emerson	36,192	930 Ute Avenue, Grand Junction, CO 81501	6/30/2007
Modular offices-Emerson	36,192	2523 Patterson Road, Grand Junction, CO 81505	6/30/2007
Modular offices-BTK	140,298	2523 Patterson Road, Grand Junction, CO 81505	6/30/2007
Modular offices-BTK	140,298	2150 Grand Avenue, Grand Junction, CO 81501	6/30/2007
Modular offices-BTK	140,298	L & 16 Road, Fruita,	6/30/2007
Vacant Land-Grand Junction city limits	1,614,097	17 1/2 RD & K 6/10 Road, Fruita	6/30/2007
Vacant Land-Fruita future school (Pmt 1 of 2)	200,000	L & 16 Road, Fruita,	6/30/2008
Vacant Land-Fruita future school (Pmt 1 of 2)	200,000	16250 DS Road, Glade Park	6/30/2008
Vacant Land-Fruita future school	553,860	1810 J 6/10 Rd, Fruita	9/25/2008
Vacant Land-Fruita future school (Pmt 2 of 2)	164,000	538 W. Main St, Grand Junction	8/17/2010
Modular classroom - Glade Park	162,075	3260 D-1/2 Rd., Clifton	9/1/2009
Two Modular classrooms - Rim Rock Elem	306,091	2935 North Ave., Grand Junction, CO 81504	9/1/2009
Property at DIA school in Riverside	110,587		3/1/2011
Modular classroom-Rocky Mtn Elem	88,440		6/30/2011
Modular SPED classroom-Career Center	405,669		6/30/2011

\$ 16,771,313



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

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: NOVEMBER 1, 2016
RE: ORDINANCE 2016-14 – SECOND READING (CONTINUED FROM OCTOBER 18, 2016) – AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF TAX EXEMPT AND TAXABLE HEALTHCARE REVENUE BONDS (THE COLORADO CANYONS HOSPITAL PROJECT) SERIES 2016 IN AN AMOUNT NOT TO EXCEED \$46,000,000

BACKGROUND

The Lower Valley Hospital Association (Family Health West) has requested that the City of Fruita issue tax-exempt and taxable healthcare revenue bonds not to exceed \$46,000,000 to finance the acquisition, construction and equipping of new hospital facilities located in the City including additions and improvements to the existing hospital facilities, refinancing of outstanding debt, finance a reserve fund, to pay capitalized interest on the bonds for up to three years and pay certain costs incurred in connection with the project and issuance of the bonds.

The bonds issued pursuant to this ordinance are special, limited obligations of the City payable solely from the receipts and revenues of the City under the Loan Agreement. The bonds shall not constitute a debt of the City nor give rise to any liability of or a charge against the general credit or taxing power of the City, and are not a multiple fiscal year debt or financial obligation of the City under the provisions of Article X, Section 20 of the State Constitution (TABOR).

Additional information concerning the issuance of the bonds is included in the letter from Mark Francis, CEO and President of the Lower Valley Hospital Association attached hereto and the Bond Ordinance.

First reading and introduction of the ordinance occurred on October 4, 2016, a public hearing was held on October 18 and continued to November 1 at which time the ordinance will be considered for final adoption.



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

FISCAL IMPACT

The issuance of the Series 2016 Bonds for the Colorado Canyons Hospital Project will not have any fiscal impact on the City of Fruita and shall be payable solely from the revenues of the hospital pursuant to the bond documents.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Colorado Canyons Hospital Project will improve the Quality of Life, Quality of Place and Economic Health through the provision of improved and enhanced health care facilities and services to the citizens of Fruita and employment opportunities for Fruita residents.

OPTIONS TO THE COUNCIL:

- Adopt Ordinance 2016-14 as presented or with amendments
- Take no action

RECOMMENDATION:

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

ADOPT ORDINANCE 2016-14 AUTHORIZING THE ISSUANCE OF THE COLORADO CANYONS HOSPITAL SERIES 2016 BONDS IN AN AMOUNT NOT TO EXCEED \$46,000,000.

ORDINANCE NO. 2016-14

CITY COUNCIL OF FRUITA, COLORADO

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO (THE "CITY") AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF TAX-EXEMPT AND TAXABLE CITY OF FRUITA, COLORADO HEALTHCARE REVENUE BONDS (THE COLORADO CANYONS HOSPITAL PROJECT) SERIES 2016 (THE "SERIES 2016 BONDS") IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$46,000,000; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; APPROVING THE FORMS AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF THE BONDS AND CERTAIN RELATED DOCUMENTS; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A BOND PURCHASE AGREEMENT AND ANY AND ALL NECESSARY CLOSING DOCUMENTS; REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HERewith; AND AUTHORIZING OFFICIALS OF THE CITY TO DO ALL OTHER THINGS NECESSARY OR ADVISABLE TO COMPLETE THE TRANSACTION AUTHORIZED IN THIS ORDINANCE.

WHEREAS, the City of Fruita, Colorado (the "City") is a home rule city and a political subdivision duly organized and validly existing under the laws and Constitution of the State of Colorado (the "State"); and

WHEREAS, the Fruita City Charter revised April 6, 2006 (the "Charter"), the County and Municipality Development Revenue Bond Act, Article 3 of Title 29, Colorado Revised Statutes, as amended (the "Act") and the Supplemental Public Securities Act, Article 57, Title 11, Sections 201, et seq., Colorado Revised Statutes, as amended (the "Supplemental Act"), authorize the City to finance or refinance one or more "projects," including any land, building or other improvement and real and personal properties (other than inventories, raw materials and working capital) suitable or used for or in connection with a hospital; and

WHEREAS, the City is further authorized by the Act and the Supplemental Act to issue revenue bonds for the purpose of defraying the cost of financing and refinancing any "project," and for paying interest on such revenue bonds for a period of time not exceeding three years, and for paying all incidental expenses incurred in issuing such revenue bonds, and to secure payment of such revenue bonds as provided in the Act; and

WHEREAS, representatives of The Lower Valley Hospital Association, a Colorado nonprofit corporation doing business as Family Health West (the "Borrower"), have presented to the City a proposal (the "Proposal") whereby the City would issue tax-exempt and taxable healthcare revenue bonds (the "Bonds"), in one or more series, pursuant to the Act and the Supplemental Act and lend the proceeds of the Bonds to the Borrower to finance (i) the acquisition, construction and equipping of new hospital facilities located in the City of Fruita, Colorado, including additions and improvements to the existing hospital facilities, and (ii) the refinancing of certain outstanding indebtedness, including without limitation the City's Revenue

Bonds (Family Health West Project), Series 2008, the proceeds of which outstanding indebtedness were used to construct or improve the Borrower's hospital and assisted living facilities (collectively, the "Project"), to finance a reserve fund, to pay capitalized interest on the Bonds for a period of up to three years, and to pay certain costs incurred by the Borrower in connection with the Project and the issuance of the Bonds; and

WHEREAS, the City has considered the Proposal and has determined to issue, sell and deliver tax-exempt and taxable healthcare revenue bonds pursuant to the Act and the Supplemental Act in one or more series or subseries designated as "City of Fruita, Colorado Healthcare Revenue Bonds (The Colorado Canyons Hospital Project) Series 2016" (the "Bonds") in a principal amount not to exceed \$46,000,000 for the purpose described in the Proposal; and

WHEREAS, pursuant to a Loan Agreement dated as of November 1, 2016 (the "Loan Agreement"), between the City and the Borrower, the City agrees to lend the proceeds of the Bonds to the Borrower (the "Loan") and the Borrower agrees to (i) apply proceeds of the Loan to finance or refinance costs of the acquisition or construction or renovation of the Project; (ii) make payments sufficient to pay the principal of, premium, if any, and interest on the Bonds when due (whether at maturity, by redemption, acceleration or otherwise); and (c) observe the other covenants and agreements and make the other payments set forth therein; and

WHEREAS, there have been filed with the City Clerk prior to final adoption of this Ordinance the proposed forms of: (i) the Loan Agreement; (ii) a Master Trust Indenture dated as of November 1, 2016 (the "Master Indenture") by and between the Borrower and the master trustee named therein (the "Master Trustee"); (iii) the Supplemental Master Trust Indenture for Obligation No. 1 dated as of November 1, 2016 (the "First Supplemental Indenture") by and between the Borrower and the Master Trustee; and (iv) the Bond Indenture of Trust (the "Bond Indenture") dated as of November 1, 2016 by and between the City and the bond trustee named therein (the "Bond Trustee").

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

Section 1. Ratification of Prior Action; Capitalized Terms. All action (not inconsistent with the provisions of this Ordinance) heretofore taken by the City Council (the "Council") and other officials of the City, relating to the issuance and sale of the Bonds for the purposes herein set forth, is hereby ratified, approved and confirmed. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to them in the Indenture.

Section 2. Findings. The Council does hereby determine, based upon representations of the Borrower heretofore submitted to the City, as follows:

- (a) The Project is a "project" as defined in the Act.
- (b) The issuance of the Bonds will effectuate the public purposes of the City and carry out the purposes of the Act by, among other things, providing more adequate hospital care to the citizens of the City.

Section 3. Approval and Authorization of Documents. The Master Indenture, the First Supplemental Indenture, the Bond Indenture and the Loan Agreement are hereby approved and authorized. The Mayor or any other member of the Council (the "Authorized Officers") are hereby authorized and directed to execute, and the City Clerk or any Assistant City Clerk of the City are hereby authorized and directed to affix the seal of the City and to attest, in substantially the forms and content filed with the City Clerk prior to final adoption of this Ordinance, such documents to which the City is a party, with such changes, modifications, additions and deletions therein as approved by the City Attorney or bond counsel or which to the Authorized Officers shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions and deletions from the forms thereof presented at this meeting.

Section 4. Authorization to Issue and Sell the Bonds.

(a) The City shall issue, sell and deliver the Bonds, subject to the terms of the Loan Agreement, the Master Indenture, the First Supplemental Indenture and the Bond Indenture. The Bonds shall be in such principal amount, bear such date and interest rates and mature as set forth in the Bond Indenture provided, however, that the aggregate principal amount of Bonds issued under the Bond Indenture shall not exceed the amount set forth herein. The Bonds shall be payable at such place, be subject to redemption prior to maturity, carry such registration privileges, be executed and contain such terms, covenants and conditions and be in substantially the form, all as set forth herein and in the Bond Indenture. The maximum principal amount of the Bonds shall not exceed \$46,000,000, the maximum net effective interest rate payable on the Bonds shall not exceed 6% per annum (such rate being hereinafter referred to as the "Maximum Rate") and the final maturity of the Bonds shall not be after January 1, 2052.

(b) The sale of the Bonds to Dougherty & Company (the "Underwriter") pursuant to the terms of a bond purchase agreement is hereby authorized. The Mayor or any other member of the Council is hereby authorized and directed to approve the form of a bond purchase agreement and final principal amount, interest rate, maturities and series designations of the Bonds, the purchase price of the Bonds by the Underwriter and to execute the bond purchase agreement and the Bonds, and the City Clerk or any Deputy or Assistant City Clerk of the City is hereby authorized and directed to affix the seal of the City and to attest the bond purchase agreement and the Bonds and each is hereby authorized to deliver the bond purchase agreement and the Bonds for and on behalf of the City.

(c) The City has not participated in the preparation of, and makes no representation or warranty as to, and has no responsibility for, the accuracy or completeness of the information contained in, any private placement memorandum, limited offering memorandum, official statement or other offering, marketing or remarketing document (the "Disclosure Document") used or to be used to offer and sell the Bonds.

Section 5.Determinations Required Under theAct. In connection with the issuance of the Bonds and pursuant to Sections 29-3-113, 29-3-114 and 29-3-120 of the Act, the City hereby makes the following determinations:

(a) that the amounts necessary in each year to pay the principal of and interest on the Bonds are dependent upon the rate of interest on each of the Bonds determined in accordance with the Indenture, but in any event shall not exceed the principal amount of the Bonds plus interest at the Maximum Rate;

(b) that the terms of the Loan Agreement require that the Borrower will cause to be maintained or maintain the Project and will cause to be carried or carry all proper insurance with respect thereto and require the payment of all applicable taxes with respect thereto;

(c) in reliance upon information provided by the Borrower and Underwriter, that the amounts required to be paid by the Borrower under the terms of the Loan Agreement will be adequate to retire the Bonds;

(d) that a reserve fund to secure repayment of the Bonds has been established under the Indenture; and

(e) that proceeds from the issuance and sale of the Bonds will be deposited as set forth in the Indenture.

Section 6.Investments. Proceeds from the sale of the Bonds and any special funds from the revenues from the Project are required to be invested and reinvested in such securities and other investments specified in, and otherwise in accordance with, the Indenture.

Section 7.Authority to Execute and Deliver Additional Documents. The officials, employees and agents of the City shall take all action in conformity with the Act necessary or advisable to effectuate the issuance of the Bonds and shall take all action necessary or advisable in conformity with the Act to finance the Project and for carrying out, giving effect to and consummating the transactions contemplated by this Ordinance, the Loan Agreement, the Master Indenture, the First Supplemental Indenture and the Bond Indenture, including the execution and delivery of the bond purchase agreement referred to in Section 4, tax agreements, a refunding escrow agreement and other appropriate closing documents.

Section 8.Authorization of Disclosure Document. The Borrower is hereby authorized to circulate a preliminary and final Disclosure Document in connection with the offer and sale of the Bonds. The City will not comment on the Disclosure Document except for the description of the City and litigation matters, if any, with respect to the City.

Section 9.Bonds are Limited Obligations. The Bonds shall be special, limited obligations of the City payable solely from the receipts and revenues of the City under the Loan Agreement that are specifically pledged therefor under the Indenture; the Bonds shall never constitute a debt or indebtedness of the City, the State or any City, municipality or political subdivision of the State within the meaning of any provision or limitation of the Constitution or statutes of the State or of any political subdivision of the State; and the Bonds shall never

constitute nor give rise to any pecuniary liability of, or a charge against the general credit or taxing powers of the City, the State or any City, municipality or political subdivision of the State. The Bonds shall not constitute a “multiple fiscal year direct or indirect debt or other financial obligation” of the City under Article X, Section 20 of the State Constitution.

Section 10.No Pecuniary Liability. Nothing contained in this Ordinance or in the Bonds, the Loan Agreement, the Indenture, or any other instrument shall give rise to a pecuniary liability of, or a charge upon the general credit or taxing powers of; the City, the State or any city, municipality or political subdivision of the State. The breach by any party of any agreement contained in this Ordinance, the Bonds, the Loan Agreement, the Master Indenture, the First Supplemental Indenture and the Bond Indenture, or any other instrument shall not impose any pecuniary liability upon, or a charge upon the general credit or taxing powers of, the City, the State or any city, municipality or political subdivision of the State, none of which has the power to pay out of its general fund, or otherwise contribute, any part of the cost of financing the Project, or power to operate the Project as a business or in any manner.

Section 11.Limitation of Rights. With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bonds is intended or shall be construed to give to any person, other than the City, the Borrower and the Underwriter, any legal or equitable right, remedy or claim under or with respect to this Ordinance or any covenants, conditions and provisions herein contained; this Ordinance and all of the covenants, conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of the City, the Borrower and the Underwriter as herein provided.

Section 12.Immunity of Officers. No recourse for the payment of any part of the principal of, premium, if any, or interest on the Bonds, for the satisfaction of any liability arising from, founded upon or existing by reason of the issue, purchase or ownership of the Bonds, shall be had against any official, officer, member or agent of the City or the State, all such liability to be expressly released and waived as a condition of and as a part of the consideration for the issue, sale and purchase of the Bonds.

Section 13.Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 14.Bond Recital. Each Bond shall contain a recital that such Bond is issued pursuant to the Act and the Supplemental Act, and such recital shall be conclusive evidence of its validity and of the regularity of its issuance.

Section 15.Irrepealability. After any of the Bonds are issued, this Ordinance shall be and remain irrepealable until the Bonds and the interest thereon shall have been fully paid, canceled and discharged.

Section 16.Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 17. Inconsistent Actions Repealed. All resolutions and ordinances, or parts thereof, inconsistent herewith and with the documents hereby approved, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any resolution or ordinance or part thereof.

Section 18. Public Hearing. The Authorized Officers of the City shall not deliver the Bonds to the Underwriter until a public hearing on the Bonds and the Project pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, preceded by reasonable public notice, has been held and the Council or the Mayor has approved the issuance of the Bonds and the financing of the Project.

Section 19. Effectiveness. This Ordinance shall take effect in accordance with Section 2.13 of the Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE CITY OF FRUITA, ON THE 4TH DAY OF OCTOBER, 2016, BY A VOTE OF SIX IN FAVOR AND NONE AGAINST.

CITY OF FRUITA, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

FINALLY ADOPTED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY OF FRUITA, COLORADO

By: _____
Mayor

ATTEST:

City Clerk



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, CITY CLERK/FINANCE DIRECTOR
DATE: NOVEMBER 1, 2016
RE: 2017 BUDGET REVIEW – COMMUNITY CENTER FUND

BACKGROUND

Discussions of various aspects of the proposed 2017 Budget for the City of Fruita have been scheduled for City Council meetings and workshops up to the time of final adoption in December, 2016. The proposed 2017 Budget for the Community Center Fund will be reviewed at the November 1 City Council meeting.

FISCAL IMPACT

The Budget is the primary fiscal document for allocation of resources for the provision of services to the community for the upcoming 20Comm17 fiscal year and, as a result, has a significant fiscal impact.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Annual Budget provides the work program and fiscal plan for the City of Fruita for the 2017 fiscal year. Significant efforts have been made in preparation of the budget to provide the necessary financial resources to accomplish the goals and objectives of the City as they have been defined over time through input from the City Council and public.

OPTIONS AVAILABLE TO THE COUNCIL

This item is for informational purposes and to obtain feedback and comments on the proposed 2017 Budget. No action is required at this time.



CITY COUNCIL AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, CITY CLERK/FINANCE DIRECTOR
DATE: NOVEMBER 1, 2016
RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION CONVENE IN EXECUTIVE SESSION REGARDING MATTERS SUBJECT TO NEGOTIATION

BACKGROUND

The City Council has reason to convene in Executive Session to discuss 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 specially permitted by the State's Open Meeting laws (CRS 24-6-402 (4) (E)). 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 SUBJECT TO NEGOTIATION UNDER C.R.S SECTION 24-6-402 (4) (E).

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 September 20, 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 purpose:

**TO DETERMINE A POSITION RELATIVE TO A MATTER
THAT MAY BE SUBJECT TO NEGOTIATION UNDER C.R.S.
SECTION 24-6-402(4)(E).**

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

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

ANNOUNCEMENT NO. 2

***ANNOUNCEMENT TO BE MADE BY THE 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)