

**FRUITA CITY COUNCIL
DECEMBER 6, 2016
7:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

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 October 4, 2016 City Council meeting

B. MINUTES – A request to approve the minutes from the October 18, 2016 City Council meeting

C. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a 3.2% Beer liquor license for Loco Travel Stop located at 555 W. Raptor Rd.

D. ASPEN VILLAGE ANNEXATION:

1) **ORDINANCE 2016-15 – Second Reading – A request to withdraw an Ordinance annexing property located at 1062 18 Road containing 6.73 acres to the City of Fruita**

2) **ORDINANCE 2016-16 – Second Reading – A request to withdraw an Ordinance zoning newly annexed property located at 1062 18 Road to a Community Residential zone**

E. ADOBE VIEW NORTH ANNEXATION:

1) **ORDINANCE 2016-17 – Second Reading – A request to approve an Ordinance annexing property located at 965 18 Road containing 7.33 acres to the City of Fruita**

- 2) **ORDINANCE 2016-18 – Second Reading – A request to continue the approval of an Ordinance zoning newly annexed property located at 965 18 Road to South Fruita Residential zone**
 - 3) **RESOLUTION 2016-47 – Approving the Subdivision Improvements Agreement (SIA) for Adobe View North Subdivision**
 - 4) **FINAL PLAT APPLICATION - A request to approve the Final Plat**
- F. CONDITIONAL USE PERMIT REQUEST – A request to approve a Conditional Use Permit Application for a Vacation Rental by Owner (VRBO) for the Mineral House Vacation Rental located at 626 Mineral Court**
- G. RESOLUTION 2016-41 - Accepting Easement – A request to approve Resolution for a Deed of Easement Agreement between OldCastle SW Group, Inc. and the City of Fruita and authorizing the City Manager to execute the agreement**
- H. RESOLUTION 2016-47 – A request to approve a Resolution establishing regulations for public use of Enoch's Lake property**
- I. OCTOBER 2016 FINANCIAL REPORTS – A request to approve the October 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.

A. Finance Director/City Clerk Margaret Sell – Adoption of the 2017 Annual Budget for the City of Fruita

- 1) **RESOLUTION 2016-42 - A request to approve a Resolution establishing Fees and Charges for the 2017 Budget Year**
- 2) **RESOLUTION 2016-43 – A request to approve a Resolution adopting the 2017 Budget**
- 3) **RESOLUTION 2016-44 – A request to approve a Resolution appropriating funds for the 2017 Budget**

- 4) RESOLUTION 2016-45 – A request to approve a Resolution establishing the Mill levy for the 2017 Budget

8. ADMINISTRATIVE AGENDA

A. City Engineer Sam Atkins

- 1) Gateway Enhancement Concepts Presentation

9. COUNCIL REPORTS AND ACTIONS

10. CITY MANAGER'S REPORT

11. ADJOURN

**FRUITA CITY COUNCIL
REGULAR MEETING
OCTOBER 4, 2016**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

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

2. CALL TO ORDER AND ROLL CALL

Council members present were Bruce Bonar, Dave Karisny, Kyle Harvey, Ken Kreie, Joel Kincaid and Louis Brackett. Mayor Buck was excused absent, so Mayor Pro Tem Bruce Bonar presided over the meeting, which he called to order at 7:02 p.m.

3. AGENDA – ADOPT/AMEND

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

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

4. PROCLAMATIONS AND PRESENTATIONS

A. CITIZEN'S AWARD PRESENTATION – POLICE CHIEF JUDY MACY WILL PRESENT A FRUITA RESIDENT WITH A CITIZEN'S AWARD

Chief Macy introduced Patti Heinz, owner and manager of The Cowboy Mercantile on Highway 6 & 50 in Fruita.

Chief Macy stated that the Fruita Police Department wanted to honor Patti for many reasons, including what she does for young people in Fruita. She is very involved in Future Farmers of America (FFA), whom she allows to have fundraising bake sales in her store. Patti gives the FFA kids discounted rates for necessary items and also donates supplies as well.

Patti is also a big supporter of the 4H Club. Last Christmas, the River Riders 4H Club was looking for a family to sponsor and Patti knew of a family that was in need, so she helped organize, facilitate and donated many items herself to help the family and make the Christmas a little bit better for them.

Chief Macy continued that Patti also gives the 4H Club advice on feeding programs and allows them to hold fundraisers in her store.

Chief Macy stated that the Fruita Police Department has been on the receiving end of Patti's generosity as well for many years. Patti has literally brought in tons of food, snacks and many thank you cards long before policing was such a divisive concept in the United States. Chief Macy said Patti is very sincere with her words and her gestures.

This spring, Patti helped with the canine agility trials, which were held at Little Salt Wash Park to benefit the Colorado Police Canine Association and a group called Vested Interests, who purchases vests for canine officers. She purchased a lot of items for the event and donated all proceeds from any products sold.

Patti has also helped the Fruita PD with lost and found animals by fostering them and locating owners. Chief Macy noted that recently, there was an accident where there was a bunch of hay and grain that was spilled on Broadway. Fruita Police officers called Patti, who rounded up a tractor and helped clean up the road. Another time, there was a horse running at large in the City and Fruita officers called Patti, who got a horse trailer and hauled the horse to a veterinarian to be held until the owner could be located.

Chief Macy added that there was a local business owner that was battling cancer last year and Patti took care of her animals and helped with her business, as well as bills and many other things.

Chief Macy presented Patti with a plaque and a certificate for dinner at Rib City for her many acts of kindness and generosity.

5. PUBLIC PARTICIPATION

Mayor Pro Tem Bonar asked if anyone in the audience who would like to speak on any item that did not appear on the agenda.

Richard Sander, 129 S. Maple Street, said that he had heard that someone from Winter Park had a contract on the house that is part of the Sacred Heart Catholic Church properties. He said he also heard that the church has decided to put in sewer for the house separate from the church. Mr. Sander said this was good news.

Fruita Area Chamber of Commerce Director Frank Ladd thanked the City Council for allowing the Chamber to present a plaque to Mark Angelo, commemorating him as the 2016 Fruita Fall Festival Grand Valley Bank Parade Grand Marshal. He then read an article written by Chamber President Denise Hight for the 2016 Fall Festival Guide.

Mr. Ladd extended the Chamber's gratitude to Mr. Angelo and presented him with a plaque of appreciation.

Mr. Angelo stated that he was truly honored to represent many current and past co-workers, community members he has and continues to work with, and the Fruita City Council for allowing him to proceed with the project that he proposed over a year ago. He also thanked City Manager Mike Bennett, Planning Technician Henry Hemphill, his wife and family and everyone who

continues to trust and support him so that his ideas could come to fruition. Mr. Angelo said he couldn't have accomplished what he has without all that support.

Mr. Gennaro Connors, 151 S. Elm, stated that he was requesting the City to look into possibly passing a law banning or at least making it very difficult for people from out of state to come to Fruita to buy a house so that they can rent it out to others. He said that a few days prior, he was helping a customer who said she was from Moab and was here just to look for a house to buy because she wanted to rent it out. She said that in Moab, there is nowhere to live. Mr. Connors said he believes this is because people are buying up houses in Moab and renting them out.

Mr. Connors continued that he is has lived in Fruita for ten years and is very involved in and concerned about the community. He said that absentee landlords are just using rental housing as a money making opportunity and that they don't really care who they rent to.

Mr. Connors said that he believes this degrades the community and one of the things Fruita has going for it is the people who live here.

There were no further comments from the public.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE SEPTEMBER 20, 2016 CITY COUNCIL MEETING**
- B. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF PATTY DOSS TO THE ARTS AND CULTURE BOARD FOR A THREE-YEAR TERM TO EXPIRE IN JUNE OF 2019**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF WHITNEY RINK TO THE PLANNING COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN OCTOBER OF 2019**
- D. ORDINANCE 2016-11 - FIRST READING – AN INTRODUCTION OF AN ORDINANCE ACCEPTING APPROXIMATELY 32.76 ACRES OF REAL PROPERTY LOCATED AT 1081 16 ROAD FOR PUBLIC TRAIL AND OTHER PUBLIC RECREATIONAL PURPOSES FOR PUBLICATION OF PUBLIC HEARING ON NOVEMBER 2, 2016**
- E. ORDINANCE 2016-14 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF TAX EXEMPT AND TAXABLE REVENUE BONDS FOR THE COLORADO CANYONS HOSPITAL PROJECT, SERIES 2016, IN AN AMOUNT NOT TO EXCEED \$46 MILLION**

- F. CONDITIONAL USE PERMIT REQUEST – A REQUEST TO APPROVE A CONDITIONAL USE PERMIT FOR WICKED WRENCH**
- G. CONDITIONAL USE PERMIT REQUEST – A REQUEST TO APPROVE A CONDITIONAL USE PERMIT FOR A VACATION RENTAL BY ONWER (VRBO) FOR MUDD**

Mayor Pro Tem Bonar opened the public hearing on the Consent Agenda. Hearing no comments from the public, he referred back to the City Council.

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

7. PUBLIC HEARINGS

There were no public hearing items on the agenda.

8. ADMINISTRATIVE AGENDA

A. PROPOSED 2017 GENERAL FUND BUDGET REVIEW

1) PUBLIC SAFETY BUDGET – CHIEF MACY

City Manager Mike Bennett noted that staff and the Council had talked about the General Fund at the last workshop session, but staff wanted to dive a little bit deeper. He said that the purpose of the budget presentations was to cover some of the highlights from 2016 and also to talk about highlights in the 2017 Budgets for Public Safety, Public Works and Parks and Recreation. He added that there have already been discussions about how tight of a budget year 2017 is and some of the things that were not included in the budget that are still important and that the City will be working towards as soon as possible in upcoming years.

Fruita Police Chief Judy Macy stated that in the Public Safety Department, operating expenses are flat in the 2017 Budget, however, there are a few increases in Capital items including four police cars and replacement of the mobile computer systems in all police cars.

Factors affecting expenses in the Public Safety Department include the Grand Junction Regional Communication Center (911 Dispatch) expenses, which will increase 12%. Chief Macy said this is going to be an ongoing problem. While Fruita's calls for service were somewhat flat, the Communications Center had an increase in personnel and technology expenses.

Chief Macy stated that the Police Department's Administration Division is made up of herself, Lt. Krouse and 2.5 records clerks.

Accomplishments of the Public Safety Department in 2016 include:

- Assistance with the transition of all Municipal Court personnel
- A Volunteer Program was initiated
- Temporary resolution to the Enoch's Lake project/issues
- All Records Technicians received their certification for Records through SAM, the statewide criminal records organization

Chief Macy continued that a budget challenge for Public Safety Administration was that the Division wanted to reclassify the records clerks up to Administrative Assistants because she felt that the records clerks do the same level of work as Admin Assistants in the City. She said she didn't feel this would be a reality this year.

Chief Macy stated that the Public Safety Department added one full-time School Resource Officer (SRO) last year who has received 40 hours of SRO training as required by POST. She said both SROs with the Department cleaned up a problem area around a school where kids were allegedly partaking in various activities. During the summer months, one of the SROs did a business contact outreach program and talked to over 200 businesses face-to-face to update their emergency contact information and inquire as to whether they had any law enforcement concerns. Chief Macy stated that budget wise, the Department is in good shape with the SROs. She noted that she reduced the overtime line item for the SROs in the 2017 Budget because usage was down in 2016.

Chief Macy said that the Patrol Division consists of two sergeants, two corporals and ten officers including one canine officer.

Chief Macy stated that Patrol Division has been working very hard to help people in the community who have mental health issues and have done an outstanding job in that regard.

Chief Macy said that the Public Safety Department has state-mandated training requirements which were met this year. In addition, there are four officers who are attending formal education and one officer who obtained his Master's Degree in 2016.

Chief Macy stated that no positions have been added to the Patrol Division since 2009. She said staffing is always tight with employees scheduling training, vacations and sick time and that it has been a struggle.

Chief Macy noted that salaries and recruitment continue to be issues. Public Safety is currently recruiting a Police Officer and Lt. Krouse stated that one of the top candidates (with considerable experience) brought up the fact that he/she would be taking a significant pay to work for the City of Fruita. He added that the City's generous benefits package used to be a big plus for recruiting, but salaries are definitely a problem every time during recruitment.

Chief Macy said another issue with Patrol Officers is the salary disparity. There are officers who have been with the City for ten years who are doing okay in the pay range, but officers who have been with the City for two to five years who are way down on the pay grade, so this is also an issue.

Chief Macy said that technology and equipment will continue to be a challenge. The Public Safety Department did decide this year to discontinue using the device that extracts data from cell phones,

which costs about \$4,000 per year to license not including continual upgrades and training. The City of Fruita will instead rely on the City of Grand Junction and Mesa County for assistance with this service.

Chief Macy noted that two of the new patrol cars were cars that were held over from last year, so that is why four cars are being requested in 2017. Two other cars were supposed to be cycled out but will be kept for another year.

Chief Macy continued that the mobile computer data computers in the patrol cars should be replaced at about ten years, but the City of Fruita just doesn't have the capacity to do so.

Chief Macy said that there was patrol officer brought in for an investigations position that attended forensic interview training. Other accomplishment include working the with Critical Incident Team on the Deputy Geer homicide and Operation Cross Country, which is a joint task force with the FBI and other agencies on human trafficking.

Chief Macy stated that sometime in the future, the City of Fruita should have an Investigation Sergeant overseeing that division to keep a close eye on complex investigations. Currently, Lt. Krouse is doing that, but ideally it would be good to have the additional position of Investigation Sergeant.

Chief Macy stated that Police Support Services (PST) consist of two part-time positions; one Animal Control Officer and one Evidence Technician. She said that the Animal Control Officer has researched and recruited Harmony Acres, a livestock facility outside of Fruita that is utilized when there are issues such as a horse abuse case. She also works with local veterinarians. Chief Macy said that the Kokopelli Animal Hospital has been very generous to the City of Fruita; they have done a lot of emergency care for animals at no cost and the Fruita PD wants to reimburse them for at least their expenses, so \$300 was added as a line item in the budget for that.

Chief Macy stated that Fruita's Animal Control Officer will be holding a feral cat forum on October 22, 2016.

She also said that the Evidence Technician has been working on a forfeited firearms program where the PD will receive firearms that have been forfeited by the courts.

Chief Macy said that her number one budgetary request was making a Police Support Services person full-time, primarily because two people are needed if the evidence person is gone or on vacation, criminal cases won't stand up without the evidence practices. She said cross-training and a backup is needed for that.

Chief Macy added that there a many, many animal calls and there is a level of expertise that the Police Support Services person has that the officers don't have, nor do the officers want it. PST also handles cold calls at the counter, VIN inspections, fingerprinting and other duties that are crucial.

This concluded Chief Macy's budget presentation.

Councilor Karisny asked if the patrol car that Chief Macy was using needed to be replaced was not going to be. Chief Macy responded that both she and Lt. Krouse will be keeping their cars for another year and they will be on the list for replacement next year.

Chief Macy noted that the Comm Center (911 dispatch) was something that will be brought up at a municipalities dinner at some point and all of the Comm Center board members will be looking to City Managers and elected officials because there has to be some way to figure out a funding source for the Comm Center (it is close to \$287,000 out the City of Fruita's General Fund).

Mr. Bennett said he wanted the Council to have an idea of some of things that will not be included in the budget for 2017, although they are definite needs that the City has.

Councilor Karisny asked if there was an approximate cost of adding an additional PST to Public Safety staff. Chief Macy responded that it was approximately \$33,000.

2) PUBLIC WORKS BUDGET – KEN HALEY

Public Works Director Ken Haley noted that in June, he presented the Council with an overview of the different divisions of the Public Works Department and all the operational things that they are all trying to accomplish. He added that this presentation was in regards to what some of the operational things have been accomplished in 2016 and what is planned for next year. Mr. Haley said he was going to focus on the General Fund pieces of the Public Works Department, which is the majority of where the money from Public Works comes from. The Department also has a number of utility and capital projects funds that will be discussed at upcoming budget meetings.

Mr. Haley said that the Public Works Department provides a variety of core services for the City of Fruita including streets, building maintenance and utilities, among others. The Department has gotten into the mode of having to be very reactive as of late because over the years; a lot of infrastructure has been added and the Department has not necessarily been unable to keep up with the staffing needs to meet those demands.

Mr. Haley stated that in 2016, some of the Public Works' biggest accomplishments include:

- Undertaking a sidewalk inventory project. Staff evaluated the condition of every sidewalk in Fruita, assigned a score to them and put them into a GIS database. Staff now has a baseline of what sidewalks need to be fixed rather than just responding to citizen complaints and potential lawsuits for tripping hazards. He added that it really opened staff's eyes to the fact that there are a lot of sidewalks in the City that need attention and investment.
- The Sidewalk Replacement Program. The City has a cost share of 80%/20% with adjacent residents to replace sidewalks. The City pays 80% of the replacement cost (as funds allow) and the resident pays 20%. In years past, there has not been significant participation in the program because it used to be the responsibility on the property owner to go out and get multiple cost estimates from contractors and make sure they were licensed and had all necessary permits. The property owners were then responsible for all the costs and the City of Fruita would reimburse them after the fact. The program was changed in the past year to

put the responsibility on the City to get the cost estimates and then the property owner pays the 20% upfront. City staff then uses licensed and bonded contractors to complete the work and inspections. This allows staff to have more control over the quality of work that is being done and it has actually turned out to cause less work for staff this way. The change has resulted in a lot more participation in the Sidewalk Replacement Program; the Public Works Department has already spent all funds for 2016 for it. Mr. Haley said hopefully, this will take a step towards addressing some of the issues the City has with the sidewalks.

- **Partnership with Mesa County on Chip Seal Program.** Mr. Haley stated that in years past, Fruita has always contracted out chip sealing to a private contractor, but this year Mesa County was chip sealing a number of roads out in District A (west end of the valley), so the City partnered with them and staff from both entities worked together to get the streets done, resulting in a cost savings of 30% including staff time. Mr. Haley added that staff had not planned to chip seal Kingsview Road from Snooks Bottom out to the edge of the City limits including half of the Devils Canyon trailhead, but due to the cost savings, it was added into the project and was accomplished this year. Mr. Haley noted that he wanted to continue pursuing the partnership with Mesa County.
- **Mountain Water.** City staff replaced 1,580 feet of pipe on the mountain that delivers water to the Glade Park Pipeline Water Users Association and other users. The City has been installing a number of “band-aids” on leaks over the years, but those had reached the end of their life cycle. Another reason staff spent a lot of time on the mountain was due to some sloughing on Reservoir #2 Dam and some cracking on the face of the dam to where the City was required to monitor the dam twice per week for stability and safety as required by the State Engineer’s Office. Mr. Haley said this took a lot of time adjusting water to get it to all the irrigation users while also doing additional surveying and reports on the dam. He said that he hopes staff can reduce the level of effort on these in the coming year.
- **Capital Equipment Replacements.** The Public Works Department was able to (through an acquisition) replace a number of vehicles in 2016. Some of these had been rolled over from 2015. Replaced equipment includes a Vactor truck, street sweeper, right-of-way mower, a patrol car and two pickups.

Mr. Haley said these programs are all included in the General Fund piece of the budget under Public Works including administration, engineering, road maintenance, traffic safety, building maintenance and mountain water. He stated that his department has tried to keep these things as flat as possible, if not decreased in the 2017 Budget.

Road Maintenance is decreasing by 18%, Mountain Water decreasing by 63% and Capital decreasing by 72% in 2017. Mr. Haley said that overall, this results in a 23% reduction for the Public Works budget next year, which is significant, especially since a lot of core services have to be maintained.

Mr. Haley stated that in 2017, the 18% reduction for Road Maintenance is due largely in part to transitioning the chip seal program. He noted, however, that Mesa County is only going to do overlays in District A every other year, but at the same time, by partnering with them, staff believes

they can get more done if they go to a cycle of chip sealing every other year. Even while doing a big project, Public Works can actually save money in the long term. Mr. Haley said that right now, the Department is spending approximately \$100,000 per year on chip seal, whereas they could be spending \$150,000 every other year.

Mr. Haley continued that the Public Works Department is also looking at doing a big chip seal project one year and then a big overlay project the next.

Mr. Haley said that 2017 is the year that the Public Works Department is scheduled to update their street condition index, or the Pavement Surface Evaluation Reading (PASER) program. This is normally done every three years. Similar to the sidewalk program, staff goes out and evaluates and scores every section of street and then a database is updated with the information about which streets are in the worst conditions. This is used along with traffic data to prioritize which streets get repaired.

Mr. Haley said there was also a big reduction in the 2017 Budget for Mountain Water. Staff anticipates a 63% reduction in Mountain Water expenses next year, largely due to reducing a certain level of service in the area. Rather than going up to the mountain two to three times per week, staff is planning on going up there once per week. Irrigation users will probably notice that their level of service is probably going to drop, as will the consistency of their irrigation flows.

Mr. Haley added that trash service on the mountain may actually be eliminated in 2017 at the reservoirs, but mainly at Enoch's Lake. Staff has been removing trash at Enoch's Lake twice per week, but since it has been turned into a day-use only facility, staff thinks going up there once per week might be adequate, although they are still evaluating how frequently the trash needs to be removed.

Mr. Haley said that the City is somewhat caught up with the pipeline repairs on the mountain, so staff is not planning any big pipeline projects in 2017. Staff does have some repaired parts in stock that they plan to use to fix spot repairs on the system for the short term. He added that staff is looking for some long term direction on what to do with the mountain water system as well as the land in the area.

Mr. Haley said that as far as Capital Equipment replacements go, the Public Works Department did spend quite a bit this year, but next year they plan on replacing two vehicles; one being a pickup and the other a bucket truck. The bucket truck is actually replacing what the City has now (an aerial man lift), which is what is used to reach outside windows and hanging banners. The bucket truck only gets 40 hours of use per year, so rather than replacing it with another aerial lift, staff is looking at sharing a bucket truck, which will be shared with the Parks Department, who will use it to trim trees and hang Christmas lights. Mr. Haley said it is more expensive, but will be a better utilized piece of equipment.

A new piece of equipment next year for Public Works is a forklift, which is something that was requested last year and would be a completion of the City Shop project. There is a 6,000 square foot mezzanine for storage and staff currently has to hand carry everything up the steps to get it up there, so a forklift would be extremely useful for that as well as general use in the yard and

unloading deliveries. Currently, if Public Works receives deliveries and they are on a pallet, they don't always have equipment that can unload it.

Mr. Haley continued that in 2017, staff is trying to plan appropriately for staffing needs. The area that Public Works is suffering the most is the Fleet Department. This year, Public Works alternated to a Fleet Manager with two part-time mechanics, which seems to be going well, but has resulted in more total Fleet hours. It is still not enough to maintain the equipment, especially as the fleet keeps growing. Therefore, Public Works was requesting to change one of the part-time mechanics to full-time, but this is something that is not going to be possible in the draft budget for 2017. Mr. Haley said this is probably the highest priority in staffing needs for the department. They will, however, try to streamline fleet operations as much as possible for next year even though the City has approximately 120 vehicles and two part-time mechanics working on them. Additionally, three to five new vehicles will be added in a year or so.

Mr. Haley pointed out that in the General Fund, there is also a significant cut in the fuel budget for 2017. This year, the City budgeted for gas at around \$3.50 per gallon, but gas prices have been substantially lower than that, so for 2017, staff is budgeting for 25% - 30% less in fuel costs estimating that lower fuel costs will continue. Mr. Haley said that if fuel does climb much higher than \$3.00 per gallon, there may be some risk in this assumption.

Councilor Karisny asked if Public Works would still be doing overlays in 2017 and not any chip sealing. Mr. Haley confirmed this to be true. Councilor Karisny asked that if staff would then be doing a double chip seal in the 2018 budget cycle at a cost of about \$100,000, wouldn't that increase this budget by \$100,000 for that year? Councilor Haley confirmed this was correct and said it will be that much harder in 2018 to come up with the \$100,000.

Councilor Karisny asked Mr. Haley if he had a cost for the fleet position. Mr. Haley said that it was approximately a \$29,000 increase to go from a part-time to a full-time mechanic.

Councilor Brackett asked if there had been any thought about alternative energy sources. He said some other communities have looked at that and have actually planned on exchanging some of their fleet vehicles to alternative energy sources.

Mr. Haley stated that he knows that Grand Valley Transit operates a number of compressed natural gas (CNG) buses in their fleet and the City of Grand Junction has a number of CNG trucks and a couple other vehicles as well. He continued that the City of Fruita has evaluated doing this in the past, but Fruita hasn't had a big enough fleet for it to make sense in the past. He added that this is something that the City will continue to evaluate as time progresses. Mr. Haley also said another consideration is the availability of fueling stations, which has been a limiting factor in the past. He said that staff also looks at alternative power for building maintenance issues, and right now, the only facility that the City has that has solar is the Fruita Community Center. A number of other sites have been evaluated for solar, but most evaluations that have been done have showed that it's not actually a cost-savings measure although it is more environmentally friendly.

3) PARKS AND RECREATION BUDGET – TURE NYCUM

Parks and Recreation Director Ture Nycum pointed out that he would be addressing the General Fund and not the Community Center Fund activity, which would be presented to the Council at another time.

Mr. Nycum said that the elements of recreation in the General Fund include three full-time staff; himself, the Administrator Technician and the Recreation Supervisor plus five full-time clerk staff. The Recreation Admin budget includes Mr. Nycum and an Admin person, as well Youth Activities, Youth Athletics, and all of the City's special events.

Mr. Nycum reviewed the accomplishments of the Parks and Recreation Department in 2016. They include:

- Adjustments in park rental fees (which generated about \$5,400 in revenues so far this year)
- Program revenues are on track to meet or exceed the 2016 Budget at \$70,600 to date (youth soccer, basketball, ballet classes, etc.)
- Sponsorships brought in about \$19,000 for various City events such as Mike the Headless Chicken, the Sweetheart Run and the 2016 Concert Series
- Two new events were created in 2016: the Arts and Culture Board Evening of Art Gala (\$3,300 was generated that will go towards future art projects in the City) and a Youth Scholarship Golf Tournament (which brought in about \$5,800)
- The Parks and Recreation Department received a \$8,500 donation from the Fruita Thrift Shop to make improvements to weatherize and re-stucco Grrreta. This was completed at the end of 2015.
- The Parks Department maintains 41 acres of developed parkland and 192 acres of open space, over ten miles of trails, City facilities, and downtown planters. Another mile of trail (Little Salt Wash Trail) has been added to the inventory this year, which will cost the City about \$2,000 per year in staffing time.
- The Department has been working more closely with the BLM and trying to support some of their endeavors. The City has agreed to help with the trailhead a little bit to keep dog waste picked up.
- A 32-acre parcel of land was accepted by the City, which Parks will take care of next year.
- The Parks and Recreation Department has worked with Code Enforcement and the Lower Valley Fire Department to clean up the wash, mainly around Dan Williams Park. This will be continued throughout the year.
- The Department is working with the Western Colorado Conservation Corp to do more tamarisk and Russian olive removal at Snooks Bottom
- The Department worked with the Tamarisk Coalition to pole plant 140 Cottonwood trees
- Athletics and activities still remain solid.
- A new running event "Girls on the Run" was added and held at the Fruita Community Center. It brought in about 2,000 racers to community.
- First Annual 0.038 marathon in conjunction with the Rim Rock Marathon
- Moved the Mike the Headless Chicken Festival to the first weekend June, at which the band Cracker headlined
- Other Special Events to include Arbor Day, Bike Rodeo, Thursday Night Concert Series, Sweetheart Run, July 3rd Fireworks, Truck 'n Treat and others

Project accomplishments for the Parks and Recreation Department in 2016 include:

- Acquired Kokopelli Trail Section of the Riverfront Trail funding
- Multiple grant applications
- Mack Ridge Trails – working with the BLM, Colorado Plateau Mountain Biking Association (COPMOBA) and local businesses to get through all the environmental analyses to get 6.5 miles of new mountain bike trail done at Mack Ridge and the Kokopelli trail areas
- Participated in Civic Center Park improvements: replaced pavilion overhang and added canopy and cleaned the Veterans' Memorial
- City Shops – the Parks Department has moved into their new space
- Participated in the Downtown Streetscape Project by installing new bike racks, benches, and a shelter, reworked planters and irrigation, and increased electrical availability
- Replaced windscreens on Field #2 and #3 and the Little Salt Wash Park and worked with the Fruita Little League to install two batting cages

Mr. Nycum stated that Budget highlights for 2017 include:

- Minimal changes in operational line items
- Increased tamarisk removal by \$7,000 (offset by Drainage District fees acquired in 2016)
- Decreased landscaping supplies by \$1,000 (clean settling pond at Little Salt Wash Park)
- Supplies and tools went up by \$3,000 and uniforms and safety equipment by \$500
- Increased marketing and advertising by \$500 in athletics and activities mainly due to PeachJar (e-mail distribution system) advertising through the School District
- Decreased professional development by \$200 per full-time employee
- Increase \$1,000 for the Arts and Culture Budget for the Evening of Art event (revenues also increase by \$1,000)
- Proposed cancellation of July 3rd fireworks: \$23,000 was budgeted in 2016 (\$15,000 for the fireworks themselves plus \$8,000 for traffic control and \$3,300 in estimated staffing costs)
- Working to get fireworks show back into the 2017 Budget

Other Parks and Recreation 2017 Budget highlights include:

- Capital Equipment: 2 replacement trucks and 1 new truck for the Parks Department and replacing sails for the playground canopies at the Little Salt Wash Park

Mr. Nycum noted that the Department was scheduled to get a front mower, but that will be deferred for one more year (a \$38,000 savings).

Mr. Nycum showed some graphs indicating Parks expenses and Recreation expenses compared to previous years back to 2009.

Mr. Nycum said that the Parks and Recreation Department is faced with some personnel considerations such as the new law that will go into effect in December of 2016 and will affect five recreation supervisors within the department. Staff is looking at upgrading the five from a Grade 10 to a Grade 11. Mr. Nycum stated that these employees make less than \$47,500 per year and are

currently classified as exempt employees, so as of December 1st, these employees will qualify to be paid overtime. Staff is currently evaluating the best way to address this.

Mr. Nycum said another issue is the minimum wage question on the 2016 Election ballot because if it passes, there will be a significant amount of part-time staff that will be affected; their pay will need to be adjusted to \$12 per hour by the year 2020.

Mr. Nycum added that in regards to the Parks Department, with the addition of new trail and new plans for parks, it is getting more and more difficult to have adequate staffing to maintain these facilities and he hopes to be able to address this in future years.

Councilor Karisny asked if the part-time staff in the Parks and Recreation Department all start at minimum wage. Mr. Nycum responded that there would be more in-depth discussion about this when the Council will be presented with the Fruita Community Center budget.

This concluded Mr. Nycum's presentation.

City Manager Mike Bennett stated that he really appreciates the work of all the Directors, even those who weren't presenting and for all the time that Margaret Sell has put into the 2017 Budget, which has been challenging to balance. He said that there are things that staff would like to include in the budget but didn't, and that the things that were included were the result of a general consensus of what staff felt was most important.

Mr. Bennett said that staff wants to cover any last minute changes to the budget at the November workshop session before its adoption in December. At the workshop, there will be a more detailed, long-term discussion on some of the results of the analysis staff completed on the mountain water and mountain properties. Mr. Bennett noted that this will not directly impact the 2017 Budget, but it is something that needs further discussion because it does impact the decisions being made each year and going forward into the future.

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR BRACKETT

Councilor Brackett reported that the Police Commission met the previous Wednesday and Chief Macy went over highlights and challenges of the 2017 Budget. He said he would be participating on a panel for applications for the Police Department.

Mr. Brackett stated that the Parks and Recreation Advisory Board would be meeting on Monday evening instead of Thursday. The Board will continue to meet on the first Monday of the month from now on rather than the first Thursday.

COUNCILOR KINCAID

Councilor Kincaid reported that he attended the Museum of Western Colorado's (MWC) Board of Directors meeting the previous week and several things were discussed. The biggest discussion

currently is the issue of the Mesa County Commissioners pushing to have one facility for the MWC and how Fruita has proven to be the most profitable facility. The museum in downtown Grand Junction is in need of a lot of repairs and the park requires a lot of maintenance.

The MWC has written a letter regarding an application for a Department of Local Affairs (DOLA) grant to do a \$40,000 feasibility study, which will be a budgetary challenge. They are applying for a 50/50 match of \$10,000 and the other \$20,000 of the \$40,000 would be through a DOLA Administrative grant. The thought process is that the MWC wants to make sure that consolidating their assets in Fruita is the right move; how much traffic they would get and if there is adequate space, among other things. Councilor Kincaid noted that since the City of Fruita owns the MWC building (Dinosaur Journey), the City will be applying for the grant in cooperation with the MWC.

Councilor Kincaid continued that the MWC has had some great events this year. They are just beginning their budget process, so he said he would know more about that in the next few months.

COUNCILOR KREIE

Councilor Kreie noted that his two boards have not had their monthly meetings yet, so he would report on those later.

COUNCILOR HARVEY

Councilor Harvey stated that his other board meetings are also forthcoming.

COUNCILOR KARISNY

Councilor Karisny reported that the Grand Valley Regional Transportation Committee (GVRTC) did not meet, but the Colorado Department of Transportation (CDOT), the City of Fruita, the City of Grand Junction and Mesa County had a meeting a few weeks prior and Ken Haley and Sam Atkins were also in attendance.

Councilor Karisny stated that Fruita is part of something called Region 3. He gave the following overview of what was discussed at this meeting:

- CDOT is involved right now in a Highway 340 study to expand the existing shoulder where it is so narrow.
- CDOT is continuing to work on the I-70B Project (from First Street down to Pitkin Ave.) in Grand Junction.
- US Highway 6 near the 20 Road interchange will be studied this year. It is on the Statewide Transportation Improvement Program (STIP).
- The Kokopelli Trail is on the Transportation Alternatives Program (TAP). There are ten projects in Region 3 that are vying for the same kind of TAP grant funds, and the west phase of the Kokopelli section of the Riverfront Trail is one of them. Councilor Karisny noted that the City of Fruita has applied for \$1.2 million for the project and the grant awards will be announced in the October TPR meeting.
- CDOT has a four-year plan (STIP) and a “rolling year” between plans.

- The current City Manager of the City of Grand Junction came out and said that nobody wants the proposed roundabout on Broadway, but CDOT will complete the project with Hazard Elimination Funds. Councilor Karisny noted that these funds cannot be used for anything else at this intersection, which has had some serious accidents.
- CDOT is talking about a project at 15 Road and all the way to the interchange at 22 Road, for which studies need to be completed. The hope is that the project keeps marching on (it is part of both CDOT's four and ten-year plan).
- CDOT discussed the additional lane on I-70 by the tunnels to reduce traffic.
- 20 or 30 years ago, Greyhound has a lot of bus routes, but over time, the routes became eliminated. The new bus service called "Bustang" (assisted by federal funds) is trying to create ways of getting people from one community to the next in a day run along I-70. Bustang currently goes from Denver to Glenwood Springs, but they are trying to expand the service to run from Denver to Grand Junction. This service will provide riders with a wi-fi connection, more comfortable seating configurations and restrooms.
- Next month, the GVRTC will have an Intergovernmental Agreement (IGA) to consider and vote on in October.

Councilor Karisny also reported that he helped out at Skinner Cabin on September 24th by putting in rustic fence posts to keep people out while the cabin's interior is being rehabbed.

COUNCILOR BONAR

Councilor Bonar reported that he was absent from the Historic Preservation Board the previous evening. He reminded everyone that the County Commissioners' Candidate Forum was scheduled for Thursday, October 6th at the Fruita Civic Center.

10. CITY MANAGER'S REPORT

City Manager Mike Bennett noted that there were some interesting things on the Consent Agenda, especially the donation of the lake to the City of Fruita. He said the 32-acre parcel has a value of \$245,700 and will help with flexibility with the Kokopelli trail design, opens up future public access and is potentially an incentive for business prospects. Mr. Bennett said staff had contacted Mesa Grand about a potential re-route of the trail onto more of their property east of Johns Mansville and Mesa Grand was completely willing to allow that. He added that Mesa Grand has been great partners with the City of Fruita.

Mr. Bennett continued that the Council would be hearing more from Family Health West (FHW) about their bonds. He said it was a great opportunity for them to be able to refinance at about half the interest rate. It also gives FHW some flexibility to do some new things and they will present these at the October 18, 2016 Council meeting.

Mr. Bennett congratulated Mark Angelo on being selected for Grand Marshal for the Fruita Fall Festival parade.

Mr. Bennett noted that earlier that day, City Engineer Sam Atkins presented to the Federal Mineral Lease District a grant application for the Aspen alley improvements project. The City of Fruita has

partnered with Xcel Energy (for 1%) to help get the utilities underground. \$80,000 has been aside in the 2017 Budget for the project for the matching grant application. There are a lot of maintenance issues for the alley; it will have to be regarded and new gravel will have to be put down often. There are also drainage issues, so the City is using some of its drainage funds to help with the match for the grant. Mr. Bennett added that there is tough competition for the grant funds. The amount of money being requested from all the applicants is double the amount of funds available. The grant award will be announced in a couple of weeks.

Mr. Bennett also stated that on Friday, October 7th, the Great Outdoors Colorado (GOCO) Board would be meeting in Carbondale and Mr. Nycum and Mr. Haley would be attending. Members of the Riverfront Foundation will also be in attendance. Staff has been told that Fruita's grant request was ranked #2 of the nine final requests and that it is being recommended for full funding. If awarded, the grant will result in another \$2 million towards the project.

Mr. Bennett stated that the staff would be bringing conceptual designs to the Council for the sewer lagoon property in November. In October, staff will be presenting to various interest groups in the area; businesses and a number of the City's boards and commissions members that might be involved. Feedback received will be incorporated in the presentation to the Council and the Council will see the final conceptual designs by the end of the year.

Mr. Bennett said that staff has requested a minor extension with DOLA on the grant application for the Gateway Conceptual Design project so that staff has time to let Ciavonne & Associates finalize some of the concepts that they've been putting together. The design firm received a lot of feedback from the packets that were made available to the public last year. Mr. Bennett said that staff would like to bring those conceptual designs to the Council in 2016 to get the Council's feedback as well.

Mr. Bennett said he had a great meeting earlier in the week with Rocky Mountain Bikes, a company out of British Columbia. Over the Edge Sports in Fruita is a dealer for their bikes. They are a large mountain bike company and Mr. Bennett said that some of the larger companies are deciding not to go to the very expensive trade shows to debut their products and are instead looking for opportunities to do their own events. Mr. Bennett continued that this is something staff has been pitching for the last year and a half to companies (understanding that not everybody is looking to relocate their business), so staff has taken the approach that if a business is not in that position, Fruita is still a great place to test products whether that be gear, components or apparel.

Mr. Bennett said that he and Mayor Buck have been talking to Rocky Mountain Bikes over the last two years at the Fat Tire Festival. They will be doing a launch of a brand new bike that will be coming out at the very end of April 2017 and Mr. Bennett said he would be presenting to the Fruita Tourism Advisory Board the possibility of partnering with some tourism funds. Rocky Mountain Bikes wants to launch the bike in Fruita and wants to highlight Fruita. Mr. Bennett said usually that when a company does this, they create a video for the new product that will showcase the area as well as the product. There is also a media component where Rocky Mountain Bikes will bring in anywhere from 6 to 10 different types of publications marketing their product and also the area it is being launched in.

Mr. Bennett continued that Rocky Mountain Bikes would also like to have a dealer component where they will bring their dealers to Fruita for two days to try out the product. There will also be a consumer-related event where people stream through Over the Edge Sports to actually try out the new bike. During all this, Rocky Mountain Bikes will hold other types of events by partnering with local businesses. One idea that they had was that it would be great to have the media up on the trails, but then also have them on a raft looking down below the trails.

Mr. Bennett said it was staff's hope that the more the City does things like this, it will create exposure for tourism and economic development and if done right, it will bring in more opportunities.

Mr. Bennett reminded everyone that he would be on vacation with this family for the rest of the week.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita

**FRUITA CITY COUNCIL
REGULAR MEETING
OCTOBER 18, 2016**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Council members present were Bruce Bonar, Dave Karisny, Ken Kreie, and Joel Kincaid. Councilors Kyle Harvey and Louis Brackett were excused absent. Mayor Buck called the meeting to order at 7:03 p.m.

3. AGENDA – ADOPT/AMEND

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

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

4. PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations on the agenda.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA ROTARY CLUB TO SERVE BEER AT CIRCLE PARK FOR THE FINISH OF THE RIMROCK MARATHON ON SATURDAY, NOVEMBER 5, 2016 FROM 11:00 AM TO 5:00 PM**
- B. LIQUOR LICENSE REPORT OF CHANGES – A REQUEST FOR APPROVAL TO ADD A RETAIL WAREHOUSE STORAGE PERMIT FOR IN THE MIDDLE LIQUORS, INC. LOCATED AT 303 HWY 6 & 50**
- C. ORDINANCE 2016-15 – FIRST READING – AN ORDINANCE ANNEXING PROPERTY LOCATED AT 1062 18 ROAD CONTAINING 6.73 ACRES TO THE CITY OF FRUITA (ASPEN VILLAGE ANNEXATION)**

D. ORDINANCE 2016-16 - FIRST READING – AN ORDINANCE ZONING NEWLY ANNEXED PROPERTY LOCATED AT 1062 18 ROAD (ASPEN VILLAGE ANNEXATION) TO A COMMUNITY RESIDENTIAL ZONING DESIGNATION (CR)

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

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

7. PUBLIC HEARINGS

A. ORDINANCE 2016-14 - FIRST READING – AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF TAX EXEMPT AND TAXABLE HEALTH CARE REVENUE BONDS FOR THE COLORADO CANYONS HOSPITAL PROJECT, SERIES 2016, IN AN AMOUNT NOT TO EXCEED \$46 MILLION

City Clerk/Finance Director Margaret Sell stated that the public hearing for Ordinance 2016-14 was being requested to continue to November 1, 2016 because there were some additional regulations that are required.

Mark Francis, CEO of Family Health West (FHW), gave the Council an update on the Colorado Canyons Hospital Project and the process in which they are currently involved.

Mr. Francis said that FHW appreciates the support from the Council and the City of Fruita for many, many years. Right now, FHW is looking at going after a bond refinance for the organization. The bond went into place in 2008 and was for \$28 million. FHW will be refinancing for additional construction and renovations on the existing hospital.

Mr. Francis continued that FHW has worked countless hours on trying to determine what was really needed for the City and its residents and he feels that they have a really good plan that will take them into the next five to ten years.

Mr. Francis stated that FHW doesn't have a lot of other areas for which they are anticipating making any changes at this time. The hospital improvements are now in the first phase and will be moving into another phase in 2017 after the refinancing is underway.

Mr. Francis explained that FHW is looking at adding nine additional beds. FHW is considered to be a "Critical Access Hospital" that will allow them to have 25 beds. Currently, they have 16 beds, so they want to increase the capacity of 25 beds because the need is there. Mr. Francis said that the partnership with St. Mary's Hospital in Grand Junction will help keep the costs of health care down in the community as well.

With the additions, FHW will also be adding areas for physical therapy, respiratory therapy, sleep labs, pulmonary rehab support services, expanded activity areas and additional areas for surgery consults. These areas are pretty much located in the north half of the hospital and they meet all code and state requirements.

Mr. Francis continued that on the south side of the hospital, FHW is looking at adding some additional areas for both a procedure room area and an increase in flow in and out of the Operating Room.

FHW is also going to increase some areas in the Emergency Department. They currently average about 15 patients per day, but there are days where they see 25 patients and the acuity level of these visits to the Emergency Department has really increased over the last seven years.

Mr. Francis stated that FWH knows that health care costs are too high and they are trying to do what they can to make a difference.

On the north side of the hospital, FHW will be doing about a 3,900 square foot addition and on the south side, they are looking at about adding 6,500 square feet. The estimated cost is somewhere between \$7 to \$10 million. Mr. Francis said that after their planning meeting earlier that day, they think they are at about \$7.5 million, which is what they will try to lock in at.

Mr. Francis explained that with the refinance of the bond and adding an additional \$10 million and with the interest rates that they are looking at right now, FHW is hoping to lock in by the required timeframe at around 4.3 to 4.5 percent interest. Currently, they are looking toward a bond increase going up to almost 8 percent by 2019. The refinancing will allow FHW to save about \$50,000 per year.

Audience member Richard Sander asked why the City Council needed to approve the refinancing. Mr. Francis explained that the bond itself is a non-taxable bond and needs a municipal conduit to run it through, therefore it has to go through the City of Fruita.

Mr. Francis noted that FHW had legal representation presentation in the audience to answer any questions.

Kristin Caid, attorney with Kutak Rock in Denver, stated that her firm was serving as bond counsel for the transaction. They are drafting the primary borrowing documents and are working with City Attorney Ed Sands to make sure everything is done correctly. She continued that her firm would be delivering a legal opinion with respect to the tax exempt status of the bonds that the investors will rely on to buy those bonds.

Ms. Caid continued that non-profit organizations cannot issue tax-exempt bonds themselves and use the proceeds; they have to go through a governmental issuer, which then loans the proceeds to the non-profit organization. There is an indenture pursuant to which the bonds are issued and also a loan agreement between the City of Fruita and the hospital. Part of the loan agreement is an explanation and a documentation of the fact that the City serves purely as a conduit issuer and has

no pecuniary liability with the respect to the bonds and is in fact, indemnified by the hospital for any costs and potential litigation.

City Attorney Ed Sands assured the City Council that he had reviewed all the bond documents and noted that it was important to understand that the bonds were a type where there is no TABOR issue and an election is not necessary. He continued that the City is entering into a loan agreement with the hospital association whereby the City will be loaning the proceeds from the bonds to the association. The City will then be assigning all loan payments back to the bond trustee, who will then be paying the principal and interest on the bonds.

Mr. Sands stated that there are a number of other documents that will need to be signed by the Mayor including a Tax Regulatory Agreement and an Amendment to the 2008 land ground lease (because the City owns the ground). Mr. Sands reiterated that there is absolutely no liability for the City of Fruita if there is some sort of default.

Mayor Buck opened the public hearing on Ordinance 2016-14. Hearing no comments from the public, she closed the public hearing and referred back to the Council.

- **COUNCILOR BONAR MOVED TO CONTINUE THE PUBLIC HEARING AND PUBLISH NOTICE OF THE PUBLIC HEARING TO BE HELD ON NOVEMBER 1, 2016 FOR CONSIDERATION OF ORDINANCE 2016-14 – AUTHORIZING THE ISSUANCE OF THE COLORADO CANYONS HOSPITAL SERIES 2016 BONDS IN AN AMOUNT NOT TO EXCEED \$46 MILLION. COUNCILOR KARISNY SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

8. ADMINISTRATIVE AGENDA

A. 2017 BUDGET PRESENTATION

1) CAPITAL IMPROVEMENT PROJECTS – SAM ATKINS, CITY ENGINEER

City Engineer Sam Atkins gave staff's presentation on the 2017 Capital Improvements Plan.

The Capital Projects Fund funds parks and trails, streets, mountain water, city buildings, and drainage. Projects completed (or are in the process of being completed) by the City of Fruita in 2016 include:

- | | |
|--|-------------|
| • Mulberry Sewer Replacement from Pabor to Ottley Avenue: | \$216,000 |
| • J.2 Road improvements from the Cottonwood Subdivision to J.3 Road: | \$259,000 |
| • Little Salt Wash Trail: | \$1,136,000 |
| • Road overlays: | \$448,000 |
| • City Shops Phase II (break room, two training rooms and offices) | \$196,000 |
| • Civic Center Park Pavilion Repairs/Veterans' Memorial repairs | \$20,000 |
| • Reservoir #2 Dam Stability Analysis (still in progress) | \$45,300 |
| • Gateway Enhancements Concepts | \$35,000 |

- Downtown Fruita Phase II (South Mesa Avenue) \$50,000

Mr. Atkins stated that typically, Conservation Trust (CTF) Funds, grants and the General Fund finance the capital projects for the City. He noted that in the 2017 Budget, there is a little over \$100,000 set aside for capital projects. Expenses have exceeded revenues in CTF funds over the last few years due to the City’s trails and park projects that have been completed.

Mr. Atkins stated that the City has spent \$2.5 to \$3 million in the last three years on capital projects. There is \$4.6 million in the 2017 Budget is slated for the Kokopelli Trail.

Mr. Atkins noted that in the last Citizen Survey, the highest priority for Fruita residents is the quality of city streets and sidewalks, as well as traffic congestion and management. Therefore, staff tries to prioritize chip seal and overlay and other road improvements pretty heavily.

Mr. Atkins reviewed the City’s PASER program for rating the quality of streets and sidewalks. Since 2008 to 2014, the City’s streets and sidewalks overall have improved in PASER scores and in 2017, staff will have new scores after reevaluating all streets and sidewalks that year.

In the 2017 Budget, the City will see a 27% decrease in its Overlay Program, road repair and maintenance and chip sealing & patching. Mr. Atkins noted that this decrease might be a bit misleading because the City of Fruita is now working with Mesa County to do chip sealing every other year instead of every year, so it won’t be done in 2017, but will be in 2018.

Mr. Atkins stated that the City expenditures in the Capital Improvement Plan in the 2017 Budget are at \$6.73 million, whereas this amount was under \$3 million in each of the previous three years.

2017 Capital Projects in 2017 (not included in the Sewer Fund or Irrigation Fund) include:

- Downtown Improvements (Aspen alley): \$265,000
- N. Maple Street Bridge Replacement: \$1,000,000
- Sidewalk Replacement: \$400,000
- Overlay Program: \$400,000

Parks and Open Space Improvements include:

- Kokopelli Trail section of the Riverfront Trail: \$4,600,000
- Snooks Bottom Open Space (ADA): \$30,000
- Little Salt Wash Park land acquisition: \$202,500
- Reed Park Improvements (swings/ADA): \$30,000
- Park Improvements (Pabor path east of Pine): \$10,000

Contingency funds for the Capital Project Fund include:

- Contingency (Reservoir #2, other) \$155,000

Mr. Atkins noted that staff had just received notification earlier in the day that the City was successful in receiving the \$1.2 million TAP grant award from CDOT for the Kokopelli section of the Riverfront Trail.

Mr. Atkins also noted that staff has not taken a recommendation from the preliminary information to the State Engineer's Office regarding Reservoir #2. Eventually, the City will have to make a plan for Reservoir #2.

Mr. Atkins stated that there was a complete list of projects in the 2017 Capital Improvements Plan in the Council packets and the sources of their funds including the Sewer Fund and Irrigation Fund information.

City Manager Mike Bennett added that the message staff has been sending as a group is that because of the amount in the Capital Funds, the City needs to spend less until revenues turn around. He said there are a couple of design projects in 2016, but applying for grants for construction funds won't start until next year.

Mr. Bennett said he was very proud of staff and the fact that the City was able to obtain \$4.2 million in grant funds for approximately an \$180,000 match.

Mr. Bennett pointed out that sales tax in August of 2016 jumped up quite a bit (21% higher than August of 2015) and that businesses have been reporting good things for September and October.

Councilor Karisny asked Mr. Atkins if the North Maple Street Bridge project was in the study phase or if the project would actually be completed in 2017. Mr. Atkins responded that the design for the project is being paid for by Mesa County; it is being designed currently and should be ready theoretically by the end of 2016. The City of Fruita has an agreement with Mesa County that Fruita would annex J.2 Road that will see the improvements in exchange for the design service and then the City will be responsible for any right-of-way acquisition and funding of the actual construction.

Councilor Karisny asked if the matching funds for construction of the North Maple Street Bridge would come through Mesa County Road & Bridges. Mr. Atkins explained that the construction costs of \$200,000 would come straight out of the City of Fruita's General Fund and the City hopes to receive a Hazard Mitigation grant award of \$800,000.

Mr. Haley furthered that there are a couple of grants that the City of Fruita may be eligible for on the project; there are some bridge funds and some hazard elimination funds and both are administered by CDOT. Because these are federal funds, they are very competitive, and the City has set aside \$200,000 since those grants are an 80/20 match and it is roughly a \$1 million project. None of the grants have yet been applied for or secured at this time.

Mr. Bennett added that it is more likely that the City would actually be going after the grants in 2017 and if awarded, the project would begin construction in 2018.

Mr. Haley added that some of those grants have a three-year cycle and could be based on three years of funding, so the City could get awarded next year but not actually receive the funds until 2019.

2) UTILITY FUNDS (SEWER, IRRIGATION AND TRASH) – KEN HALEY, PUBLIC WORKS DIRECTOR

Mr. Haley gave staff's presentation on 2017 Budget for the Sewer Fund and the Irrigation Fund. He pointed out that in 2010 and 2011, the City of Fruita spent a lot of money on the biggest single project in the City's history: the Wastewater Reclamation Facility (WWRF) at a cost of \$30 million. Since then, the City has been targeting around \$300,000 per year toward sewer replacements. Mr. Haley noted that the City has a lot of sewer facilities outside of the treatment plant itself; there are 70 miles of sewer lines throughout the City that is maintained.

Mr. Haley stated that the Cedar Street sewer was replaced two winters ago, Mulberry Street was replaced this past winter and the Roberson sewer was replaced in combination with the street overlays in 2016. Mr. Haley noted that these projects lend themselves to being done when it is not irrigation season because that is when the groundwater levels drop. Therefore, the sewer replacements oftentimes carry over from one year to the next, which makes it hard to match up with the budget year.

In 2016, the City also completed a Needs Assessment Study for the WWRF. A consultant was hired to help evaluate the facility, which has been operating for five years. The City now has actual data on expenses and what it takes to operate the facility including electricity and chemical needs. Mr. Haley stated that expenses at the facility are increasing each year.

The Needs Assessment Study also has helped with planning for the future. There already have been some EPA and Department of Health regulation changes since the plant was opened.

When the plant was originally built, staff did value engineer some pieces and components out of the plant in an effort to save as much money as possible. It is now getting to the point where some of those items will need to be added back into the plant such as things that provided redundancy or are necessary once a certain capacity is reached.

Mr. Haley said that the results of the Needs Assessment Study identified over \$5 million worth of improvements that need to be completed in the next five to ten years. There are a lot of unknowns in this depending on the permit cycles. The City's current discharge permit for the WWRF is scheduled to expire at the end of January 2017. Staff has submitted the application for another five-year permit, but the City just received a two-year extension for the permit with no changes. Staff will continue to gauge what the timing and compliance schedules are with the new regulations. Mr. Haley said that the biggest regulation forthcoming is related to phosphorus. Fruita's plant was not designed to treat phosphorus because it was not a nutrient that was being regulated at the time. Now, the EPA and the State of Colorado require testing and control over phosphorus and if the WWRF is not able to meet the requirements with the system Fruita has now, the City could have to face a project of over \$1 million.

Mr. Haley said there are some unknowns, but staff is trying to figure those out as best they can.

Mr. Haley added that while the Needs Assessment Study was being done, staff took the time to evaluate the collection system. Seven miles of sewer lines were identified as being in poor condition currently. The current budget of \$300,000 only completes about ¼ mile of sewer per year. This means it will take the City 28 years just to get caught up.

Mr. Haley stated that because of this, the City needs to fund capital replacements of sewer lines at a higher level.

In the 2017 Budget, staff has identified \$500,000 for sewer lines. The City would like to use that money to advance a Force Main along the Kokopelli Trail alignment, which would cost roughly \$250,000. The sewer line is in the same utility pedestrian easement corridor as the new trail, so staff would like to take the opportunity to get the sewer line in before the trail goes in rather than trying to work around it later. This does not take into account replacing the sewer lines that are in poor condition now, but it does help save money in the long term by not having to tear out portions of the trail later.

Mr. Haley said that with Fruita's growth, even though somewhat small, the need for the Force Main will be coming sooner than staff wants it to.

Mr. Haley continued that for the remaining \$500,000, staff has identified an alley near Pabor Avenue that is probably the highest priority for sewer line replacement.

Mr. Haley stated that sewer projects in 2017 also include \$332,800 for blowers/controls at the WWRF as this was the highest priority identified in the Needs Assessment Study. He explained that although the plant has plenty of capacity, some of the equipment is oversized and staff is having trouble maintaining control as far as air flow and the blowers, which are very expensive. Staff is evaluating whether the best alternative is to add another smaller blower but preliminarily, it looks like the plant is able to meet demands by reprogramming the existing blowers and changing the motor speeds on some of them. Staff is not convinced that this will resolve the issue and therefore put it on the list to be addressed in 2017.

One of the 2016 projects that will carry over into 2017 is the Aspen Alley project (just north of Aspen) just east of Pine to the canal. This was slated for the 2016 Budget and staff has begun the process of notifying residents that construction on the project will take place over the winter months. The project is in the same corridor as an open irrigation ditch and staff will be piping the irrigation ditch at the same time so those property owners will have a piped irrigation system rather than an open ditch system where they have to pump the water out. This will also help delivery on the Encanto Line because it is near the downstream end of that line and by piping the ditch, it will create more head on the Encanto Line to provide better irrigation delivery.

Mr. Haley said that for a number of years, the Irrigation Fund has been focused only on the operations and maintenance of the system; it hasn't included any funds for any capital replacements in the irrigation system. The irrigation system is getting older and needs some attention, so in the

2017 Budget, staff has identified \$13,400 to replace irrigation trash cleaners at the Encanto Headgates.

Mr. Haley noted that the Sewer Fund and Irrigation Fund are Enterprise Funds, so they have to pay for themselves.

This concluded Mr. Haley's presentation of the Sewer and Irrigation Projects in 2016 and 2017.

Councilor Karisny asked for confirmation that the requirements for phosphorus treatment at the WWRF may affect the Budget in future years. Mr. Haley responded that there is an opportunity to opt out of the phosphorus requirement and staff has been doing testing since June to see if Fruita can meet the requirements to opt out based on the levels in the stream. Preliminary findings indicate that the City is close to being able to do this. Staff will continue to monitor it because there has to be over one year of data to support opting out.

Mr. Bennett said that the staff at the WWRF work really hard at trying ideas from "outside of the box" and have even taught the consultants some things.

City Clerk/Finance Director Margaret Sell stated that the 2017 Budget includes a 5% increase in residential sewer rates of \$2.20 per month (from \$41.30 to \$43.50). There will also be a similar increase in the commercial rate. Rates increased to \$41 in 2011 when the City went online with the new WWRF. There was an increase of \$.30 in 2016, so there has been a total increase of \$2.50 in sewer rates since 2011.

Mrs. Sell said that Mr. Haley went over some of the factors that make the increase necessary but that there are still a number of needs that he didn't talk about that still need done such as clarifiers and protecting the investment in the WWRF. She continued that the City also has a debt service on the facility.

Mrs. Sell stated that the growth rate in Fruita is affecting the Sewer Fund. The City had projected 2.5% annual growth rate, but is not meeting that growth rate, so projections are falling a little short in revenues. New construction and tap fees are also falling short of projected revenues.

Mrs. Sell showed graphs depicting the various components of expenses for the Sewer Fund. Administrative costs have remained stable since 2014, as have operations for the collection system (not including capital).

The 2017 Budget for the Sewer Fund includes the conversion of a part-time position (which has been vacant most of the year) to a full-time position.

Debt service shows a steady increase which will continue throughout the life of the Wastewater Treatment Facility bonds (an increase of about \$30,000 per year). Capital equipment expenses in the Sewer Fund fluctuate based on capital needs.

Mrs. Sell said that the sewer rate increase is projected to help offset the costs in 2017 for \$500,000 in sewer line replacements and \$332,800 for the WWRF blower/controls.

Mrs. Sell also showed graphs depicting the annual increase of \$30,000 for the debt service for the WWRF, which is equivalent to a one percent rate increase every year over the life of the bonds.

Next year, staff is hoping to conduct a little more detailed sewer rate study once some of the information becomes available regarding the phosphorus regulations as well as the capital needs at the WWRF.

Councilor Karisny asked if the interest rate on the bonds for the WWRF was at 3%. Mrs. Sell stated that she didn't have the exact number, but it seemed like it was around 3% (issued through the Colorado Water Resources Power Development Authority) and is a pretty competitive rate.

Mrs. Sell continued that regarding trash rates, the City is looking at a rate increase of \$.25 per month (from \$12.50 to \$12.75). Trash rates were actually decreased in 2016 by \$.30, so the rate is still a little bit less than it was in 2015. The factor that affects the rate is the City's contract with Waste Management which allows them to take an increase based on the Consumer Price Index (CPI). The reason it went down in 2016 was because Waste Management also has the possibility of doing an increase to offset fuel costs if fuel goes over \$3.00 per gallon. It has been under \$3.00 per gallon, so there was a fuel surcharge of about \$.30 that the City was able to remove from residents' trash rates in 2016. Mrs. Sell noted that staff isn't projecting any fuel increases in 2017 but are looking at the CPI, which is projected to increase by 2.2%.

Mrs. Sell referred to Mr. Haley's mention of capital improvements needs of \$13,000 in the Irrigation Fund, which brings in about \$105,000 in revenue per year. Staff is looking at increasing the irrigation rate to residents \$10 per year (from \$120 to \$130) for maintenance of the irrigation system. People have the option of paying this annual amount in a lump sum or being billed for it incrementally over a span of six months. The irrigation rates were increased in 2016 and the last increase prior to that was in 2009, so there has been a total of a \$20 per year increase that has occurred over the last eight years.

Mrs. Sell said the increase is needed because of the age of the irrigation system; the City will have to start replacing pipe and the current rate covers operations of the system only (flushing the lines out, keeping them clean and keeping the water delivered).

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR BONAR

Councilor Bonar reported that there will be a Board of Adjustments hearing in November.

COUNCILOR KARISNY

Councilor Karisny said he wanted to make mention of the articles in the City Link regarding Grand Valley Transit including the route map, schedule and general information. He said he also thought the article on the Vacation Rentals by Owner (VRBOs) will be really helpful in giving readers a heads up of what short term rentals are all about.

Councilor Karisny noted that the City Manager Mike Bennett was at the Planning Commission meeting and talked about the focus on the three strategic outcomes and Fruita's economic development activities. He said it was really well done and well received.

Councilor Karisny said that Mr. Bennett had mentioned some information about "WRAP" that he was going to e-mail and asked him to get that out to the Council and Mayor.

Councilor Karisny said he had stopped in at the US Cycling event at the Hot Tomato. Mr. Bennett and Mayor Buck were there and Councilor Karisny said there was a great group of people who were recognizing the 2017 Para-Cycling Road Championships and the 2017 Collegiate Cycling Road Championships. It was well attended and Councilor Karisny said he spent quite a bit of time talking to Randall Cupp of US Bank, who is a big sponsor of these types of events.

Councilor Karisny continued that he also spent a little time in the Fruita paleo area with George Callison, a retired paleontologist for a fascinating couple of hours. Mr. Callison stated that the Smithsonian Institute will be visiting the area in about a year and possibly also National Geographic. Councilor Karisny noted that his visit to the paleo area was through a course called "New Dimensions" for people over 50 years of age.

Councilor Karisny reported that he would be attending the Housing in America, Health Hunger and Housing (through the Grand Junction Housing Coalition), a webinar regarding municipal court, and a bike sharing webinar. He said that he didn't think the bike share program was something that Fruita would embrace, but it's been done in Aspen and a couple of other communities on the Eastern Slope. It is essentially a program where bikes are provided by the community and people either rent them or have passes to use them. Councilor Karisny said that the individual bikes are pricey at about \$1,800 each but there are organizations that will run the whole program.

Mr. Bennett responded that he had seen some models of the program through a health care provider in North Carolina that was used as advertising for the provider. He added that at the Interbike Trade Show, he and Mayor Buck made contact with a company that does this type of program who reached out via e-mail asking if they could provide Fruita with more information. He said the City doesn't have a lot of funds to make it happen, but perhaps it could be considered through one of the City's partnerships with other entities.

Councilor Karisny said Kelly Wendell from Aspen's "WE-Cycle" was a key person to talk to about it or Justin Cuddler from Westminster. Zagster is the name of the company who actually makes the bikes for the bike sharing programs.

Councilor Karisny reported that he would be attending a Grand Valley Regional Transportation Committee (GVRTC) meeting the following Monday and would report on that later.

Councilor Karisny said he wanted to talk briefly about the short-term rental process. At the Planning Commission meeting on August 9, 2016, there were a couple of residents from Adobe Falls Subdivision that came to the meeting to talk about the Conditional Use Permit (CUP) process that they had been through for a short-term rental in their subdivision. Councilor Karisny continued that at the Planning Commission meeting, the Commissioners saw that there was an entire

subdivision and a developer who were against short-term rentals because they were not allowed in the covenants. This did not stop the applicant from turning in the application to the City of Fruita.

Councilor Karisny recalled that two residents of the subdivision had asked the City Council to consider changing the CUP process so that part of the application process would require the applicant to provide proof that what they were requesting is an allowable use within their subdivision.

Councilor Karisny said he visited with the City's Community Development Department about that and Department Director Dahna Raugh was going to check with the City Attorney to see what the legalities might be in amending the CUP process as requested. The change would include a requirement for a letter (along with the CUP application) from the governing board of the subdivision that states whether short term rentals are an allowable use in the subdivision. This means the burden is on the applicant and not City staff, the Planning Commission or the City Council to determine if the use is allowed. Councilor Karisny said that Mrs. Raugh was going to pursue the matter and to determine whether an addendum to the application is sufficient or whether the Land Use Code needed to be amended by an Ordinance. He added that he believes that it will eventually evolve into a better process and is a level of service the City should provide instead of unnecessarily forcing people through a potentially negative public hearing process.

Councilor Karisny said he read that there was a request to extend the grant for the Gateway Design to allow Ted Ciavonne & Associates to work more on the design drafts. He said that Ted had some drawings and one of them had kind of a skeleton thing over the interstate along with the new logo. Councilor Karisny said he commented at the time that it would get old. He added that when going through the roundabouts, on the second one that is closest to the interstate and sits on a 20% grade, the concept design would fit perfectly inside there as a hard rock landscape. Councilor Karisny noted that hard rock landscapes were the least expensive things to do and would not require any maintenance.

COUNCILOR KREIE

Councilor Kreie stated that the Downtown Advisory Board for the last few years has put up a Christmas tree lot on Mulberry Street for various lengths of time, but at their last meeting, they discussed moving it to another location, so board member Jesse Mease is going to talk to the owners of the Go-Fer gas station on the circle about their vacant lot next to the post office as a possible location.

Mr. Bennett noted that staff had a meeting scheduled on Monday to meet with Jeannine Purser, chairperson of the Downtown Advisory Board, but she called and said that she was fairly certain that the owners of the Go-Fer would allow the Christmas tree lot on their property.

Councilor Kreie noted that it was the Future Farmers of America (FFA) kids who run the Christmas tree lot.

Councilor Kreie also reported that Mrs. Purser stated that the DAB's banners are scheduled to be completed after the holidays.

Councilor Kreie said that the Associated Governments of Northwestern Colorado would not be meeting in October.

COUNCILOR KINCAID

Councilor Kincaid reported that the Fruita Chamber Board of Directors met the previous week. Upcoming events include:

- Economic Development Summit – October 26th from 6:00 – 7:30 pm at Cavalcade
- Partners Dinner at the Hot Tomato – November 2nd or 9th
- Chamber’s Strategic Planning – November 12th

The Chamber board also discussed this year’s Fruita Fall Festival, which was deemed a success again; \$23,000 was raised from the event. \$10,000 was spent on the music acts this year to draw more people. The Chamber is looking at music as being a primary focus for next year’s Fruita Fall Festival as well.

The Chamber board also discussed the possibility of the Fireworks Show not happening in 2017 and what South Fruita would then do for the July 3rd event. They looked at alternatives such as doing a barbeque contest/home brew contest event on the weekend before Memorial Day.

Councilor Kincaid noted that Trick or Treat Street was coming up for both the south side and Aspen Avenue in Fruita.

Councilor Kincaid reported that he, the City Manager and Human Resources Director Odette Brach went to the state tourism office’s “Discover Colorado Roadshow” the past week to talk about Colorado tourism and how it affects Fruita. He said many people at the show talked about how they can’t afford to spend tourism dollars while Fruita is always creative in finding ways to market and promote the City with its limited budget. Councilor Kincaid said that one of the main concerns is that there is a \$19 million budget for tourism dollars from the state and the bulk of that stays on the Denver side while there are a lot of smaller towns on the Western Slope that aren’t getting proper funding from the state for tourism. Councilor Kincaid said that all the states around Colorado are increasing their tourism budgets to compete with Colorado.

Councilor Kincaid continued that California and Texas are the two largest states that compete with Colorado for tourism. He noted that five or ten years ago, California had \$19 million in their tourism budget, but they are now up to \$119 million currently. Utah has also increased their tourism budget 16 to 20 percent in the last three years. Colorado has stayed at about \$19 million in its tourism budget for several years. Councilor Kincaid said that even Fruita as a city has a lot more competition from these other states that are increasing their tourism budgets.

Councilor Kincaid said that the Roadshow is putting together a plan for how they want to spend money on tourism for Colorado nationally and internationally. He said there will be a lot going on with this in the next six months and it will be interesting.

MAYOR BUCK

Mayor Buck stated that the Grand Junction Economic Partnership would be meeting the following morning. She also said there is not a lot going on with the Senior Task Force right now.

Mayor Buck said that Gear Patrol (an online and print publication) was a group that contacted the Economic Development Partners through Luis Benitez of the Colorado Tourism Office and they are going to come to Fruita to have lunch with the Mayor and City Manager on November 2nd. Mayor Buck invited the other Council members to stop by at the Hot Tomato on that day if they wanted to.

10. CITY MANAGER'S REPORT

City Manager Mike Bennett noted that at the next workshop meeting of the City Council, outside agency funding requests would be discussed, as would the 2017 Budget for the Marketing and Promotion Fund.

Mr. Bennett stated that the Economic Development Summit on Wednesday came about after he and Fruita Chamber Director Frank Ladd had talked about educating local businesses on what and why the City is doing and also to give the businesses some materials that they can easily hand out to their customers. Mr. Ladd will kick off the meeting and then Mr. Bennett said he would give a presentation on the efforts of the City in regards to the City Council's goals, attending the trade shows, marketing materials that have been developed and to make the connections on how it all relates to the delivery of services. He said his presentation would include case studies of other communities that have had economic development success with the help of local businesses and residents.

Mr. Bennett also stated that it was interesting that part of the big piece of the Colorado Tourism Office's (CTO's) marketing plan is getting local people to be bigger promoters of their towns. He said he loves feeling very proud of the Fruita community, which he said has amazing promoters; he feels confident that when people come visit Fruita, they will hear positive things about the community.

Mr. Bennett said he feels that Fruita is doing better than some communities just because of the local people here; he felt that when he first came here himself and gets that same feedback often.

Mr. Bennett said he also found it very interesting that the CTO put the numbers up of where visitors that come to Colorado are from and the number one state providing visitors to Colorado is Colorado. Almost 9.5 million visitors to cities in Colorado are from other places in Colorado.

Mr. Bennett said that from everything the Economic Development Partners have looked into, the majority of Fruita's visitors come from somewhere in Colorado, usually from the Front Range or the resort towns. The second largest number of visitors to Colorado comes from California at 3.5 million.

Mr. Bennett stated that when Kathy Ritter (the Executive Director of the CTO) was interviewed by a local television station, she made the comment that the western half of the state should look to Fruita as the case study of how to do things, which he thought was a great compliment. Mr. Bennett

said he has corresponded with Ms. Ritter via e-mail thanking her for highlighting Fruita and relating to the idea that positivity breeds positivity.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 8:23 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: DECEMBER 6, 2016
RE: LOCO TRAVEL STOP – A REQUEST FOR RENEWAL OF A 3.2 PERCENT BEER RETAIL LIQUOR LICENSE (OFF-PREMISES) FOR LOCO TRAVEL STOP LOCATED AT 555 W. RAPTOR RD.

BACKGROUND

The 3.2% Beer Liquor License for Loco Travel Stop located at 555 W. Raptor Road is up for renewal. Their current license expires on **January 22, 2017**. The Police Department had nothing to report regarding this establishment. The City Clerk's office has not been advised of any issues or concerns related to the liquor license during the past year. The City Clerk's office has no current TIPS certificates on file for employees of the Loco Travel Stop.

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

Renew the 3.2 Percent Beer Retail Liquor License (Off Premises) for the Loco Travel Stop in Fruita.

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 LIQUOR LICENSE FOR LOCO TRAVEL STOP OF FRUITA LOCATED AT 555 W. RAPTOR ROAD

**RETAIL LIQUOR OR 3.2 BEER
 LICENSE RENEWAL APPLICATION**

LOCO TRAVEL STOP
 2249 BROADWAY 8
 GRAND JUNCTION CO 81503-1157

RECEIVED
 OCT 31 2016
LIQUOR ENF. DIVISION

Fees Due 082144100	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid 96.25	

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 LOCO INC		DBA LOCO TRAVEL STOP		
Liquor License # 04412050009	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 04412050009	Expiration Date 01/22/2017	Due Date 12/08/2016
Operating Manager Pete Lipson	Date of Birth 12/16/77	Home Address 400 Butte Court, Grand Jet CO 81507		
Manager Phone Number 970.242.5857	Email Address plipson@gjloco.com			
Street Address 555 W RAPTOR RD FRUITA CO 81521-3011				Phone Number 970.858.8006
Mailing Address 2249 BROADWAY 8 GRAND JUNCTION CO 81503-1157				

- 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 N/A
- 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 See Attached List

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 Pete Lipson	Title President
Signature 	Date 11.1.16

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 BUCE MAYOR
Attest	

LOCO, Inc.
Store Locations and Phone Numbers

Loco Food Store #11 1904 North 12th Street Grand Junction, CO 81501	(970) 242-6540
Loco Food Store #12 107 Grand Avenue Grand Junction, CO 81501	(970) 241-1548
Loco Food Store #15 722 Horizon Drive Grand Junction, CO 81506	(970) 242-0202
Loco Food Store #16 2249 Broadway, Suite 10 Grand Junction, CO 81507	(970) 243-3880
Loco Travel Stop #17 555 Raptor Road Fruita, CO 81521	(970) 858-8006

CITY OF FRUITA LIQUOR LICENSE RENEWAL MEMORANDUM

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	NOVEMBER 14, 2016
RE:	LOCO TRAVEL STOP LIQUOR LICENSE RENEWAL

License Information

Licensee:	Loco Travel Stop
Location:	555 W. Raptor Rd.
Type of License:	3.2% Beer Retail License (Off Premises)
Expiration Date of Current License:	January 22, 2017
City Council Hearing Date :	December 6, 2016
DUE DATE FOR POLICE REPORT:	December , 2016

Tips certificates on File

Employee:	Date:
(None current)	

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: <i>Paula Reynolds</i>	Date: 11-21-16
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AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: December 6, 2016

RE: Aspen Village Annexation and Zoning – request to continue

Ordinance 2016-15, 2nd Reading, An Ordinance annexing to the City of Fruita approximately 6.73 acres of property located at the northeast corner of the intersection of Aspen Avenue and Pine Street.

Ordinance 2016-16, 2nd Reading, An Ordinance amending the Official Zoning Map of the City of Fruita to zone approximately 6.73 acres of property located at the northeast corner of the intersection of Aspen Avenue and Pine Street to Community Residential.

BACKGROUND

The Aspen Village Subdivision development proposals, including the annexation, zoning, subdivision final plat, and subdivision improvements agreement (SIA), were scheduled for the December 6, 2016, City Council public hearing. Approval of the development, specifically the SIA, requires that a financial guarantee be provided for the installation of the required public improvements.

Because the weather does not allow significant construction to begin at this time, the developer would like the final approval of the development to be delayed until the spring so that money for the financial guarantee isn't tied up with the SIA between now and next spring. Included with the Council's information packets is an email from the developer's representative requesting this delay.

Staff understands and supports this request for a continuance which would not violate any of the city's regulations. The annexation, zoning, and subdivision of the property go hand-in-hand in this particular instance and cannot be separated with annexation approval now, and subdivision approval later, without causing additional expense to the developer.

Because the ordinances to annex and zone the subject property, Ordinances #2016-15 and #2016-16, have already gone through the required 1st readings (October 18, 2016, City Council meeting), these two ordinances need to be withdrawn. In February of 2017, staff will provide new ordinances for annexation and zoning for the Council's consideration for this development. The final plat and SIA also will be provided to the Council at that time for their consideration.

FISCAL IMPACT

There is a negligible fiscal impact to continuing these requests for development approvals.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The requested continuance meets the city's goals and objectives. The continuance will allow the developer to meet all conditions of approval for the intended development of the subject property and potentially begin construction of subdivision development in the spring without causing unnecessary financial difficulties.

OPTIONS AVAILABLE TO COUNCIL

Annexation

1. Approve Ordinance 2016-15, An Ordinance annexing to the City of Fruita approximately 6.73 acres of property located at the northeast corner of the intersection of Aspen Avenue and Pine Street.
2. Deny the Ordinance.
3. Allow the Ordinance to be withdrawn.

Zoning

1. Approve Ordinance 2016-16, An Ordinance amending the Official Zoning Map of the City of Fruita to zone approximately 6.73 acres of property located at the northeast corner of the intersection of Aspen Avenue and Pine Street to Community Residential.
2. Deny the Ordinance.
3. Allow the Ordinance to be withdrawn.

Henry Hemphill

From: Tracy States <tstates@rccwest.com>
Sent: Tuesday, November 29, 2016 2:55 PM
To: Dahna Raugh
Cc: Henry Hemphill; 'James & Debra McCurter'
Subject: Aspen Village Postponement

Good Afternoon Dahna,

After several discussions, the applicant would like to respectfully ask to postpone the second reading of the Annexation Ordinance and recording of the Plat and SIA documents until February, 2017. It has become too late in the construction season to begin construction without leaving ditches, etc., open/exposed for the bulk of winter. It is not desirable to initiate the performance bond required in order to record the Plat and SIA Agreement at this time, and then sit idle until early spring 2017. It is our understanding that the City desires to have the Annexation Ordinance and Map, SIA Agreement and Plat, recorded simultaneously.

All construction plans, SIA documents and the Plat have been approved by the City Community Development Department and the City Engineer. The SIA Agreement has been executed by McCurter Land Company, as well as the Annexation Map, and can be delivered to the City at any time. Please advise your preference as to whether the City would like to have these documents in hand. Updated title work will be provided when the Plat is presented for recording to ensure the City that no changes in ownership or lien holders have taken place.

Please contact me if there are any questions or concerns regarding this request. The applicant does not wish to occur additional expenses as a result of this request.

Thank you,

Tracy States

Project Coordinator

River City Consultants, Inc.
744 Horizon Court #110
Grand Junction, CO 81506

970-241-4722 Phone
970-241-8841 Fax

tstates@rccwest.com
rivercity@rccwest.com



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: December 6, 2016

RE: Adobe View North Annexation and Subdivision Final Plat:

Ordinance 2016-17, 2nd Reading, An Ordinance of the Fruita City Council annexing into the City of Fruita approximately 7.33 acres of property located on South Pine Street directly west of River Rock Court.

Ordinance 2016-18, 2nd Reading, An Ordinance of the Fruita City Council amending the Official Zoning Map of the City of Fruita to zone approximately 7.33 acres of property located on South Pine Street directly west of River Rock Court.

Approval of the Adobe View North Subdivision Final Plat

Resolution 2016 – 46, A Resolution of the Fruita City Council Approving the Subdivision Improvements Agreement for the Adobe View North Subdivision

BACKGROUND

This is a request to approve the final documents for the Adobe View North Subdivision which consists of 34 detached single family residential lots on approximately 12.05 acres of land located on South Pine Street, west of River Rock Court. This development includes annexation of the property into the Fruita city limits. The Planning Commission recommended approval of both the annexation and the Preliminary Plan for this subdivision and the Preliminary Plan was approved by the City Council on August 2, 2016.

The Final Plat for this subdivision has been reviewed by staff and it appears to be in substantial compliance with all city requirements and conditions of approval on the

Preliminary Plan. The final plat currently is being reviewed by the County Surveyor and once all technical issues have been resolved (if any), the plat will be sent around for required signatures. The subdivision improvements agreement (SIA) reflects all public and other required improvements and the required development impact fees. The financial guarantee for this subdivision is a plat hold.

Included in the Council's information packets are the ordinances to annex and zone the property to a South Fruita Residential zone, the final plat map, and the resolution for the approval of the SIA.

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. Annexation 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.

Residential development usually does not provide enough direct revenue to offset the cost of services; however, as an infill development, this development will create a more positive fiscal impact than a similar development farther from the city's center. Impact fees will be collected for the additional buildable lots created with this subdivision to help offset the costs of development.

The SIA requires the developer to construct the infrastructure necessary to serve the subdivision. Acceptance of the SIA means that the city will accept responsibility for maintenance of the public improvement after the improvements are completed as required. There also will be a two-year warranty period against defects in materials and workmanship once the improvements are complete and accepted by the city.

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.

The final plat and the SIA for the Aspen Village Subdivision meets or can meet all of the city's requirements including requirements of the Land Use Code. The Land Use Code (along with other portions of the Municipal Code and other regulatory documents such as Fruita's Design Criteria and Construction Specifications Manual) implement the city's goals and policies as outlined in the city's Master Plan including the Fruita Community Plan.

OPTIONS AVAILABLE TO COUNCIL

Annexation

1. Approve Ordinance 2016-17, 2nd 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.
2. Deny the Ordinance.

Zoning

1. Approve Ordinance 2016-18, 2nd 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.
2. Deny the Ordinance.

Final Plat

1. Approve the Adobe View North Subdivision Final Plat with or without conditions.
2. Deny the Adobe View North Subdivision Final Plat

SIA

1. Approve Resolution 2016 – 47, A Resolution of the Fruita City Council Approving the Subdivision Improvements Agreement for the Adobe View North Subdivision.
2. Deny the Resolution.

RECOMMENDATIONS

Annexation

Staff recommends that the City Council move to approve Ordinance 2016-17, An Ordinance of the Fruita City Council annexing into the City of Fruita approximately 7.33 acres of property located on South Pine Street directly west of River Rock Court.

Zoning

Staff recommends that the City Council move to approve Ordinance 2016-18, An Ordinance of the Fruita City Council amending the Official Zoning Map of the City of Fruita to zone approximately 7.33 acres of property located on South Pine Street directly west of River Rock Court.

Final Plat

Staff recommends that the City Council move to approve the Adobe View North Subdivision Final Plat with the condition that all outstanding issues must be resolved before the plat is recorded.

SIA

Staff recommends that the City Council move to approve Resolution 2016 – 47, A Resolution of the Fruita City Council Approving the Subdivision Improvements Agreement for the Adobe View North Subdivision.

ORDINANCE 2016-17

AN ORDINANCE OF THE FRUITA CITY COUNCIL ANNEXING INTO THE CITY OF FRUITA APPROXIMATELY 7.33 ACRES OF PROPERTY LOCATED ON SOUTH PINE STREET DIRECTLY WEST OF RIVER ROCK COURT.

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:

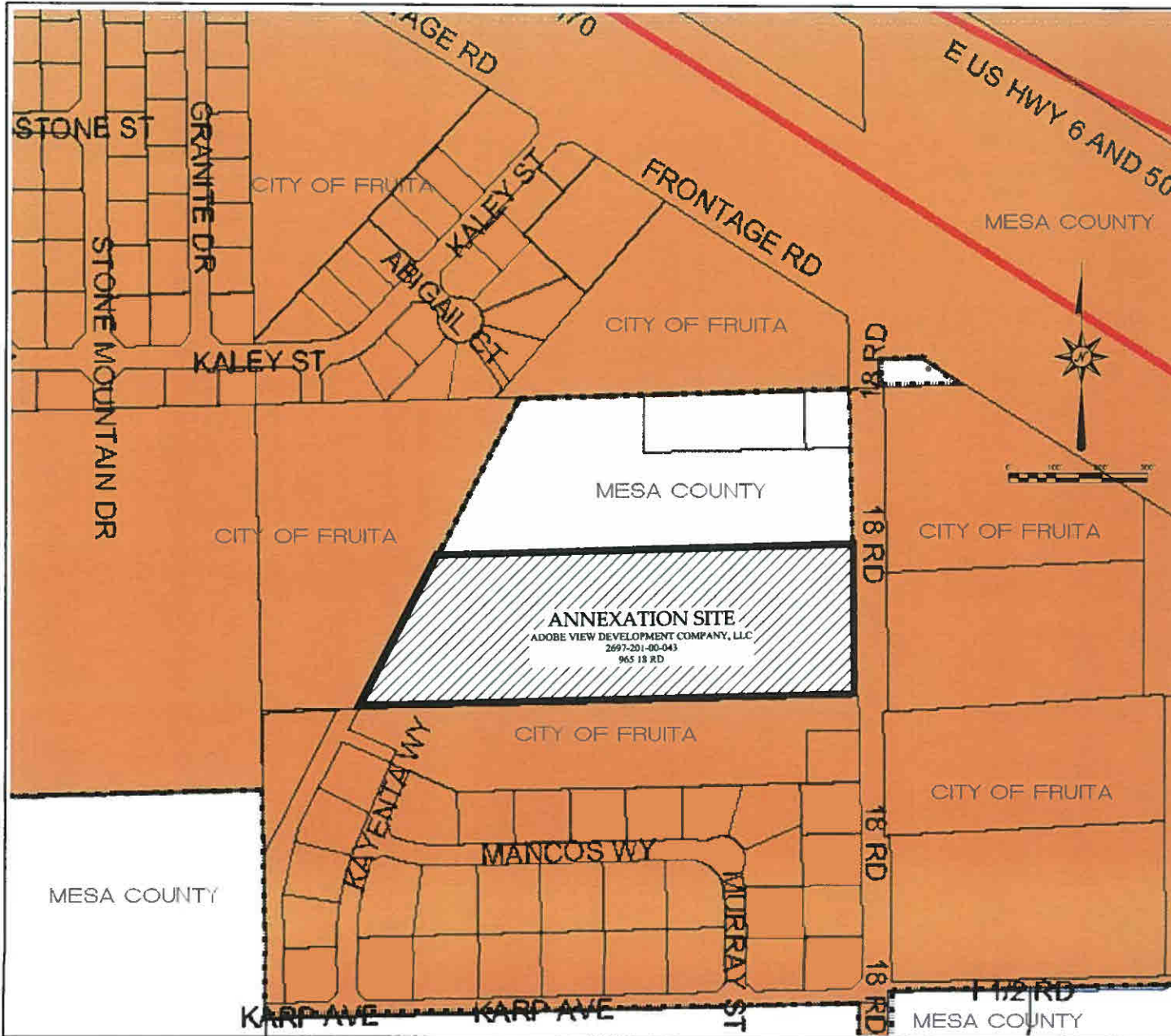
City of Fruita

City Clerk

Lori Buck, Mayor

EXHIBIT A

ORDINANCE # 2016-17



LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, Adobe View Development Company, LLC, the owners of 100% percent of the following described property, excluding any public streets and alleys, to wit:

All that certain portion of the S1/4 NW1/4 ME1/4 Section 20, Township One North, Range Two West of the 14th Meridian, in the City of Fruita, County of Mesa, State of Colorado as described in Recapture Number 2579917 in the Office of the Mesa County Clerk and Recorder, said portion being more particularly described, as a result of a survey, by the following metes and distances:

Commencing at a Mesa County Survey Marker for the E1/4 Corner of said Section 20, from whence a Mesa County Survey Marker for the N1/4 Corner of said Section 20 bears N00°24'42"E for a distance of 1319.56 feet; thence N00°24'42"E for a distance of 659.78 feet to the point of beginning; thence S89°53'57"W on the northerly line of Adobe View Subdivisions, as recorded in Plat Book 19 at Pages 396-397 in the Office of the Mesa County Clerk and Recorder, for a distance of 1145.67 feet to the centerline of the Murray Drive; thence continuing on said centerline for the following five courses and distances:

1. N39°08'04"E for a distance of 69.15 feet;
2. N25°07'39"E for a distance of 122.84 feet;
3. N27°32'11"E for a distance of 31.30 feet;
4. N30°28'51"E for a distance of 92.84 feet;
5. N29°42'39"E for a distance of 79.13 feet;

thence N89°53'58"E for a distance of 970.08 feet to a point on the easterly line of said Section 20; thence S00°24'42"W for a distance of 329.77 feet to the beginning.

I have by these presents had and placed the same as shown hereon and designate the same as Adobe View North Annexation to the City of Fruita, County of Mesa, State of Colorado.

EXECUTED this ____ day of _____, 20__.

STATE OF COLORADO)
 COUNTY OF _____)
 Owner(s)

The foregoing certification was acknowledged before me this ____ day of _____, 20__, by _____, Notary Public.

CITY COUNCIL CERTIFICATE

The City Council of the City of Fruita, Colorado, by Resolution Number _____, duly adopted on the ____ day of _____, 20__, found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita.

The City Council of the City of Fruita, Colorado, by Ordinance Number _____, duly adopted on the ____ day of _____, 20__, did annex the property herein described to the City of Fruita, Colorado.

ATTEST:
 City Clerk

SURVEYOR'S CERTIFICATE

I, _____, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-fourth (1/4) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the City of Fruita, Colorado. I further certify that the external boundaries of the property shown on this Plat have been monumented on the ground.

EXECUTED this ____ day of _____, 20__.


TITLE CERTIFICATE

I, _____, do hereby certify that I have examined the title to all lands shown on this Plat and that title to such lands is vested in _____ free and clear of all liens, taxes, and encumbrances.

EXECUTED this ____ day of _____, 20__.

PLANNING COMMISSION CERTIFICATE

This Plat approved by the City of Fruita Planning Commission the ____ day of _____, 20__.

		ADOBE VIEW NORTH SUBDIVISION ANNEXATION MAP	
800 Edison Blvd., Suite A Capitol Junction, CO 81402 Phone: (970) 243-4300 Fax: (970) 243-4223 www.aovg.com		IN THE SE1/4 NE1/4 SECTION 20 T14N, R2W, OF THE 14TH MERIDIAN MESA COUNTY, COLORADO	
A.G.	A.G.	A.G.	A.G.
C:\PROJECTS\A8218\A8218-ANNEX.DWG		4/18/16	

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 SOUTH PINE STREET DIRECTLY WEST OF RIVER ROCK COURT TO SOUTH FRUITA RESIDENTIAL.

WHEREAS, the subject property is shown on attached Exhibit A and more particularly described on Exhibit B 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, August 2, 2016, and December 6, 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 is hereby amended and that the subject property shown and described on the attached Exhibits A and B, 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

Ordinance 2016-18



EXHIBIT B
Ordinance #2016-18
LEGAL DESCRIPTION

All that certain portion of the S½ N½ SE¼ NE¼ of Section 20, Township One North, Range Two West of the Ute Meridian, in the City of Fruita, County of Mesa, State of Colorado as described at Reception Number 2579937 in the Office of the Mesa County Clerk and Recorder, said portion being more particularly described, as a result of survey, by the following perimeter:

Commencing at a Mesa County Survey Marker for the E1/4 Corner of said Section 20, from whence a Mesa County Survey Marker for the N1/16 Corner of said Section 20 bears N00°24'42"E for a distance of 1319.56 feet; thence N00°24'42"E for a distance of 659.78 feet to the point of beginning; thence S89°55'37"W, on the northerly line of Adobe View Subdivision, as recorded in Plat Book 19 at Pages 396-397 in the Office of the Mesa County Clerk and Recorder, for a distance of 1145.67 feet to the centerline of the Murray Drain; thence continuing on said centerline for the following five courses and distances:

1. N29°08'04"E for a distance of 69.15 feet;
2. N25°07'39"E for a distance of 102.84 feet;
3. N27°32'11"E for a distance of 31.30 feet;
4. N30°28'41"E for a distance of 92.84 feet;
5. N29°34'59"E for a distance of 79.13 feet;

thence N89°55'58"E for a distance of 970.08 feet to a point on the easterly line of said Section 20; thence S00°24'42"W for a distance of 329.77 feet to the beginning.

Containing approximately 8 acres.

This legal description written by Jodie L Grein PLS-38075 for Rolland Consulting Engineers 405 Ridges Blvd. Suite A, Grand Junction, Colorado 81507.

ADOBE VIEW NORTH SUBDIVISION
 BEING A REPLAT OF TRACT B ADOBE VIEW SUBDIVISION AND A SUBDIVISION OF PART OF THE SE 1/4 NE 1/4 SECTION 20, T1N R2W, U1M
 CITY OF FRUITA, COUNTY OF MESA, STATE OF COLORADO

CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Adobe View Development Company, a Colorado limited liability company of the owner of record of that real property situate in the SE 1/4 NE 1/4 of Section 20, Township One North, Range Two West of the One Meridian, County of Mesa, State of Colorado, the ownership of which is concentrated at Reception Number 2278837 of the Mesa County Clerk and Recorder. Said owner does hereby sell and convey real property under the name and title of Adobe View North Subdivision and being more particularly described as follows:

Tract B, Adobe View Subdivision recorded in Plat Book 19 at Page 396, Reception Number 2579937 of the records of the Office of the Mesa County Clerk and Recorder AND the N1/2 SE 1/4 NE 1/4 of Section 20, Township One North, Range Two West of the One Meridian which has East of the line or wall, EXCEPT the North 330 feet thereof, being more particularly described as a result of survey as follows:

Commencing at a Mesa County Survey Marker for the E 1/4 Corner of said Section 20, whence is Meas County Survey Marker for the N1/2 1/8 Corner of said Section 20 bears N002°24'31"E for a distance of 1319.84 feet; thence N002°24'31"E for a distance of 439.95 feet to the point of beginning; thence S89°55'26"W a distance of 30.00 feet to a point on the westerly right-of-way of Pine Street and the northeast corner of said Adobe View Subdivision; thence, the following courses:

- 1. S002°31'17"W a distance of 74.01 feet;
- 2. S89°55'37"W a distance of 114.78 feet;
- 3. S00°04'43"E a distance of 112.00 feet;
- 4. S89°55'37"W a distance of 752.00 feet;
- 5. W81°12'54"W a distance of 156.57 feet;
- 6. N24°47'24"E a distance of 30.00 feet;
- 7. N85°12'34"W a distance of 113.00 feet;
- 8. N28°22'49"E a distance of 51.04 feet to a point on the northerly line of said Adobe View Subdivision; thence S02°55'37"W, along the northerly line, for a distance of 40.84 feet to a point on the westerly line of Murray Drive; thence, leaving said northerly line, along the westerly line of Murray Drive the following courses:

- 1. N49°08'04"E a distance of 69.15 feet;
 - 2. N25°07'39"E a distance of 102.84 feet;
 - 3. N02°32'11"E a distance of 31.30 feet;
 - 4. N32°22'41"E a distance of 92.00 feet;
 - 5. N29°34'59"E a distance of 78.00 feet;
- thence leaving said westerly line, bearing N89°54'14"E for a distance of 568.99 feet to a point on the westerly line of said Section 20; thence S00°24'31"W for a distance of 323.82 feet to the beginning.

(contains 12.653 acres, more or less)

That said owner does hereby dedicate and set apart said property as shown and labeled on the Plat shown hereon as follows:

All Neighborhood Easements to the City of Fruta for the use of City approved streets and public premises as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary wastewater lines, storm sewers, water lines, telephone and telecommunication lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

Tract B shown hereon is hereby dedicated and conveyed to the City of Fruta for the use as a "Pedestrian and Bicycle Trail" subject to the various easements previously granted.

Tract A and C is granted to the Adobe View North Homeowners' Association by separate document.

Said owner hereby acknowledges that all holders of encumbrances, if any, associated with the interests of the Plat, has been furnished hereon.

IN WITNESS WHEREOF, said owner, Adobe View Development Company, LLC, has caused its names to be hereunto subscribed this _____ day of _____ A.D., 20____.

By: Keith Hej, for Adobe View Development Company LLC

STATE OF COLORADO }
 COUNTY OF MESA } ss

On this _____ day of _____ 20____, before me the undersigned officer personally appeared Keith Hej as president for Adobe View Development Company LLC, and acknowledged that it executed the foregoing Certificate of Ownership and Dedication for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto affix my hand and official seal My commission expires: _____

TITLE CERTIFICATE

Abstract & Title Company of Mesa County does hereby certify that it has examined the title to all lands shown on this Plat and that title to such lands is vested in said Development LLC. Prorated Estator Homeowners Association, Inc. free and clear of all liens, taxes and encumbrances except as follows:
 There are no beneficiaries of record.

EXECUTED this _____ day of _____ 20____.

By: _____
 for Abstract & Title Company of Mesa County

CITY COUNCIL CERTIFICATE

This Plat approved by the City Council of the City of Fruta, Colorado, and for conveyance or dedication to the City of the public dedications shown hereon, subject to the provision that occurred in no way obligates the City of Fruta for financing or construction of improvements or further said approval of the City of Fruta for maintenance of public improvements until construction of such improvements has been completed in accordance with the City of Fruta's specifications and the City of Fruta has agreed to accept said improvements. This approval does not guarantee that the site and conditions, subsurface geology, ground water conditions, or flooding conditions of any lot shown hereon are such that a planning reference, building permit, or any other required permit will be granted. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, drainage structures, and all other improvements that may be required shall be the responsibility of the owner designates hereon, and not the City of Fruta, unless otherwise specifically agreed to in writing by the City Council.

CITY OF FRUTA, COLORADO

By: _____
 Mayor
 Witness my hand and official seal of the City of Fruta, Colorado

ATTEST:

 City Clerk

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO }
 COUNTY OF _____ } ss

This Plat was filed for record in the office of the Mesa County Clerk and Recorder on _____ at _____ o'clock _____ M., on this _____ day of _____ A.D. 20____.

Reception No. _____ Fee _____

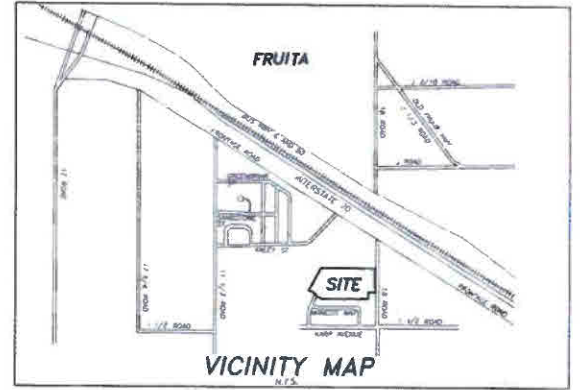
Mesa County Clerk and Recorder

Duly

PLANNING COMMISSION CERTIFICATE

This Plat approved by the City of Fruta Planning Commission on the _____ day of _____ 20____.

Chairman



GENERAL NOTES:

1. Title information from Mesa County set property records and from Abstract and Title Co. of Mesa County, Inc. File No. 41510584, effective date April 23, 2014.
 2. Elevation based on MGS BM 340221. Elevation = 4517.36 (elevation 85).
 3. Some of bearings between Mesa County Survey Markers for the N 1/2 1/8 Corner on the east line of Section 20 and the E 1/4 Corner of Section 20 which is N002°24'31" 1319.84 feet and is based on GPS observations received to the Mesa Co. LCS. Previous plat of Record Simple Land Division (Plat Book 17 Page 333) shows this line as N0012°24'E 1319.87 feet.
- See Page 2 for additional notes regarding compliance with 38-33.3-200 C.R.S.

SURVEYOR'S CERTIFICATE

I, Julie L. Green, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this Plat is a correct and complete Plat to the best of my knowledge, information and belief, of the Adobe View North Subdivision, as laid out, plotted, described and shown hereon, that such Plat was made from an accurate survey of said property by me and under the supervision and control of the City of Fruta, Colorado, and that I am in compliance with the 74th CS, Article 51, C.R.S., as amended. I further certify that this Plat contains all of the information required by Section 38-33.3-200, C.R.S., contained within the Colorado Common Interest Ownership Act, as it may apply. This statement and certification is applicable only to the survey data represented hereon, and does not represent a warranty or opinion as to ownership, boundaries, or quality of title. It is not a guarantee or warranty, either expressed or implied.

EXECUTED this _____ day of _____ 20____.

Julie L. Green
 Registered Professional Land Surveyor
 P.L.S. No. 38075



**FOR CITY OF FRUTA USE
 TOGETHER WITH NOTES REQUIRED BY CITY OF FRUTA**

Additional instruments documenting property interests and rights of others relative to the lands plotted hereon are recorded as follows:

Covenants, Conditions and Restrictions: Reception Number _____

Tract A and C to Adobe View Homeowners Association: Reception Number _____

10-foot Drainage and Irrigation Easement to Adobe View Homeowners Association: Reception Number _____

Drainage Easement to Grand Valley Drainage District: Reception Number _____

The City of Fruta requires that all subdivisions have engineering foundations consistent with the soils engineering report by Grand Junction Lincoln Denver dated 1/18/2007

NOTES: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. If no lawsuit may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Ownership and Dedication

ADOBE VIEW NORTH SUBDIVISION

BEING A REPLAT OF TRACT B ADOBE VIEW SUBDIVISION AND A SUBDIVISION OF PART OF THE SE 1/4 NE 1/4 SECTION 20, T1N R2W, U1M CITY OF FRUTA, COUNTY OF MESA, COLORADO

100 Fulton Street, Suite A
 Grand Junction, CO 81507
 New West Surveyors
 P.O. Box 1074
 Grand Junction, CO 81502
 www.newwest.com

LC _____ AG _____
 REC'D _____
 PROJECT: 248218421-01-PLAT-2018
 10/23/18 2

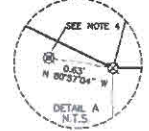
ADOBE VIEW NORTH SUBDIVISION

BEING A REPEAT OF TRACT B ADOBE VIEW SUBDIVISION AND A SUBDIVISION OF PART OF THE SE 1/4 NE 1/4 SECTION 20, T1N R2W, U1M CITY OF FRUITA, COUNTY OF MESA, STATE OF COLORADO

NOTES IN REFERENCE TO TITLE 38, ARTICLE 33.3

- There are no structural components being erected for common ownership per 38-33.3-201(2).
- There is no portion of this subdivision subject to reservation of Development Rights per 38-33.3-201(1)(c), nor 38-33.3-201(2)(g,5), nor 38-33.3-201(2)(h) CRS.
- There are no vertical boundaries associated with this subdivision per 38-33.3-201(2)(j).
- There are no limited common elements.

GRID	WESTING	NORTHING	ELEVATION
1	1	1	1
1	1	2	1
1	1	3	1
1	1	4	1
1	1	5	1
1	1	6	1
1	1	7	1
1	1	8	1
1	1	9	1
1	1	10	1
1	1	11	1
1	1	12	1
1	1	13	1
1	1	14	1
1	1	15	1
1	1	16	1
1	1	17	1
1	1	18	1
1	1	19	1
1	1	20	1
1	1	21	1
1	1	22	1
1	1	23	1
1	1	24	1
1	1	25	1
1	1	26	1
1	1	27	1
1	1	28	1
1	1	29	1
1	1	30	1



- LEGEND:**
- ⊕ MESA COUNTY SURVEY MARKER
 - ⊞ FOUND 5/8 INCH REBAR & CAP PLS-18469
 - ⊞ FOUND 5/8 INCH REBAR & CAP PLS-14113
 - ⊞ SET 5/8 INCH REBAR & CAP PLS-38075
 - 0.2' ABOVE GROUND OR AS NOTED.
- P.O.B.: POINT OF BEGINNING
 R.O.W.: RIGHT OF WAY
 W.C.: WIDTH CORNER
 GJDD: GRAND JUNCTION DRAINAGE DISTRICT
 ⌊ CALCULATED LOCATION OF LOT CORNER
 ALL EXTERIOR BOUNDARY CORNERS ARE SET IN CONCRETE

STATION	CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH
1	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
2	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
3	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
4	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
5	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
6	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
7	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
8	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
9	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
10	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
11	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
12	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
13	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
14	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
15	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
16	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
17	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
18	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
19	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
20	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00

STATION	CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH	CHORD BEARING	CHORD LENGTH
1	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
2	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
3	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
4	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
5	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
6	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
7	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
8	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
9	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
10	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
11	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
12	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
13	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
14	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
15	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
16	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
17	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
18	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
19	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00
20	N 89°35'41\"	100.00	N 89°35'41\"	100.00	N 89°35'41\"	100.00

SURVEYOR'S CERTIFICATE

I, Julie L. Green, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado; that this Plat is a correct and complete Plat; to the best of my knowledge, information and belief, all the Adobe View North Subdivision as set out, defined, described and shown herein, that such Plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lot in compliance with the Title 38, Article 31, C.R.S., as amended; further, I certify that this Plat conforms to all the information required by Section 38-33.3-201, C.R.S., contained within the Colorado Common Interest Ownership Act, as it may be amended. This statement and certification is applicable only to the survey data represented herein, and does not represent a warranty or opinion as to ownership, title, or quality of title. It is not a guaranty or warranty, either expressed or implied.

EXECUTED this _____ day of _____ 20____

Julie L. Green
Registered Professional Land Surveyor
P.L.S. No. 38075

ADOBE VIEW NORTH SUBDIVISION

BEING A REPEAT OF TRACT B ADOBE VIEW SUBDIVISION AND A SUBDIVISION OF PART OF THE SE 1/4 NE 1/4 SECTION 20, T1N R2W, U1M CITY OF FRUITA, COUNTY OF MESA, COLORADO

LC	ALG	46218	2
C:\PROJECTS\ADVN\ADVN18\ADVN18.PLOT.DWG			
0/31/21 2			

NOTE: All exterior corner monuments have concrete placed around them.

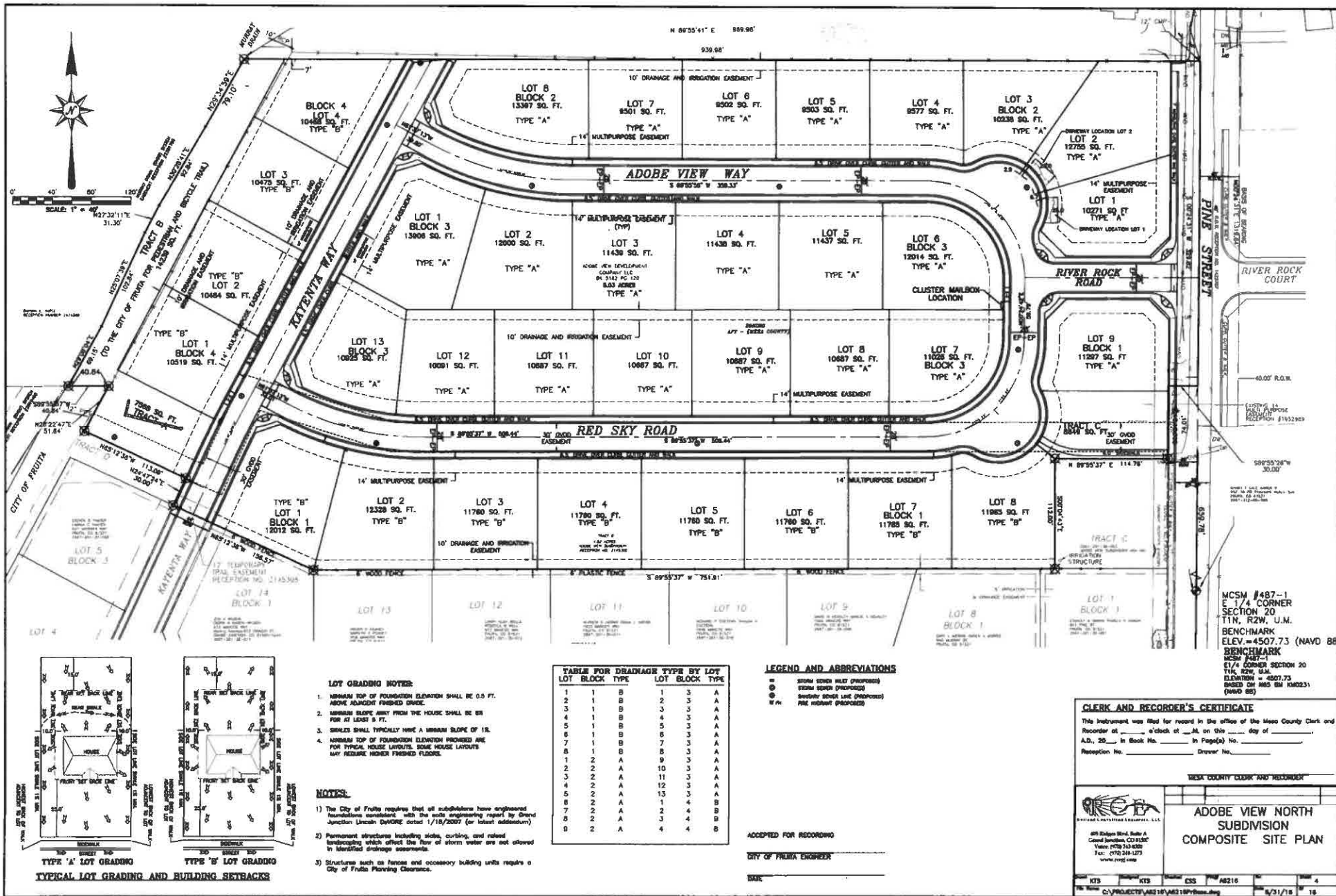
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.

According to Section 38-31-105 (1)(a) CRS only the exterior boundaries of this subdivision have been monumented on the ground. Further, according to 38-31-105(3), prior to the sale of any lots within a block, lot corners must be marked with monuments.

DESCRIPTION	ACRES	PERCENT
LOTS (34 Single Family Residential)	8.725	73.42%
TRACT A (Stemwinder Management)	0.174	1.44%
TRACT B (Open Space)	0.227	2.11%
TRACT C (Impervious)	0.199	1.67%
DEDICATED R.O.W. (CITY OF FRUITA)	2.624	21.78%
TOTAL	12.950	100.00%

GENERAL NOTES:

- The information from Mesa County real property records and from Abstract of Title Inc. Policy No. 0091947 C, effective date December 17, 2007.
- Elevation based on MGS BM KM0231 Elevation = 4517.30 (NAVD 88)
- Beats of Bearings between Mesa County Survey Markers for the N 1/16 Corner on the west line of Section 20 and the E 1/4 Corner of Section 20 which is N002°45'17" E 1319.84 feet and is based on GPS measurements, relative to the Mesa Co. L.C.S. Previous Plat of Survey Simple Land Division (Plat Book 17 Page 335) shows this line to N001°25'41" E 1319.87 feet.
- LS18469 Pin was not accepted because it is set in some concrete or fence post, and is out of position. It appears the pin was most likely removed and reset near post or fence corner.



SCALE: 1" = 40'
 1" = 40'
 1" = 40'

LOT GRADING NOTES:

1. MINIMUM TOP OF FOUNDATION ELEVATION SHALL BE 0.5 FT. ABOVE FINISHED FLOOR GRADE.
2. MINIMUM SLOPE AWAY FROM THE HOUSE SHALL BE SIX PER CENT AT LEAST 5 FT.
3. SIDEWALKS SHALL TYPICALLY HAVE A MINIMUM SLOPE OF 1%. SIDEWALKS SHALL TYPICALLY HAVE A MINIMUM SLOPE OF 1%.
4. MINIMUM TOP OF FOUNDATION ELEVATION PROVIDED ARE FOR TYPICAL HOUSE LAYOUTS. SOME HOUSE LAYOUTS MAY REQUIRE HIGHER FINISHED FLOORS.

NOTES:

1. The City of Fruita requires that all subdivisions have engineered foundations consistent with the geotechnical report by Ground Junction Limited, Denver, dated 1/18/2007 (for latest addendum).
2. Permanent structures including stoops, curbing, and related landscaping which affect the flow of storm water are not allowed in identified drainage easements.
3. Structures such as fences and accessory building units require a City of Fruita Planning Clearance.

TABLE FOR DRAINAGE TYPE BY LOT

LOT BLOCK TYPE	LOT BLOCK TYPE	LOT BLOCK TYPE	LOT BLOCK TYPE
1 1 B	1 1 B	1 1 B	1 1 B
2 1 B	2 1 B	2 1 B	2 1 B
3 1 B	3 1 B	3 1 B	3 1 B
4 1 B	4 1 B	4 1 B	4 1 B
5 1 B	5 1 B	5 1 B	5 1 B
6 1 B	6 1 B	6 1 B	6 1 B
7 1 B	7 1 B	7 1 B	7 1 B
8 1 B	8 1 B	8 1 B	8 1 B
1 2 A	1 2 A	1 2 A	1 2 A
2 2 A	2 2 A	2 2 A	2 2 A
3 2 A	3 2 A	3 2 A	3 2 A
4 2 A	4 2 A	4 2 A	4 2 A
5 2 A	5 2 A	5 2 A	5 2 A
6 2 A	6 2 A	6 2 A	6 2 A
7 2 A	7 2 A	7 2 A	7 2 A
8 2 A	8 2 A	8 2 A	8 2 A
9 2 A	9 2 A	9 2 A	9 2 A

LEGEND AND ABBREVIATIONS

- DRIVE (SEE PLAN)
- DRIVE (SEE PLAN)
- DRIVE (SEE PLAN)
- DRIVE (SEE PLAN)

ACCEPTED FOR RECORDING

CITY OF FRUITA ENGINEER

DATE

CLERK AND RECORDER'S CERTIFICATE

This instrument was filed for record in the office of the Mesa County Clerk and Recorder at _____ o'clock of _____ day of _____ A.D., 20____ in Book No. _____ in Page(s) No. _____ Reception No. _____ Drawer No. _____

MESEA COUNTY CLERK AND RECORDER

ADOBE VIEW NORTH SUBDIVISION COMPOSITE SITE PLAN

495 Edison Blvd, Suite A
 Grand Junction, CO 81502
 Phone: (970) 733-6282
 Fax: (970) 244-1273
 www.mesa.org

KTS KTB ESS AB216
 C:\PROJECTS\AB216\AB216Plan.dwg 6/31/18 18

RESOLUTION 2016-46

A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE ADOBE VIEW NORTH SUBDIVISION

WHEREAS, the applicant applied for a Major Subdivision in accordance with Chapter 17.15 of the Fruita Land Use Code (2009, as amended), for property located on South Pine Street directly west of River Rock Court, and more particularly described in the legal description provided with the subdivision improvements agreement which is attached hereto as Exhibit A, and

WHEREAS, pursuant to Chapter 17.15 of the Land Use Code, the development was reviewed by the Community Development Department staff and other reviewers and a report of these reviews was provided to the Planning Commission and City Council, and

WHEREAS, the Planning Commission, at a public hearing held on July 12, 2016, voted to recommend approval with conditions of the Preliminary Plan for the Adobe View North Subdivision to the City Council, and the City Council, at a public hearing held on August 2, 2016, voted to approve the Preliminary Plan with conditions, and

WHEREAS, staff has administratively reviewed the Final Plat application including the subdivision improvements agreement and has found it to be in compliance with all requirements.

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

THAT the subdivision improvements agreement for the Adobe View North Subdivision, attached hereto as Exhibit A, is hereby approved.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO THIS ____ DAY OF _____, 2016.**

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Lori Buck, Mayor

CITY OF FRUITA SUBDIVISION IMPROVEMENTS AGREEMENT

Adobe View North

(Name of Subdivision)

THIS AGREEMENT is made and entered into this 6th day of December, 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 Adobe View Development Company LLC whose address is P.O. Box 903 Rangely, CO 81648 (hereinafter referred to as the "Developer").

RECITALS

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

WHEREAS, Developer has filed an application with the City for the subdivision of certain property to be known as 965 18 Road, a tract of land located in the City of Fruita, County of Mesa, State of Colorado, containing approximately 12.05 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 single family residential development; and

WHEREAS, the Developer, as a condition of approval of the Final Plat of Adobe View North desire to enter into a Subdivision Improvements Agreement, as provided for by Chapter 17.21, of the Fruita Municipal Code; and

WHEREAS, the City seeks to protect the health, safety and general welfare of the community by requiring the completion of various improvements in the Subdivision and limit the harmful effects of substandard subdivisions, including premature subdivision, which leaves property undeveloped and unproductive; and

WHEREAS, pursuant to Section 17.21.010, of the Fruita Municipal Code, the Developer is required to provide security or collateral sufficient to insure completion of the public improvements and other necessary subdivision improvements described in the Final Plat for the Property, and all accompanying documents, drawings, and plans; and

WHEREAS, the purpose of this Agreement is to protect the City from the cost of completing subdivision improvements itself and is not executed for the benefit of material supplies, laborers, or others providing work, services or material to the Subdivision or for the benefit of lot owners or occupants in the Subdivision; and

WHEREAS, the mutual promises, covenants and obligations contained in this Agreement are authorized by State law and Title 17 of the Fruita Municipal Code.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer agree as follows:

SECTION 1
DEFINITIONS

- 1.1 **Agreement.** This Subdivision Improvements Agreement for the Adobe View North Subdivision, between the Developer and the City.
- 1.2 **City.** The City of Fruita, Colorado, a municipal corporation.
- 1.3 **City Council.** The governing body of the City of Fruita, Colorado.
- 1.4 **Developer.** Adobe View Development Company LLC , and its successors and assigns.
- 1.5 **Property or Subdivision.** The real property known as the Adobe View North Subdivision, as more fully described in Exhibit "A", attached hereto and incorporated herein by this reference.
- 1.6 **Subdivision Final Plat.** The Final Plat for the Adobe View North Subdivision, as approved by the City.

SECTION 2
TERM

The term of this Agreement and the vested property rights expressly established under this Agreement shall commence on the effective date of the City ordinances or resolutions approving this Agreement and shall continue until the third (3rd) anniversary of the effective date, if Developer has not commenced the public and other required Subdivision improvements, and if said improvements have commenced, this Agreement shall continue until the completion of all improvements. After the expiration of the term, this Agreement may be terminated and will then be of no further force or effect except as to any maintenance requirements for the public and common areas contained herein, and the warranty of public and other Subdivision improvements; provided, however, that any such termination shall not affect (a) the annexation of the Property to the City; (b) any common law vested rights obtained prior to such termination; (c) the prior conveyance of any lots or parcels within the Subdivision; (d) any right arising from other City permits, approvals or other entitlements for the Property which were granted or approved prior to, concurrently with, or subsequent to the approval of this Agreement and the Subdivision Final Plat; or (e) the parties' rights pursuant to subsection 22.5 below.

SECTION 3
SCOPE OF THIS AGREEMENT

3.1 **Purpose.** This Agreement is intended to set forth the parties' understanding and agreement as to the subdivision of the Property pursuant to Article 23 of Title 31 of the Colorado Revised Statutes and Title 17 of the Fruita Municipal Code; as to the nature of the development

proposed for Subdivision; as to the procedures, limitations and standards applicable to the construction of public and private improvements to be installed to serve the Subdivision; as to the responsibilities of the parties for various costs, fees and charges; and as to such other matters the parties believe can be adequately addressed at this time. This Agreement is not intended to address those matters which are more appropriately considered at the time of actual development of lots contained within the Subdivision. The City reserves all rights to review, approve, or deny any future permit applications submitted in accordance with the ordinances and policies of the City then in effect.

3.2 City's Rights Reserved. It is not the intention of the parties in any way to diminish or limit the City's legislative, quasi-judicial, or other non-delegable discretionary powers or to impose on the City any duty, beyond its ordinances and regulations as they may from time to time exist, nor to impose any special obligation on the City to approve or accept any future filings, applications, plans, drawings, security documents, improvements, and conveyances. It is furthermore the express intention of the parties that nothing in this Agreement shall be construed to void the rights and obligations of the parties as set forth herein, to the extent such rights and obligations are consistent with law. The parties expressly agree they will fully perform this Agreement to the extent it is consistent with the law.

3.3 Limited Applicability. This Agreement applies only to Adobe View North
_____ as shown on the Final Plat and/or the Approved For Construction Drawings.

SECTION 4 **NATURE OF THE SUBDIVISION**

This Subdivision is zoned Large Lot Residential and South Fruita Residential and consists of 34 lots, and 3 other Tracts/Outlots on 12.05 acres, with 0.33 acres of dedicated open space, parks, trails and 2.62 acres of dedicated public streets.

SECTION 5 **IMPROVEMENTS AND WARRANTY - GENERAL PROVISIONS**

5.1 Construction of Improvements. In accordance with Chapter 17.15 of the Fruita Municipal Code: all water services lines and laterals, water mains, fire hydrants and other water distribution facilities necessary to provide treated water service for this Subdivision; all irrigation lines and related appurtenances, laterals and mains necessary to provide non-potable irrigation service for this Subdivision; all wastewater collection lines and related improvements necessary to provide wastewater collection service for this Subdivision; other required utilities for this Subdivision, any drainage structures required for this Subdivision; street improvements within the Subdivision including pavement, curbs, gutters and sidewalks, survey monuments, and other on-site or off-site public or required Subdivision improvements, as shown in the accompanying plans applicable to this Subdivision including any field changes required by the City due to unknown site conditions; this Agreement, and; any other improvements required by Title 17 of the Fruita Municipal Code and the City's Design Criteria and Construction Specifications Manual shall be installed and completed at the expense of the Developer. The public and other necessary

Subdivision improvements shall be designed and built in conformance with all City engineering design standards and all requirements contained in Title 17 of the Fruita Municipal Code. All such public or other required Subdivision improvements shall be designed and approved by a registered professional engineer retained by the Developer unless required otherwise by the Fruita Municipal Code. All drawings and plans for such improvements shall be stamped by the engineer unless required otherwise by the Fruita Municipal Code.

5.2 Compaction Standards. Trench compaction and road sub-grade and base course compaction standards and criteria shall be reviewed and approved by the City prior to the commencement of construction.

5.3 Schedule of Improvements to be Constructed by Developer. The schedule of on-site and off-site improvements to be constructed by the Developer, showing in detail the public and other required Subdivision improvements, including shallow utilities, that the Developer is responsible for constructing, and the costs therefor, as required by Section 17.21.030 of the Fruita Municipal Code, is attached hereto as Exhibit "B" and incorporated herein by this reference.

Not Applicable unless INITIALED by City (DP)

5.3.1 Separate Exhibits, ("B-1", "B-2", etc., incorporated as a part of Exhibit "B"), are provided for the construction of improvements for which the Developer will receive a credit against impact fees otherwise payable, or for which a subsequent recapture agreement will be executed, as delineated in other Sections of this Agreement.

5.4 Warranty by Developer. In accordance with Section 17.21.080 of the Fruita Municipal Code, the Developer shall warrant any and all required improvements constructed by Developer pursuant to this Agreement and the Subdivision Final Plat and all accompanying documents, drawings, and plans for a period of twenty-four (24) months from the date the City certifies that the same conform with the approved specifications. ~~The warranty period begins on the day City Council approves the Partial Release of Security per subsection 9.5 below.~~ In addition, but not by way of limitation, the Developer shall warrant the following:

5.4.1 The Developer shall warrant that the title conveyed shall be good and its transfer rightful; and

5.4.2 The Developer shall warrant any and all facilities conveyed shall be free from any security interest or other lien or encumbrance.

5.4.3 The Developer shall warrant that any and all facilities so conveyed shall be free of any and all defects in materials or workmanship.

5.5 City Inspections. In accordance with Section 17.21.050 of the Fruita Municipal Code, the City shall have the right to make inspections and require testing during construction of the public and other required Subdivision improvements in such reasonable intervals as the City may request in accordance with the City's street construction regulations and sewer construction regulations or as otherwise determined by the City. Inspection, acquiescence and approval of any inspector of the construction of physical facilities, at any particular time, shall not constitute the

approval by the City of any phase of the construction of such public and other required improvements. Such approvals shall be made by the City only after completion of construction and the establishment of property pins for each lot or parcel, and in the manner hereinafter set forth.

5.6 Final Approval by City. In accordance with Section 17.21.060 of the Fruita Municipal Code, upon completion of construction of such public and other required Subdivision improvements, the City shall perform a final inspection of the improvements and certify with specificity its conformity or lack thereof to the approved specifications. The Developer shall make all corrections necessary to bring the improvements into conformity with City standards and the utility, drainage and street improvement plans and others, as approved. The City shall be under no obligation to release the performance guarantee, or provide any wastewater collection service, street maintenance, to issue planning clearances, or certificates of occupancy until all such facilities are brought into conformance with the specifications and finally approved by the City.

5.7 Warranty Performance Guarantee. Upon Final Approval of all public and other required improvements as described in subsection 5.6 above, Developer shall deliver to the City an irrevocable standby letter of credit or other security approved by the City Attorney in an amount equal to ten percent (10%) of the actual cost of said improvements to secure performance of Developer's warranty obligations.

5.8 Release of Warranty Performance Guarantee. In accordance with subsection 17.21.100(D), the performance guarantee issued pursuant to subsection 5.7 above shall be fully released and discharged by action of the City Council upon expiration of the twenty-four (24) month warranty period, and the correction of any defects discovered during such warranty period. In the event that the correction of defects are not satisfactorily completed upon the expiration of the twenty-four (24) months, the City may require a new performance guarantee and withhold the issuance of planning clearances until a new warranty performance guarantee is recorded.

5.9 Power of Attorney Granted. In accordance with subsection 17.21.100(F) of the Fruita Municipal Code, the Developer and the Owner hereby designate and irrevocably appoint the Fruita City Manager as the Attorney-in-Fact and agent for the purpose of completing all warranty obligations concerning public and other necessary improvements required by this Agreement in the event of a default by the Developer. This Agreement shall be filed in the office of the Clerk and Recorder of Mesa County, Colorado, and shall constitute constructive notice of this Agreement and the power of attorney provided herein. This Agreement and power of attorney contained herein may be enforced by the City pursuant to all legal and equitable remedies available, including an action for specific performance in a court of competent jurisdiction.

5.10 Provision of As-Built Drawings. In accordance with Section 17.15.180 of the Fruita Municipal Code, the Developer shall provide all necessary engineering designs, surveys, field surveys, and "as built" drawings for all public improvements and other utilities improvements approved by the City. All "as built" drawings shall be prepared in the manner required by the City. The Developer shall pay for any incidental services related to the construction of the public improvements and other required improvements, at its sole cost and expense.

5.11 Conveyance of Public Improvements. In accordance with Section 17.21.070 of the

Fruita Municipal Code, all public improvements constructed in accordance with this Agreement, including but not limited to all wastewater collection mains, laterals and related improvements; public street improvements including required pavement, curbs, gutters and sidewalks shall be dedicated or conveyed to the City. Upon completion of construction in conformity with the plans, and any properly approved changes, the Developer shall convey to the City, by bill of sale, all physical facilities necessary for the extension, maintenance and repair of municipal utility services and other public facilities. Acceptance of said conveyance shall be made by the City by majority vote of the City Council. Following such dedication or conveyance, the City shall be solely responsible for the maintenance of such improvements, unless otherwise provided in this Agreement, except for any correction work required during the warranty period set forth in subsection 5.4 above.

5.12 Construction Schedule. Construction of such public and other required Subdivision improvements shall be completed by the Developer no later than the dates set forth in Exhibit "B". Where Developer is prevented from commencing or completing any of the public and other required Subdivision improvements within the time frame identified in Exhibit "B" due to an unforeseeable cause or delay beyond the control and without the fault or negligence of the Developer, the times for commencement and/or completion of such improvements shall be extended in an amount equal to the time lost due to such delay if a request is made in writing to the City by the Developer. Delays beyond the control of Developer shall include, but not be limited to, acts of neglect by the City, fires, floods, epidemics, abnormal weather conditions, strikes, freight embargos or acts of God. Time extensions, however, will not be granted for rain, snow, wind or other natural phenomena at normal intensity within Mesa County. Delays attributable to and within the control of the Developer's contractors, subcontractors or suppliers shall be deemed to be delays within the control of the Developer.

5.13 Improvements Required Prior to Issuance of Planning Clearances for Building Permits and Certificates of Occupancy. No planning clearance necessary to obtain a building permit for construction of any building within the Subdivision shall be issued until all of the required improvements, as specified in this Agreement, have been installed and approved by the City and the Developer has delivered the warranty performance guarantee described in subsection 5.7 above.

5.14 Dogs Prohibited During Construction. The Developer shall prohibit its contractors and subcontractors from bringing dogs onto the Property, even if such dogs are to be kept inside motor vehicles. Violation of this policy shall result in the immediate eviction of the dog and the dog's owner or harbinger by the Developer from the Property. In the event of a second violation by the same dog and/or the same dog's owner or harbinger, the dog and the dog's owner or harbinger shall be immediately evicted from the Property by the Developer and the offending person shall be prohibited from entering or working within the Property for the following seven (7) consecutive calendar days. In the event of a third violation, the offending person shall be prohibited by the Developer from entering or working within the Property for the following six (6) calendar months.

SECTION 6

OFF-SITE STREET IMPROVEMENTS

Pursuant to subsection 17.15.140(B) of the Fruita Municipal Code and conditions imposed by the City Council, the Developer shall: Construct the remaining west half of Pine Street with asphalt and

curb, gutter and sidewalk for the frontage of the subdivision to the Pine Street right-of-way

_____ in accordance with the
Approved For Construction Drawings signed by the City Engineer.

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

SECTION 7 **DRAINAGE IMPROVEMENTS**

Pursuant to subsection 17.15.140(E) of the Fruita Municipal Code and conditions imposed by the City Council, the Developer shall: Install storm drain inlets, piping, and detention pond infrastructure

_____, in accordance with the Approved for Construction Drawings signed by the City Engineer.

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

SECTION 8 **WATER AND WASTEWATER SERVICES AND IMPROVEMENTS**

8.1 **Domestic Water Service.** The City understands that the Ute Water Conservancy District intends to provide domestic water service to the Property consistent with an agreement between the Developer and the District. The terms and conditions of any such agreement are incorporated herein by this reference.

8.2 **Construction of Treated Water Distribution System.** Pursuant to subsection 17.15.140(F) of the Fruita Municipal Code, the Developer, at its sole expense, shall design, purchase, and install all elements of a municipal treated water distribution system to fully service the Subdivision including but not limited to water mains, fire hydrants, pipe lines, and service line laterals to lot lines as required by the Ute Water Conservancy District's regulations, off-site water main extensions, and all other appurtenant facilities necessary to provide treated municipal water service to the Subdivision. All required improvements and the construction and installation of such improvements shall be in accordance with the Approved for Construction Drawings, plans and specifications and as approved by the Ute Water Conservancy District. Upon completion of the municipal distribution system, said system shall be inspected and approved by the Ute Water Conservancy District.

8.3 **Construction and Conveyance of Irrigation System.** Pursuant to subsection 17.15.140(K) of the Fruita Municipal Code, the Developer, at its sole expense, shall design, purchase and install all elements of a non-potable irrigation system to fully service the Subdivision including all lines, valves, service lines to the lot lines and service risers as required by the City's regulations, and all off-site improvements as necessary to maintain the delivery system. All required improvements and the construction and installation of such improvements shall be in accordance with the Approved for Construction Drawings, plans and specifications approved by the City, and in

accordance with applicable provisions of the City of Fruita's Design Criteria and Construction Specifications Manual and Title 17 of the Fruita Municipal Code.

The Developer shall convey to the Homeowners Association by separate legal instrument(s) the irrigation system, all real property and associated easements necessary for operation and maintenance of the irrigation system, and shall also transfer to the Association sufficient irrigation water rights as approved by the City prior to partial release of security as provided in section 9.5 of this Agreement.

8.4 Construction of Wastewater Collection System.

8.4.1 On-Site Improvements. Pursuant to subsection 17.15.140(D) of the Fruita Municipal Code, the Developer, at its sole expense, shall design, purchase, and install all elements of the wastewater collection system to fully service the Subdivision, including service lines to the lot lines, pursuant to the provisions of this Agreement and applicable provisions of the City's engineering design standards. Such wastewater collection system shall be constructed in accordance with the Approved for Construction Drawings, plans and specifications, and City wastewater system regulations.

8.4.2 Off-Site Improvements. Developer shall install the following off-site wastewater collection system components in accordance with the Approved for Construction Drawings:

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

8.5 Provision of Wastewater Service by the City. Upon completion of the wastewater collection system and upon approval and acceptance by the City, the City agrees to provide wastewater treatment and collection service to the Subdivision upon Developer or other property owner making a written request for such service and the payment of any required plant investment (tap) fees and connection charges. Provision of wastewater service by the City within the Subdivision shall be made pursuant to agreement by the City and on a first come/first served basis with other wastewater service customers, subject to system capacity and any prior commitments, and at the then applicable rate. Except as may otherwise be provided in this Agreement, a lot owner shall not receive any preferences for or assurance of the availability of wastewater service from the City until the plant investment (tap) fee is paid.

8.6 Developer acknowledges that the development is subject to a sewer recapture amount of _____ per unit, payable at time of planning clearance sewer service application.

SECTION 9
PERFORMANCE GUARANTEE

9.1 **Restriction on the Conveyance of Lots.** In lieu of providing the City with a letter of credit, performance bond, or escrow deposit to secure the completion of all public and other required Subdivision improvements described in this Agreement, the Developer and the Owner have requested the City to restrict the sale or conveyance of any lots contained within the Adobe View North subdivision until all such improvements have been constructed by the Developer and accepted by the City. **Therefore, the owner shall be prohibited from conveying individual lots to any third parties until the City has issued the Final Approval described in subsection 5.6 of Section 5 of this Agreement and Owner or Developer has delivered to the City the warranty performance guarantee described in subsection 5.7 of this Agreement.** Owner hereby expressly waives any right it may otherwise have to convey lots within the Subdivision pursuant to Colorado law once a Subdivision Final Plat is recorded with the Mesa County Clerk and Recorder.

9.2 **Notation on Subdivision Final Plat.** The Subdivision Final Plat shall contain a restriction prohibiting the conveyance of any lots within the Subdivision until Final Approval by the City of the public and other required Subdivision improvements described in this Agreement occurs and Owner or Developer has delivered to the City the warranty performance guarantee. This Plat restriction shall be in a large bold font approved by the City.

9.3 **Release of Restriction on the Conveyance of Lots.** Following the issuance of a Final Approval by the City of all public and other required Subdivision improvements described in this Agreement in accordance with subsection 5.6 of Section 5 of this Agreement, and following delivery of the warranty performance guarantee by the Developer in accordance with subsection 5.7 of Section 5 of this Agreement, the City shall record in the records of the Mesa County Clerk and Recorder a statement indicating that the restriction against conveyance of lots in the Subdivision has been released.

9.4 **Substitution of Security.** In the event the Developer and the Owner request the City Council to release the restriction prohibiting the conveyance of lots within the Subdivision prior to the completion of all public and other required Subdivision improvements in order to permit the conveyance of one (1) or more lots within the Subdivision, a new Subdivision Improvements Agreement shall be entered into between Owner, Developer and the City providing for the delivery of a letter of credit, performance bond, or escrow deposit to secure the completion of the remaining public and other required Subdivision improvements. Upon approval of such Agreement by the Fruita City Council, the City shall release the restriction prohibiting the conveyance of any lots within the Subdivision.

9.5 **Attorney's Fees.** If any legal proceedings are commenced concerning the City's election to complete the public and/or other required Subdivision improvements, as agent for the Developer, against the Developer, its surety, or issuer of the letter of credit, the substantially prevailing party shall be entitled to its costs and reasonable attorney's fees (including legal assistant's fees) or the reasonable value of salaried attorney's time (including legal assistant's time).

SECTION 10
INDEMNIFICATION AND INSURANCE

10.1 **Indemnification By Contractors.** In accordance with Section 17.21.110 of the Fruita Municipal Code, any contractor employed by the Developer who performs work within rights-of-way or easements dedicated to the City or within other property owned by the City shall indemnify and hold harmless the City of Fruita, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with work performed by such contractor for the Developer within City rights-of-way, easements or other property, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of such contractor, any subcontractor of the contractor, or any officer, employee, representative, or agent of such contractor or of any subcontractor of the contractor, or which arise out of any workers compensation claim of any employee of the contractor or of any employee of any subcontractor of the contractor. The contractor shall agree to investigate, handle, respond to, and provide a defense for and defend against, any such liability, claims or demands at the sole expense of such contractor. The contractor shall also agree to bear all other costs and expenses related thereto, including court costs and attorney fees, including legal assistant's fees, whether or not any such liability, claims, or demands alleged are groundless, false, or fraudulent.

10.2 **Insurance Required.** Any contractor employed by the Developer to perform work within rights-of-way or easements dedicated to the City or within any other property owned by the City, shall agree to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands and other obligations assumed by such contractor pursuant to subsection 10.1 of this Agreement and Section 17.21.110 of the Fruita Municipal Code. Such insurance shall be in addition to any other insurance requirements imposed by the Developer or by law. Any such contractor shall not be relieved of any liability, claims, demands or other obligations to be assumed pursuant to subsection 10.1 above or Section 17.21.110 of the Fruita Municipal Code by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types.

10.3 **Nature and Amounts of Insurance.** Any contractor employed by the Developer to perform work within rights-of-way and easements dedicated to the City or other property owned by the City shall procure and maintain, and shall cause any subcontractor of such contractor to procure and maintain, the minimum insurance coverages listed below. Such coverages shall be procured and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained to cover all liability, claims, demands and other obligations to be assumed by such contractor pursuant to subsection 10.1 above and Section 17.21.110 of the Fruita Municipal Code. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

10.3.1 Workers Compensation Insurance to cover obligations imposed by applicable Colorado law for any employee engaged in the performance of work, and Employers' Liability insurance with minimum limits of \$500,000.00 each accident, \$500,000.00 disease-

policy limit, and \$500,000.00 disease-each employee. Evidence of qualified self-insured status may be substituted for the Workers' Compensation requirements of this paragraph.

10.3.2 General Liability Insurance with minimum combined single limits of \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual, and employee acts), blanket contractual independent contractors, products, and completed operations. The policy shall include coverage for explosion, collapse, and underground hazards. The policy shall contain a severability of interests provision.

10.3.3 Comprehensive Automobile Liability Insurance with minimum combined single limits for bodily injury and property damage of not less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate with respect to each of a contractor's owned, hired or non-owned vehicles assigned to or used in performance of services within the City's rights-of-way, easements and other property. The policy shall contain a severability of interests provision.

The policies required by subsections 10.3.2 and 10.3.3 above shall be endorsed to include the City of Fruita and the City's officers and employees as additional insureds. Every policy required above shall be primary insurance, and any insurance carried by the City, its officers, or its employees, or carried by or provided through any insurance pool of the City, shall be excess and not contributory insurance to that provided by the Developer's contractors. No additional insured endorsement to the policy required by subsection 10.3.2 above shall contain any exclusion for bodily injury or property damage arising from completed operations. A contractor shall be solely responsible for deductible losses under any policy required above.

Upon request by the City, the Developer shall provide the City with a certificate of insurance to be completed by the contractor's insurance agent as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect. The certificate shall identify the contract and shall provide that the coverages afforded under the policy shall not be canceled, terminated or materially changed until at least thirty (30) days prior written notice has been given to the City.

10.4 Indemnification by Developer. In addition to the indemnification required in subsection 10.1 above and Section 17.21.110 of the Fruita Municipal Code, the Developer hereby expressly agrees to indemnify and hold the City harmless from and against all claims, costs and liability of every kind and nature, for injury or damage received or sustained by any person or entity, excluding City officers, agents or employees, in connection with, or on account of the performance of work within the Subdivision and elsewhere by such parties, or their agents, contractors or employees pursuant to this Agreement. The Developer further agrees to aid and defend the City in the event that the City is named as a defendant in any action concerning the performance of work by the Developer, or its agents, contractors or employees pursuant to this Agreement except where such suit is brought by the Developer. The Developer shall not be considered an agent or employee of the City for any purpose.

10.5 Governmental Immunity. The parties hereto understand and agree that the City is relying on, and does not waive or intend to waive by any provision contained in this Section, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, Sections 24-10-101, *et. seq.*, C.R.S., as from time to time amended, or otherwise available to the City, its officers, or its employees.

SECTION 11 **PUBLIC PARKS, OPEN SPACE AND TRAILS**

Pursuant to Section 17.19.090 of the Fruita Municipal Code, a Public Parks, Open Space and Trails Impact Fee in shall be paid.

The Parks, Open Space, and Trails Impact Fee identified above will be deferred until the time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision as per Section 17.19.025 of the Fruita Municipal Code. 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.

The parties agree that a credit of \$ -0- 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, as shown in the Approved for Construction Drawings and/or the Final Plat and as shown in Exhibit "B-___" shall be applied. Such credit shall be shared proportionately over the ___ (number of dwelling units in this subdivision) which equates to a credit of \$ ___ per dwelling unit.

All land required to be dedicated to the City for public park, open space or trails 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.

The Developer acknowledges that such requirements are roughly proportional to the impacts resulting from development of the Property.

SECTION 12 **SCHOOL LAND DEDICATION**

Pursuant to Section 17.19.110 of the Fruita Municipal Code, a School Land Dedication Fee shall be paid.

The School Land Dedication Fee identified above will be deferred until the time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision as per Section 17.19.025 of the Fruita Municipal Code. 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.

The Developer acknowledges 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, a Transportation Impact Fee shall be paid.

The Transportation Impact Fee identified above will be deferred until the time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision as per Section 17.19.025 of the Fruita Municipal Code. 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.

The parties agree that a credit of \$ 73,792.16 against the Transportation Impact Fee owed for the cost of actual construction of off-site road improvements, as delineated in Section 6, and as shown in Exhibit "B-1" shall be applied. Such credit shall be shared proportionately over the 34 (number of dwelling units in this subdivision) which equates to a credit of \$2,170.36 per dwelling unit.

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

The Developer acknowledges 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, a Chip and Seal Impact Fee of \$28,875.00 (Calculation: 7,500 (number of square yards) multiplied by \$ 3.85 per square yard = \$ 28,875.00) required for this Filing/Phase of the Subdivision shall be paid.

The Chip & Seal Impact Fee identified will be deferred until the time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision. 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. Such fee shall be shared proportionately over the 34 dwelling units in this Subdivision.

The Developer acknowledges 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, a Drainage Impact Fee of \$ 11,410.04 shall be paid.

The Drainage Impact Fee identified above will be deferred until the time of Planning Clearance for a Building Permit for each individual dwelling unit in this subdivision. 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. Such fee shall be shared proportionately over the 34 dwelling units in this Subdivision.

The parties agree that a credit of \$ -0- against the Drainage Impact Fee set forth above for the cost of actual construction of off-site drainage improvements, as delineated in Section 7, and as shown in Exhibit "B- " shall be applied. The net Drainage Impact Fee due and payable for this Subdivision Filing/Phase is \$ 11,410.04.

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

_____.

The Developer acknowledges that such requirement(s) are roughly proportional to the impacts generated from development of the Property.

SECTION 16
WASTEWATER RECOVERY FEES AND
REIMBURSEMENT/RECAPTURE AGREEMENTS

16.1 A Wastewater Recovery Fee of \$ _____ applies to each unit within the Subdivision. Developer shall pay \$ _____, (calculation: _____ units multiplied by \$ _____ per unit = \$ _____), as a Wastewater Recovery Fee to the City of Fruita prior to Subdivision Final Plat recording.

16.2 A Wastewater Recapture Fee of \$ _____, applies to each unit within the Subdivision, per an Agreement with _____ dated _____. The recapture provisions are as follows:

CHECK ONE or N/A

- a) Developer shall pay \$ _____, (calculation: _____ units multiplied by \$ _____ per unit = \$ _____), as a Wastewater Recapture Fee to the City of Fruita prior to Subdivision Final Plat recording.
- b) Lot Owner/Builder is responsible for payment of the Wastewater Recapture Fee at the time of Planning Clearance for construction of a new residence. Developer shall inform all lot buyers and real estate personnel of this requirement.

16.3 NEW RECAPTURE AGREEMENT: Not Applicable unless INITIALED by City

In consideration of the actual construction of off-site Wastewater Collection System components as delineated in subsection 8.4.2, the City agrees to execute a Recapture Agreement with the Developer whereby the Developer may recapture a portion of the cost of the sewer extension from future developments tying into the extension. Said Recapture Agreement shall be prepared by the City, carry a term of no more than ten (10) years from the effective date of the Agreement, and shall be approved by the City Council prior to it becoming effective.

16.4 REIMBURSEMENT AGREEMENT: Not Applicable unless INITIALED by City

In consideration of the actual construction of off-site Wastewater Collection System components as delineated in subsection 8.4.2, the Developer requests, and the City Council has agreed to reimburse the Developer a portion of the cost of the improvements delineated in subsection 8.4.2. The provisions of Section 9.10 notwithstanding, the reimbursement amount shall be \$ _____, as shown in Exhibit "B-____". Said reimbursement shall be payable only after initial acceptance of the installation of the wastewater collection system improvements by the City, and subject to the following additional provisions: _____

The Developer acknowledges that such requirement(s) are roughly proportional to the impacts generated from development of the Property.

SECTION 17 **REIMBURSEMENT OF COSTS**

17.1 Review Costs and Fees. In accordance with Section 17.01.110 of the Fruita Municipal Code, the Developer shall pay to the City all required review fees. In addition, pursuant to subsection 17.01.110(D) of the Fruita Municipal Code, the Developer shall be responsible for all extraordinary review costs. Provided, however, upon request, the Developer shall receive detailed invoices reflecting the nature and description of each such charge so incurred by the City.

17.2 Inspection Costs. Pursuant to subsection 17.01.110(C) of the Fruita Municipal Code, prior to the approval and acceptance of the construction and installation of the required public and other Subdivision improvements, the Developer shall pay to the City the inspection review fee for all

inspections of such improvements made by or conducted at the direction of the City. In addition, the Developer shall be responsible for any extraordinary inspection costs.

SECTION 18 **FINAL PLAT APPROVAL**

In accordance with Section 17.15.080 of the Fruita Municipal Code, the City agrees to approve the Subdivision Final Plat provided that said Subdivision Final Plat is in conformance with the Preliminary Plan approval, drainage improvements, street improvements, and utility plans have been submitted to and approved by the City, and all of the requirements of applicable law, subject to the terms and conditions of this Agreement, have been complied with.

SECTION 19 **ENFORCEMENT**

19.1 **Default; Notice; Termination.** In accordance with Section 17.21.120 of the Fruita Municipal Code, in the event of any default or breach by the Developer of an applicable covenant, term, condition, or obligation under this Agreement, and if such default or breach continues after notice thereof and opportunity of a hearing as set forth in subsection 9.6 of this Agreement and subsection 17.21.100(E) of the Fruita Municipal Code, this Agreement may be forthwith terminated, at the option of the City. Any declaration of termination of the Agreement shall be effective only after and upon a resolution to that effect duly adopted by the City Council. All rights concerning remedies or attorney's fees shall survive any termination of this Agreement.

19.2 **Legal Action.** The parties to this Agreement shall have all rights available at law or in equity to enforce the terms of this Agreement, including the right of specific performance. In the event that any action is filed or maintained by any party in relation to this Agreement, the substantially prevailing party shall be entitled to its costs and reasonable attorney's fees (including legal assistant's fees) or the reasonable value of salaried attorney's time (including legal assistant's time).

19.3 **Other Remedies Available to City.** In the event the Developer fails to construct any public or other required on-site and off-site Subdivision improvements in accordance with the terms and conditions of this Agreement, following the issuance of the performance guarantee as set forth in Section 9 of this Agreement, the City may exercise any of the remedies set forth in Section 9 of this Agreement or Section 17.21.100 of the Fruita Municipal Code. Alternatively, the City may assign the proceeds of the letter of credit, performance bond, or escrow funds to a subsequent developer or a lender who has acquired the Subdivision by purchase, foreclosure or otherwise who will then have the same rights of completion as the City if and only if the subsequent developer or lender agrees in writing to complete the unfinished improvements. In addition, the City also may suspend Subdivision Final Plat approval during which time the Developer will have no right to sell, transfer, or otherwise convey tracts or lots within the Subdivision without the express written approval of the City or until the improvements are completed and accepted by the City provided, however, such suspension shall not affect (a) the annexation of the Subdivision to the City; (b) the prior conveyance of any lots or parcels within the Subdivision; (c) any right arising from City permits, approvals or other entitlements for the Property which were granted or approved prior to, concurrently with, or

subsequent to the approval of this Agreement and the Subdivision Final Plat; or (d) the parties' rights pursuant to subsection 22.5 below. These remedies are cumulative in nature.

SECTION 20 **CONVEYANCES PROHIBITED**

20.1 **Recording of Subdivision Final Plat Required.** The Owner shall not grant, sell or convey any lot, lots, or other properties subject to this Agreement in compliance with subsection 9.3 above.

20.2 **Improvements Agreement Required.** If this Agreement is only for a portion or Phase of a Subdivision for which a valid Subdivision Final Plat already exists, the Developer shall not grant, sell or convey any lot or lots not covered by this or a previous Improvements Agreement without the express written consent of the City. The intent of this subsection is to prevent the sale of legally platted lots within the Subdivision for which public infrastructure does not exist or for which an Improvements Agreement has not yet been executed.

SECTION 21 **VESTED RIGHTS - VACATION OF FINAL PLAT**

21.1 **Vested Property Rights.** The Developer shall have vested property rights to develop the Subdivision for a period of three (3) years from the effective date of this Agreement. The Developer shall be entitled to all rights, privileges, and remedies arising from such vesting for said period in accordance with Chapter 17.47 of the Fruita Municipal Code and Sections 24-68-101 *et seq.*, C.R.S.

21.2 **Vacation of Final Plat.** Failure of the Developer to complete construction of the public and other on-site and off-site Subdivision improvements required by this Agreement within the times provided herein and following the delivery of the notice described in subsection 19.1 hereof and the expiration of the thirty (30) day time period described in subsection 19.1 without cure by the Developer, the vested property rights associated with the Subdivision Final Plat and this Agreement shall be forfeited. Upon such an event, the City Council of the City of Fruita may enact an ordinance vacating the Subdivision Final Plat and upon the effective date of such ordinance, the Subdivision and any permits issued in connection therewith shall be null, void, and of no effect. The Developer shall then be prohibited from granting, selling or conveying any additional lots within the Property. All property rights dedicated to the City of Fruita for public purposes shall remain the property of the City and shall be considered liquidated damages. Provided, however, vacation of the Subdivision Final Plat shall not affect (a) the annexation of the Subdivision to the City; (b) the prior conveyance of any lots or parcels within the Subdivision; (c) any right arising from other City permits, approvals or other entitlements for the Subdivision which were granted or approved prior to, concurrently with, or subsequent to the approval of the Subdivision Final Plat; or (d) the parties' rights pursuant to subsection 22.5 below.

**APPROVAL OF THE SUBDIVISION FINAL PLAT AND THIS AGREEMENT
CREATES A VESTED PROPERTY RIGHT PURSUANT TO SECTION 24-68-103, C.R.S.,
AS AMENDED.**

21.3 Certificate of Compliance. It is agreed that upon completion of all improvements by the Developer which are the subject of this Agreement, expiration of the warranty period as provided herein, and compliance with all of the terms of this Agreement, in accordance with Section 17.21.130 of the Fruita Municipal Code, the City shall execute a resolution or certificate stating that all improvements have been constructed in compliance with this Agreement.

SECTION 22

MISCELLANEOUS PROVISIONS

22.1 Waiver of Defects. In executing this Agreement, the Developer waives all rights they may have concerning defects, if any, of the form or substance of this Agreement, and the formalities whereby it is executed; concerning the power of the City to impose conditions on the Developer as set forth herein; and concerning the procedure, substance and form of the ordinances or resolutions adopting this Agreement.

22.2 Failure to Exercise Rights. No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute a continuing waiver unless expressly provided for by written amendment to this Agreement signed by the City, and the Developer; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The City's failure to exercise any right under this Agreement will not constitute the approval of any wrongful act by the Developer or the acceptance of any improvement.

22.3 Complete Agreement. This Agreement together with the Subdivision Final Plat contain all of the understandings, conditions and agreements between the City and the Developer relating to the Subdivision at this time, and no other prior or current representation, oral or written, shall be effective or binding upon the City or the Developer, except for representations made by the Developer, or its agents, or the City Council, or City staff members at public hearings concerning approval of the Subdivision Final Plat, not in conflict with the express provisions of this Agreement.

22.4 Enabling Ordinances Required. To the extent required by law and by the terms of this Agreement, the obligations and covenants of the City are conditional upon the adoption by the City of appropriate enabling ordinances.

22.5 Attorneys Fees. In the event that any action is filed or maintained by any party in relation to this Agreement, the substantially prevailing party shall be entitled to its costs and reasonable attorney 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 attorney's fees shall survive termination of this Agreement.

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

22.7 Amendments. This Agreement may be amended from time to time by written Agreement duly authorized by the parties to this Agreement.

22.8 Representations of City Officials. It is expressly understood that the City cannot be legally bound by the representations of any of its officers or agents or their designees except in accordance with the Fruita Municipal Code and ordinances, and that the Developer, when dealing with the City, acts at its own risk as to any representation or undertaking by the City or its officers or agents or their designees which is subsequently held unlawful by a court of law, which is in accordance with the laws of the State of Colorado. Provided, however, that this subsection shall not be construed to limit the rights and remedies of the parties otherwise provided by law.

22.9 Covenants. The provisions of this Agreement shall be binding on all subsequent owners of the Property as covenants running with the Property, to be released only by the City of Fruita, and the benefits and burdens of this Agreement shall bind and inure to the benefit of all estates and interests in the Property and all successors in interest to the parties to this Agreement, except as otherwise provided herein.

22.10 Notices. Any notice required or permitted by this Agreement will be deemed effective when personally delivered in writing, or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified, return receipt requested, addressed as follows:

If to City: 325 E. Aspen Ave.
 Fruita, Colorado 81521
 Attn: Community Development Department Director

If to Developer: Adobe View Development Company LLC
 P.O. Box 903 Rangely, CO 81648
 Attn: _____

These addresses shall remain valid until notice of a change of address is given to the other party in accordance herewith.

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

22.12 Jurisdiction of Courts. This 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. Personal jurisdiction and venue for any civil action commenced by any of the parties to this Agreement whether arising out of or relating to the Agreement, a letter of credit, Escrow and Disbursement Agreement, or performance bond will be deemed to be proper only if such action is commenced in the District Court for Mesa County, Colorado. The Developer and issuer of any letter of credit or performance bond pursuant to this Agreement expressly waive their right to bring such action in or to remove such action to any other court, whether State or federal.

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

22.14 Provisions Deemed Severable. If any part, term or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.

22.15 Assignment of Rights; Release of Obligations. The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the City. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of the Developer and also will be binding on the heirs, successors, and assigns of the Developer. There is no prohibition on the right of the City to assign its rights under this Agreement. The City will release the original Developer's performance guarantee if it accepts new security from any developer or lender who obtains the Property. However, no act of the City will constitute a release of the original Developer from its liability under this Agreement.

22.16 No Waiver of Immunity. Nothing contained in this Agreement constitutes a waiver of the City's sovereign immunity or governmental immunity under any applicable State law.

22.17 Recordation of Agreement. The City shall record a copy of this Agreement in the office of the Clerk and Recorder of Mesa County, Colorado.

22.18 Execution of Other Documents. The parties agree to execute any additional documents and to take any additional actions necessary to carry out the terms of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year first above written.

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

By: _____
Mayor

ATTEST:

City Clerk

By: *Kurt A. Hejl*
Developer
Sam Lolley
Title: LLC members

EXHIBIT B

Name of Subdivision: Adobe View North

LOCATION: 965 Pine Street (18 Road)

Location of Subdivision

Intending to be legally bound, the undersigned Developer hereby agrees to provide throughout the above-named Subdivision the following improvements that shall be constructed in accordance with the City of Fruita or applicable special district standards.

Class of Improvements	Qty	Unit	Unit Cost	Total Cost	Compl. Date
(1) Mobilization	1	L.S.	\$ 3,000.00	\$ 3,000.00	
(2) Utility relocation		L.S.		\$ -	
(3) Stormwater control features	1	L.S.	\$ 8,000.00	\$ 8,000.00	
(4) Site grading (original brush, ground leveling)	1	L.S.	\$ 2,000.00	\$ 2,000.00	
				\$ -	
(5) Sanitary Sewer				\$ -	
Trenching		L.F.		\$ -	
Pipe, 8" dia.	2,060	L.F.	\$ 26.00	\$ 53,560.00	
Pipe, 10" dia.		L.F.		\$ -	
Pipe, _____" dia.		L.F.		\$ -	
				\$ -	
Manholes, 4' dia., standard	10	EA.	\$ 3,200.00	\$ 32,000.00	
Manholes, _____' dia., standard		L.F.		\$ -	
Manholes, _____' dia., drop		L.F.		\$ -	
				\$ -	
Laterals, (service lines) 4" dia.	34	EA.	\$ 600.00	\$ 20,400.00	
Laterals _____ dia.		L.F.		\$ -	
				\$ -	
Sewer accessories (lift station, holding tank sand/oil interceptors)				\$ -	
				\$ -	
		Ea.		\$ -	
		Ea.		\$ -	
		Ea.		\$ -	
Other				\$ -	
				\$ -	
				\$ -	
				\$ -	
				\$ -	
(6) Domestic Water				\$ -	
Trenching		L.F.		\$ -	
Main, 8" dia.	2,325	L.F.	\$ 26.00	\$ 60,450.00	
Laterals (service lines)	34	L.F.	\$ 1,000.00	\$ 34,000.00	
Meter boxes	34	Ea.		\$ -	
Fire hydrants (Ts, valves, lateral)	4	Ea.	\$ 3,500.00	\$ 14,000.00	
Valves	7	EA.	\$ 1,400.00	\$ 9,800.00	
8" Bends (Fittings)	5	Ea.	\$ 600.00	\$ 3,000.00	
				\$ -	
				\$ -	

Class of Improvements	Qty	Unit	Unit Cost	Total Cost	Compl. Date
Electric Service Facilities *				\$ -	
Natural Gas Service Facilities *				\$ -	
Telephone Facilities *				\$ -	
Cable Service Facilities *				\$ -	
Subtotal				\$ 807,587.16	
Supervision of all installation (should normally not exceed 4% of total)				\$ 32,303.49	
TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION				\$ 839,890.65	
Performance Bond, Escrow Account, or Letter of Credit (110% of Total)					
* Show costs of installing gas, electric, phone and cable television improvements or provide evidence to the City that performance guarantees have been given directly to the utility companies involved.					

The above improvements shall be constructed in accordance with all City requirements and specifications, and conformance with this provision shall be determined solely by the City of Fruita or its duly authorized agent. The improvements shall be constructed in accordance with the time schedules shown above.


 Signature of Developer _____ Date _____

ATTEST:

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

Subscribed and sworn to before me the 31st day of October, 2016, by
Keith Hejl

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 08-21-17


 Notary Public

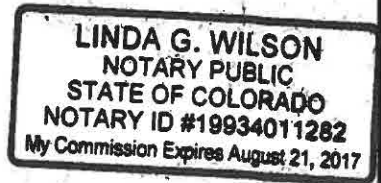


EXHIBIT B -1

Name of Subdivision: Pine Street Improvements

LOCATION: 965 Pine Street (18 Road)

Location of Subdivision

Intending to be legally bound, the undersigned Developer hereby agrees to provide throughout the above-named Subdivision the following improvements that shall be constructed in accordance with the City of Fruita or applicable special district standards.

Class of Improvements	Qty	Unit	Unit Cost	Total Cost	Compl. Date
(1) Mobilization	1	L.S.	\$ 1,000.00	\$ 1,000.00	
(2) Utility relocation	1	L.S.	\$ 12,500.00	\$ 12,500.00	
(3) Stormwater control features		L.S.	\$ 8,000.00	\$ -	
(4) Site grading (original brush, ground leveling)	1	L.S.	\$ 500.00	\$ 500.00	
				\$ -	
(5) Sanitary Sewer				\$ -	
Trenching		L.F.		\$ -	
Pipe, 8" dia.		L.F.	\$ 26.00	\$ -	
Pipe, 10" dia.		L.F.		\$ -	
Pipe, _____" dia.		L.F.		\$ -	
				\$ -	
Manholes, 4' dia., standard		EA.	\$ 3,200.00	\$ -	
Manholes, _____' dia., standard		L.F.		\$ -	
Manholes, _____' dia., drop		L.F.		\$ -	
				\$ -	
Laterals, (service lines) 4" dia.		EA.	\$ 600.00	\$ -	
Laterals _____ dia.		L.F.		\$ -	
				\$ -	
Sewer accessories (lift station, holding tank sand/oil interceptors)				\$ -	
		Ea.		\$ -	
		Ea.		\$ -	
		Ea.		\$ -	
Other				\$ -	
				\$ -	
				\$ -	
				\$ -	
(6) Domestic Water				\$ -	
Trenching		L.F.		\$ -	
Main, 8" dia.		L.F.	\$ 26.00	\$ -	
Laterals (service lines)		L.F.	\$ 1,000.00	\$ -	
Meter boxes		Ea.		\$ -	
Fire hydrants (Ts, valves, lateral)		Ea.	\$ 3,500.00	\$ -	
Valves		EA.	\$ 1,400.00	\$ -	
8" Bends (Fittings)		Ea.	\$ 600.00	\$ -	
				\$ -	
				\$ -	

EXHIBIT B -1

Name of Subdivision: Pine Street Improvements

LOCATION: 965 Pine Street (18 Road)

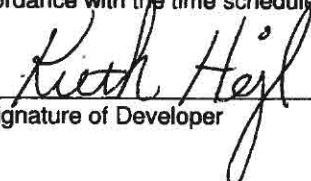
Location of Subdivision

Intending to be legally bound, the undersigned Developer hereby agrees to provide throughout the above-named Subdivision the following improvements that shall be constructed in accordance with the City of Fruita or applicable special district standards.

Class of Improvements	Qty	Unit	Unit Cost	Total Cost	Compl. Date
(1) Mobilization	1	L.S.	\$ 1,000.00	\$ 1,000.00	
(2) Utility relocation	1	L.S.	\$ 12,500.00	\$ 12,500.00	
(3) Stormwater control features		L.S.	\$ 8,000.00	\$ -	
(4) Site grading (original brush, ground leveling)	1	L.S.	\$ 500.00	\$ 500.00	
				\$ -	
(5) Sanitary Sewer				\$ -	
Trenching		L.F.		\$ -	
Pipe, 8" dia.		L.F.	\$ 26.00	\$ -	
Pipe, 10" dia.		L.F.		\$ -	
Pipe, _____" dia.		L.F.		\$ -	
				\$ -	
Manholes, 4' dia., standard		EA.	\$ 3,200.00	\$ -	
Manholes, _____' dia., standard		L.F.		\$ -	
Manholes, _____' dia., drop		L.F.		\$ -	
				\$ -	
Laterals, (service lines) 4" dia.		EA.	\$ 600.00	\$ -	
Laterals _____ dia.		L.F.		\$ -	
				\$ -	
Sewer accessories (lift station, holding tank sand/oil interceptors)				\$ -	
				\$ -	
		Ea.		\$ -	
		Ea.		\$ -	
		Ea.		\$ -	
Other				\$ -	
				\$ -	
				\$ -	
				\$ -	
(6) Domestic Water				\$ -	
Trenching		L.F.		\$ -	
Main, 8" dia.		L.F.	\$ 26.00	\$ -	
Laterals (service lines)		L.F.	\$ 1,000.00	\$ -	
Meter boxes		Ea.		\$ -	
Fire hydrants (Ts, valves, lateral)		Ea.	\$ 3,500.00	\$ -	
Valves		EA.	\$ 1,400.00	\$ -	
8 " Bends (Fittings)		Ea.	\$ 600.00	\$ -	
				\$ -	
				\$ -	

Class of Improvements	Qty	Unit	Unit Cost	Total Cost	Compl. Date
Electric Service Facilities *				\$ -	
Natural Gas Service Facilities *				\$ -	
Telephone Facilities *				\$ -	
Cable Service Facilities *				\$ -	
Subtotal					
Supervision of all installation (should normally not exceed 4% of total)	1	LS	\$ 2,838.16	\$ 2,838.16	
TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION				\$ 73,792.16	
Performance Bond, Escrow Account, or Letter of Credit (110% of Total)					
* Show costs of installing gas, electric, phone and cable television improvements or provide evidence to the City that performance guarantees have been given directly to the utility companies involved.					

The above improvements shall be constructed in accordance with all City requirements and specifications, and conformance with this provision shall be determined solely by the City of Fruita or its duly authorized agent. The improvements shall be constructed in accordance with the time schedules shown above.



 Signature of Developer Date

ATTEST:

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

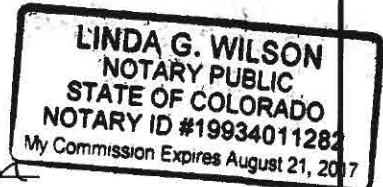
Subscribed and sworn to before me the 31st day of October, 20 16, by
Keith Hejl

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 08-21-17



 Notary Public





AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: December 6, 2016

RE: Conditional Use Permit, Mineral House Vacation Rental (Bed & Breakfast) (Application #2016-17)

BACKGROUND

This is a request for a Conditional Use Permit (CUP) for a vacation rental by owner (defined as a Bed & Breakfast in the Land Use Code) on a 9,150 square foot lot zoned Community Residential and located at 626 Mineral Court. The Land Use Code requires a CUP to operate a Bed & Breakfast in a Community Residential zone.

The subject property contains a detached single family house with 3 bedrooms and 2 bathrooms. There is enough parking on the property for at least four vehicles.

This CUP meets or can meet all approval criteria and standards that must be considered for CUPs and Bed & Breakfast uses. There are no major concerns with the proposed CUP and no conditions of approval are recommended.

At the August 9, 2016, Planning Commission public meeting, a few surrounding property owners expressed concerns about this development application and staff also received letters from a few surrounding property owners expressing concerns. Although the applicants had a letter from the Stone Mountain Estates homeowners association (HOA) president indicating that the proposed Bed & Breakfast is approved by the HOA, the applicants agreed to continue the application for a few months in order to try to resolve the concerns. No additional public comments have been received at this time.

At the November 8, 2016, Planning Commission public meeting, no one from the public spoke out against this Bed & Breakfast proposal and it was approved through the Planning Commission's consent agenda.

FISCAL IMPACT

The proposed CUP should have a positive fiscal impact on the city. The use appears to be compatible with the surrounding area and will generate lodging tax used to market and promote the city.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This CUP meets or can meet all approval criteria and standards of Fruita's Land Use Code (2009, as amended). The Land Use Code (along with other regulatory documents such as Fruita's Design Criteria and Construction Specifications Manual) implement the City's goals and policies as outlined in the City's Master Plan including the Fruita Community Plan.

OPTIONS AVAILABLE TO COUNCIL

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

RECOMMENDATION

Staff recommends that the City Council move to approve the Mineral House Conditional Use Permit for a vacation rental by owner (Bed & Breakfast). No conditions of approval are recommended.



**Community Development Department
Staff Report
November 8, 2016**

Application #: 2016-17
Application Name: Mineral House
Application Type: Conditional Use Permit
Property Owner: Danny Gene Mitchell Jr.
Representative: Danny Gene Mitchell Jr.
Location: 626 Mineral Court
Zone: Community Residential
Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). The Fruita Land Use Code requires a Conditional Use Permit to operate a Bed and Breakfast in a Community Residential zone.

Project Description:

At the August 9, 2016 Planning Commission meeting, the applicants agreed to continue this development application to the October 11, 2016 Planning Commission meeting so that they could resolve some issues pertaining to the allowed uses within the Stone Mountain Estates covenants relating to Vacation Rentals or short term rentals. By the time of the October 11, 2016 meeting, no new information had been received from the applicants regarding the reason for continuance. New information has since been received from the applicants regarding the change in covenants has been included in the Planning Commissioner packets. Public notice and legal notice have been redone to inform those who may be interested in the new hearing date for this application.

The following is the Staff Report as provided to the Planning Commission at the August 9, 2016 Planning Commission meeting. The only addition other than the paragraph above, is shown in italics on page 5. The section of the August 9 Planning Commission minutes during which this issue was discussed also is included with the Planning Commissioner information packets.

The subject property contains a 1,196 square foot detached single family house on an approximately 9,150 square foot lot. The house has 3 bedrooms and 2 bathrooms. The property owner has requested a Conditional Use Permit (CUP) to use the property for a vacation rental by owner.

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

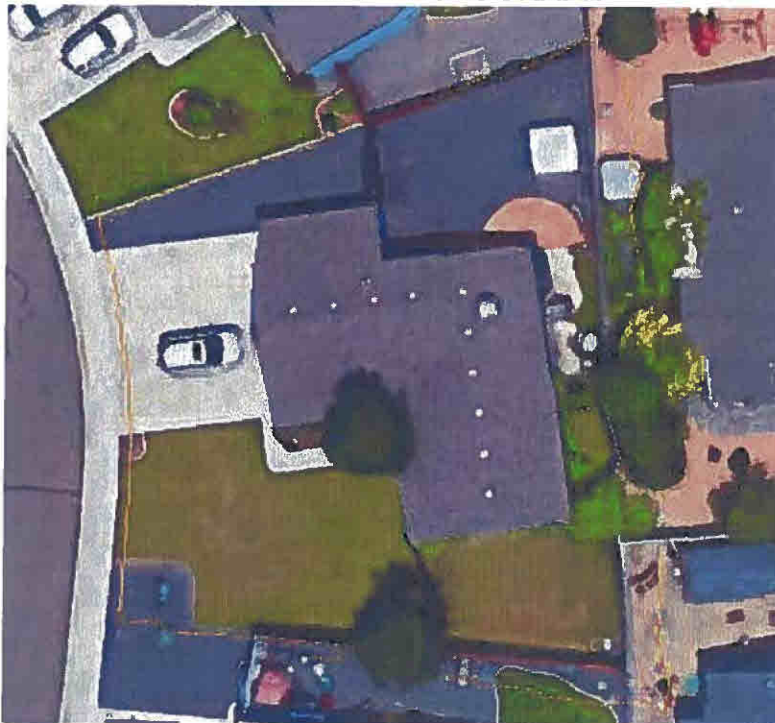
Surrounding Land Uses and Zoning:

The property is surrounded by Community Residential zoning and is located in the Stone Mountain subdivision. All surrounding land uses are single family detached residential houses.

ZONING MAP



2015 AERIAL PHOTOGRAPH



Review of Applicable Land Use Code Requirements:

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

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

1. **Where the applicable zoning district allows bed and breakfast uses as a Conditional Use, the use must be a residential dwelling that contains no more than four (4) guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Bed and Breakfast uses with more than four (4) guest bedrooms are considered hotels or motels;**

The entire dwelling unit is intended to be used as the Bed and Breakfast. According to the project narrative and the Mesa County Assessor, this home contains 3 bedrooms and 2 bathrooms.

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

The applicants know and understand that the kitchen and dining facilities may only serve the guests. According to the project narrative "The kitchen will be outfitted for guests to do their own cooking if they desire. No food service or meal preparation will be provided for them."

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

The project narrative states that no changes to the exterior of the building are intended and Staff believes that the residential character of this property will not change based on the information submitted.

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

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

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

Parking for guests will be provided on the driveway and an adjacent graveled area. It appears that at least four vehicles can fit in this area. The garage also may be available for parking. Screening of the parking area is not recommended.

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

This house was constructed in 2003, according to the Mesa County Assessor's website. Staff has no reason to believe that the house does not meet building codes.

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

There is a HOA associated with this property and they have been contacted by the applicants. According to the project narrative, "We have already approached the home owners' association to ensure their support. They conducted a survey of surrounding homeowners and have given their support in the form of a letter". The letter of support is provided with the project narrative.

Since the continuance, the applicants have been able to work with the Stone Mountain Estates HOA in regards to changing the Covenants to address the use of vacation rentals. It appears the HOA is okay with property owners using their properties for short term rentals or vacation rentals for less than 30 days as long as they comply with the City of Fruita's rules and regulations.

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

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

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

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

land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

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

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

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

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

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

It appears that this proposed vacation rental will be compatible with the surrounding CR zones as the residential character is not intended to be affected. This criterion has been met.

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

Use of the house for a vacation rental is not expected to endanger the public health or safety. According to the project narrative the applicants

have provided their contact information to the HOA "in case an emergency arises or a customer is not following the house rules". This criterion has been met.

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

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

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

Review Comments:

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

Public Comments:

At this time, staff has received three letters of written comments from surrounding neighbors requesting that this CUP be denied. These letters are included with this Staff Report.

Staff Recommendation:

Because all of the approval criteria for Conditional Use Permits and all supplemental zoning standards and regulations either are or can be met, Staff recommends approval of the proposed Bed & Breakfast. No conditions of approval are recommended.

Fruita Planning Commission: November 8, 2016

Fruita City Council: December 6, 2016



LAND DEVELOPMENT APPLICATION

Project Name: Mineral House
 Project Location: 626 Mineral Ct, Fruita, CO 81521
 Current Zoning District: residential Requested Zone: residential
 Tax Parcel Number(s): 2697-201-22-013 Number of Acres: 0.21 Acre
 Project Type: vacation rental home

Property Owner: Danny Gene Mitchell Jr. Developer: N/A
 Property Owner: _____ Contact: _____
 Address: 1956 S. Broadway Address: _____
 City/State/Zip: Grand Junction, CO 81507 City/State/Zip: _____
 Phone: 970-201-2260 Fax: _____ Phone: _____ Fax: _____
 E-mail: gene.mitchell@bresnan.net E-mail: _____

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

Owner Rep: Danny Gene Mitchell Jr. Engineer: N/A
 Contact: _____ Contact: _____
 Address: 1956 S. Broadway Address: _____
 City/State/Zip: Grand Junction, CO 81507 City/State/Zip: _____
 Phone: 970-201-2260 Fax: _____ Phone: _____ Fax: _____
 E-mail: gene.mitchell@bresnan.net E-mail: _____

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

Danny Gene Mitchell Jr Name of Legal Owner
[Signature] Signature
6-12-16 Date

 Name of Legal Owner Signature Date

 Name of Legal Owner Signature Date



STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 12th day of June, 20 16.

My Commission expires: 10/5/18

[Signature]
 Notary Public

VESTED RIGHTS OPTION FORM

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

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

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

Name of the Land Development Application: Mineral House

Address of subject property: 626 Mineral Ct. Fruita, CO 81507

Tax Parcel Number(s): 2697-201-22-013

Application Type:

Site Design Review



Conditional Use Permit

Minor Subdivision

Major Subdivision

Planned Unit Development

Other _____

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

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

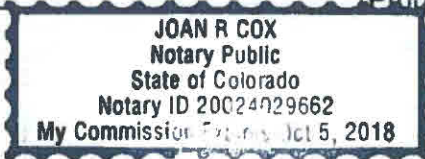
Property Owner Signature: Danny Gene Mitchell Jr.

Property Owner Signature: _____

STATE OF COLORADO)

COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 12 day of June, 20 16 by Danny Gene Mitchell, Jr. (Property Owners name(s)).



WITNESS MY HAND AND OFFICIAL SEAL

My Commission Expires: 10/5/18 Notary Public: Joan R Cox

Project Narrative for Mineral House Project

The house at 626 Mineral Court is an 1196 square foot; ranch style single dwelling built in 2003 and located in Stone Mountain Estates. There are 3 bedrooms and 2 bathrooms. (See Attachment A) There will be no change to the exterior of the dwelling and no signage placed. The house is currently insured by State Farm (see Attachment B).

The house will only be utilized for short term vacation rentals such as those listed on websites such as VRBO and Air B-N-B. We will accept a maximum of 6 people for the dwelling. Short tem rentals will allow us to ensure that the inside and outside of the property is kept in acceptable condition and will have the least effect on the surrounding neighborhood.

We have already approached the home owners' association to ensure their support. They conducted a survey of surrounding homeowners and have given their support in the form of a letter. (See Attachment C)

We have already provided the home owners' association board members, one of whom lives immediately behind our property, with our immediate contact information in case an emergency arises or a customer is not following the house rules. The house rules (See Attachment D) pertaining to the potential effects on surrounding residences are: quiet time after 10PM every night, no smoking on the property and no illegal drug use on the property.

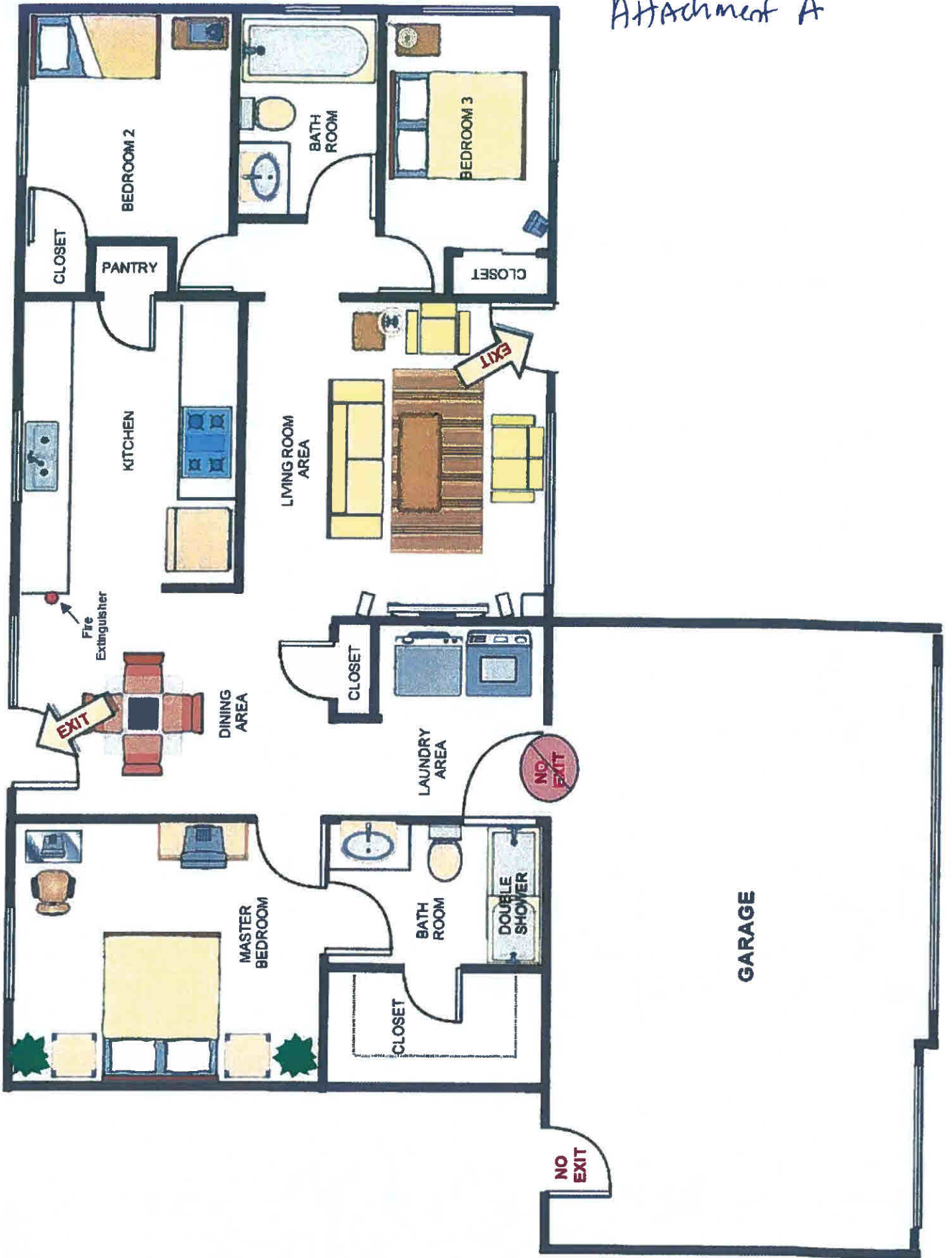
For safety, the house is already equipped with a fire extinguisher in the kitchen, smoke detectors (3) and a carbon monoxide detector.

The kitchen will be outfitted for guests to do their own cooking if they desire. No food service or meal preparation will be provided for them.

The driveway and RV gravel parking can hold up to 5 vehicles which exceeds the parking requirement. This will prevent vehicles from needing to park in the street.

The yard area will be maintained by us personally as will the driveway and walkway snow removal.

Attachment A





1555 Promontory Circle
Greeley, CO 80638-0001

Attachment B

004152 0001

C-20- 2383-FAD1 H W F

MITCHELL, DANNY GENE & SABRINA
1956 S BROADWAY
GRAND JCT CO 81507-8502



ST: 0206-0000

Location: 626 MINERAL CT
FRUITA CO
81521-2454

Loss Settlement Provisions (See Policy)
A1 Replacement Cost - Similar Construction
B1 Limited Replacement Cost - Coverage B

Forms, Options, and Endorsements

Homeowners Policy	FP-7955
Increase Dwlg up to \$37,000	OPT ID
Ordinance/Law 10%/ \$18,500	OPT OL
Jewelry and Furs \$1,500/\$2,500	OPT JF
Homeowners Policy Endorsement	FE-3425.1
Amendatory Endorsement	FE-2340
Civil Union Endorsement	FE-8790
Back-Up Dwell/Listed Property	FE-5706.3
Vacancy	* FE-7470.1

*Effective: OCT 02 2015

POLICY NUMBER 88-B6-2718-7

Homeowners Policy
OCT 02 2015 to OCT 02 2016

TO BE PAID BY MORTGAGEE

Coverages and Limits

Section I

A Dwelling		\$185,000
Dwelling Extension	Up To	18,500
B Personal Property		138,750
C Loss of Use		Actual Loss Sustained

Deductibles - Section I

All Losses 2.00%	3,700
------------------	-------

Section II

L Personal Liability	\$300,000
Damage to Property of Others	500
M Medical Payments to Others (Each Person)	1,000

Annual Premium

Annual Premium	\$646.00
Previous Balance Due	30.90

Premium Reductions

Utility Rating Credit	48.00
Home Alert Discount	13.00
Home/Auto Discount	370.00
Claim Record Discount	80.00

Inflation Coverage Index: 229.9

Please help us update the data used to determine your premium. Contact your agent with the year each of your home's utilities (heating/cooling, plumbing, or electrical) and roof were last updated.

Thanks for letting us serve you...

401B 1
2,DR,NP,6E

Agent SEAN BRUMELLE CLU, CHFC
Telephone (970) 523-9700 or (303) 674-1121

Moving? See your State Farm agent.
See reverse for important information.

REB

Prepared AUG 03 2015

Attachment C

**STONE MOUNTAIN ESTATES
P.O. BOX 441
FRUITA, COLORADO 81521**

August 13, 2015

Dear Sabrina and Gene Mitchell

Thank you for presenting your request at the annual meeting in April 2015; at the meeting there did not seem to be anyone against it, also an email was sent out to the Homeowners and there has not been any comment, thus the HOA Board of Stone Mountain Estates does not have a problem with you making your house at 626 Mineral Court available for short term rental.

The Board with your help in working with them will add an amendment to the By-Laws and the Covenant.

We trust that you will keep us abreast of your progress in obtaining the documentation of this.

The Board's would like a (record only) copy of any Fruita City approvals for this type of property use if the City requires any such documentation in case any issues come up with belaboring home owners in the future.

Regards,



James Jessop

President

Stone Mountain Estates HOA

Mineral House 2015 – “Good to know!”

Welcome to the Mineral House!

We hope your stay is a pleasant one and that you will tell your friends about us!

Please familiarize yourself with these (4) pages of information.

It is provided to ensure well-being for you and for our future guests as well.

It is also information that will be “good to know” during your stay with us!

POLICY –

Check out – 12 PM (NOON) – no exceptions.

We must ready the property for the next guest.

If you see that you will overrun this time, please call us immediately.

An hourly rate of \$80/hr will be charged in ½ hour increments for time beyond 12 PM unless prior arrangements are made.

NO SMOKING

This is a “non-smoking” property in its entirety. In order to provide the very best stay for you and all future guests, we ask that you refrain from smoking on this property for, both the health concerns of future guests, and in light of recent Colorado legislation, we do not wish to incur this particular liability.

NOTE: *Failure to follow this request will result in early termination of stay and being barred from any future rentals here. Deposit will be forfeited. NO REFUND. Consider yourself warned.*

CURFEW

We must ask for quiet after 10 PM, and we would prefer it after 9 PM – remember, you are in a neighborhood of working families. Not everyone is on a vacation in the homes around you. Please respect their space too.

BREAKAGE

It happens. Face it. Sometimes it does. You break something but you really didn't mean to – *please let us know when this happens.*

YOU are responsible for any and all breakage, loss, stolen or missing items from this house!

Many times we will overlook small incidences, BUT *unreported or gross negligence will result in being charged replacement costs and/or a loss of security deposit.*

CHECK OUT

- Please strip all bedding and leave it on top of the bed.
- Please check that the gas valve is turned off at the wall for the gas grill.
- Leave key on kitchen counter.
- Lock door behind you as you leave.

Mineral House – “Amenities”

There is a “map” of the Mineral House showing the fire exits and location of it’s contents.

Telephone – (970) 639-7474

Includes long distance in the U.S. – you may also receive calls at this number.

Washer & Dryer -

Please empty the dryer lint trap at upon use. This will help maintain longevity.

Towels and washcloths are located on the shelves directly above the washer & dryer.

Rags and cleaning cloths are here too.

Kitchen –

Leftover foods – eat at your own risk. We will throw out any food that is questionable, but at times may leave unopened or non-risk items for consumption. Again, this is at your own risk but they are free for your consumption.

NOTE: *Please do not remove any item for use outside of this home. All utensils, pots, pans, cups, glasses, etc., are for use exclusively for this house and while occupied, not for camping, hiking, nor any other day/week excursions outside this property. Even the best of intent lends to loss of convenience items. Please respect the next guest’s stay.*

Clean up after yourself – please place soiled dishes in the dishwasher and run it as needed and at least, on your check-out date. Dishwasher soap is below the sink, along with other cleaning supplies if needed.

Consumables and paper products –

A “starter” supply of toilet paper and paper towels has been provided.

Please do not flush any hygiene products down the toilet, but wrap and place them in a trash receptacle.

Lost Door Key - a lost key will incur a \$75.00 charge to cover locksmith fees to re-key locks.

Mineral House – “Odds & Ends”

It is truly our intent to provide a comfortable and enjoyable environment for you to stay in.

We dislike having to state the obvious, but for some, it is a necessity and the reason you read these pages now.

A few more noteworthy items:

Heating & Cooling -

SUMMER - the house is cooled by evaporative cooling (aka “swamp cooler”)

which uses much less energy than typical refrigerated air conditioning but will provide comfortable living when operated properly.

Please **do not** leave exterior doors or windows open with the swamp cooler in operation. This will create “muggy” air and ineffective cooling.

DO leave ALL bedroom doors cracked open at night to ensure proper airflow and cooling. Each bedroom has a ceiling duct (UpDux) to keep air moving throughout the house and up through the attic area. Failure to leave bedroom doors slightly open will stop air flow and your room will get HOT quickly.

The swamp cooler is operated via thermostat and may be adjusted to your comfort level. However, swamp coolers have their limitations too.

Outside temperatures in excess of 100 degrees, you may experience slightly warmer temperatures in the house. This is normal, and to be expected.

Note: the humidified air sometimes causes the doors to swell making them difficult to open or close so please do not force doors or windows.

This is normal with swamp cooler operation.

WINTER - heat comes from radiant in-floor heat. Please do not adjust the thermostat. This type of in-floor heating requires a set temperature.

Exterior doors left open too long can result in up to a 6 hour recovery time. We encourage you to keep doors shut tightly during cold weather when possible. *Adjusting the thermostat will not make it get warm any faster.*

Automatic sprinklers – In the summer, these may come on at any given time. Be aware.

Parking – is preferred in the driveway – not in the street.

Vehicles that leak oil should be parked in the gravel area only!

Trash Can – is located out the back door and around the side of the house. Please keep the lid on tightly to ward off unwanted pests!

Gas Grill - PLEASE PULL IT OUT AWAY FROM THE HOUSE BEFORE LIGHTING!!
If the unit is too close to the house it WILL MELT THE SIDING!!

Grill Lighting Procedure:

- After making sure all grill valves are "OFF" turn "ON" the main gas valve for the gas line to the stove. This valve has a **RED HANDLE**, located on the house.

- Open the grill.
- Turn one burner valve ON to the "LIGHT" icon position.
- Ignite by pushing the red button on the grill panel, repeatedly until lit. If the unit does not light after several pushes, turn all burners OFF and wait 30 seconds before retrying. This will allow excess gas to safely disperse.
- Turn all burners OFF and CLOSE THE MAIN GAS VALVE AT THE HOUSE when done grilling.

Fire Extinguisher – located just inside the back door, mounted on the lower cabinet.

Safety is no laughing matter! There are smoke detectors and carbon monoxide detectors for your safety. In the event there is any "chirping" noise from the units or other problems, contact us immediately – DO NOT DISABLE THESE UNITS!

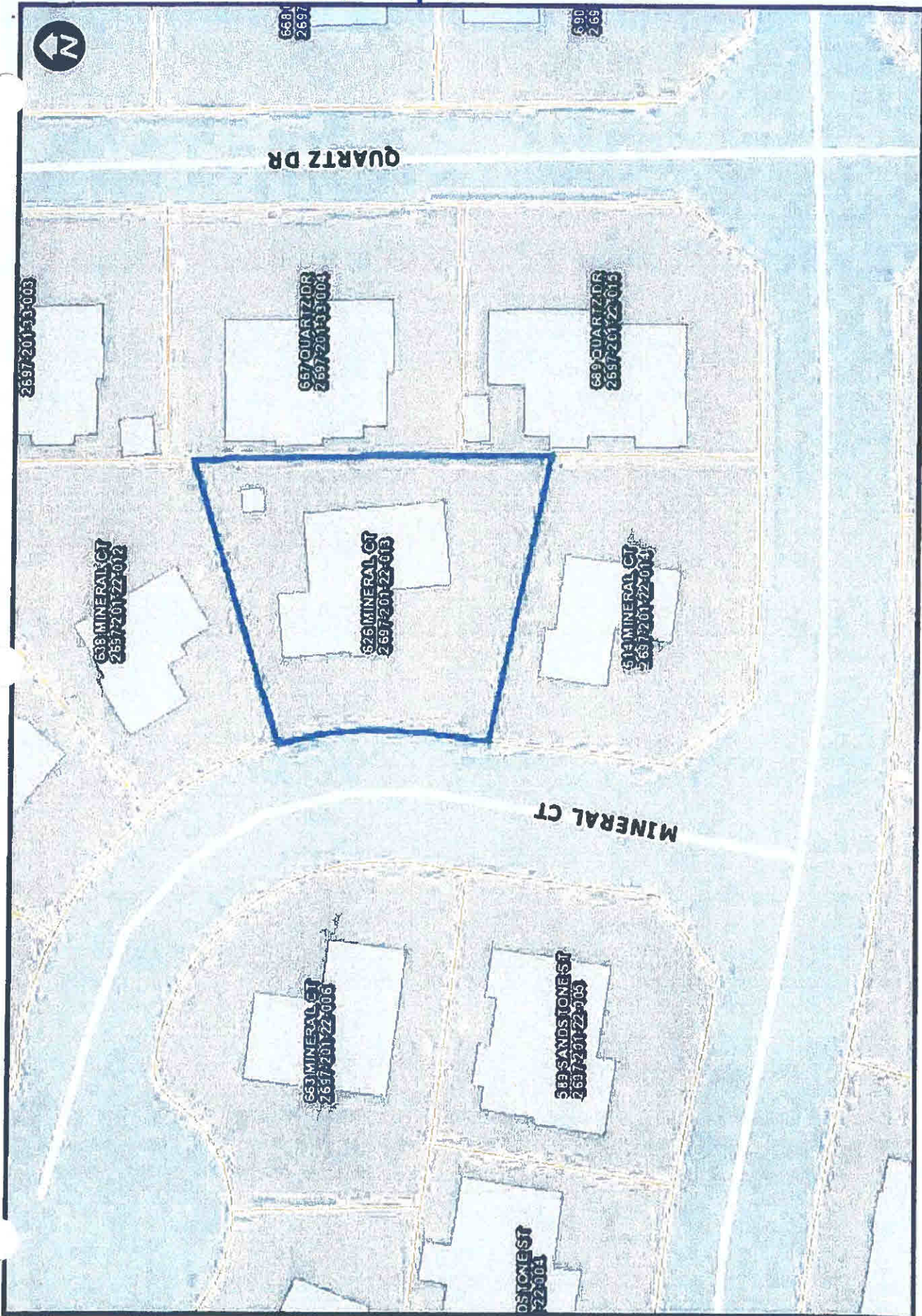
Sometimes these units will be set off upon cooking, if food is burned or spill-over messes. They are very sensitive to any smoke. The loud alarm sound alone will drive you from the house, but most times can be resolved by turning off the stove/oven, open doors and windows, to eradicate the smoke.

We hope that with this information you will have an enjoyable stay!

In the event of an emergency - dial 911

CONTACT INFORMATION – Gene Mitchell – Owner (970) 201-2260

Sabrina Mitchell - Owner (505) 360-8817



Mesa County Map

The Geographic Information System (GIS) data is provided as a service of reference for property location for planning and for general use. It is not intended to be used for legal purposes. The County Clerk and Recorder's office are the authoritative source for all legal information. The information contained herein is believed to be true and correct, but the user assumes all responsibility for any and all uses, including consequential damages, which may result from the user's use of this information.



Print Date: January 18, 2016

Mesa County, Colorado



GIS/IT Department
gis@mesacounty.us

Google Maps 626 Mineral Ct



Imagery ©2016 Google, Map data ©2016 Google 20 ft



626 Mineral Ct
Fruita, CO 81521

Google Maps 626 Mineral Ct



Imagery ©2016 Google, Map data ©2016 Google 20 ft

S.P. page 3 of 5

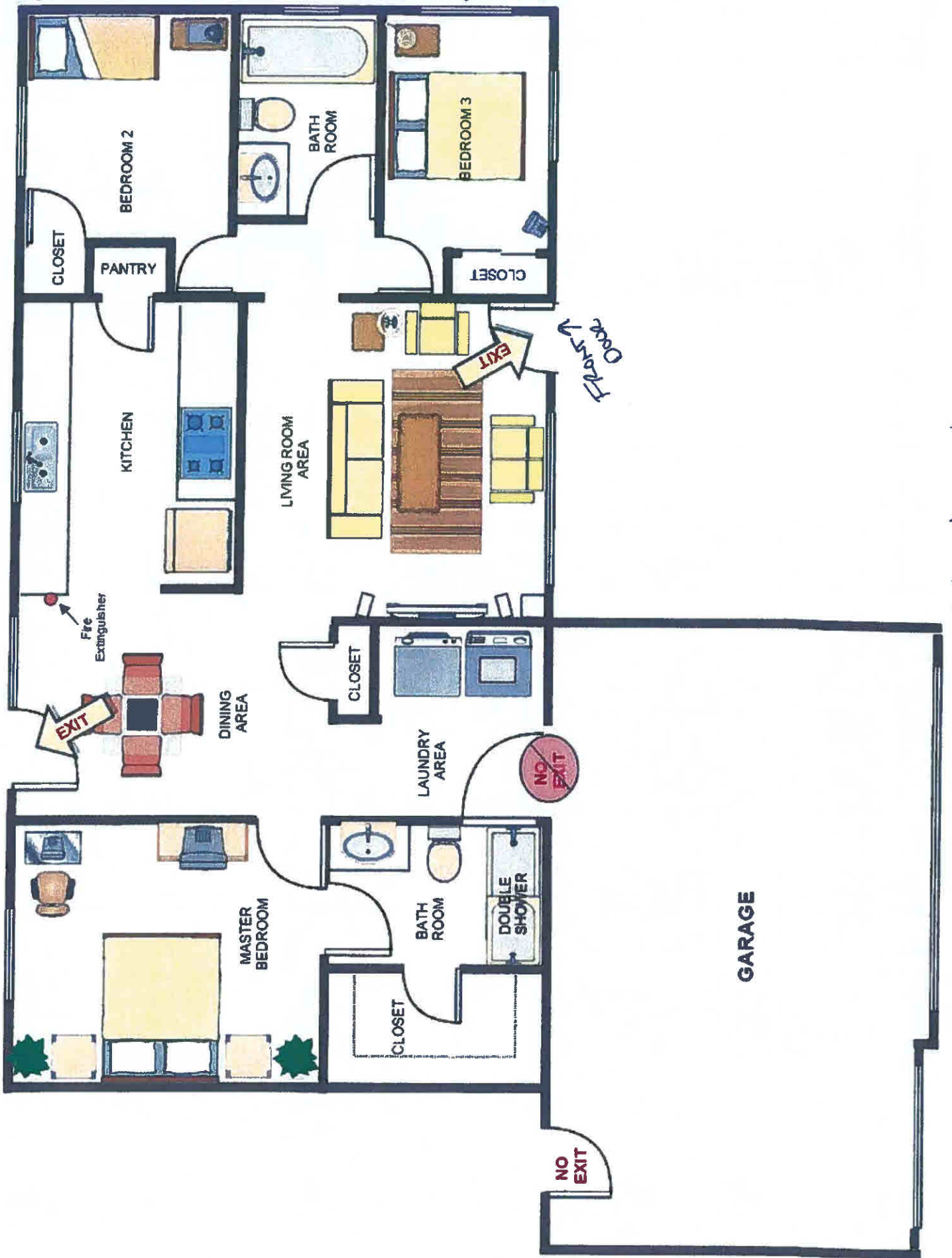


S.P. page 4 of 5

X=696488.1 Y=4335723.8

5m
20ft

S.P. page 5045



To Whom It May Concern,

I am writing in regard to my next-door neighbor at 1216 Mineral Ct. requesting to turn his residence into a Bed and Breakfast. As a mother of two little girls, especially in today's world, I am sure you can understand my constant concern for my daughters' safety and well-being; a neighborhood where my children are familiar with its residents is crucial to me. I am extremely concerned with my neighbor's home being occupied by strangers for any period of time, not to mention the noise and traffic concern of strangers coming and going in my neighborhood.

~~It~~ I'm sure^{it} will come as no
surprise, I am not the only parent in
my neighborhood. In fact, there are
at least 7 small children, currently
living in this neighborhood, all of which
enjoy spending time outside riding
bikes and scooters and playing together.
We as residents NEED to feel safe
with our children playing outside
without fear of complete strangers
coming and going with unknown
intentions. I strongly urge you
to NOT allow my neighborhood
to turn into a tourist attraction
and keep it the safe, friendly
RESIDENCE it was meant to be.
Caiti Holder

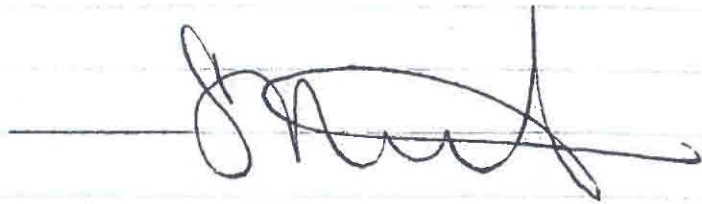
Aug 2, 2016

To Whom it may concern,

I live at 652 Mineral^{ct} & I

have 2 small children who play outside 90% of the day. My biggest reason for choosing this house, was the safety of the cul-de-sac. I do not think its a good idea to have people in & out of 622 Mineral ct.

We are not in favor of a Bed-n-Breakfast on Mineral CA

A handwritten signature in black ink, appearing to be "Paul", written over a horizontal line.

July 31, 2016

So whom it may concern,

We purchased 652 Mineral Ct. to rent to families long term and feel that having a Bed-&-Breakfast (which is basically the same as a motel) at 626 Mineral Ct. is not appropriate for the culdesac.

The culdesac has young families with young children and safety is a priority.

Having different people and traffic on a daily basis is in no way in the best interest of the families who reside in the culdesac.

We are not in favor of a Bed-&-Breakfast on Mineral Ct.

CR Hope - MFB REAL LLC

Doug Van Etten read the application as follows:

Application #: 2016-17
 Applicant: Danny Gene Mitchell Jr.
 Application Name: Mineral House
 Application Type: Conditional Use Permit
 Location: 626 Mineral Court
 Zone: Community Residential
 Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). The Fruita Land Use Code requires a Conditional Use Permit to operate a Bed and Breakfast in a Community Residential zone.

Danny Gene Mitchell Jr. - I own the property at 626 Mineral Court, I want to thank you for your time. We would like to provide housing as a vacation rental for events, bike events in Fruita. We had an opportunity to rent out to some missionaries but we couldn't do so because we hadn't been through this process yet. So that is another reason we wanted to apply for the Conditional Use Permit. We have been to the homeowners association and the HOA distributed letter and emails to the whole neighborhood and did not receive any negative comments.

Dahna Raugh- As far as Staff can tell, this Conditional Use Permit meets all requirements as stated in the last presentation with the Robinson Rental. When Staff was completing the writing the Staff Report, we received a letter in opposition of this request and before the meeting Staff also received three more letters in opposition which you have in front of you. We actually received a letter from the HOA in support of this application that there is no problem with the covenants. Unfortunately, the neighbors do have concerns. That concludes my presentation.

Janet Brazfield- This letter from the HOA states that the board has been working with the other neighbors will add an amendment to the bylaws and covenants. Now in order to do that, it would require the majority of the homeowners. Has that amendment been done? Otherwise it wouldn't meet the supplemental zoning criteria that requires the applicants to show it doesn't violate the covenants.

Dahna Raugh- The city is certainly not asking the Planning Commission or the City Council to sit up here and act as lawyers, reading the covenants and deciding what you think the covenants say. None of us are lawyers. The issue is, does it meet the requirements of the Land Use Code. The applicants need to demonstrate that the relevant subdivisions declarations, covenants, conditions and restrictions allow for a Bed & Breakfast use and associated signage. The letter from the president of the HOA (in the planning commission packets) states "Thank you for presenting your request at the annual meeting in April of 2015. At the meeting there did not seem to be no anyone against it. An email was sent out to homeowners and there has not been any comment. Thus, the

HOA board of Stone Mountain Estates does not have a problem with you making your house at 626 Mineral Court available for short term rental.” Now I do see that it does say “the board with your help working with them will add an amendment to the bylaws and covenants, they trust that the property owners will keep them abreast of the progress of obtaining the documents... the board would like a record only copy of Fruita city approvals.” So to me this says the HOA is in support. So it was Staff’s opinion that the requirement that it is the responsibility of the applicant to demonstrate that there is no violation, this letter shows that there is no violation. Like I said, right when we were finishing up the reports to go out the Planning Commissioners, we received letters from the neighborhood with concerns. And we have received some letters before tonight’s meeting.

Janet Brazfield- My question was, have the covenants been amended in order to allow this?

PUBLIC COMMENT:

Cynthia Mabes (owns 652 Mineral Court)- Her concern is about the safety of the cul-de-sac and the continuing in and out of new people in the neighborhood. There are a lot of kids that live on the cul-de-sac and the safety of the kids is a major concern.

REBUTTAL:

Sabrina Mitchell (the applicants wife) - Wondered if there is any wording in the advertisement that may be a concern to the neighbors. Sabrina wants to make this right with the neighbors and to add some wording in rules for the rentals that could address the concerns of the neighborhood.

PLANNING COMMISSION COMMENTS:

Janet Brazfield- Have (the applicants) made the amendment to the covenants yet?

Sabrina Mitchell- No they have not, the HOA is waiting for documents from the City of Fruita in order to make their decision on the amendment.

Janet Brazfield- Stated that it should be the HOA to change the covenants before they give to okay to the homeowner, and not the other way around.

Dahna Raugh- What is the amendment exactly? Is it an amendment to say it is okay? I think we might be making an assumption that this is a problem and there is some sort of an amendment that needs to happen. But there is no indication as to what type of amendment there will be. To let a Bed & Breakfast be a permitted use or an amendment that actually talks about how a Bed & Breakfast will be operated if it is permitted. Do you guys (applicant and wife) actually know what the amendment is for?

Danny Gene Mitchell Jr. - It is rentals less than 30 days.

Janet Brazfield- So your subdivision only allows rentals 30 days or more?

Danny Gene Mitchell Jr. – Yes.

Keith Schaefer- Based on that, this wouldn't qualify would it?

Janet Brazfield- Exactly, unless it is amended to allow it for less than 30 days.

Mel Mulder- Agrees with Janet. Based on the information we have in the application, this is a legal application and should be recommended for approval.

Keith Schaefer- I think it is important for the people in the audience to understand that this is a Conditional Use Permit, and if they violate any of the conditions it can be pulled. Having said that and based on the information we have, we can move to approve subject to Mrs. Brazfield's comments about the need for the amendment to the subdivisions covenants.

Dave Karisny- Dave made clear what exactly the amendment would actually be, the amendment would be to allow for rentals that are less than 30 days. Mr. Karisny encouraged the applicant to continue the application until a further date when they can get the amendment made or more clarity on the amendment in the subdivision.

Heidi Jo Elder- Mrs. Elder believes that the applicant has proven that the HOA is in support of the short term rental and that with the letter from the HOA in support, this does not violate the covenants.

Janet Brazfield- Mr. Chair, I recommend to not approve the Conditional Use Permit due to not meeting all of the approval criteria for the City of Fruita Code as far as the applicant has stated the HOA allows for rentals over 30 days and not less than 30 days.

Keith Schaefer- I second.

Dave Karisny- If we vote in favor of that motion, we agree to deny the application.

Doug Van Etten- Do we want to deny it or ask the applicant to continue this application to a later meeting to give the applicants and the HOA a chance to address the concerns of the covenants?

Dahna Raugh- The Planning Commission would need approval from the applicant to continue this project to a later time.

Janet Brazfield- Would the applicant be willing to continue this project until a later date?

Danny Gene Mitchell Jr. – Yes.

Janet Brazfield- I would amend my motion to continue this application until a later date to give the applicant time to amend the subdivisions covenants and to talk to their neighbors.

Keith Schaefer- Second

Dahna Raugh- I want to confirm when they want to continue this project until.

Danny Gene Mitchell Jr. – Agrees to continue this application until the October 11, 2016 meeting.

Janet Brazfield- Continue the application to the October 11th meeting and the applicants can ask for a continuance again if that is not enough time.

Danny Gene Mitchell Jr. – Agree.

**The motion is to continue this project until the October 11, 2016 Planning Commission meeting.

6 Yes votes; motion passes to continue the application.

I. COMMUNITY DEVELOPMENT ACTIVITY REPORT

Dahna Raugh talked about some of the applications that were previously heard by the Planning Commission, the Sacred Heart Church rezone in particular. She told the Planning Commission that they withdrew their application and that the Planning Commission may hear the application again in the future.

Dahna mentioned the survey that was email to the Planning Commissioners about old sewer lagoon property.

Dahna Raugh talked about how busy the Planning Department is getting about. She also wants to figure out a time when Planning Staff and the Planning Commissioners can get together to have a discussion about how the planning process works. It will be after a Planning Commission meeting within next month or the month after.

There was a long discussion about the review of the application process. Keith Schaefer has some issues with how the Planning Commission doesn't get to review Site Design Review applications like the Dairy Queen, but the Planning Commission hears all these VRBO's and CUP applications where there is no benefit to the neighborhood and only the homeowner. Dave Karisny encouraged Keith to bring this issue up with the City Council when we (the planning commission) have a joint meeting with City Council to discuss the city's land use application processes.

Fruita Planning Commission

Tuesday, November 8, 2016

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

Doug Van Etten led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

Dahna Raugh proposed that the hearing item (Mineral House) be moved from a hearing item and put on consent. She believes that all issues have been resolved, the applicants are here but no one from the neighborhood is in attendance.

Keith Schaefer made a motion to move the hearing item to consent, amending the agenda.

Richard Hocter seconded.

5-0 yes votes.

D. APPROVAL OF THE AGENDA

E. WITHDRAWN ITEMS

None.

F. CONTINUED ITEMS

None.

G. CONSENT ITEMS

Doug Van Etten read the consent item as follows:

Application #:	2016-17
Application Name:	Mineral House
Application Type:	Conditional Use Permit
Property Owner:	Danny Gene Mitchell Jr.
Representative:	Danny Gene Mitchell Jr.
Location:	626 Mineral Court
Zone:	Community Residential

Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). The Fruita Land Use Code requires a Conditional Use Permit to operate a Bed and Breakfast in a Community Residential zone.

Keith Schaefer made a motion to approve the consent agenda.

Whitney Rink seconded.

5-0 yes votes. Motion passes.

APPROVAL OF MINUTES

There were no minutes to approve for this meeting. The Planning Commission met on October 11, 2016 to discuss the Lagoon Property concept ideas with the Public Works Director, Ken Haley, and to have Planning Commission training with the City Manager, Mike Bennett. The Lagoon property ideas were brought to the Planning Commission for input and Mike Bennett went over city goals and the direction the city is going.

H. HEARING ITEMS

None.

I. COMMUNITY DEVELOPMENT ACTIVITY REPORT

None

J. VISITORS AND GUESTS

Keith Schaefer suggested that we think about changing the definition of Bed and Breakfast and Vacation Rental by Owner. He feels that it could be confusing to applicants.

Adjournment at 7:15pm

Respectfully submitted,

Henry Hemphill
City of Fruita Planning Technician



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL MAYOR

FROM: SAM ATKINS, CITY ENGINEER

DATE: DECEMBER 6, 2016

RE: RESOLUTION 2016-41 – A REQUEST TO APPROVE A DEED OF EASEMENT AGREEMENT BETWEEN THE CITY OF FRUITA AND OLDCASTLE SW GROUP, INC. FOR A PERMANENT TRAIL EASEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEED OF EASEMENT

BACKGROUND

The City of Fruita has identified the construction of the Kokopelli Section Colorado Riverfront Trail as a high priority and has included its construction costs in the 2017 Draft Budget. The proposed trail alignment crosses through the property owned by Oldcastle SW Group, Inc. located at 1501 Highway 6 & 50. An existing pedestrian easement was granted to Mesa County in 2010 for this property that was along its south boundary adjacent to Interstate 70. After developing more detailed alignments for the trail, acquiring an additional easement adjacent to the existing easement would create a more desirable trail experience and reduce construction costs. Discussions with the Oldcastle SW Group, Inc. resulted in the proposed easement.

FISCAL IMPACT

There is no fiscal impact related to this license agreement.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO COUNCIL

- 1. APPROVE RESOLUTION 2016-41 - APPROVING A DEED OF EASEMENT AGREEMENT BETWEEN THE CITY OF FRUITA AND OLDCASTLE SW GROUP, INC. FOR A PERMANENT TRAIL EASEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEED OF EASEMENT**
- 2. DENY RESOLUTION 2016-41 - APPROVING A DEED OF EASEMENT AGREEMENT BETWEEN THE CITY OF FRUITA AND OLDCASTLE SW GROUP, INC. FOR A PERMANENT TRAIL EASEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEED OF EASEMENT**

RECOMMENDATION

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

- **APPROVE RESOLUTION 2016-41 - APPROVING A DEED OF EASEMENT AGREEMENT BETWEEN THE CITY OF FRUITA AND OLDCASTLE SW GROUP, INC. FOR A PERMANENT TRAIL EASEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEED OF EASEMENT**

RESOLUTION 2016-41

A RESOLUTION TO APPROVE A DEED OF EASEMENT AGREEMENT BETWEEN THE CITY OF FRUITA AND OLDCASTLE SW GROUP, INC. FOR A PERMANENT TRAIL EASEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEED OF EASEMENT

WHEREAS, the City of Fruita has identified the construction of the Kokpelli Section Colorado Riverfront Trail project from the Little Salt Wash Trail to Loma as a high priority; and

WHEREAS, the Kokopelli Section Colorado Riverfront Trail project will be an amenity to the community that will provide alternative transportation options as well as provide recreational benefits to the community; and

WHEREAS, the City of Fruita has expended considerable resources toward the planning, design, and permitting processes necessary for the trail construction; and

WHEREAS, Oldcastle SW Group, Inc. owns the property at 1501 Highway 6 & 50, known as Lot C-1 of Tract C Subdivision; and

WHEREAS, a Deed of Easement for the acquisition of a permanent trail easement, along with the conditions set forth within the Deed of Easement, necessary to construct the proposed Kokpelli Section Colorado Riverfront Trail have been negotiated with Oldcastle SW Group, Inc. as fair and reasonable terms for a permanent easement.

NOW, THEREFORE BE IT RESOLVED, that the City of Fruita hereby approves the Deed of Easement from Oldcastle SW Group, Inc. acquiring a permanent easement for the Kokopelli Section of the Colorado Riverfront Trail and authorizing the City Manager to execute the Deed of Easement.

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

CITY OF FRUITA

Lori Buck, Mayor

ATTEST:

Margaret Sell, City Clerk

DEED OF EASEMENT

THIS DEED is made and entered into this _____ day of _____, 2016 by and between OLDCASTLE SW GROUP, INC., a Colorado Corporation, whose address is 2273 River Road, Grand Junction, Colorado 81505 ("Grantor"), and the CITY OF FRUITA, Colorado, a municipal corporation, whose address is 325 E. Aspen Ave., Fruita, Colorado 81521 ("Grantee").

Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by Grantee, the receipt of which is hereby acknowledged, by these presents does hereby grant, sell, and convey to Grantee, its heirs and assigns, for the purposes herein stated, the following described easement situation in the County of Mesa, State of Colorado, to wit:

A. Permanent Public Trail Easement. A perpetual, non-exclusive easement on, under, over, through and across the real property described in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by this reference, owned by the Grantor, for the purpose of constructing, operating, maintaining, repairing, installing, replacing, enlarging, and improving, a trail system by the Grantee for the use by the general public for pedestrian and bicycle travel only.

The Grantee shall maintain Grantee's appurtenances and other facilities within the above described permanent easement in good condition and repair. Grantee shall indemnify and hold harmless Grantor, its heirs, successors and assigns, from and against all liability, claims and demands, including reasonable attorney's fees and costs, of every kind and nature, whether foreseen or unforeseen, for injury, loss or damages, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss, environmental hazard, damage or negligence which arise out of or are in any manner connected with the Grantee's construction, installation, repair, and maintenance of improvements within the easements hereby conveyed and Grantee's use and operation of such easements. Grantee further agrees to aid and defend the Grantor, its heirs, successors and assigns, at Grantee's expense, in the event the Grantor is named as a defendant in any legal action concerning the construction, installation, repair and maintenance of improvements within such easements or the use and operation of such easements by Grantee. Grantor and Grantee acknowledge that the Grantee is relying upon, and as to third parties, does not waive or intend to waive by any provisions of this Deed the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.*, C.R.S., as from time to time amended, or otherwise available to the Grantee, its officers or employees.

Within the permanent easement described in Exhibit "A" and Exhibit "B" the Grantee may remove any and all trees, bushes, vegetation or any other natural obstruction which, in the reasonable opinion of the Grantee, may be a hazard to or impair construction or operation of the public trail, appurtenances, access and equipment used by the Grantee in connection with the easement. The Grantee shall cooperate with the Grantor in attempting to minimize the removal of natural vegetation to the extent practicable and consistent with the alignment and nature of the public trail.

All trees, grasses, brush, foliage and other vegetation cut away or removed by the Grantee during construction of the public trail shall be replanted or replaced by the Grantee unless replacement of the foliage or trees would be impracticable because of the grade or surface of the disturbed area, or unless replacement of the foliage or trees would be a hazard to or materially interfere with the operation of the facilities of Grantee, in which case other appropriate methods (such as planting grasses) may be used to stabilize such areas. All ground surfaces cut or disturbed in connection with the public trail construction or maintenance shall be graded and restored by appropriate methods including revegetation, to the extent reasonably practicable.

The Grantor hereby reserves the right to grant additional non-exclusive easements or licenses with respect to the permanent easement herein conveyed for other purposes, provided that no such other easement or license shall be granted which would interfere with the reasonable use or operation by Grantee of its public trail and related appurtenances and facilities or the reasonable exercise of Grantee's rights hereunder, unless Grantee's consent shall be first obtained. Provided Grantor does not interfere with Grantee's activities in the construction, operation, maintenance, repair, replacement or improvement of Grantee's public trail, appurtenances and facilities, Grantor may use in common with the Grantee the permanent easement.

Grantee shall additionally perform the following actions:

1. Grantee agrees to pay the cost and erect approximately 4,000 linear feet of 6 foot high privacy fence on Grantor's property immediately outside the northerly and easterly boundary of herein described easement, or as determined by Grantor. The fence shall be constructed as a 6-foot PrivacyLink® Chain Link Fence with Forest Green Prewoven Slats, 3 1/2" x 5" mesh, bonded 9 gauge vinyl coated wire in Forest Green. Fence shall be erected during construction of the project and prior to the opening of the trail for public use. Grantor, following written request from Grantee, agrees to allow Grantee, its contractors, agents and assigns temporary access at reasonable times on Grantor's property to erect said fence. Upon completion, Grantee will assume all maintenance, care and responsibility of said fence. It is

understood that no warranties of any kind, other than that provided by the fence manufacturer and/or installer shall be granted.

2. The consideration set forth herein is in full settlement of all and any damages, including any damages to the remainder, occurring to Grantor or his property as a result of Grantee's erection of the privacy fence described herein (the "Project"). Grantee shall indemnify, defend and hold harmless Grantor from and against any and all claims arising out of the construction, maintenance and/or use of the Project on the Property, except to the extent such claims are caused by Grantor's negligence.
3. Title Insurance, if required, shall be secured by and at the expense of Grantee.
4. The City of Fruita shall take responsibility for the reclamation of the areas (i) along the west edge of the southern pond and (ii) along the water's edge along the easement area.

TO HAVE AND TO HOLD the easement above described unto Grantee, its successors and assigns, for the purpose herein above provided and that Grantor, for its successors and assigns, does covenant, warrant and agree to and with Grantee and its successors and assigns that at the time of the enrolling and delivery of this Deed, it is well seized of the permanent easement in fee simple and has good right, full power and authority to grant and convey the easements herein granted in the manner and in the form as aforesaid, and that the permanent easement is free and clear of all former and other grants, bargains, sales, liens, taxes, assessments, and encumbrances of whatever kind or nature except for reservations and exceptions contained in the United States Patent to the subject property and those covenants, restrictions, reservations, easements and rights-of-way of record, if any, and general taxes for the year 2016, and that Grantor, for its successors and assigns, does covenant and agree to and with Grantee, and its successors and assigns, that it warrants quiet enjoyment of said easement, subject to the matters referenced in this paragraph.

IN WITNESS WHEREOF, Grantee has executed the Deed the day and year first above written.

GRANTOR:

Oldcastle SW Group, Inc., a Colorado Corporation

Peter J. Siegmund
by Peter J. Siegmund, Assistant Secretary

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me on November 15, 2016,
by

Peter J. Siegmund, Grantor.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: April 4, 2019



Genevieve M. Blecha
Notary Public

ACCEPTED BY GRANTEE:

CITY OF FRUITA, COLORADO, a municipal corporation

By: _____
(Michael Bennett, City Manager)

ATTEST: _____
Margaret Sell, City Clerk

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me on _____, 2016,
by

_____, Grantor.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: _____

Notary Public

EXHIBIT "A"

PUBLIC TRAIL EASEMENT DESCRIPTION

A tract of land for a public trail easement in, over, across, and through that portion of Lot C-1 in Tract C Subdivision in the W 1/2 of Section 12, Township 1 North, Range 3 West of the Ute Meridian, Mesa County, Colorado, More particularly described as follows:

Beginning at an alloy cap (PLS 18469) for the S1/16 Corner on the west line of said Section 12 whence an iron pipe for the W1/4 Corner of said Section 12 bears N00°07'00"W a distance of 1332.18 feet; thence along the perimeter of an existing Trail Easement recorded at Book 5047, Page 472 (Reception # 2543427) the following four (4) courses and distances:

- 1) N00°07'00"W for a distance of 25.10 feet;
- 2) S45°08'33"E for a distance of 93.37 feet;
- 3) S00°02'37"W for a distance of 270.73 feet;
- 4) S19°23'02"W for a distance of 120.71 feet to the Point of Beginning; thence continuing along the perimeter of an existing Public Trail Easement recorded at Book 5047, Page 472 (Reception # 2543427) the following twelve (12) courses and distances:

- 1) S00°07'00"E for a distance of 278.45 feet;
- 2) S41°58'51"E for a distance of 114.30 feet;
- 3) S32°19'59"E for a distance of 272.11 feet;
- 4) S81°55'20"E for a distance of 37.14 feet;
- 5) S11°19'50"W for a distance of 81.91 feet;
- 6) S23°45'34"E for a distance of 103.34 feet;
- 7) S18°52'20"W for a distance of 56.22 feet;
- 8) S45°01'06"E for a distance of 74.79 feet;
- 9) S15°26'01"E for a distance of 185.71 feet;
- 10) S26°42'12"E for a distance of 167.43 feet;
- 11) S16°19'08"E for a distance of 86.76 feet;
- 12) S79°11'10"E, parallel with the northerly right of way line of Interstate Highway 70, for a distance of 2199.52 feet to the east line of said Lot C-1; thence the following thirteen (13) courses and distances:

- 1) N00°04'04"W along the east line of said Lot C-1 for a distance of 40.73 feet;
- 2) N79°11'10"W for a distance of 233.72 feet;
- 3) S89°59'38"W for a distance of 159.81 feet;
- 4) N79°11'10"W for a distance of 1663.13 feet;
- 5) N57°43'58"W for a distance of 135.64 feet;
- 6) N26°42'12"W for a distance of 209.70 feet;
- 7) N15°26'01"W for a distance of 215.67 feet;
- 8) N50°21'00"E for a distance of 85.94 feet;

- 9) N26°54'32"W for a distance of 239.82 feet;
- 10) N48°08'16"W for a distance of 102.88 feet;
- 11) N37°31'38"W for a distance of 328.77 feet;
- 12) N00°07'00"W for a distance of 241.76 feet;
- 13) S89°53'00"W for a distance of 20.00 feet to the Point of Beginning;

Containing approximately 2.22 acres

EXHIBIT B

EASEMENT AREA & PERIMETER
 AREA: 96587.68 SF (2.22± AC)
 PERIMETER: 7335.24'

W 1/4 CORNER OF SECTION 12,
 T1N R3W, UTE MERIDIAN

N0° 07' 00"W 1332.18'

N0° 07' 00"W 25.10'

POB OF EXST. EASEMENT
 S 1/16 CORNER ON WEST LINE
 OF SECTION 12
 PLS 18469 ALLOY CAP

BOUNDARY OF PEDESTRIAN EASEMENT
 RECORDED AT BOOK 5047 PAGE 472
 AND WEST LINE OF LOT C-1, TRACT C SUB.

POB OF NEW EASEMENT
 DESCRIBED HEREIN

S0° 07' 00"E 278.45'

PARCEL #2693-123-04-001
 1501 HWY. 6 & 50
 OLDCASTLE SW GROUP INC.

S41° 58' 51"E 114.30'

S32° 19' 59"E 272.11'

S81° 55' 20"E 37.14'

S11° 19' 50"W 81.91'

S23° 45' 34"E 103.34'

S18° 52' 20"W 56.22'

S45° 01' 06"E 74.79'

S15° 26' 01"E 185.71'

S26° 42' 12"E 167.43'

S16° 19' 08"E 86.76'

S00° 07' 00"W
 1307.08'

S45° 08' 33"E 93.37'

S0° 02' 37"W 270.73'

S19° 23' 02"W 120.71'

S89° 53' 00"W 20.00'

N0° 07' 00"W 241.76'

N37° 31' 38"W 328.77'

N48° 08' 16"W 102.88'

N26° 54' 32"W 239.82'

N50° 21' 00"E 85.94'

N15° 26' 01"W 215.67'

N26° 42' 12"W 209.70'

N57° 43' 58"W 135.64'



I-70

MATCHLINE

EXHIBIT B

MATCHLINE

I-70

25.0'

10.0'

NEW PEDESTRIAN EASEMENT BOUNDARY

S79° 11' 10"E 2199.52'

EASEMENT AREA & PERIMETER
AREA: 96587.68 SF (2.22± AC)
PERIMETER: 7335.24'

N79° 11' 10"W 1663.13'

BOUNDARY OF PEDESTRIAN EASEMENT
RECORDED AT BOOK 5047 PAGE 472
& SOUTH LINE OF LOT C-1, TRACT C SUB./
NORTH LINE OF I-70 R.O.W.

PARCEL #2693-123-04-001
1501 HWY. 6 & 50
OLDCASTLE SW GROUP INC.

S89° 59' 38"W 159.81'

N79° 11' 10"W 233.72'



N0° 04' 04"W 40.73'



EAST LINE OF LOT C-1,
TRACT C SUB.

9 PAGE DOCUMENT

MCA 2010-069
MESA COUNTY, COLORADO

**CONTRACT FOR NEGOTIATED SALE AND PURCHASE
OF A TRAIL EASEMENT**

THIS CONTRACT is made and entered into this 30th day of July, 2010 by and between the COUNTY OF MESA, STATE OF COLORADO, a Political Subdivision of the State of Colorado, hereinafter referred to as "Mesa," and : OLDCASTLE SW GROUP, INC. hereinafter referred to as "Owner."

WITNESSETH

WHEREAS, Mesa is currently acquiring Easements necessary for the construction of a project known generally as the Riverfront Trail Project in Mesa County, Colorado (the "Project"); and

WHEREAS, Owner presently owns and has title to certain property, all or a portion of which is required desired by Mesa for the construction of the Project; and

WHEREAS, both parties desire the required property or property interest be acquired by Mesa through negotiation; and

WHEREAS, the amount of money and/or other considerations set forth herein have been mutually established as just compensation;

**NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND PROMISES
HEREINAFTER SET FORTH, THE PARTIES AGREE AS FOLLOWS:**

1. At closing, Owner shall convey to Mesa a Public Trail Easement, for the interest in the real property described on Exhibit "A" attached hereto and by this reference incorporated herein (the "Property") and enter into a mutually agreeable Public Trail Easement and Agreement to be drafted by Mesa and tendered to the Owner for execution—which execution shall occur at or before the Closing.
2. Mesa shall pay Owner in full satisfaction of and in full consideration of this Contract the total sum of \$ Donation.
3. Mesa shall additionally perform the following actions: *PPS*
4. Mesa agrees to pay the cost and erect approximately ~~1000~~ ⁵⁴⁰⁰⁰ linear feet of 6 foot high privacy fence on Owner's property immediately outside the northerly and easterly boundary of herein described easement, or as determined by Owner. The fence shall be constructed as a 6' PrivacyLink® Chain Link Fence with Forest Green Prewoven Slats, 3 ½" x 5" mesh, bonded 9 gauge vinyl coated wire in Forest Green. Fence shall be erected during construction of the project and prior to the opening of the trail for public use. Owner, following written request from Mesa, agrees to allow Mesa its contractors, agents and assigns temporary access at reasonable times on Owner's property to erect said fence. Upon completion Owner will assume all maintenance, care and responsibility of said fence. It is understood that no warranties of any kind, other than that provided by the fence manufacturer and/or installer shall be granted.

5. The consideration set forth herein is in full settlement of all and any damages, including any damages to the remainder, occurring to Owner or his property as a result of Mesa's erection of the privacy fence described herein. Mesa shall indemnify, defend and hold harmless Owner from and against any and all claims arising out of the construction, maintenance and/or use of the Project on the Property, except to the extent such claims are caused by Owner's negligence. Owner shall discharge the same from the proceeds of this Contract or otherwise, and shall secure other outstanding interests.

6. Title insurance, if required, shall be secured by and at the expense of Mesa.

7. Closing and delivery of easement documents shall occur no later than 5:00 p.m. on July 30, 2010 or at a mutually agreeable date, which may be otherwise agreed upon in writing by the Parties. The place of Closing shall be designated by Mesa.

8. This Contract requires specific performance by Owner, and Mesa may enforce specific performance of this Contract in the event Owner fails or refuses to perform.

9. Time is of the essence in the performance of this Contract.

10. This Contract, together with the grant and conveyance documents and covenants referenced in §1-3, constitute the entire agreement between the parties and supersedes and cancels any and all prior Contracts, agreements or proposals, whether written or oral, between the parties relating to the subject matter hereof.

11. This Contract shall be construed according to the laws of the State of Colorado and venue for any dispute hereunder shall be in the District Court of the County of Mesa, Colorado.


12. This Contract shall be binding upon Mesa, its successors and assigns, when same shall have been formally approved by the Mesa County Board of Commissioners and executed by the Board's Chair.

13. Upon formal approval by the Mesa County Board of Commissioners and execution of the Board's Chair, the Board shall have the right to occupy and utilize the Property. Owner makes no warranties or representations of any kind as to the Property, including without habitat fitness, and Mesa accepts the Property "AS IS" and "with all faults."

WHEREFORE, the parties have executed this Contract as of the date and year first above written.

Oldcastle SW Group, Inc.,


By:


Peter J. Scigmund, Vice President,
Oldcastle SW Group, Inc., a Colorado
Corporation

Owner's Address: 2273 River Road, Grand Junction, CO 81505

ACCEPTANCE:



Craig J. Metz, Chairman
Board of Mesa County Commissioners
08-23-2010

Janice Rich, County Clerk
Mesa County, Colorado

MCA 2010-070

MESA COUNTY, COLORADO
GRANT OF PUBLIC TRAIL EASEMENT AND AGREEMENT

075
This Grant of Public Trail Easement and Agreement ("Trail Easement") is made this ~~30th~~ day of ~~February~~ ²⁰¹⁰, 2010 by and between Oldcastle SW Group, Inc., a Colorado Corporation whose legal address is 2273 River Road, Grand Junction, CO 81505 (Grantor herein) and the COUNTY OF MESA, a political subdivision of the State of Colorado whose legal address is PO Box 20,000, Grand Junction, Colorado 81502 (Grantee herein).

In exchange for and in consideration of \$ - donation - and for and in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys to Grantee and its successors and/or assigns this perpetual Trail Easement. This Trail Easement is for the purpose of constructing and maintaining a recreational trail (the "Trail") for the use and benefit of the general public through, over, under, and across a tract of land situated in the W1/2 of Section 12, T1N, R3W, U.M., being part of the land described in Book 4598 at Page 964 in the office of the County Clerk and Recorder of Mesa County, Colorado and is more particularly described on Exhibit "A" and depicted on Exhibit "B", both attached hereto and incorporated herein.

This Trail Easement is subject to the following terms and conditions contained herein:

1). Trail. The Trail property may be used and maintained as a nature, hiking, equestrian and bicycling trail by the general public on the terms and conditions described in this Trail Easement. Grantee has the right to enter upon said premises, to survey, install, operate, maintain, repair and replace said Trail, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of the Trail.

2). Public Use. This Trail Easement is granted for the exclusive use of the general public accessed only by foot, bicycle, equestrian, ski, skate or non-motorized vehicle, except for motorized wheelchairs. This allowance of the public use thereof shall not grant to the public an additional right, right-of-way or easement. The Trail will not be available for public use until planning for and construction of the trail and accessories is completed to the satisfaction of Grantee.

3). Trail Accessories. Grantee has the right to erect and maintain permanent surface improvements within the Trail, together with signs, markers, fences, barricades, benches and other improvements which are accessory to the public use of the Trail.

4). Construction and Maintenance. The Trail and areas on which the Trail Accessories are located, may be soft (porous), paved or covered with concrete. Grantee agrees the work and act of constructing and maintaining said Trail shall be performed with due care using commonly accepted standards and techniques, taking precautions for the protection of persons and property. All damages to persons or property resulting from Grantee's failure to exercise due care, shall be paid for and repaired at the expense of Grantee. Mesa shall indemnify, defend and hold harmless Owner from and against any and all claims arising out of the construction, maintenance and/or use of the Project on the Property, except to the extent such claims are caused by Owner's

negligence. Notwithstanding §2, Grantee may use motorized vehicles on the Trail easement area to construct, maintain, repair, replace and administer the Trail and accessories, as well as for emergency access and patrolling the Trail. Grantee shall be permitted to cut trees to control insects and disease, to control invasive non-native species and to prevent personal injury and property damage and for the construction and use of the Trail.

5). Use. Grantor reserves the right to use and occupy the real property burdened by this easement for any lawful purpose which is not inconsistent with and which will not interfere with the full use and quiet enjoyment of the rights herein granted, provided however, that Grantor hereby agrees that the easement area shall not be burdened or overburdened by the installation, construction or placement of any structure or any other item or fixture which may be detrimental to said Trail. Excepted from this is the Grantor's right to construct and maintain access across this easement at locations reasonable for its purpose and as necessary to access the Grantor's adjoining property. Grantor will notify Mesa County in writing thirty (30) days prior to beginning construction.

6). Relocation of Easement. In the event of movement of the Colorado River which prevents use of any portion of the Trail, the parties agree adjusting the boundary of this Trail Easement to be above the high-water line of the Colorado River in any such affected portion of the Trail. In such event, the Grantee will survey and describe such relocation at its expense. The parties agree to conduct negotiations regarding the relocation of the trail by necessity. If such agreement is reached, the parties will record an amendment to the Trail Easement describing and depicting the new boundaries at Grantee's expense. The physical relocation of any portion of the Trail and its accessories will be at the expense of Grantee.

7). Trail Easement Care and Maintenance. Upon completion of construction of the Trail, Grantee shall assume complete responsibility for and agrees to care for and maintain the Trail in a clean and attractive condition and in a good and safe order and repair, at its sole cost and expense, unless the need therefore is caused by Grantor or its successors and/or assigns in interest in the ownership of the underlying real property. Mesa shall indemnify, defend and hold harmless Owner from and against any and all claims arising out of the construction, maintenance and/or use of the Project on the Property, except to the extent such claims are caused by Owner's negligence.

8). Grantor Cooperation. Grantor shall cooperate with Grantee to permit Grantee to construct, maintain, repair and replace the Trail and accessories, including allowing temporary access by Grantee following written request and approval by Grantor, to portions of Grantor's property adjacent to the Trail during such activities.

9). Binding Effect. This Trail Easement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns forever including all future record owners of the underlying real property traversed by the Trail Easement, or any part thereof.

10). Perpetual Duration. This Trail Easement shall be a servitude running with the land in perpetuity unless terminated by the mutual agreement of the parties.

11). Controlling Law. This Public Trail Easement shall be construed according to the laws of the State of Colorado and venue for any dispute hereunder shall be in the District Court of the County of Mesa, Colorado.

12). Entire Agreement. This Public Trail Easement and Agreement constitute the entire agreement between the parties and supersedes and cancels any and all prior agreements or proposals, whether written or oral, between the parties relating to the subject matter hereof.

GRANTOR:



Oldcastle SW Group, Inc., a Colorado Corporation,
by Peter J. Seigmund, Vice President

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me this 30 day of July, 2010, by Oldcastle SW Group, Inc., a Colorado Corporation, by Peter J. Seigmund, Vice President as Grantor.

Witness my hand and official seal

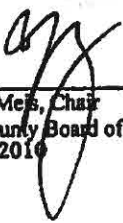


My Commission Expires


Notary Public

April 4, 2011

GRANTEE:


Craig J. Meis, Chair
Mesa County Board of Commissioners, Grantor.
08-23-2010



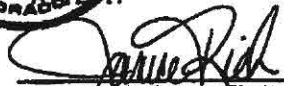

Janice Rich, County Clerk,
Mesa County, Colorado

EXHIBIT "A"

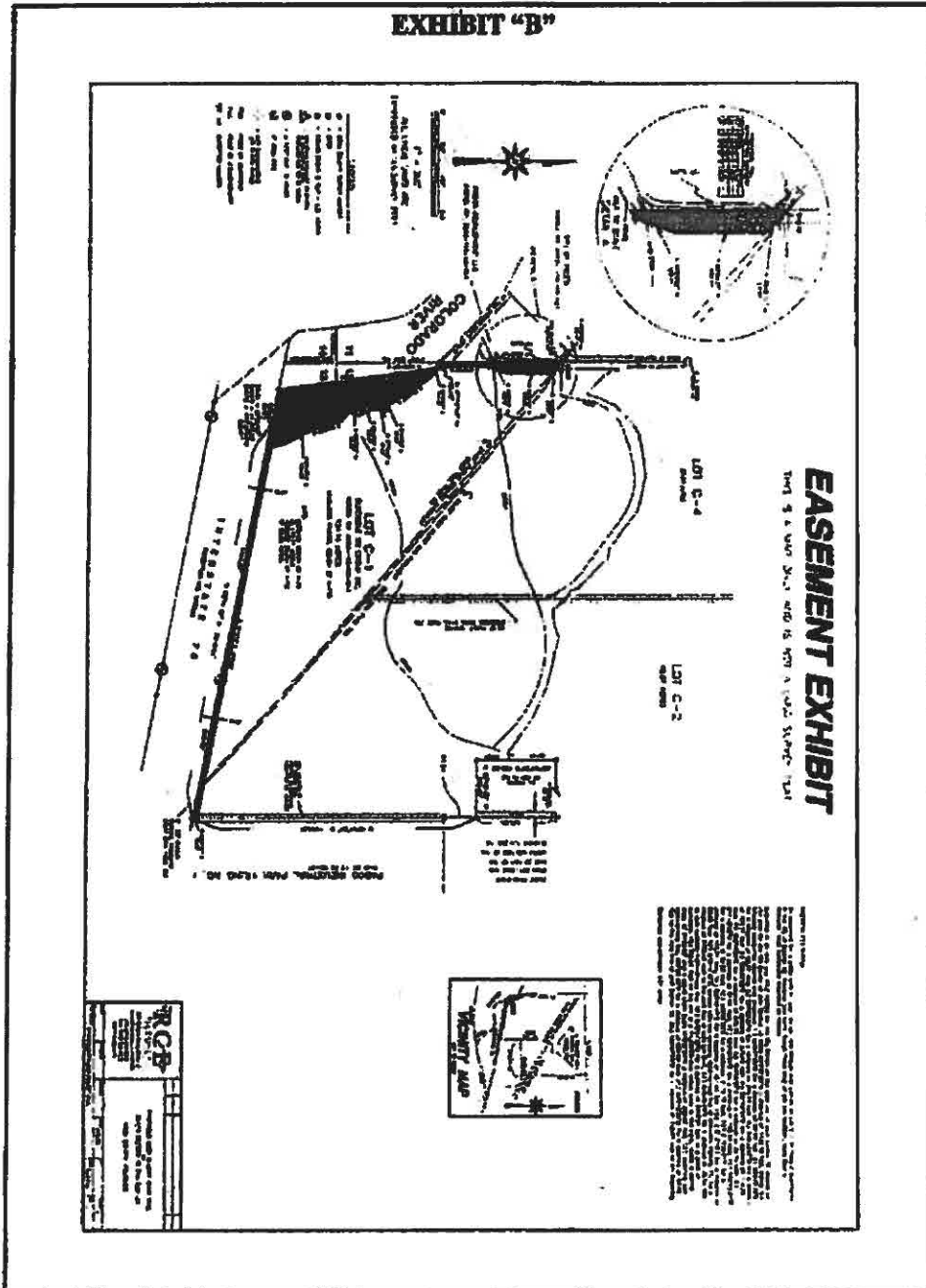
A parcel of land for a public trail easement in, over, across, and through that portion of Lot C-1 in Tract C Subdivision in the W 1/2 of Section 12, Township One North, Range Three West of the Ute Meridian, Mesa County, Colorado, more particularly described as follows:

Beginning at an alloy cap (PLS 18469) for the S1/16 Corner on the west line of said Section 12 whence an iron pipe for the W1/4 Corner of said Section 12 bears N00°07'00"W a distance of 1332.18 feet; thence the following twenty-two courses and distances:

- 1.) N00°07'00"W for a distance of 25.10 feet;
- 2.) S45°08'33"E for a distance of 93.37 feet;
- 3.) S00°02'37"W for a distance of 270.73 feet;
- 4.) S19°23'02"W for a distance of 120.71 feet;
- 5.) S00°07'00"E for a distance of 278.45 feet;
- 6.) S41°58'51"E for a distance of 114.30 feet;
- 7.) S32°19'59"E for a distance of 272.11 feet;
- 8.) S81°55'20"E for a distance of 37.14 feet;
- 9.) S11°19'50"W for a distance of 81.91 feet;
- 10.) S23°45'34"E for a distance of 103.34 feet;
- 11.) S18°52'20"W for a distance of 56.22 feet;
- 12.) S45°01'06"E for a distance of 74.79 feet;
- 13.) S15°26'01"E for a distance of 185.71 feet;
- 14.) S26°42'12"E for a distance of 167.43 feet;
- 15.) S16°19'08"E for a distance of 86.76 feet;
- 16.) S79°11'10"E, parallel with the northerly right-of-way line of Interstate Highway 70, for a distance of 2199.52 feet to the east line of said Lot C-1;
- 17.) S00°04'04"E for a distance of 25.46 feet to said northerly right-of-way line; 18.) N79°11'10"W for a distance of 2316.91 feet to a point of curvature;
- 19.) 225.01 feet on the arc of a 11,359.20-foot radius curve to the right, having a central angle of 01°08'06" and a chord which bears N78°37'07"W a distance of 225.01 feet;
- 20.) departing said right-of-way line, N07°29'46"W for a distance of 937.68 feet; 21.) N47°12'04"W for a distance of 47.49 feet to the west line of said Section 12; 22.) N00°07'00"W for a distance of 713.82 feet to the beginning.

Containing approximately 6.61 acres

This description was prepared by Richard Mason for Rolland Consulting Engineers, LLC, 405 Ridges Blvd., Grand Junction, CO.



RECORDER NOTE: POOR QUALITY DOCUMENT
PROVIDED FOR REPRODUCTION

MESA COUNTY, COLORADO REAL PROPERTY DONATION

Property owners whose real property is needed for a transportation or public improvement project, may donate all or any part of the property to the County of Mesa, a political subdivision of the State of Colorado (herein after "Mesa County") and may donate (waive receipt of) all or any portion of just compensation due the owner for the property required for the project.

Where the property owner wishes to use the donation for a tax deduction, the owner should seek advice from the Internal Revenue Service or a tax expert regarding the current rules for valuation. It is the property owner's responsibility to ascertain the fair market value of the property for tax purposes. Mesa County will pay the reasonable cost of an appraisal for tax purposes because the value of the acquisition is estimated by Mesa County to be \$10,000 or more and the appraisal is prepared by an independent appraiser.

If the property is contaminated, the costs to clean up such contamination will not exceed the value of the property.

Donation of the property is made voluntarily and with full knowledge of the right to receive just compensation. See the attached "Exhibit A" which is incorporated herein.

The undersigned hereby releases Mesa County from obtaining an appraisal of the acquired property, waives the right to receive an appraisal other than an appraisal for tax purposes as described above, and waives the right to receive just compensation for the property. The undersigned hereby agrees to execute the necessary conveyance instruments to transfer said property free and clear of all liens and encumbrances.


Owner:

 Date: 7-30-10
Oldcastle SW Group, Inc., a Colorado Corporation,
by Peter J. Siegmund, Vice President

Accepted by:

 Date: 08-23-2010
Craig J. Meis, Chair
Mesa County Board of Commissioners

Attest:


Janice Rich, County Clerk
Mesa County, Colorado





FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL MAYOR

FROM: KEN HALEY, PUBLIC WORKS DIRECTOR

DATE: DECEMBER 6, 2016

RE: RESOLUTION 2016-47 – A REQUEST TO APPROVE A RESOLUTION ESTABLISHING REGULATIONS FOR PUBLIC USE OF ENOCH’S LAKE PROPERTY

BACKGROUND

The City of Fruita owns approximately 257 acres of mountain properties on Pinon Mesa south of Glade Park, which includes a 51-acre parcel that encompasses a 23-acre water storage reservoir referred to as Enoch’s Lake. The Enoch’s Lake parcel is entirely surrounded by private property and is the only reservoir owned by the City that is not on, or surrounded by, National Lands open to the public.

This parcel and the associated water rights were acquired by the Town of Fruita in 1957 for the purpose of providing a municipal water supply for the Town of Fruita. These water rights were conveyed through a pipeline system to the Town of Fruita. Over the years, Fruita’s water needs expanded and the costs of maintaining the water system became less affordable. In 1983, the City of Fruita entered into an agreement with the Ute Water Conservancy District to provide domestic water for the City of Fruita and discontinued use of the City’s mountain water rights within the City limits. These mountain water rights have since been used to provide irrigation water to properties in the Glade Park area and the City has been reluctant to dispose of these water rights due to unknown future value that these resources might have.

The City also retains the mountain properties and has allowed public use of these properties at various levels over the past 20 to 30 years. The City has struggled to maintain the Enoch’s Lake property as a camping facility with the resources available and implemented temporary regulations (Resolution 2016-29) restricting overnight camping at this location effective through the end of 2016.

The City has received limited feedback on the restrictions since implemented and the resources necessary to manage the property have reduced significantly. This resolution will continue the overnight camping restrictions. In addition, this resolution eliminates trash services at Enoch’s Lake, requiring pack-out trash requirements.

FISCAL IMPACT

The 2017 Budget includes the continuation of managing the Enoch's Lake Property as a "Day Use Only" facility through 2017 and no additional funding will be necessary if this Resolution is approved.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is committed to managing its assets to the best of their abilities with the resources available. However, providing services on Pinon Mesa is not a Core Service of the City and a long-term plan for the properties should be established to determine their priority in relation to meeting City goals.

OPTIONS AVAILABLE TO COUNCIL

- 1. APPROVE RESOLUTION 2016-47 - TO ESTABLISH REGULATIONS FOR PUBLIC USE OF ENOCH'S LAKE PROPERTY AS PRESENTED**
- 2. DENY RESOLUTION 2016-47 - TO ESTABLISH REGULATIONS FOR PUBLIC USE OF ENOCH'S LAKE PROPERTY AND REOPEN THE PROPERTY TO OVERNIGHT CAMPING BY THE PUBLIC.**

RECOMMENDATION

It is the recommendation of staff that Council:

APPROVE RESOLUTION 2016-47 - TO ESTABLISH REGULATIONS FOR PUBLIC USE OF ENOCH'S LAKE PROPERTY AS PRESENTED.

RESOLUTION 2016-47

**A RESOLUTION TO ESTABLISH REGULATIONS FOR
PUBLIC USE OF ENOCH'S LAKE PROPERTY**

WHEREAS, the City of Fruita is dedicated to providing the core functions of government with a high level of expertise; and

WHEREAS, the City of Fruita owns a 51-acre parcel on Pinon Mesa that is referred to as the Enoch's Lake Property; and

WHEREAS, the City of Fruita has allowed public use of the Enoch's Lake Property at various levels over the past 20 years for recreational purposes; and

WHEREAS, the Enoch's Lake property is entirely surrounded by privately-owned lands that are potentially impacted by the users of the Enoch's Lake Property; and

WHEREAS, the City of Fruita is committed to managing its properties and facilities in a safe, effective, and responsible manner; and

WHEREAS, the City of Fruita is interested in developing a long-term plan that addresses the ownership, use, and management of the City's mountain properties; and

WHEREAS, the City of Fruita passed Resolution 2016-29 temporarily restricting overnight camping at the Enoch's Lake Property effective through December 31, 2016; and

WHEREAS, the City of Fruita has evaluated the use of the Enoch's Lake Property throughout the duration of the temporary restrictions and has evaluated the resources necessary to manage the facility, and

WHEREAS, the Ordinances for public open spaces and parks established by the City of Fruita do not apply to the Enoch's Lake property since it is not within the Fruita City limits.

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

THAT the City Staff be directed to establish regulations for the Enoch's Lake Property that will include restricting overnight camping and eliminating trash service effective January 1, 2017 through December 31, 2017.

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

CITY OF FRUITA, COLORADO

Lori Buck, Mayor

ATTEST:

Margaret Sell, City Clerk



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: DECEMBER 6, 2016
RE: OCTOBER 2016 FINANCIAL REPORTS

BACKGROUND

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

Sales and Use Tax Revenues. The following chart shows the percentage change in the most recent months collections of sales and use tax revenue compared to the same month last year, and the year to date collections compared to the same time frame for the prior year. City sales and use tax revenues are up year to date from the prior year by \$110,163. This is offset by a year to date decrease of \$48,740 in County sales tax revenue for a net increase of \$61,424 in sales and use tax revenues from the prior year and a combined positive variance from budgeted amounts of \$24,307.

Sales and Use Tax Revenues			
Type	Month	% change Month	% change Y-T-D
City	Sep-16	-10.42%	1.35%
County	Sep-16	-6.19%	-3.30%
Use tax on Motor Vehicles	Oct-16	-32.82%	-3.97%
Use tax on Building Materials	Oct-16	-14.93%	169.25%

Franchise Fees – October 2016. Revenues from franchise fees for gas, electricity and cable television services are down 5% from the prior year and we are projecting a shortfall of approximately \$25,000 from budgeted amounts.

Community Center Fund – October 2016. The combination of city sales and use tax revenues for the month reflect a 6.4% increase from 2015 revenues and are up 8.0% for the year which compares favorably to budgeted amounts which were projected to remain flat.

Marketing and Promotion Fund – September 2016. Lodging tax revenues are up 15% for the month and up 4.7% year to date. The 2016 budgeted amount reflects a decrease of 5% from 2015.

General Fund Revenues – October 2016. The General Fund Revenue report is a detailed budget to actual revenue report. Revenues are slightly ahead of budgeted amounts at 85% of the budgeted amount for the year (10/12 = 83%).



Revenue vs Expense by Account Type – October 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 - October 2016		
	Revenues as a % Budget	Expenses as a % of Budget
General Fund	85%	75%
Conservation Trust Fund	90%	84%
Marketing	96%	78%
Community Center	87%	84%
Capital Projects	68%	70%
Debt Service	88%	100%
Irrigation Water	101%	85%
Sewer	92%	80%
Trash	85%	68%
Fleet Maintenance Fund	100%	78%
Total	85%	78%

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 OCTOBER 2016 FINANCIAL REPORTS AS PRESENTED.

GENERAL FUND 2% CITY SALES TAX REVENUES -NOVEMBER 7, 2016

	2010	2011	2012	2013	2014	2015	2016	\$ Variance	% Variance
Jan	98,322.29	89,314.15	101,419.74	110,204.24	107,894.03	108,459.92	102,654.47	-5,805.45	-5.35%
Feb	84,525.46	95,295.86	110,489.69	96,957.80	117,630.56	107,188.89	109,027.57	1,838.68	1.72%
Mar	100,841.31	99,780.60	107,316.93	116,327.45	151,397.66	122,437.25	122,491.87	54.62	0.04%
Apr	102,872.82	120,678.35	142,421.79	131,340.78	130,473.13	119,605.83	130,968.87	11,363.04	9.50%
May	110,519.20	110,761.47	96,366.93	139,145.24	146,354.29	141,096.11	146,283.09	5,186.98	3.68%
Jun	113,710.31	121,036.54	153,521.01	134,614.06	145,170.75	142,137.11	143,707.98	1,570.87	1.11%
Jul	106,381.35	111,666.79	117,642.13	119,997.86	128,914.77	129,557.37	119,795.39	-9,761.98	-7.53%
Aug	106,951.08	108,226.15	117,891.22	132,205.95	139,363.95	116,732.34	142,278.27	25,545.93	21.88%
Sep	109,072.31	127,962.44	136,662.04	119,797.21	137,994.97	141,331.25	126,602.05	-14,729.20	-10.42%
Oct	100,306.58	105,477.56	118,473.48	131,267.83	123,354.93	116,359.62			
Nov	92,589.67	102,290.50	89,760.11	118,140.73	116,620.45	107,336.71			
Dec	108,661.53	110,977.83	111,679.39	123,646.37	123,855.91	111,500.58			
TOTAL	1,234,753.91	1,303,468.24	1,403,644.46	1,473,645.52	1,569,025.40	1,463,742.98	1,143,809.56	15,263.49	1.35%
%	3.14%	5.57%	7.69%	4.99%	6.47%	-6.71%			

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

1,128,546.07 1,143,809.56 15,263.49 1.35%

933,196.13 984,722.35 1,083,731.48 1,100,590.59 1,205,194.11 1,128,546.07 1,143,809.56

COUNTY SALES TAX REVENUES- NOVEMBER 10, 2016

	2010	2011	2012	2013	2014	2015	2016	\$ Variance	% Variance
Jan	113,058.19	120,360.46	139,025.37	134,836.51	130,571.18	143,816.00	143,233.57	-582.43	-0.40%
Feb	118,275.57	128,907.44	141,496.92	132,354.45	136,453.63	139,681.16	140,142.92	461.76	0.33%
Mar	139,649.23	147,913.58	160,249.88	152,973.96	156,998.09	166,560.39	155,984.45	-10,575.94	-6.35%
Apr	133,088.63	143,042.21	160,533.08	151,855.18	154,276.05	159,563.89	159,418.10	-145.79	-0.09%
May	147,139.03	153,133.55	154,553.36	160,201.04	162,075.43	176,074.56	162,276.46	-13,798.10	-7.84%
Jun	119,282.18	162,878.08	161,305.05	163,671.23	165,562.44	176,818.44	177,343.44	525.00	0.30%
Jul	143,771.76	152,964.04	147,950.00	155,143.98	166,412.21	168,785.26	150,780.84	-18,004.42	-10.67%
Aug	151,631.97	166,457.23	162,644.66	160,891.70	167,517.03	169,601.48	173,859.59	4,258.11	2.51%
Sep	148,068.43	155,015.91	151,264.37	158,830.58	169,036.62	175,746.65	164,868.76	-10,877.89	-6.19%
Oct	145,127.53	134,741.13	147,651.90	156,348.63	156,686.58	151,764.08			
Nov	144,375.13	153,895.13	141,634.37	149,817.01	153,873.00	166,473.69			
Dec	170,647.84	181,793.63	173,798.76	177,187.35	194,349.22	184,665.83			
TOTAL	1,674,115.49	1,801,102.39	1,842,107.72	1,854,111.62	1,913,811.48	1,979,551.43	1,427,908.13	-48,739.70	-3.30%
%	-4.18%	7.59%	2.28%	0.65%	3.22%	3.44%			

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

Use Tax on Vehicles - 2% General Fund

	2009	2010	2011	2012	2013	2014	2015	2016	Variance	% Change
JAN	20,721.07	21,010.53	28,474.28	30,152.69	27,942.83	56,070.39	34,956.67	28,122.91	-6,833.76	-19.55%
FEB	22,901.63	23,512.06	32,236.80	25,415.92	38,537.86	36,000.06	50,225.73	36,471.71	-13,754.02	-27.38%
MAR	34,251.57	31,711.06	33,956.87	36,496.12	43,071.73	38,156.08	26,009.96	40,528.67	14,518.71	55.82%
APR	32,178.98	25,064.54	24,077.10	40,616.59	36,939.81	52,092.34	32,776.89	47,068.73	14,291.84	43.60%
MAY	28,991.09	27,124.89	41,212.91	45,918.39	41,984.05	42,159.85	42,823.62	43,755.86	932.24	2.18%
JUN	31,756.88	26,232.32	38,459.02	41,628.76	44,597.09	42,893.54	41,419.11	63,513.86	22,094.75	53.34%
JUL	27,302.19	31,988.69	39,392.08	40,487.84	38,899.29	46,697.95	52,885.65	54,218.60	1,332.95	2.52%
AUG	26,662.40	32,405.36	39,759.24	47,323.03	48,828.89	52,311.48	64,714.85	45,673.29	-19,041.56	-29.42%
SEP	31,920.89	39,773.57	35,811.70	30,358.71	45,580.49	37,084.71	58,410.57	44,344.61	-14,065.96	-24.08%
OCT	27,699.09	25,993.80	30,785.97	47,064.75	43,843.87	60,005.46	53,854.48	36,179.44	-17,675.04	-32.82%
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	439,877.68	(18,199.85)	-3.97%
%	-41.02%	2.10%	22.78%	9.28%	12.13%	8.16%	1.83%			
							458,077.53	439,877.68	(18,199.85)	-3.97%

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

Use Tax on Building Materials - 2% General Fund

	2009	2010	2011	2012	2013	2014	2015	2016	Variance	% Change
JAN	3,558.19	18,147.60	5,439.12	26,313.85	20,923.45	13,167.04	14,735.14	3,256.46	-11,478.68	-77.90%
FEB	4,047.25	8,504.62	16,282.90	16,100.01	14,788.93	11,632.38	2,458.97	14,608.11	12,149.14	494.07%
MAR	6,919.27	6,162.62	30,509.68	25,506.73	10,552.31	7,307.73	8,211.61	14,726.17	6,514.56	79.33%
APR	8,919.35	35,306.94	9,839.22	14,732.71	26,597.25	14,357.92	7,344.73	34,284.04	26,939.31	366.78%
MAY	9,562.65	16,486.49	7,073.59	12,539.25	13,725.38	12,874.85	3,720.34	29,705.49	25,985.15	698.46%
JUN	13,956.59	11,810.90	3,208.84	21,515.83	11,902.04	13,891.13	6,139.39	12,846.67	6,707.28	109.25%
JUL	17,372.54	16,884.69	7,956.54	18,255.65	15,093.09	24,526.19	9,501.34	13,947.52	4,446.18	46.80%
AUG	25,575.83	9,649.66	7,344.90	16,064.36	27,974.64	12,311.44	7,115.25	8,116.85	1,001.60	14.08%
SEP	11,542.90	4,380.71	13,268.39	24,727.66	13,947.63	21,844.73	7,596.69	49,757.18	42,160.49	554.99%
OCT	14,667.33	11,302.35	17,526.21	17,943.01	23,497.04	9,547.81	8,877.79	7,552.64	-1,325.15	-14.93%
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	188,801.13	113,099.88	169.25%
%	-53.64%	16.76%	-17.28%	64.88%	-9.31%	-15.74%	-35.93%			
							66,823.46	188,801.13	113,099.88	169.25%

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

2016 COMMUNITY CENTER FUND TAX REVENUES
1% Sales and Use Tax Revenues - November 7, 2016

	2009 Total	2010 Total	2011 Total	2012 Total	2013 Total	2014 Total	2015 Total	City Sales Tax	Use Tax on Motor Vehicles	Use Tax on Building Materials	2016 Total	\$ Change	% Chg
Jan	56,593.55	68,740.22	61,514.93	78,943.15	79,535.26	88,565.74	79,075.86	51,327.24	14,061.46	1,628.23	67,016.93	-12,058.93	-15.25%
Feb	58,002.09	58,148.39	71,825.86	76,002.81	75,142.30	82,631.50	79,936.78	54,513.78	18,235.85	7,304.05	80,053.68	116.90	0.15%
Mar	67,748.11	69,072.06	81,884.01	84,659.89	84,975.73	98,430.74	78,329.40	61,245.94	20,264.33	7,363.09	88,873.36	10,543.96	13.46%
Apr	75,033.32	81,620.90	77,165.81	98,885.55	97,438.92	98,461.69	79,863.73	65,484.43	23,534.36	17,142.02	106,160.81	26,297.08	32.93%
May	73,839.15	77,162.18	79,523.99	77,412.30	97,427.34	100,694.49	93,820.03	73,141.55	21,877.93	14,852.75	109,872.23	16,052.20	17.11%
Jun	73,538.22	75,828.93	81,352.21	108,332.79	95,556.60	100,977.70	94,847.80	71,853.99	31,756.93	6,423.34	110,034.26	15,186.46	16.01%
Jul	67,544.66	77,627.37	79,507.70	88,192.80	86,995.11	100,069.45	95,972.19	59,897.70	27,109.30	6,973.76	93,980.76	-1,991.43	-2.08%
Aug	74,268.70	74,500.07	77,665.14	90,639.31	104,504.75	101,993.43	94,281.22	71,139.13	22,836.64	4,058.43	98,034.20	3,752.98	3.98%
Sep	80,243.54	76,613.29	87,316.31	95,874.21	89,662.68	98,462.20	103,669.26	63,301.03	22,172.30	24,878.59	110,351.92	6,682.66	6.45%
Oct	68,996.64	68,780.04	76,894.86	91,740.61	99,304.36	96,454.10	89,545.94		18,089.72	3,776.32			
Nov	53,157.55	66,475.61	69,525.19	60,499.78	85,028.51	77,585.72	81,636.09						
Dec	70,957.51	67,542.34	75,635.02	81,605.04	89,407.32	93,568.08	89,872.79						
TOTAL	819,923.04	862,111.40	919,811.03	1,032,788.24	1,084,978.88	1,137,894.84	1,060,851.09	571,904.79	219,938.82	94,400.58	864,378.15	64,581.88	8.07%
% +/-		5%	6.69%	12.28%	5.05%	4.88%	-6.77%						
2016 Budget								762,500.00	260,000.00	37,500.00	1,060,000.00		
% of Budget								75.00%	84.59%	251.73%	81.55%		

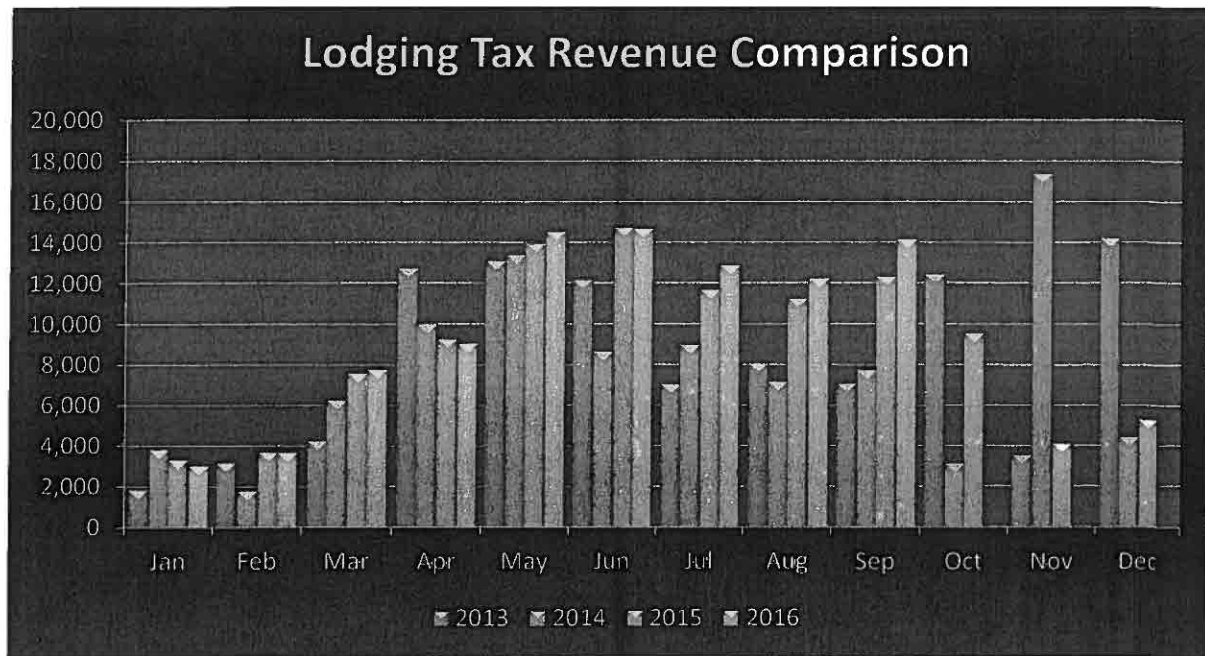
799,796.27

864378.15 64581.88 8.07%

MARKETING AND PROMOTION FUND
3% Lodging Tax Revenues - November 22, 2016

	2011	2012	2013	2014	2015	2016	Difference	%
Jan	3,338.63	2,076.12	1,865.42	3,835.87	3,295.72	3,009.89	-285.83	-8.67%
Feb	3,706.38	5,076.82	3,188.23	1,782.08	3,688.48	3,649.96	-38.52	-1.04%
Mar	5,794.48	7,102.70	4,233.87	6,250.18	7,582.11	7,755.49	173.38	2.29%
Apr	8,841.90	8,604.24	12,736.42	9,984.25	9,261.50	9,030.79	-230.71	-2.49%
May	11,733.32	11,886.54	13,101.84	13,393.62	13,948.38	14,533.96	585.58	4.20%
Jun	11,893.86	12,811.34	12,179.20	8,646.09	14,742.08	14,671.78	-70.30	-0.48%
Jul	9,621.68	10,697.76	7,045.91	8,991.16	11,676.25	12,857.52	1,181.27	10.12%
Aug	10,462.73	11,478.01	8,063.40	7,171.28	11,237.25	12,209.99	972.74	8.66%
Sep	10,956.22	11,061.65	7,074.25	7,753.38	12,311.19	14,161.61	1,850.42	15.03%
Oct	8,141.23	8,189.25	12,413.50	3,106.86	9,543.11			
Nov	5,119.32	2,957.31	3,536.66	17,384.48	4,118.50			
Dec	3,902.25	5,164.09	14,224.16	4,401.91	5,290.61			
TOTAL	93,512.00	97,105.83	99,662.86	92,701.16	106,695.18	91,880.99	4,138.03	4.72%
	-5.58%	3.84%	2.63%	-6.99%	15.10%			
					87,742.96	91,880.99	4,138.03	4.72%

2016 Budget - \$101,500 - 4.87% decrease from 2015 actual revenues



General Ledger

General Fund Revenues

User: msteelman
 Printed: 11/22/16 13:50:59
 Period 10 - 10
 Fiscal Year 2016

Account Number	Description	Current Month	End Bal	Budget	% Received
110-000-00-3110	Property Tax	\$ (4,441.39)	\$ (1,086,055.38)	\$ (1,097,500.00)	98.96%
110-000-00-3120	Specific Ownership Tax	\$ (12,095.81)	\$ (116,433.13)	\$ (142,600.00)	81.65%
110-000-00-3130	County Sales Tax	\$ (150,780.84)	\$ (1,592,083.38)	\$ (2,040,000.00)	78.04%
110-000-00-3131	City Sales Tax	\$ (142,278.27)	\$ (1,236,044.80)	\$ (1,525,000.00)	81.05%
110-000-00-3132	Use Tax on Vehicles	\$ (44,344.61)	\$ (452,315.05)	\$ (520,000.00)	86.98%
110-000-00-3133	Use Tax on Building Materials	\$ (7,540.64)	\$ (188,789.13)	\$ (75,000.00)	251.72%
110-000-00-3142	Cigarette Tax	\$ (913.72)	\$ (8,656.15)	\$ (11,000.00)	78.69%
110-000-00-3182	Franchise Fees	\$ (29,079.26)	\$ (297,863.67)	\$ (405,000.00)	73.55%
110-000-00-3190	Penalties and Interest	\$ (221.10)	\$ (912.53)	\$ (3,000.00)	30.42%
	Taxes	\$ (391,695.64)	\$ (4,979,153.22)	\$ (5,819,100.00)	85.57%
110-000-00-3210	Business Licenses	\$ (262.50)	\$ (9,750.00)	\$ (18,500.00)	52.70%
110-000-00-3211	Liquor Licenses	\$ -	\$ (7,750.00)	\$ (8,500.00)	91.18%
110-000-00-3220	Street Excavation Permits	\$ (30.00)	\$ (690.00)	\$ (1,500.00)	46.00%
110-000-00-3221	Other Permits	\$ (375.00)	\$ (2,305.00)	\$ (1,500.00)	153.67%
	Licenses and permits	\$ (667.50)	\$ (20,495.00)	\$ (30,000.00)	68.32%
110-000-00-3330	Severance & Mineral Leasing Ta	\$ -	\$ (136,860.97)	\$ (150,000.00)	91.24%
110-000-00-3342	Energy Impact Grant	\$ (3,125.00)	\$ (3,125.00)	\$ (11,250.00)	27.78%
110-000-00-3351	Add. Motor Vehicle Reg Fees	\$ (1,993.50)	\$ (16,782.00)	\$ (19,000.00)	88.33%
110-000-00-3352	State Highway Users Tax	\$ (39,098.48)	\$ (322,741.71)	\$ (372,000.00)	86.76%
110-000-00-3353	App. Motor Vehicle Reg Fees	\$ (2,757.50)	\$ (23,670.00)	\$ (27,500.00)	86.07%
110-000-00-3370	Tree Grants	\$ -	\$ (400.00)	\$ -	0.00%
110-000-00-3371	Mesa County Grants	\$ -	\$ (2,585.20)	\$ (2,550.00)	101.38%
110-000-00-3373	Local Agency Police Grants	\$ -	\$ (12,837.40)	\$ (12,825.00)	100.10%
110-000-00-3375	AGNC Grant	\$ -	\$ -	\$ (5,000.00)	0.00%
110-000-00-3380	Mesa County Road & Bridge Tax	\$ (99.79)	\$ (23,255.51)	\$ (24,000.00)	96.90%
	Intergovernmental revenue	\$ (47,074.27)	\$ (542,257.79)	\$ (624,125.00)	86.88%
110-000-00-3413	Planning Fees	\$ (555.00)	\$ (25,737.25)	\$ (13,000.00)	197.98%
110-000-00-3421	Vehicle Inspection Fees	\$ (205.00)	\$ (1,379.00)	\$ (1,100.00)	125.36%
110-000-00-3455	Impound Fees	\$ -	\$ -	\$ (100.00)	0.00%
110-000-00-3470	Recreation Registration Fees	\$ (3,485.00)	\$ (74,405.04)	\$ (77,000.00)	96.63%
110-000-00-3472	Special Event Appl & Booth Fee	\$ (725.00)	\$ (7,292.50)	\$ (5,500.00)	132.59%
110-000-00-3473	Retail Sales	\$ (75.17)	\$ (8,964.98)	\$ (9,000.00)	99.61%
110-000-00-3475	Internet sales	\$ -	\$ (1,290.04)	\$ (1,000.00)	129.00%
110-000-00-3477	Park Rentals	\$ (340.00)	\$ (16,750.00)	\$ (11,000.00)	152.27%
110-000-00-3478	Shipping and Handling Charges	\$ -	\$ (2.20)	\$ (50.00)	4.40%
110-000-00-3479	Scholarship Program	\$ (174.00)	\$ (12,454.00)	\$ (13,100.00)	95.07%
110-000-00-3480	Manpower and other charges	\$ (960.00)	\$ (11,863.71)	\$ (7,775.00)	152.59%
110-000-00-3483	Penalties	\$ (1,667.09)	\$ (18,480.12)	\$ (19,000.00)	97.26%

Account Number	Description	Current	Monthl	End Bal	Budget	% Received
	Charges for services	\$ (8,186.26)	\$ (178,618.84)	\$ (157,625.00)		113.32%
110-000-00-3510	City and County Court	\$ (806.15)	\$ (16,736.53)	\$ (26,000.00)		64.37%
110-000-00-3511	Penalty Assessments	\$ (1,457.00)	\$ (9,667.00)	\$ (14,500.00)		66.67%
110-000-00-3512	Restitution to City	\$ -	\$ (50.69)	\$ -		0.00%
110-000-00-3513	Misdemeanor Fee	\$ -	\$ (1,695.00)	\$ (1,500.00)		113.00%
	Fines and forfeitures	\$ (2,263.15)	\$ (28,149.22)	\$ (42,000.00)		67.02%
110-000-00-3610	Interest on deposits	\$ (3,066.07)	\$ (25,199.42)	\$ (8,000.00)		314.99%
110-000-00-3613	Gain (Loss) on investments	\$ -	\$ (26.46)	\$ -		0.00%
	Interest	\$ (3,066.07)	\$ (25,225.88)	\$ (8,000.00)		315.32%
110-000-00-3640	Senior Center Donations	\$ (86.37)	\$ (847.85)	\$ -		0.00%
110-000-00-3641	Miscellaneous Donations	\$ -	\$ (2,500.00)	\$ (2,500.00)		100.00%
110-000-00-3642	Recreation Donations	\$ -	\$ (4,992.50)	\$ (4,600.00)		108.53%
110-000-00-3645	Special Event Donations	\$ -	\$ (19,000.00)	\$ (19,000.00)		100.00%
	Donations	\$ (86.37)	\$ (27,340.35)	\$ (26,100.00)		104.75%
110-000-00-3680	Miscellaneous	\$ (201.25)	\$ (3,246.10)	\$ (3,000.00)		108.20%
110-000-00-3681	Cash Over (Short)	\$ (0.94)	\$ 18.49	\$ -		0.00%
110-000-00-3682	Refunds	\$ -	\$ (161.97)	\$ -		0.00%
	Miscellaneous	\$ (202.19)	\$ (3,389.58)	\$ (3,000.00)		112.99%
110-000-00-3911	Transfer from Sewer Fund	\$ -	\$ (120,000.00)	\$ (160,000.00)		75.00%
110-000-00-3912	Transfer from Trash Fund	\$ -	\$ (38,250.00)	\$ (51,000.00)		75.00%
110-000-00-3915	Transfer from Irrigation Fund	\$ -	\$ (7,500.00)	\$ (10,000.00)		75.00%
110-000-00-3917	Transfer from Retirement Fund	\$ -	\$ -	\$ (60,000.00)		0.00%
	Transfers from other funds	\$ -	\$ (165,750.00)	\$ (281,000.00)		58.99%
110-000-00-3950	Sale of Equipment	\$ -	\$ (180.00)	\$ -		0.00%
110-000-00-3960	Insurance payments	\$ -	\$ (3,110.22)	\$ (2,675.00)		116.27%
	Other financing sources	\$ -	\$ (3,290.22)	\$ (2,675.00)		123.00%
110-000-00-3624	Rail Car Rentals	\$ -	\$ -	\$ -		0.00%
110-000-00-3625	Rent on Lands and Water	\$ (1,749.01)	\$ (25,740.10)	\$ (29,000.00)		88.76%
110-000-00-3626	Facility Rentals	\$ (310.00)	\$ (1,585.00)	\$ (1,800.00)		88.06%
	Rents	\$ (2,059.01)	\$ (27,325.10)	\$ (30,800.00)		88.72%
Revenue Total		\$ (455,300.46)	\$ (6,000,995.20)	\$ (7,024,425.00)		-85.00%

General Ledger
Actual vs Budget Report



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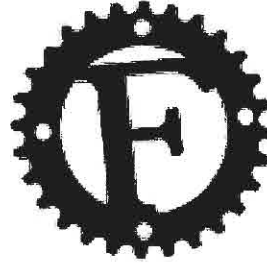
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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
110	General Fund					
000						
R01	Taxes	-391,695.64	-4,979,153.22	-5,819,100.00	-839,946.78	85.57
R02	Licenses and permits	-667.50	-20,495.00	-30,000.00	-9,505.00	68.32
R03	Intergovernmental revenue	-47,074.27	-542,257.79	-624,125.00	-81,867.21	86.88
R04	Charges for services	-8,186.26	-178,618.84	-157,625.00	20,993.84	113.32
R05	Fines and forfeitures	-2,263.15	-28,149.22	-42,000.00	-13,850.78	67.02
R06	Interest	-3,066.07	-25,225.88	-8,000.00	17,225.88	315.32
R07	Donations	-86.37	-27,340.35	-26,100.00	1,240.35	104.75
R08	Miscellaneous	-202.19	-3,389.58	-3,000.00	389.58	112.99
R09	Transfers from other funds	0.00	-165,750.00	-281,000.00	-115,250.00	58.99
R10	Other financing sources	0.00	-3,290.22	-2,675.00	615.22	123.00
R12	Rents	-2,059.01	-27,325.10	-30,800.00	-3,474.90	88.72
000		-455,300.46	-6,000,995.20	-7,024,425.00	-1,023,429.80	85.43
410	General Government					
	<i>Department</i>					
E01	Personnel services, salaries	13,990.42	149,987.01	186,725.00	36,737.99	80.33
E02	Personnel services, benefits	3,207.44	37,010.58	43,600.00	6,589.42	84.89
E03	Purchased professional service	3,017.15	39,573.58	63,450.00	23,876.42	62.37
E04	Purchased property services	2,406.75	5,520.62	6,600.00	1,079.38	83.65
E05	Other purchased services	245.45	5,383.11	8,275.00	2,891.89	65.05
E06	Supplies	127.52	9,710.84	14,050.00	4,339.16	69.12
E07	Capital	0.00	2,220.00	2,225.00	5.00	99.78
E08	Special projects	2,457.58	42,122.75	77,200.00	35,077.25	54.56
410	<i>General Government</i>	25,452.31	291,528.49	402,125.00	110,596.51	72.50
	<i>Department</i>					
415	Administration Department					
E01	Personnel services, salaries	21,600.63	239,335.68	285,600.00	46,264.32	83.80
E02	Personnel services, benefits	7,011.74	79,717.92	92,100.00	12,382.08	86.56
E03	Purchased professional service	5,043.49	64,669.35	80,675.00	16,005.65	80.16
E04	Purchased property services	8,430.00	77,533.77	93,000.00	15,466.23	83.37
E05	Other purchased services	5,715.73	23,270.47	30,750.00	7,479.53	75.68
E06	Supplies	3,953.24	45,642.93	54,875.00	9,232.07	83.18

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
E07	Capital	1,031.00	22,193.15	26,700.00	4,506.85	83.12
E08	Special projects	0.00	6,250.00	15,000.00	8,750.00	41.67
415	<i>Administration Department</i>	52,785.83	558,613.27	678,700.00	120,086.73	82.31
418	<i>Engineering Department</i>					
E01	Personnel services, salaries	14,380.80	159,688.83	188,875.00	29,186.17	84.55
E02	Personnel services, benefits	5,936.45	67,831.20	76,175.00	8,343.80	89.05
E03	Purchased professional service	275.00	3,390.34	24,000.00	20,609.66	14.13
E04	Purchased property services	0.00	6,418.98	6,725.00	306.02	95.45
E05	Other purchased services	122.53	1,022.51	3,250.00	2,227.49	31.46
E06	Supplies	165.00	1,269.55	8,400.00	7,130.45	15.11
E07	Capital	0.00	6,788.19	7,000.00	211.81	96.97
418	<i>Engineering Department</i>	20,879.78	246,409.60	314,425.00	68,015.40	78.37
419	<i>Community Development Dpmt</i>					
E01	Personnel services, salaries	12,270.00	136,447.25	161,375.00	24,927.75	84.55
E02	Personnel services, benefits	5,924.13	66,243.65	75,750.00	9,506.35	87.45
E03	Purchased professional service	250.50	1,242.88	2,850.00	1,607.12	43.61
E04	Purchased property services	0.00	4,379.10	4,725.00	345.90	92.68
E05	Other purchased services	1,402.60	4,158.32	8,300.00	4,141.68	50.10
E06	Supplies	258.21	3,121.28	8,275.00	5,153.72	37.72
E08	Special projects	2,450.00	2,450.00	10,000.00	7,550.00	24.50
419	<i>Community Development Dpmt</i>	22,555.44	218,042.48	271,275.00	53,232.52	80.38
421	<i>Police Department</i>					
E01	Personnel services, salaries	86,605.85	1,002,340.96	1,238,825.00	236,484.04	80.91
E02	Personnel services, benefits	35,673.93	436,314.03	494,125.00	57,810.97	88.30
E03	Purchased professional service	656.91	21,278.00	28,575.00	7,297.00	74.46
E04	Purchased property services	5,177.09	78,502.14	85,725.00	7,222.86	91.57
E05	Other purchased services	23,926.78	242,192.00	303,525.00	61,333.00	79.79
E06	Supplies	3,048.82	29,671.88	72,400.00	42,728.12	40.98
E07	Capital	4,227.35	30,650.30	79,875.00	49,224.70	38.37
421	<i>Police Department</i>	159,316.73	1,840,949.31	2,303,050.00	462,100.69	79.94
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	35,109.16	422,923.37	449,000.00	26,076.63	94.19
E02	Personnel services, benefits	15,245.68	181,159.22	185,900.00	4,740.78	97.45
E03	Purchased professional service	23,647.50	26,090.53	59,200.00	33,109.47	44.07
E04	Purchased property services	2,165.84	298,335.86	365,700.00	67,364.14	81.58
E05	Other purchased services	196.17	1,858.43	3,150.00	1,291.57	59.00
E06	Supplies	32,643.47	271,232.39	366,400.00	95,167.61	74.03
E07	Capital	38,845.27	437,868.59	497,025.00	59,156.41	88.10
431	<i>Public Works Department</i>	147,853.09	1,639,468.39	1,926,375.00	286,906.61	85.11

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	38,410.77	423,842.33	513,425.00	89,582.67	82.55
E02	Personnel services, benefits	11,073.18	148,432.99	178,000.00	29,567.01	83.39
E03	Purchased professional service	688.83	25,105.01	27,975.00	2,869.99	89.74
E04	Purchased property services	4,450.34	75,128.41	87,575.00	12,446.59	85.79
E05	Other purchased services	219.02	8,052.15	15,950.00	7,897.85	50.48
E06	Supplies	10,295.15	128,573.66	149,175.00	20,601.34	86.19
E07	Capital	0.00	26,407.03	25,900.00	-507.03	101.96
E08	Special projects	1,179.70	31,213.00	43,100.00	11,887.00	72.42
451	<i>Parks and Recreation Dept</i>	66,316.99	866,754.58	1,041,100.00	174,345.42	83.25
490	<i>Non-Departmental Expenses</i>					
E02	Personnel services, benefits	511.73	14,444.05	22,200.00	7,755.95	65.06
E03	Purchased professional service	1,865.74	32,424.31	35,400.00	2,975.69	91.59
E04	Purchased property services	524.92	19,467.36	22,000.00	2,532.64	88.49
E05	Other purchased services	2,966.25	144,932.24	164,000.00	19,067.76	88.37
E08	Special projects	0.00	31,741.75	42,000.00	10,258.25	75.58
E11	Contingency	0.00	0.00	165,000.00	165,000.00	0.00
E12	Transfers to other funds	0.00	241,099.00	779,075.00	537,976.00	30.95
490	<i>Non-Departmental Expenses</i>	5,868.64	484,108.71	1,229,675.00	745,566.29	39.37
Revenue Total		-455,300.46	-6,000,995.20	-7,024,425.00	-1,023,429.80	-0.85
Expense Total		501,028.81	6,145,874.83	8,166,725.00	2,020,850.17	0.75
110	General Fund	45,728.35	144,879.63	1,142,300.00	997,420.37	12.68

General Ledger
Actual vs Budget Report



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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
121	Conservation Trust Fund					
<i>000</i>						
R03	Intergovernmental revenue	0.00	-107,498.01	-120,000.00	-12,501.99	89.58
<i>000</i>		<i>0.00</i>	<i>-107,498.01</i>	<i>-120,000.00</i>	<i>-12,501.99</i>	<i>89.58</i>
<i>880</i>	<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	175,891.38	184,100.00	8,208.62	95.54
<i>880</i>	<i>Purchase of Dev Rights</i>	<i>0.00</i>	<i>175,891.38</i>	<i>210,100.00</i>	<i>34,208.62</i>	<i>83.72</i>
Revenue Total		0.00	-107,498.01	-120,000.00	-12,501.99	-0.90
Expense Total		0.00	175,891.38	210,100.00	34,208.62	0.84
121	Conservation Trust Fund	0.00	68,393.37	90,100.00	21,706.63	75.91

General Ledger
Actual vs Budget Report



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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
125	Marketing and Promotion Fund					
000						
R01	Taxes	-14,161.61	-97,171.60	-101,500.00	-4,328.40	95.74
R04	Charges for services	0.00	-72.00	0.00	72.00	0.00
000		-14,161.61	-97,243.60	-101,500.00	-4,256.40	95.81
465	Marketing Operations					
E01	Personnel services, salaries	1,008.40	10,991.56	14,000.00	3,008.44	78.51
E02	Personnel services, benefits	341.36	3,771.98	4,600.00	828.02	82.00
E04	Purchased property services	13.93	124.49	300.00	175.51	41.50
E05	Other purchased services	6,658.41	44,494.92	62,225.00	17,730.08	71.51
E06	Supplies	0.00	2,719.43	3,500.00	780.57	77.70
E08	Special projects	0.00	21,500.00	22,500.00	1,000.00	95.56
465	Marketing Operations	8,022.10	83,602.38	107,125.00	23,522.62	78.04
	Revenue Total	-14,161.61	-97,243.60	-101,500.00	-4,256.40	-0.96
	Expense Total	8,022.10	83,602.38	107,125.00	23,522.62	0.78
125	Marketing and Promotion Fund	-6,139.51	-13,641.22	5,625.00	19,266.22	-242.51

General Ledger
Actual vs Budget Report



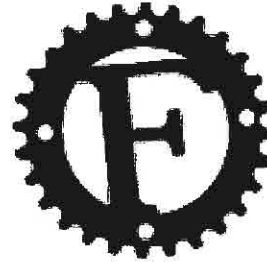
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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
127	Community Center Fund					
000						
R01	Taxes	-97,087.75	-938,580.49	-1,077,000.00	-138,419.51	87.15
R03	Intergovernmental revenue	0.00	-2,000.00	-2,000.00	0.00	100.00
R04	Charges for services	-69,290.60	-910,557.68	-1,046,500.00	-135,942.32	87.01
R06	Interest	-8.01	-58.44	0.00	58.44	0.00
R07	Donations	-75.00	-1,950.00	-1,700.00	250.00	114.71
R08	Miscellaneous	-71.87	-1,285.56	0.00	1,285.56	0.00
R09	Transfers from other funds	0.00	-71,250.00	-95,000.00	-23,750.00	75.00
R10	Other financing sources	0.00	-24,839.36	-24,800.00	39.36	100.16
R12	Rents	-2,640.00	-38,870.00	-40,000.00	-1,130.00	97.18
000		-169,173.23	-1,989,391.53	-2,287,000.00	-297,608.47	86.99
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	71,652.48	781,465.23	921,025.00	139,559.77	84.85
E02	Personnel services, benefits	12,824.43	166,208.41	182,200.00	15,991.59	91.22
E03	Purchased professional service	3,296.80	37,121.96	45,950.00	8,828.04	80.79
E04	Purchased property services	8,156.09	81,445.52	96,175.00	14,729.48	84.68
E05	Other purchased services	7,024.58	38,369.89	44,900.00	6,530.11	85.46
E06	Supplies	26,362.08	246,044.42	301,275.00	55,230.58	81.67
E07	Capital	8,186.73	76,839.49	108,400.00	31,560.51	70.89
E12	Transfers to other funds	231,783.30	614,304.30	738,200.00	123,895.70	83.22
451	<i>Parks and Recreation Dept</i>	369,286.49	2,041,799.22	2,438,125.00	396,325.78	83.74
Revenue Total		-169,173.23	-1,989,391.53	-2,287,000.00	-297,608.47	-0.87
Expense Total		369,286.49	2,041,799.22	2,438,125.00	396,325.78	0.84
127	Community Center Fund	200,113.26	52,407.69	151,125.00	98,717.31	34.68

General Ledger
Actual vs Budget Report



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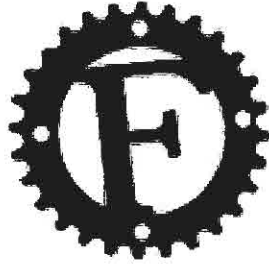
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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
130	Capital Projects Fund					
000						
R03	Intergovernmental revenue	0.00	-90,000.00	0.00	90,000.00	0.00
R05	Fines and forfeitures	0.00	0.00	0.00	0.00	0.00
R06	Interest	-559.20	-4,867.77	0.00	4,867.77	0.00
000		-559.20	-94,867.77	0.00	94,867.77	0.00
700	<i>Contingency</i>					
E11	Contingency	0.00	0.00	62,500.00	62,500.00	0.00
R09	Transfers from other funds	0.00	0.00	-62,500.00	-62,500.00	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	5,615.00	8,395.00	50,000.00	41,605.00	16.79
E07	Capital	3,186.00	16,164.25	20,000.00	3,835.75	80.82
R03	Intergovernmental revenue	0.00	0.00	-25,000.00	-25,000.00	0.00
R09	Transfers from other funds	0.00	-12,592.00	-45,000.00	-32,408.00	27.98
708	<i>Downtown Improvements</i>	8,801.00	11,967.25	0.00	-11,967.25	0.00
733	<i>Sidewalk Replacement</i>					
E07	Capital	0.00	31,453.08	40,000.00	8,546.92	78.63
R05	Fines and forfeitures	0.00	-5,237.06	0.00	5,237.06	0.00
R09	Transfers from other funds	0.00	-26,216.02	-40,000.00	-13,783.98	65.54
733	<i>Sidewalk Replacement</i>	0.00	0.00	0.00	0.00	0.00
735	<i>Overlays</i>					
E07	Capital	0.00	451.57	472,950.00	472,498.43	0.10
R03	Intergovernmental revenue	0.00	0.00	-251,725.00	-251,725.00	0.00
R09	Transfers from other funds	0.00	0.00	-221,225.00	-221,225.00	0.00
735	<i>Overlays</i>	0.00	451.57	0.00	-451.57	0.00
742	<i>Hwy 340 and I-70 Improvements</i>					
E03	Purchased professional service	10,467.22	18,891.72	38,300.00	19,408.28	49.33
E07	Capital	0.00	0.00	30,000.00	30,000.00	0.00
R03	Intergovernmental revenue	-2,788.60	-2,788.60	-20,000.00	-17,211.40	13.94

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
R09	Transfers from other funds	0.00	0.00	-48,300.00	-48,300.00	0.00
742	Hwy 340 and I-70 Improvements	7,678.62	16,103.12	0.00	-16,103.12	0.00
745	J.2 Road Improvements					
E07	Capital	0.00	259,116.03	258,725.00	-391.03	100.15
R03	Intergovernmental revenue	0.00	-50,942.17	-50,575.00	367.17	100.73
R11	Development impact fees	0.00	-208,173.86	-208,150.00	23.86	100.01
745	J.2 Road Improvements	0.00	0.00	0.00	0.00	0.00
781	Shop Improvements					
E07	Capital	1,519.00	218,048.32	224,450.00	6,401.68	97.15
R03	Intergovernmental revenue	0.00	-115,000.01	-115,000.00	0.01	100.00
R09	Transfers from other funds	0.00	-99,429.21	-109,450.00	-10,020.79	90.84
781	Shop Improvements	1,519.00	3,619.10	0.00	-3,619.10	0.00
790	Kokopelli Trail					
E03	Purchased professional service	15,435.65	136,024.13	259,400.00	123,375.87	52.44
R03	Intergovernmental revenue	-74,516.20	-74,516.20	-160,000.00	-85,483.80	46.57
R09	Transfers from other funds	0.00	-27,443.23	-99,400.00	-71,956.77	27.61
790	Kokopelli Trail	-59,080.55	34,064.70	0.00	-34,064.70	0.00
791	Lower Little Salt Wash Trail					
E03	Purchased professional service	0.00	0.00	28,000.00	28,000.00	0.00
E07	Capital	19,534.82	1,212,429.09	1,260,000.00	47,570.91	96.22
R03	Intergovernmental revenue	-65,400.00	-849,540.00	-849,500.00	40.00	100.00
R09	Transfers from other funds	0.00	-150,861.77	-220,500.00	-69,638.23	68.42
R11	Development impact fees	0.00	0.00	-28,000.00	-28,000.00	0.00
791	Lower Little Salt Wash Trail	-45,865.18	212,027.32	190,000.00	-22,027.32	111.59
794	Little Salt Wash Park					
E07	Capital	0.00	11,214.48	11,250.00	35.52	99.68
R09	Transfers from other funds	0.00	-11,214.48	-11,250.00	-35.52	99.68
794	Little Salt Wash Park	0.00	0.00	0.00	0.00	0.00
798	Community Recreation Center					
E07	Capital	0.00	39,391.00	42,850.00	3,459.00	91.93
R09	Transfers from other funds	0.00	-34,846.00	-42,850.00	-8,004.00	81.32
798	Community Recreation Center	0.00	4,545.00	0.00	-4,545.00	0.00
802	Veterans Memorial Park					
E07	Capital	0.00	19,483.67	20,000.00	516.33	97.42
R09	Transfers from other funds	0.00	-17,983.67	-20,000.00	-2,016.33	89.92
802	Veterans Memorial Park	0.00	1,500.00	0.00	-1,500.00	0.00

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
803	<i>General Park Improvements</i>					
E07	Capital	0.00	8,225.00	8,500.00	275.00	96.76
R07	Donations	0.00	-8,500.00	-8,500.00	0.00	100.00
803	<i>General Park Improvements</i>	0.00	-275.00	0.00	275.00	0.00
Revenue Total		-143,264.00	-1,790,152.05	-2,636,925.00	-846,772.95	-0.68
Expense Total		55,757.69	1,979,287.34	2,826,925.00	847,637.66	0.70
130	Capital Projects Fund	-87,506.31	189,135.29	190,000.00	864.71	99.54

General Ledger
Actual vs Budget Report



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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
140	Debt Service Fund					
<i>000</i>						
R03	Intergovernmental revenue	0.00	-248,466.54	-248,450.00	16.54	100.01
R06	Interest	-259.56	-7,041.57	-4,350.00	2,691.57	161.88
R09	Transfers from other funds	-231,783.30	-579,458.30	-695,350.00	-115,891.70	83.33
<i>000</i>		<i>-232,042.86</i>	<i>-834,966.41</i>	<i>-948,150.00</i>	<i>-113,183.59</i>	<i>88.06</i>
<i>470</i>	<i>Debt Service</i>					
E09	Debt service principal	0.00	60,000.00	60,000.00	0.00	100.00
E10	Debt interest & bond issuance	0.00	888,137.50	888,150.00	12.50	100.00
<i>470</i>	<i>Debt Service</i>	<i>0.00</i>	<i>948,137.50</i>	<i>948,150.00</i>	<i>12.50</i>	<i>100.00</i>
Revenue Total		-232,042.86	-834,966.41	-948,150.00	-113,183.59	-0.88
Expense Total		0.00	948,137.50	948,150.00	12.50	1.00
140	Debt Service Fund	-232,042.86	113,171.09	0.00	-113,171.09	0.00

General Ledger
Actual vs Budget Report



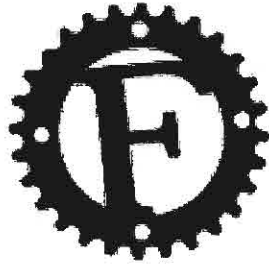
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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
211	Irrigation Water Fund					
000						
R04	Charges for services	-1,050.47	-104,144.35	-103,525.00	619.35	100.60
000		-1,050.47	-104,144.35	-103,525.00	619.35	100.60
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	2,219.75	46,208.97	48,800.00	2,591.03	94.69
E02	Personnel services, benefits	804.88	16,760.61	20,125.00	3,364.39	83.28
E04	Purchased property services	0.00	1,500.00	1,500.00	0.00	100.00
E05	Other purchased services	85.00	2,675.80	8,200.00	5,524.20	32.63
E06	Supplies	246.96	13,637.64	14,900.00	1,262.36	91.53
E12	Transfers to other funds	0.00	7,500.00	10,000.00	2,500.00	75.00
431	<i>Public Works Department</i>	3,356.59	88,283.02	103,525.00	15,241.98	85.28
	Revenue Total	-1,050.47	-104,144.35	-103,525.00	619.35	-1.01
	Expense Total	3,356.59	88,283.02	103,525.00	15,241.98	0.85
211	Irrigation Water Fund	2,306.12	-15,861.33	0.00	15,861.33	0.00

General Ledger
Actual vs Budget Report



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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
212	Sewer Fund					
000						
R04	Charges for services	-253,671.41	-2,796,689.60	-3,038,000.00	-241,310.40	92.06
R06	Interest	-1,887.78	-15,080.07	-4,300.00	10,780.07	350.70
R08	Miscellaneous	0.00	0.00	-100.00	-100.00	0.00
000		-255,559.19	-2,811,769.67	-3,042,400.00	-230,630.33	92.42
433	Sewer					
E01	Personnel services, salaries	29,864.94	338,117.29	481,475.00	143,357.71	70.23
E02	Personnel services, benefits	12,869.40	148,862.20	193,325.00	44,462.80	77.00
E03	Purchased professional service	243.00	46,089.98	64,000.00	17,910.02	72.02
E04	Purchased property services	1,211.01	77,560.44	81,250.00	3,689.56	95.46
E05	Other purchased services	5,335.55	100,826.42	120,450.00	19,623.58	83.71
E06	Supplies	27,823.46	241,064.00	365,325.00	124,261.00	65.99
E07	Capital	1,986.14	411,798.43	412,150.00	351.57	99.91
E08	Special projects	0.00	0.00	30,000.00	30,000.00	0.00
E09	Debt service principal	0.00	630,000.00	630,000.00	0.00	100.00
E10	Debt interest & bond issuance	0.00	562,843.70	562,850.00	6.30	100.00
E12	Transfers to other funds	0.00	120,000.00	169,450.00	49,450.00	70.82
433	Sewer	79,333.50	2,677,162.46	3,110,275.00	433,112.54	86.07
603	Sewer Line Upgrades					
E07	Capital	0.00	58,288.54	262,250.00	203,961.46	22.23
603	Sewer Line Upgrades	0.00	58,288.54	262,250.00	203,961.46	22.23
607	Section 2					
E04	Purchased property services	0.00	0.00	28,000.00	28,000.00	0.00
607	Section 2	0.00	0.00	28,000.00	28,000.00	0.00
Revenue Total		-255,559.19	-2,811,769.67	-3,042,400.00	-230,630.33	-0.92
Expense Total		79,333.50	2,735,451.00	3,400,525.00	665,074.00	0.80
212	Sewer Fund	-176,225.69	-76,318.67	358,125.00	434,443.67	-21.31

General Ledger
Actual vs Budget Report



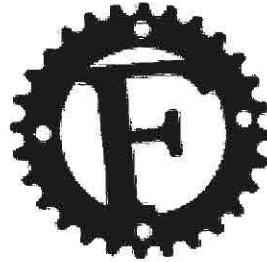
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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
215	Trash Fund					
000						
R04	Charges for services	-57,139.62	-570,232.74	-671,000.00	-100,767.26	84.98
000		-57,139.62	-570,232.74	-671,000.00	-100,767.26	84.98
432	<i>Sanitation Department</i>					
E05	Other purchased services	51,959.99	414,935.59	620,000.00	205,064.41	66.93
E12	Transfers to other funds	0.00	38,250.00	51,000.00	12,750.00	75.00
432	<i>Sanitation Department</i>	51,959.99	453,185.59	671,000.00	217,814.41	67.54
Revenue Total		-57,139.62	-570,232.74	-671,000.00	-100,767.26	-0.85
Expense Total		51,959.99	453,185.59	671,000.00	217,814.41	0.68
215	Trash Fund	-5,179.63	-117,047.15	0.00	117,047.15	0.00

General Ledger
Actual vs Budget Report



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Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
220	Fleet Maintenance Fund					
<i>000</i>						
R04	Charges for services	0.00	-290,375.00	-290,375.00	0.00	100.00
R10	Other financing sources	0.00	-794.33	0.00	794.33	0.00
<i>000</i>		<i>0.00</i>	<i>-291,169.33</i>	<i>-290,375.00</i>	<i>794.33</i>	<i>100.27</i>
<i>431</i>	<i>Public Works Department</i>					
E01	Personnel services, salaries	10,411.19	111,186.73	125,475.00	14,288.27	88.61
E02	Personnel services, benefits	2,833.23	35,868.69	43,900.00	8,031.31	81.71
E03	Purchased professional service	0.00	636.51	1,700.00	1,063.49	37.44
E04	Purchased property services	2,917.67	17,310.23	21,000.00	3,689.77	82.43
E06	Supplies	6,057.84	61,408.46	98,300.00	36,891.54	62.47
<i>431</i>	<i>Public Works Department</i>	<i>22,219.93</i>	<i>226,410.62</i>	<i>290,375.00</i>	<i>63,964.38</i>	<i>77.97</i>
<i>Revenue Total</i>		<i>0.00</i>	<i>-291,169.33</i>	<i>-290,375.00</i>	<i>794.33</i>	<i>-1.00</i>
<i>Expense Total</i>		<i>22,219.93</i>	<i>226,410.62</i>	<i>290,375.00</i>	<i>63,964.38</i>	<i>0.78</i>
220	Fleet Maintenance Fund	22,219.93	-64,758.71	0.00	64,758.71	0.00

General Ledger
Actual vs Budget Report



FRUITA
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User: msteelman
Printed: 11/22/16 12:49:58
Period 10 - 10
Fiscal Year 2016

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<i>Revenue Total</i>		-1,327,691.44	-14,597,562.89	-17,225,300.00	-2,627,737.11	-0.85
<i>Expense Total</i>		1,090,965.10	14,877,922.88	19,162,575.00	4,284,652.12	0.78



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, CITY CLERK/FINANCE DIRECTOR
DATE: DECEMBER 6, 2016
RE: RESOLUTION 2016-42 ESTABLISHING THE SCHEDULE FOR FEES AND CHARGES FOR THE 2017 BUDGET YEAR

BACKGROUND

Resolution 1991-13 requires that fees and charges of the City of Fruita be set annually by resolution of the City Council in conjunction with the budget adoption process. Fee changes go into effect on January 1, 2017 unless otherwise noted. The following is a summary of the more significant changes in fee.

- Monthly *trash* collection charge increased by \$0.25 from \$12.50 TO \$12.75 and senior citizen rate for trash increased by \$0.25 from \$10.70 to \$10.95 per month
- Monthly *sewer* charges for residential property increased by \$2.20 from \$41.30 to \$43.50 and senior citizen rate increased by \$0.80 from \$16.70 to \$17.50. The commercial base rate is increased \$2.65 from \$50.00 to \$52.65 and the volume charge for up to 105,000 gallons is increased by \$0.35 per 1,000 gallons and for usage in excess of 105,000 the volume charge is increased by \$0.25 per 1,000 gallons.
- Annual *irrigation* maintenance charge for partial and full underground systems increased by \$10.00.
- *Land development application* fees are increased by \$25.00 for public notice signage. Conditional use permit application fees are also increased \$25.00.
- The building valuation table used for determining *use tax on building materials* has been updated to the June 2016 values published by the International Code Council

FISCAL IMPACT

The increases in fees result in additional revenues to cover operational expenses for the various utilities.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Fee adjustments are necessary to offset the increased cost of providing services and to continue the City's conservative fiscal policies and guidelines.

OPTIONS AVAILABLE TO THE COUNCIL

Approve Resolution 2016-42 adopting the Fees Schedule for the 2017 Fiscal Year.
Make amendments to the fees and charges and adopt an amended resolution

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Council move to:
**APPROVE RESOLUTION 2016-42 ESTABLISHING THE FEES AND CHARGES FOR
THE 2017 BUDGET YEAR**

RESOLUTION 2016-42

**A RESOLUTION ESTABLISHING FEES AND CHARGES
FOR THE CITY OF FRUITA FOR THE 2017 BUDGET YEAR**

WHEREAS, pursuant to Resolution 1991-13, adopted by the Fruita City Council, it is necessary to establish fees and charges for the City of Fruita annually by Resolution of the City Council, in conjunction with the budget adoption process.

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

Section 1: The fees and charges set forth in Exhibit A, attached hereto, are hereby adopted for the City of Fruita. The effective date of any changes in fees shall be January 1, 2017 unless otherwise noted.

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

City of Fruita

Lori Buck, Mayor

ATTEST:

City Clerk

EXHIBIT A
2017 FEES AND CHARGES

DESCRIPTION	2016	2017	Account #
<u>I. ANIMAL CONTROL FEES</u>			
Boarding Fee/per day	8.00	8.00	110-000-00-3455
Impoundment Fee (1st)	35.00	35.00	110-000-00-3455
Impoundment Fee (2nd)	50.00	50.00	110-000-00-3455
Impoundment Fee (3rd)	100.00	100.00	110-000-00-3455
Quarantine Fee/per day	12.00	12.00	110-000-00-3455
Transport Fee to/from Mesa County Animal Control	40.00	40.00	110-000-00-3455
Euthanasia Fee	40.00	40.00	110-000-00-3455
<u>II. BUILDING RENTAL FEES</u>			
<u>Fruita Civic Center</u>			
without food and drinks for first 2 hours	20.00	20.00	110-000-00-3626
each additional hour	10.00	10.00	110-000-00-3626
with food and drinks for first 2 hours	50.00	50.00	110-000-00-3626
each additional hour	20.00	20.00	110-000-00-3626
Key Deposit (refundable)	25.00	25.00	110-000-00-2282
Room Deposit (refundable)	50.00	50.00	110-000-00-2282
Cleaning as necessary/per hour	20.00	20.00	110-000-00-3626
<u>III. CITY DOCUMENTS</u>			
Budget	25.00	25.00	110-000-00-3680
City Council Agendas mailed, per year	15.00	15.00	110-000-00-3680
Community Plan	15.00	15.00	110-000-00-3680
Financial Statement	15.00	15.00	110-000-00-3680
Highway 340 Conceptual Development Plan	15.00	15.00	110-000-00-3680
Land Use Regulations/Zoning code	35.00	35.00	110-000-00-3680
Municipal Code	75.00	75.00	110-000-00-3680
Municipal Code Updates, annual fee	25.00	25.00	110-000-00-3680
Design Criteria and Construction Specifications Manual	25.00	25.00	110-000-00-3680
<u>IV. CODE ENFORCEMENT FEES</u>			
Property Clean up fees for eligible property's based on financial/physical hardship			
Dump Fee (per load)	15.00	15.00	110-000-00-3680
Tire Disposal (per tire)	3.00	3.00	110-000-00-3680
Television disposal, large (per television)	40.00	40.00	110-000-00-3680
Clean up fees - 1 day or less	50.00	50.00	110-000-00-3680
Clean up fees - 10 to 20 hours	100.00	100.00	110-000-00-3680
<u>V. COMMUNITY DEVELOPMENT FEES</u>			
Annexation			
10 acres or less	\$300.00	\$300.00	110-000-00-3413
more than 10 acres	350.00	350.00	110-000-00-3413
Master Plan Amendment	1,000.00	1,000.00	110-000-00-3413
Land Use Code Text Amendment	500.00	500.00	110-000-00-3413
Variance	225.00	225.00	110-000-00-3413

**EXHIBIT A
2017 FEES AND CHARGES**

DESCRIPTION	2016	2017	Account #
*For the land development applications listed below with an *, when two types of applications are required for one project such as Site Design Review and a Conditional Use Permit, or Minor Subdivision and Conditional Use Permit, only the highest of the two fees is charged.			
* Conditional Use Permit (plus acreage fee - capped at 10 acres)			
Minor - residential land uses	200.00	225.00	110-000-00-3413 *
Major - All others	575.00	625.00	110-000-00-3413 *
* Sketch Plan or Concept Plan (plus acreage or lot fee)	625.00	650.00	110-000-00-3413 *
* Preliminary Plan including PUD Preliminary Plan (plus acreage or lot fee, review and inspection charges in excess of application fee and attorney fees for excess of 3 hours of legal review)	1,525.00	1,550.00	110-000-00-3413 *
* Final Plat or PUD Final Plan (plus recording costs, review and inspection charges in excess of application fee and attorney fees for excess of 3 hours of legal review)	1,100.00	1,100.00	110-000-00-3413
* Minor Subdivision			
Lot line or property line adjustment, consolidation plat, vacation of plat (plus acreage or lot fee, recording costs and attorney fees in excess of 3 hours of legal review)	525.00	550.00	110-000-00-3413 *
New lots created, townhouse/condominium plats (plus acreage or lot fee, recording costs and attorney fees for excess of 3 hours of legal review)	1,325.00	1,350.00	110-000-00-3413 *
* Site Design Review (plus acreage fee - capped at 10 acres)			
Minor - increase in existing floor/land area by more than 40%, new utility structures, multi-family or attached single family with less than six units, changes in land use resulting in changes to parking requirements	200.00	225.00	110-000-00-3413 *
Major - all others and any Site Design Review requiring an adjustment requiring a public hearing	600.00	625.00	110-000-00-3413 *
* Rezone (Official Zoning Map Amendment)	575.00	600.00	110-000-00-3413 *
* Vacation of Easement	125.00	150.00	110-000-00-3413 *
* Vacation of Right of Way	375.00	400.00	110-000-00-3413 *
Acreage fee, per acre (The lesser of the acreage fee or lot fee applies)	200.00	200.00	110-000-00-3413
Lot fee, per buildable lot (The lesser of the acreage fee or lot fee applies)	50.00	50.00	110-000-00-3413
Attorney Fees in excess of noted number of hours, per hour	190.00	190.00	110-000-00-3413
Recording Fees, first page, plus \$1 document fee			
First page of document, letter or legal size	10.00	10.00	110-000-00-3413
Each additional page	5.00	5.00	110-000-00-3413
Document fee	1.00	1.00	110-000-00-3413
Plats, per page	10.00	10.00	110-000-00-3413
Planning Clearance Fees			
Detached Single Family or 2 attached Single Family or Duplex Residential units	25.00	25.00	110-000-00-3413
Non-Residential and mixed use buildings; 3 or more attached single family or multi-family units	50.00	50.00	110-000-00-3413

**EXHIBIT A
2017 FEES AND CHARGES**

DESCRIPTION	2016	2017	Account #
Fence	15.00	15.00	110-000-00-3221
Sign	25.00	25.00	110-000-00-3221
Temporary Use Permit	25.00	25.00	110-000-00-3413
Utility Upgrade	25.00	25.00	110-000-00-3413
Demolition Permit - Residential and Commercial	30.00	30.00	110-000-00-3413
Appeals	100.00	100.00	110-000-00-3413
Flood Plain Permit with structure	50.00	50.00	110-000-00-3413
Flood Plain Permit with no structure	25.00	25.00	110-000-00-3413
Certificate of Occupancy Reinspection	25.00	25.00	110-000-00-3413
Development Impact Fees			
Chip and Seal Fee per square yard	3.85	3.85	110-000-00-2242
Drainage Impact Fee Base Value	17,058.00	17,058.00	110-000-00-2241
Parks, Open Space and Trails Fee, per dwelling unit	1,860.00	1,860.00	110-000-00-2226
School Land Dedication Fee per residential dwelling unit based on \$40,000 per acre land value	920.00	920.00	330-000-00-3640
Transportation Impact Fee Base Rate			
Residential	3,200.00	3,200.00	varies
Commercial	1,589.00	1,589.00	varies
Use Tax based on Building Valuation Data published by International Code Council, August 2016 (see attached used tax table for valuation data)	3% of valuation	3% of valuation	110-000-00-3133
VI. LICENSING FEES			
Amusement (Coin-op) License Fees (first machine)	25.00	25.00	110-000-00-3210
Amusement (Coin-op) License Fees (each additional machine)	5.00	5.00	110-000-00-3210
Business License Fee (Full year operation)	25.00	25.00	110-000-00-3210
Business License Fee (In operation 6 months or less)	12.50	12.50	110-000-00-3210
Dance Hall License (public or private)	25.00	25.00	110-000-00-3210
Golf Cart Permit	100.00	100.00	110-000-00-3210
Junkyard, Automobile Wrecking or Salvage Yard license			
6,000 sf or less	25.00	25.00	110-000-00-3210
6,001 - 10,000 sf	40.00	40.00	110-000-00-3210
10,001 - 15,000 sf	60.00	60.00	110-000-00-3210
15,001 - 20,000 sf	80.00	80.00	110-000-00-3210
20,001 plus sf	100.00	100.00	110-000-00-3210
Kennel License Fee	50.00	50.00	110-000-00-3210
Occupation tax on alcoholic beverage licenses	350.00	350.00	110-000-00-3211
Pawnbrokers	100.00	100.00	110-000-00-3210
Private Patrol Application			
Individuals	25.00	25.00	110-000-00-3210
Partnerships	30.00	30.00	110-000-00-3210
Corporations	50.00	50.00	110-000-00-3210
Sexually Oriented Business license	350.00	350.00	110-000-00-3210
plus Manager's Registration Fee	75.00	75.00	110-000-00-3210
Sidewalk Restaurant Permit	150.00	150.00	110-000-00-3210
Sound Amplification Permit	10.00	10.00	110-000-00-3210

**EXHIBIT A
2017 FEES AND CHARGES**

DESCRIPTION	2016	2017	Account #
<u>VII. LIQUOR LICENSE APPLICATION FEES</u>			
New Liquor License Application Fee	875.00	875.00	110-000-00-3211
Transfer of Ownership of Liquor License Application Fee	750.00	750.00	110-000-00-3211
Change of Location	750.00	750.00	110-000-00-3211
Special Events Permit Application Fee for 3.2% Beer	50.00	50.00	110-000-00-3211
Special Events Permit Application for liquor	50.00	50.00	110-000-00-3211
Temporary Permit	100.00	100.00	110-000-00-3211
Bed and Breakfast Permit	25.00	25.00	110-000-00-3211
Late Renewal Application Fee	500.00	500.00	110-000-00-3211
Hotel/Tavern Manager's Registration Fee	75.00	75.00	110-000-00-3211
Art Galley Application Fee	100.00	100.00	110-000-00-3211
Resort Complex - Addition of related facility permits (each)	100.00	100.00	110-000-00-3211
Corp/LLC Change (per person) - non master file only	100.00	100.00	110-000-00-3211
Mini-bar permit with H/R License	325.00	325.00	110-000-00-3211
Additional fees are required by the State of Colorado			
<u>VIII. MAPS</u>			
Map from GIS, (8 1/2 x 11)	5.00	5.00	110-000-00-3680
Street Plat Map	2.50	2.50	110-000-00-3680
Subdivision Maps	10.00	10.00	110-000-00-3680
Wall Size Map (36 x 48) (Zoning, Community Plan, etc.)	40.00	40.00	110-000-00-3680
Zoning Map, 11 x 17 - 4 page set	15.00	15.00	110-000-00-3680
Plot Plans - Research and copy fee within last 6 years, Add research fee for records older than 6 years	2.00	2.00	110-000-00-3680
<u>IX. MISCELLANEOUS FEES</u>			
Audio recording of City Council meeting	12.00	12.00	110-000-00-3680
Camera Inspection of Sewer lines - Initial inspection	no charge	no charge	
Camera Inspection of Sewer lines - After initial inspection per lineal foot	1.00	1.00	212-000-00-3680
Copies (8 1/2 x 11/14) per page	0.25	0.25	110-000-00-3680
Copies (11 x 17) per page	0.50	0.50	110-000-00-3680
Convenience Fee for Utility Payments/per transaction	2.95	2.95	N/A
Excavation/Right of way Permit Fee	30.00	30.00	110-000-00-3220
Records Research Fee/per hour	30.00	30.00	110-000-00-3680
Returned Check Charge	25.00	25.00	110-000-00-3483
Special Events Permit Application Fees	25.00	25.00	110-000-00-3472
Special Events Permit Deposit (refundable) per 1,000 attendees	100.00	100.00	110-000-00-3472
<u>X. MUNICIPAL COURT FEES</u>			
Administrative Fee (providing proof of insurance resulting in dismissal)	25.00	25.00	110-000-00-3510
Appeal Bond (double amount of fine)	varies	varies	110-000-00-3510
Appeal Processing Fee	1.50	1.50	110-000-00-3510
Appeal Transcript Deposit Fee (refundable)	300.00	300.00	110-000-00-3510
Appeal Transcript of Court Record, per hour	30.00	30.00	110-000-00-3510
Bench Warrant	50.00	50.00	110-000-00-3510

**EXHIBIT A
2017 FEES AND CHARGES**

DESCRIPTION	2016	2017	Account #
Community Service Fee	10.00	10.00	110-000-00-3510
Default Judgement	50.00	50.00	110-000-00-3510
Deferrment	50.00	50.00	110-000-00-3510
Docket Fee/Court Costs	30.00	30.00	110-000-00-3510
Jury Fee (established by statute)	25.00	25.00	110-000-00-3510
Misdemeanor Fee	40.00	40.00	110-000-00-3510
Outstanding Judgement Warrant (DMV - Civil Action)	50.00	50.00	110-000-00-3510
Report copies, per page	0.25	0.25	110-000-00-3510
Unsupervised Probation Fee	40.00	40.00	110-000-00-3510
*Additional fees are determined in court by Municipal Judge including Stay of Execution, Failure to Appear, Failure to Appear at Trial, Supervised Probation			
<u>XI. PARKS FEES</u>			
Park shelter reservation fee (first 2 hours)	25.00	25.00	110-000-00-3477
Park shelter reservation fee (each additional hour)	10.00	10.00	110-000-00-3477
Park field use for Little League/per player	25.00	25.00	110-000-00-3477
Regular season	25.00	25.00	110-000-00-3477
Fall Season	15.00	15.00	110-000-00-3477
Park field use for T-Ball/per player			
Regular season	12.50	12.50	110-000-00-3477
Fall Season	7.50	7.50	110-000-00-3477
<u>XII. POLICE DEPARTMENT FEES</u>			
Background Checks	5.00	5.00	110-000-00-3680
Fingerprinting	7.00	7.00	110-000-00-3680
Vehicle Impoundment Storage Fee/day	N/A	N/A	110-000-00-3455
VIN Inspection @ Police Station	10.00	10.00	110-000-00-3421
VIN Inspection @ Residence/Business	15.00	15.00	110-000-00-3421
Preliminary Breath Test (PBT)	5.00	5.00	110-000-00-3680
<u>Copies of evidence:</u>			
1 VHS tape @ 60 minutes or less	N/A	N/A	110-000-00-3680
1 Audio file(micro or cassette) @ 60 minutes or less	12.00	12.00	110-000-00-3680
Audio and or Digital Images CD	7.00	7.00	110-000-00-3680
Photographs - prints (24 exposure film)	20.00	20.00	110-000-00-3680
Reports - copies, per page	0.25	0.25	110-000-00-3680
Reports - copies, per page (provided to victims)	no charge	no charge	
Archives/records research, per hour	20.00	20.00	110-000-00-3680
<u>XIII. UTILITY SERVICE FEES</u>			
<u>Irrigation Water</u>			
Irrigation Water (Full underground system)/annual	120.00	130.00	211-000-00-3441 x
Irrigation Water (Partial underground system)/annual	90.00	100.00	211-000-00-3441 x
Water Share Rental Fee/per year	25.00	25.00	211-000-00-3441
Irrigation Plant Investment Fee	500.00	500.00	211-000-00-3449
<u>Restart Service Fee</u>			

EXHIBIT A
2017 FEES AND CHARGES

DESCRIPTION	2016	2017	Account #
During Regular Business Hours	55.00	55.00	110-000-00-3483
Non Business Hours	85.00	85.00	110-000-00-3483
<u>Sewer - Inside City</u>			
Residential Base Rate/per month	41.30	43.50	212-000-00-3441 x
Commercial Base Rate/per month for up to 5,000 gallons of water consumption	50.00	52.65	212-000-00-3442 x
Volume charge for commercial users per 1,000 gallons in between 5,000 and 105,000 gallons of water used per month	6.50	6.85	212-000-00-3442 x
Volume charge for commercial users in excess of 105,000 gallons of water used per month	4.00	4.25	212-000-00-3442 x
Dump Station - low use (under 100 vehicles per month)	100.00	105.30	212-000-00-3442 x
Dump Station - high use (over 100 vehicles per month)	250.00	263.25	212-000-00-3442 x
Senior Citizen Rate based on income eligibility	16.70	17.50	212-000-00-3441 x
Plant Investment Fee (3/4" to 1" water tap)	6,600.00	6,600.00	212-000-00-3449
Plant Investment Fee (1 1/2" water tap or larger)*	negotiated	negotiated	212-000-00-3449
*Base rate for 1.5" water tap is \$12,479, 2" is \$19,967 and 3" is \$39,933 subject to City Engineer and Public Works review of volume and treatment demands			
<u>Sewer - Outside City</u>			
Base Rate/per month	82.00	86.35	212-000-00-3441 x
Plant Investment Fee (3/4" to 1" water tap)	13,200.00	13,200.00	212-000-00-3449
<u>Trash Collection</u>			
Per Unit per Month	12.50	12.75	215-000-00-3443 x
Senior Citizen Rate based on income eligibility	10.70	10.95	215-000-00-3443 x

Building Valuation Data – June 2016

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. Please be advised that the BVD is normally updated at six-month intervals, but the BVD normally provided in February was delayed. The next BVD will be issued in August, per our normal schedule. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the “average” construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the 2015 *International Building Code* (IBC) whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are “average” costs based on typical construction methods for

each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. As such, the use of Regional Cost Modifiers is subject to the authority having jurisdiction.

Permit Fee Multiplier

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.
- 3.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

Permit Fee

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB

Area: 1st story = 8,000 sq. ft.

2nd story = 8,000 sq. ft.

Height: 2 stories

Permit Fee Multiplier = 0.0075

Use Group: B

1. Gross area:
Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.
2. Square Foot Construction Cost:
B/IIB = \$160.26/sq. ft. Permit Fee:
Business = 16,000 sq. ft. x \$160.26/sq. ft x 0.0075
= \$19,231

USE TAX TABLE - EFFECTIVE FOR 2017

Important Points

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs ^{a, b, c, d}

[----- Fire resistive materials -----]

Heavy Timber I-HR Wood Frame Non Rated Wood Frame

Group (2015 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	226.92	219.10	213.80	205.04	192.95	187.36	198.56	176.18	169.73
A-1 Assembly, theaters, without stage	207.97	200.15	194.85	186.09	174.15	168.55	179.61	157.38	150.92
A-2 Assembly, nightclubs	177.89	172.85	168.07	161.49	151.98	147.78	155.80	137.68	132.99
A-2 Assembly, restaurants, bars, banquet halls	176.89	171.85	166.07	160.49	149.98	146.78	154.80	135.68	131.99
A-3 Assembly, churches	209.94	202.13	196.83	188.07	176.32	170.72	181.59	159.54	153.09
A-3 Assembly, general, community halls, libraries, museums	175.12	167.31	161.01	153.25	140.50	135.90	146.77	123.72	118.27
A-4 Assembly, arenas	206.97	199.15	192.85	185.09	172.15	167.55	178.61	155.38	149.92
B Business	181.12	174.43	168.67	160.26	146.18	140.70	153.97	128.34	122.72
E Educational	192.29	185.47	180.15	172.12	160.72	152.55	166.18	140.46	136.18
F-1 Factory and industrial, moderate hazard	108.98	103.99	97.83	94.17	84.37	80.56	90.16	69.50	65.44
F-2 Factory and industrial, low hazard	107.98	102.99	97.83	93.17	84.37	79.56	89.16	69.50	64.44
H-1 High Hazard, explosives	102.01	97.02	91.86	87.20	78.60	73.79	83.19	63.73	N.P.
H234 High Hazard	102.01	97.02	91.86	87.20	78.60	73.79	83.19	63.73	58.67
H-5 HPM	181.12	174.43	168.67	160.26	146.18	140.70	153.97	128.34	122.72
I-1 Institutional, supervised environment	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
I-2 Institutional, hospitals	304.80	298.11	292.36	283.95	268.92	N.P.	277.65	251.09	N.P.
I-2 Institutional, nursing homes	211.20	204.51	198.75	190.34	177.26	N.P.	184.05	159.42	N.P.
I-3 Institutional, restrained	206.08	199.38	193.63	185.22	172.62	166.14	178.93	154.78	147.16
I-4 Institutional, day care facilities	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
M Mercantile	132.61	127.57	121.79	116.21	106.35	103.15	110.52	92.05	88.36
R-1 Residential, hotels	182.28	175.70	170.83	162.68	150.87	146.84	162.68	135.49	131.23
R-2 Residential, multiple family	152.86	146.27	141.41	133.25	122.04	118.01	133.25	106.66	102.41
R-3 Residential, one- and two-family	143.93	139.97	136.51	132.83	127.95	124.61	130.57	119.73	112.65
R-4 Residential, care/assisted living facilities	180.72	174.14	169.28	161.12	149.06	145.04	161.12	133.69	129.43
S-1 Storage, moderate hazard	101.01	96.02	89.86	86.20	76.60	72.79	82.19	61.73	57.67
S-2 Storage, low hazard	100.01	95.02	89.86	85.20	76.60	71.79	81.19	61.73	56.67
U Utility, miscellaneous	77.82	73.48	69.04	65.52	59.23	55.31	62.58	46.83	44.63

Typical Residential

- Private Garages use Utility, miscellaneous, **enclosed storage**
- Unfinished basements (all use group) = \$15.00 per sq. ft.
- For shell only buildings deduct 20 percent – **shell only = 80% Table Value, tenant finish = 20% Table Value**
- N.P. = not permitted
- Carpports/patios, use 50% of Group U Table Value**

***Material Costs are estimated at 50% of Table Value - General Formula = 0.03 x 0.50 x SF x Table Value**



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, CITY CLERK/FINANCE DIRECTOR
DATE: DECEMBER 6, 2016
RE: RESOLUTION 2016-43 ADOPTING THE 2017 ANNUAL BUDGET - PUBLIC HEARING CONTINUED FROM NOVEMBER 15, 2016

BACKGROUND

A draft copy of the 2017 Annual Budget was presented to the Council at their workshop on September 27, 2016. A public hearing was held at the November 15, 2016 City Council meeting and continued to the meeting on December 6, 2016 for final adoption of the 2017 Budget and appropriation resolution.

FISCAL IMPACT

Adoption of the 2017 Annual Budget has an overall fiscal impact of \$22,079,025.

This amount includes current year revenues of.....	\$18,806,750
Transfers from other funds	1,765,700
Additions to Available Funds	(2,850)
Use of Available Funds	<u>1,509,425</u>
	\$22,079,025

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

- Approve Resolution adopting the 2017 Annual Budget.
- Make amendments to the Budget and adopt a revised 2017 Annual Budget

The Budget must be adopted before the mill levy can be approved and certified to the Mesa County Commissioners by December 15. If funds are not appropriated by the first of the year, the amounts appropriated for the 2017 fiscal year will be pro-rated on a month to month basis until a budget is adopted.

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Council **RE-OPEN THE PUBLIC HEARING, ACCEPT PUBLIC COMMENT AND THEN MOVE TO**

APPROVE RESOLUTION 2016-43 ADOPTING THE 2017 ANNUAL BUDGET

RESOLUTION 2016-43

**A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND
AND ADOPTING A BUDGET FOR THE CITY OF FRUITA, COLORADO,
FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2017,
AND ENDING ON THE LAST DAY OF DECEMBER, 2017**

WHEREAS, the City Manager has directed the preparation of the 2017 Annual Budget for submission to the Fruita City Council for their consideration;

WHEREAS, a proposed budget was submitted to this governing body on September 27, 2016, for its consideration, and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 15 and continued to December 6, 2016, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

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

Section 1: The budget as submitted, amended, and hereinbelow summarized by fund, is approved and adopted as the budget of the City of Fruita for the year stated above.

General Fund

Revenues	\$6,918,125
Use of Available Funds	805,175
Expenditures.....	(\$7,723,300)

Conservation Trust Fund

Revenues	\$127,000
Use of Available Funds	123,000
Expenditures.....	(\$250,000)

Marketing and Promotion Fund

Revenues	\$107,000
Expenditures.....	(\$107,000)

Community Center Fund Fund

Revenues	\$2,290,500
Use of Available Funds	77,875
Expenditures.....	(2,368,375)

Capital Projects Fund

Revenues \$5,708,325
Use of Available Funds 114,700
Expenditures..... (\$5,823,025)

Debt Service Fund

Revenues \$963,600
Addition to Available Funds..... (2,850)
Expenditures..... (960,750)

Devil's Canyon Center Fund

Revenues \$1,450
Expenditures..... (\$1,450)

Irrigation Water Fund

Revenues \$108,000
Use of Available Funds 10,700
Expenditures..... (\$118,700)

Sewer Fund

Revenues \$3,358,200
Use of Available Funds 377,975
Expenditures..... (\$3,736,175)

Trash Fund

Revenues \$688,000
Expenditures..... (688,000)

Fleet Maintenance Fund

Revenues \$ 302,250
Expenses..... (302,250)

Section 2: The 2017 budget is hereby approved and adopted and made a part of the public records of the City.

PASSED AND ADOPTED THIS 6th DAY OF DECEMBER, 2016

Attest:

City of Fruita

City Clerk

Lori Buck, Mayor



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, CITY CLERK/FINANCE DIRECTOR
DATE: DECEMBER 6, 2016
RE: RESOLUTION 2016-44 APPROPRIATING FUNDS FOR THE 2017 BUDGET

BACKGROUND

After adoption of the 2017 Annual Budget, the Council must appropriate the funds for expenditure in 2017. The budget is a fiscal plan for the coming year while the appropriation is the legal authority to spend that money. The amount appropriated for the various funds and departments cannot exceed the amounts fixed in the budget.

FISCAL IMPACT

Appropriation of funds for the 2017 fiscal year has an overall fiscal impact of \$22,079,025, including transfers to other funds of \$1,765,700 for a net overall fiscal impact of \$20,313,325.

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. Appropriation of the funds to spend as outlined in the Budget is necessary in order to provide the financial resources to accomplish the goals and objectives of the City and provide services to the citizens of the community.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve Resolution appropriating funds for the 2017 Fiscal Year.
- Make amendments to the Budget and adopt a revised Appropriation Resolution
- If funds are not appropriated by the first of the year, amounts appropriated for the year will be pro-rated on a month to month basis until a budget is adopted.

RECOMMENDATION

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

APPROVE RESOLUTION 2016-44 APPROPRIATING FUNDS FOR THE 2017 FISCAL YEAR IN ACCORDANCE WITH THE ADOPTED 2017 ANNUAL BUDGET

RESOLUTION 2016-44**A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE
VARIOUS FUNDS IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW,
FOR THE CITY OF FRUITA, COLORADO FOR THE 2017 BUDGET YEAR**

WHEREAS, the City Council adopted the annual budget in accordance with the Local Government Budget Law on December 6, 2016, and;

WHEREAS, the governing body has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the City.

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

Section 1: That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

General Fund

Current Operating Expenses	\$6,710,625
Capital Projects and Equipment	<u>1,012,675</u>
Total General Fund.....	\$7,723,300

Conservation Trust Fund

Capital Projects.....	<u>\$250,000</u>
Total Conservation Trust Fund	\$250,000

Marketing and Promotion Fund

Current Operating Expenses	<u>\$107,000</u>
Total Marketing and Promotion Fund	\$107,000

Community Center Fund

Current Operating Expenses	\$1,579,675
Capital Projects and Equipment	84,000
Debt Service	<u>704,700</u>
Total Community Center Fund	\$2,368,375

Capital Projects Fund

Capital Projects and Equipment	<u>\$5,823,025</u>
Total Capital Projects Fund.....	<u>\$5,823,025</u>

Debt Service Fund

Current Operating Expenses	500
Debt Service	<u>\$960,250</u>
Total Debt Service Fund	<u>\$960,750</u>

Devil's Canyon Center Fund

Current Operating Expense	<u>\$1,450</u>
Total Devil's Canyon Center Fund	<u>\$1,450</u>

Irrigation Water Fund

Current Operating Expenses	\$ 105,300
Capital Projects and Equipment	<u>13,400</u>
Total Irrigation Fund	<u>\$118,700</u>

Sewer Fund

Current Operating Expenses	\$1,494,375
Capital Projects and Equipment	1,017,800
Debt Service	<u>1,224,000</u>
Total Sewer Fund	<u>\$3,736,175</u>

Trash Fund

Current Operating Expenses	<u>\$688,000</u>
Total Trash Fund	<u>\$688,000</u>

Fleet Maintenance Fund

Current Operating Expenses	<u>\$302,250</u>
Total Fleet Maintenance Fund	<u>\$302,250</u>

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

Attest:

City of Fruita

City Clerk_____
Lori Buck, Mayor



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, CITY CLERK/FINANCE DIRECTOR
DATE: DECEMBER 1, 2015
RE: RESOLUTION 2016-45 ESTABLISHING THE PROPERTY TAX MILL LEVY FOR THE 2017 BUDGET

BACKGROUND

The final certification of assessed values has been received from the Mesa County Assessor's office and the following information reflects the final certification. The resolution establishes a mill levy of 10.146 mills for general operations. This is the same mill levy that was established for the 2016 Budget year. The November 30, 2016 assessed value of property in the City of Fruita is \$110,901,340. This is an increase of \$2,729,490 (3%) from the prior years' assessed valuation of \$108,171,850. Each mill assessed by the City results in revenue of \$110,901. The mill levy must be certified to the County Commissioners by December 15, 2016 for collection in 2017.

FISCAL IMPACT

The proposed mill levy of 10.146 mills will generate \$1,125,205 in revenue based on the November 30, 2016 assessed values, an increase of \$28,098 from 2016 budgeted revenue..

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita provides a number of services to residents of the community to protect the public safety and health. These services are largely paid for through various tax revenues, including the property tax revenue.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve Resolution establishing the mill levy at 10.146 mills.
- Amend Resolution and establish a lower mill levy.
- The Mill Levy must be set after adoption of the budget and can not be increased without voter approval.

RECOMMENDATION

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

APPROVE RESOLUTION 2016-45 ESTABLISHING THE MILL LEVY ASSESSED ON PROPERTY IN FRUITA FOR THE 2017 BUDGET YEAR AT 10.146 MILLS FOR GENERAL OPERATIONS AND AUTHORIZING THE CITY CLERK TO CERTIFY THE MILL LEVY TO HE MESA COUNTY COMMISSIONERS.

RESOLUTION 2016-45

A RESOLUTION TO SET MILL LEVIES FOR THE 2017 BUDGET YEAR

WHEREAS, the City Council of the City of Fruita adopted the 2017 Annual Budget in accordance with the Local Government Budget Law on December 6, 2016 and;

WHEREAS, the amount of money necessary to balance the budget for general operating purposes is \$1,125,205, and;

WHEREAS, the 2016 valuation for the assessment for the City of Fruita as certified by the County Assessor is \$110,901,340

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

Section 1: That for the purpose of meeting all general operating expenses of the City of Fruita during the 2017 budget year, there is hereby levied a tax of 10.146 mills upon each dollar of the total valuation for assessment of all taxable property within the City for the year 2016.

Section 2: That the City Clerk is hereby authorized and directed to immediately certify to the County Commissioners of Mesa County, Colorado, the mill levies for the City of Fruita as hereinabove determined and set.

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

Attest:

City of Fruita

City Clerk

Lori Buck, Mayor



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL MAYOR
FROM: SAM ATKINS, CITY ENGINEER
DATE: DECEMBER 6, 2016
RE: GATEWAY ENHANCEMENTS CONCEPTUAL DESIGN

BACKGROUND

The City of Fruita has identified the need to improve the appearance of the entrance to the City, mainly the on and off ramps to Interstate 70 along with the section of Highway 340 from Raptor Road to Aspen Avenue. Last year, a public input process was developed with help from the University Technical Assistance Program (UTA). UTA developed input packets that were available online, at various local businesses, and at the City's Civil Center and Community Center. 88 input packets were received back from the public. UTA reviewed the input received and compiled the results in a Summary Analysis. 97% of the responses were from the Grand Valley with 82% from the Fruita area.

Strong themes were:

- Landscaping
- Roundabout Enhancement
- Bridge Enhancement
- Signage
- Sense of Community (Fruita)

Given the magnitude of the possibilities for improvements, staff decided to have concepts developed that would establish and prioritize smaller projects and their costs along with an overall theme that would allow the City to complete the Gateway Improvements over time and in a logical manner.

The City solicited the design firm of Ciavonne Roberts & Associates (CRA) to develop the concept themes based on the results of the input packets. CRA developed some initial ideas and presented that material in an open house held September 19, 2016. Limited public attendance and input was provided, but was used to move forward with a draft final Gateway Enhancements Conceptual Design.

FISCAL IMPACT

This planning project is allocated in the Capital Projects Fund and matched with a grant from the Department of Local Affairs. No funding has been identified for construction of any physical improvements or implementation of the plan.

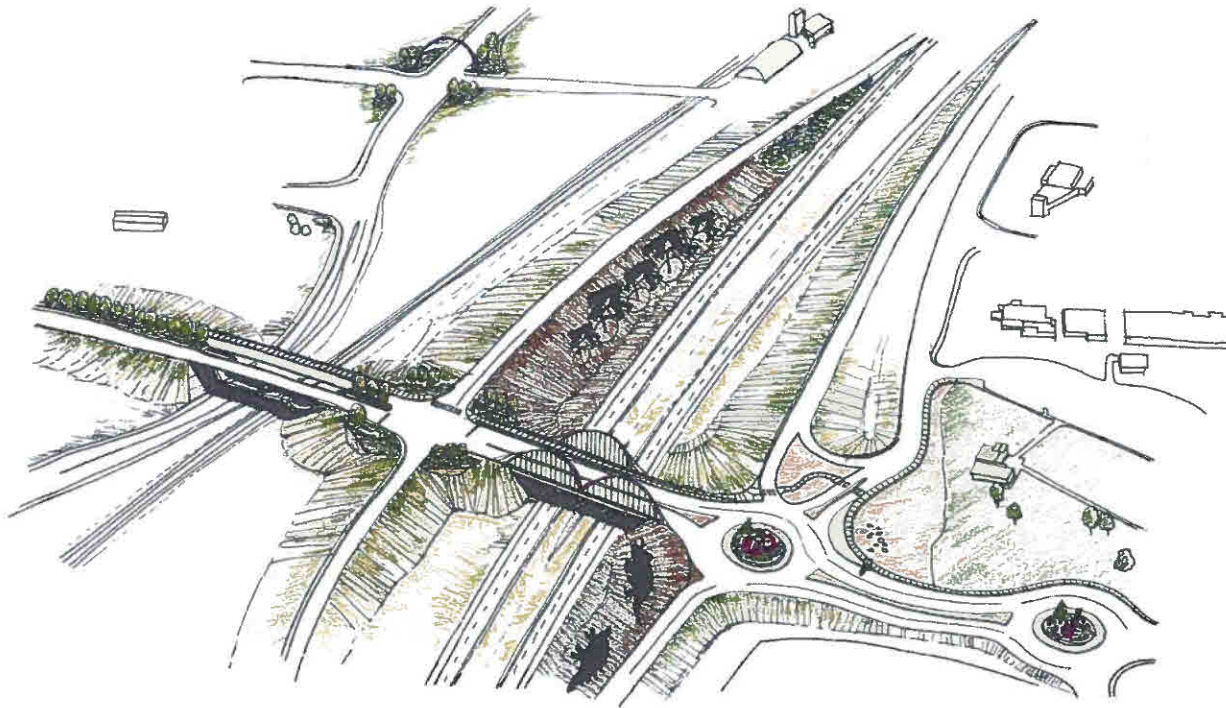
.APPLICABILITY TO CITY GOALS AND OBJECTIVES

This planning project is intended to identify the appearance of the gateway to the City that will help attract potential customers for local businesses, improve safety, and enhance the appearance of the City's main entrance.

OPTIONS AVAILABLE TO COUNCIL

This agenda item is intended to be a informational discussion item with no formal action required from Council. Any discussion or feedback received will be used to further refine the conceptual plan(s) that will come before Council for formal adoption at a later date.

GATEWAY ENHANCEMENT CONCEPTUAL DESIGN FOR THE CITY OF FRUITA



FRUITA
COLORADO



Clavonne,
Roberts &
Associates, Inc.

LAND PLANNING AND
LANDSCAPE ARCHITECTURE

229 North 7th Street
PH: 970-241-0745

Grand Junction, CO 81501
FX: 970-241-0765
www.clavonne.com

Fruita Gateway Enhancement and Wayfinding – FINAL DRAFT

Project Overview

The City of Fruita is located in Mesa County, approximately 10 miles northwest of Grand Junction, Colorado, and lies in close proximity to the Colorado National Monument as well as other scenic outdoor attractions. Fruita is known nationally as a recreational mountain bike area, but it also provides ample hiking, climbing, and rafting opportunities, as well as archaeological and paleontological experiences. Because of Fruita's pleasant climate and recreational opportunities, along with the unique character of the town, it has become one of the fastest growing cities on the western slope. This growth has challenged Fruita to adapt, while still providing the services expected and promoting quality development.

In 2012, the Fruita City Council identified the need to develop the full potential of a strong downtown as a top priority and worked towards a conceptual master plan for downtown streetscape improvements that was adopted in late 2013. The creation of this downtown master plan included the involvement of numerous businesses, residents, and community groups, and summarized the vision for how the streetscape and public spaces in the downtown area might develop.

The downtown streetscape improvement master plan included a Fruita Framework Plan that briefly addressed the need for creating defined gateways and better entry experiences from Interstate 70 and US 6/50 to the historic downtown area. It suggested the apparent and inviting use of high quality bridge design, directional signage, enhanced landscaping, and sculptural elements.

This 2016 Conceptual Design for Gateway Enhancement and Wayfinding Study is an outgrowth of the Framework Plan developed in 2013. It embraces the recommendations to create a more pleasant entry experience, but in addition it:

- expands the 'framework' beyond the City entrances from I-70 and 6/50, to also include Highway 340 ... from Raptor Road north to Aspen Avenue;
- recognizes that both the historic Downtown and Southside Marketplace are visitor destinations that require good wayfinding;
- addresses landscape enhancement opportunities for highway ramp slopes and bridge abutments;
- identifies the proposed enhancements based on 'first impressions', 'biggest bang for the buck', and 'future' customers;
- provides wayfinding concepts and potential design themes that range from 'traditional' to 'unique'.

In summary, this Study identifies projects that will have a significant impact ... largely founded in 'views' and 'first impressions', as well as projects that might have a higher priority ... largely founded in 'theme' and 'wayfinding'. It might go without saying, but the impact projects are larger, more costly, and intended to 'capture' the customer; whereas the priority projects are smaller, more affordable and phase-able, and are intended to 'direct' the customer.

Resources used for this Gateway Enhancement Study included existing documentation and resources from GIS mapping and aerial photography, input from City Staff, Colorado Department of Transportation (CDOT) construction drawings for the Highway 340 improvements within the study area, and community input from the 'Design Input Packet Analysis'.



Conceptual Layout and Design

The parameters of this project can be most simply defined as "Landscape and wayfinding enhancements from Raptor Road to Aspen Avenue, and at the intersection of Mesa Street and 6/50." However, this is too simple. We really want to start with the '5,280 foot view' of this project.

Question: Where is the first spot that the City of Fruita can make the BIGGEST first impression on the 'first time' visitor?

Answer: It is between one mile and ½ mile away from the Highway 340 Bridge crossing of Interstate 70. This is where you can first capture some interest, well ahead of the "Exit 19 - Fruita - Next Right" decision point for taking the off-ramp. From the 'biggest bang for your buck' standpoint, the view of this bridge could be and should be memorable



The above exemplifies the examination of impact used for this project: what is visible; when it is visible; how long it is visible; and its role in wayfinding. Certainly 'cost' must be considered, but on a project of this scale, even the simplest of solutions can be expensive.

What does the 'viewer' first see?

- The 'Initial view' from I-70 is the Highway 340 Bridge over the interstate ...
- then the entry to the off-ramps (Exit 19), and its surrounds ...
- then the views from being up on Highway 340, and associated wayfinding.

When is 'what' viewed?

- The Highway 340 Bridge over I-70 is visible from one half to one mile away;
- The entry to the off-ramps, signed as Exit 19, are viewed from approximately one quarter mile away, and are 'fast views' requiring a decision on whether you exit or not.
- If you chose to exit, the view of the off-ramp surrounds are generally 'superior views' ... meaning that you are above looking down, or across to other areas.
 - It is at the top of the ramp where you slow down, absorb the wayfinding, and best appreciate any level of detail.
 - The 'Top of Ramp' experience at Exit 19 is much different between eastbound and westbound.
- The views from Highway 340 to the immediate surrounds are intermittent and fairly temporary as you travel along the corridor.

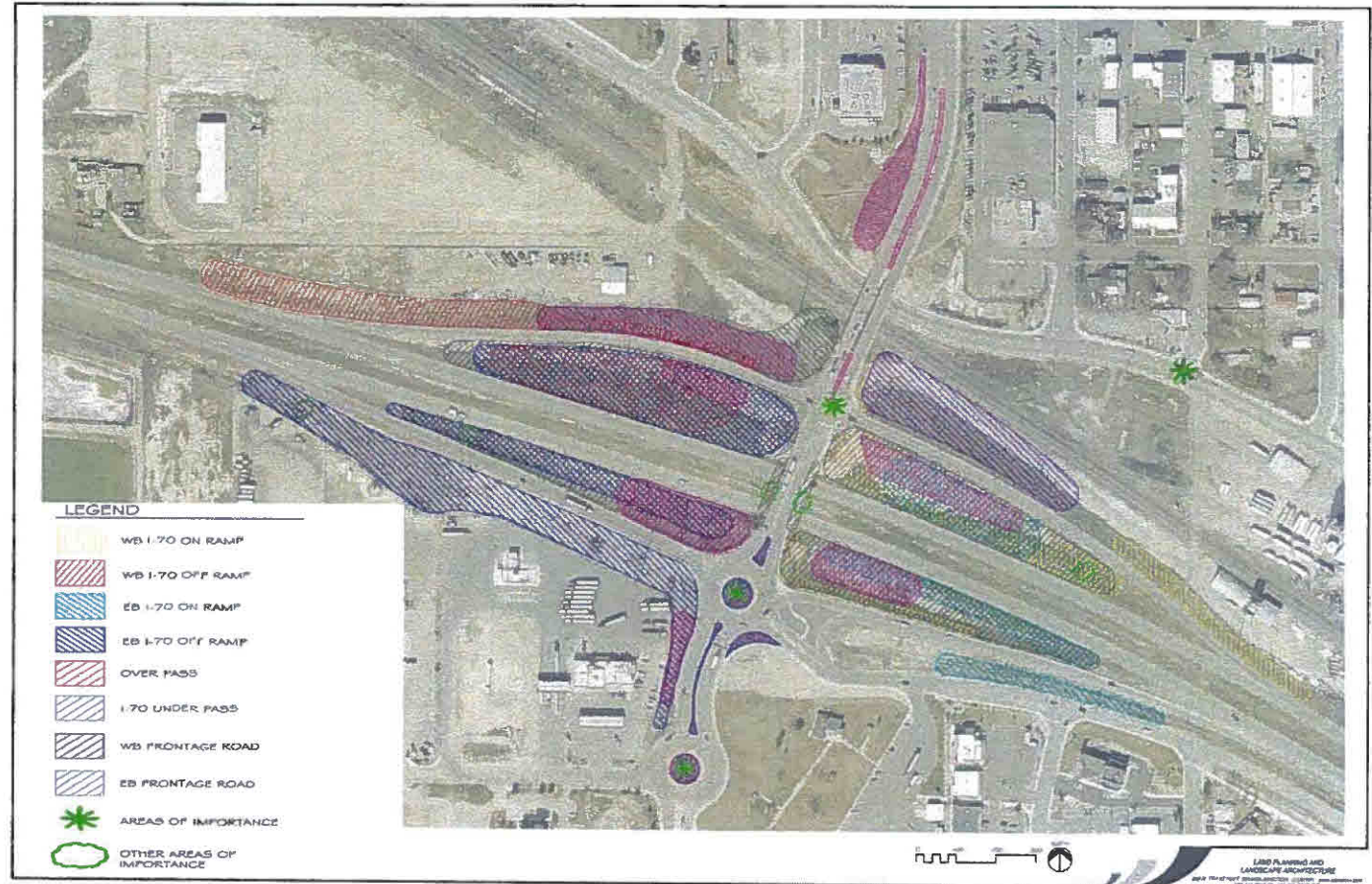
What 'views' are most important?

- Those areas that are most frequently viewed;
- Those areas that are 'First Impressions'
 - The Highway 340 overpass
 - The off ramps
 - The top of the off ramps
- The wayfinding and experience within the Highway 340 corridor ... the detail!

What 'views' are least important?

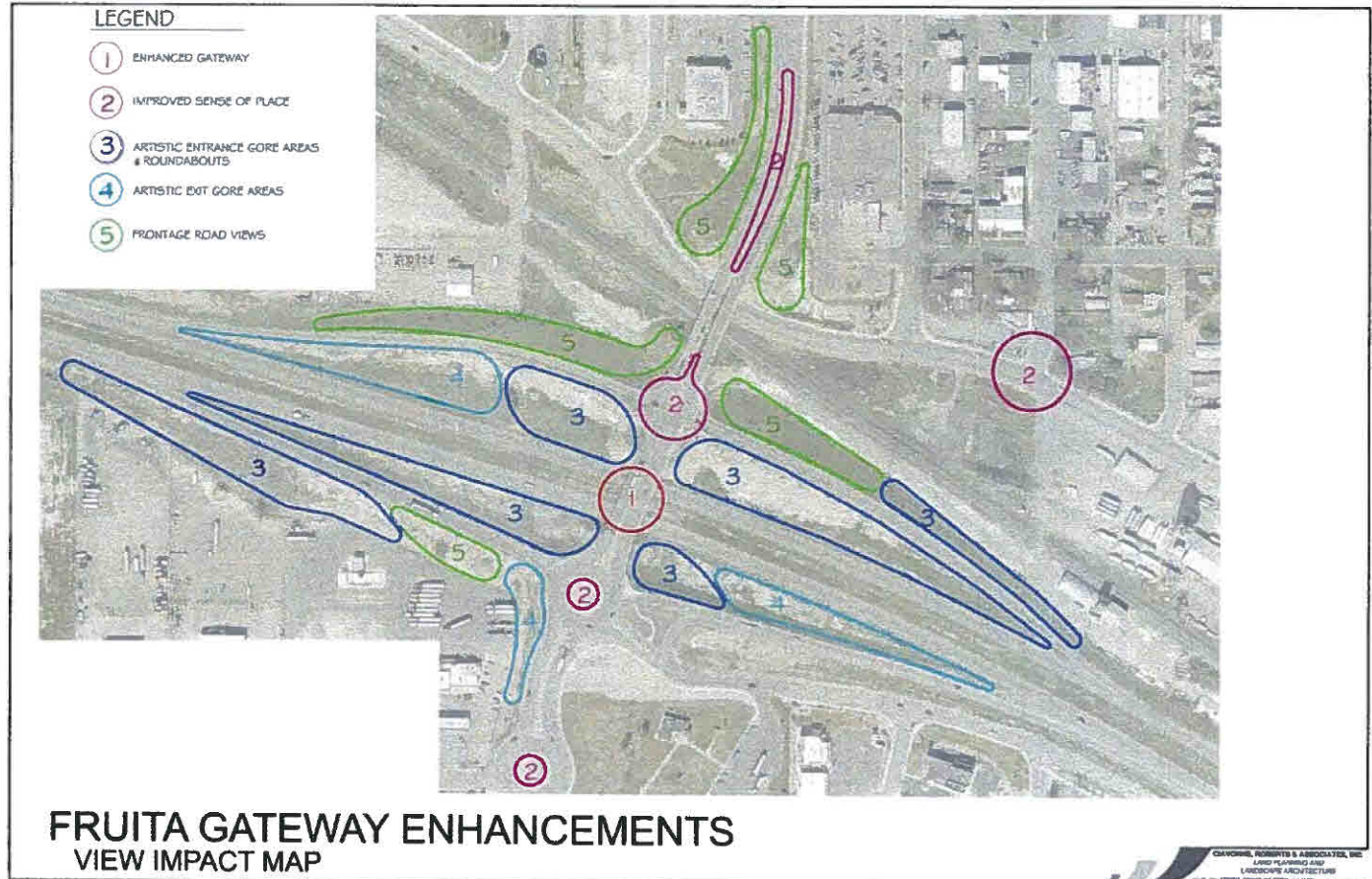
- Those areas that are least frequently viewed;
- How about "Last Impressions"?
 - Those who continue along I-70 and drive past the Exit 19 off ramps;
 - Maybe those leaving the City of Fruita – those using the on ramps to I-70.

The View Analysis Map for this project corridor was developed to identify much of what was previously discussed; to analyze the impacts; and to then synthesize the information into areas of importance. Although this analysis is a combination of 'art' and 'science', the outcome can aid in quantifying the varying areas, denoting what areas have the highest impact, and assessing what it might cost to provide differing levels of enhancements. This map recognizes that there are areas that are rarely viewed and areas that are frequently viewed. To this we can identify views seen while stopped or traveling slow, and views that are sped by. Ultimately we can start to identify the views that have more importance from views that have less importance: if it is seen often, from close up, at a slow speed ... it is likely to have a higher impact than if it is rarely seen, and/or seen from farther away, and/or while speeding by.



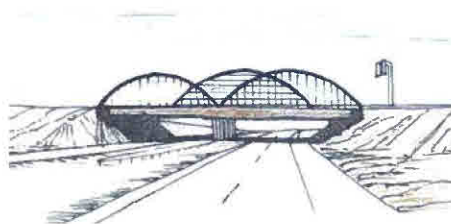
The combinations and permutations are many, but have been simplified into the following 'View Impact Areas' with noted attributes:

- ONE(s) – First views; big first impressions; significant feature(s); possible initiation of 'Theme'; subject to significant CDOT constraints;
- TWO(s) – Expansion on first impressions; orientation and wayfinding available with slower speeds; reinforcement of 'Theme'; subject to significant CDOT constraints;
- THREE(s) – Off ramp 'Edges' first impressions; high speed / decreasing speed by landscape (detail not seen); also pass through visibility; subject to CDOT constraints;
- FOUR(s) – On ramp 'Edges' last impressions; low / increasing speed landscape (detail not seen); also pass through visibility ... mostly to note "You missed it!" or "Come back soon"; subject to CDOT constraints;
- FIVES(s) – Restoration: rarely viewed areas; low impact for expenditures;

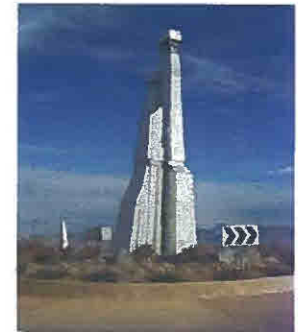
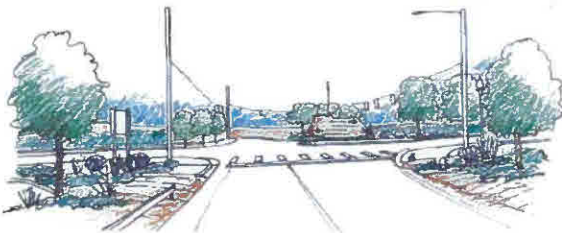


Conceptual Image Area 'Treatments' – What others are doing; What Fruita could do;

IMPACT ONE AREA(S) – The I-70 Overpass. Unique bridge structure and bridge railings; possible iconic columns; possible 'Theme' orientation. Expect significant costs (\$\$\$\$).



IMPACT TWO AREA(S) –The Roundabouts and Mesa/6&50. Large art in roundabouts; create a sense-of-place; orientation / wayfinding at tops of off ramps; Theme support. Expect large, but variable costs (\$\$\$\$).



IMPACT THREE AREA(S) – Off Ramp Highway Slopes. Limited irrigated landscape with ‘bullet-proof’ plant varieties; artistic landscape rock designs. Potential CDOT limitations. Costs appear high due to the expanse of the treated areas (\$\$\$)

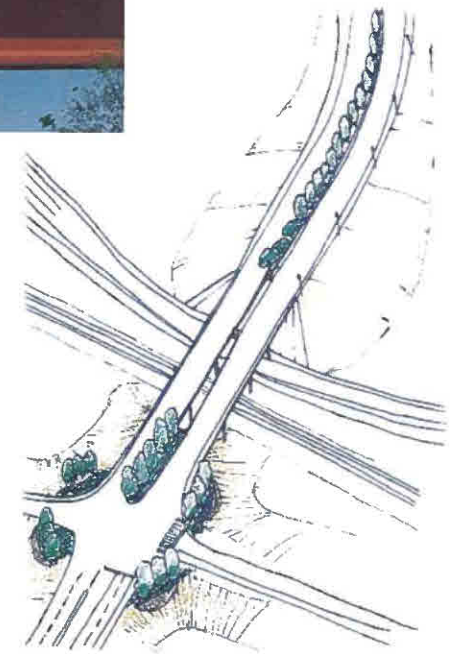


IMPACT FOUR AREA(S) – On Ramp Highway Slopes. Native grasses (irrigated); limited landscape on rock slopes. Potential CDOT limitations. Costs appear high due to the expanse of the area (\$\$\$).



IMPACT FIVE AREA(S) – Less Seen Highway Slopes. Rehabilitation landscape area (probably irrigated) (\$\$).

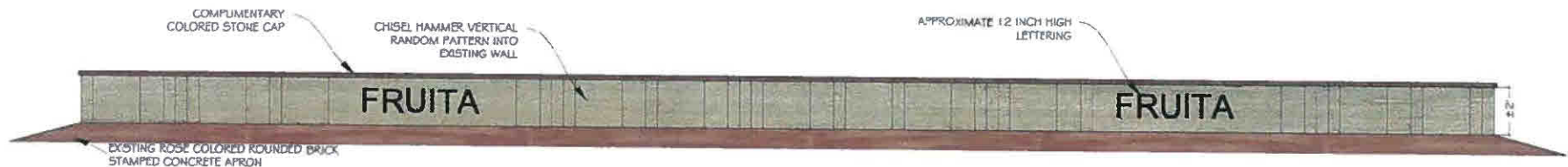
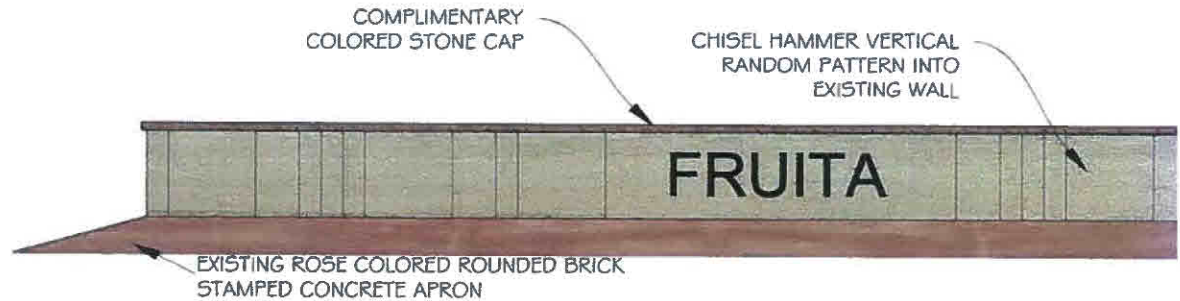
PEDESTRIAN FACILITIES – The addressing of Pedestrian Facilities fits into both the View Impact and Wayfinding Priority components of this study. It includes improving the pedestrian access from the Visitor Center in the Southside Market Place to Aspen Avenue in historic Downtown Fruita. More than half of this distance is adequate pedestrian width, however two bridges (I-70 and 6/50/railroad) are inadequate in width and should consider cantilevering outward about four feet. Additional improvements would include railings on both sides of the path and lighting. Railings could add to the art along the corridor. Potential CDOT limitations. Costs are high due to the cantilevers and railings, (\$\$\$\$)



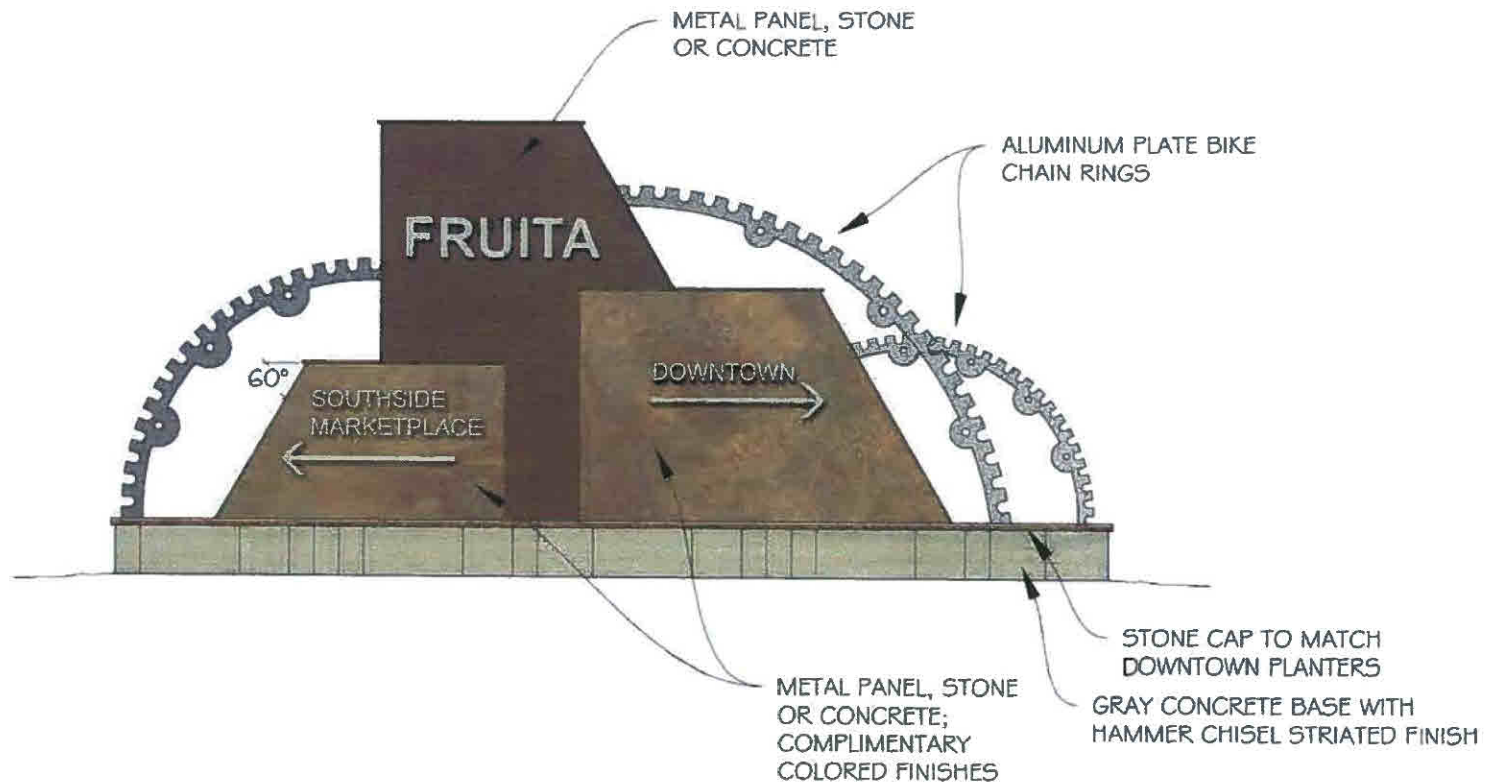
Conceptual Wayfinding Priorities – Theme Based for Fruita

Wayfinding Priorities – The 'VIEW IMPACT' areas described above are often large in scale and cost; potential solutions include significant structures, and / or cover expansive areas. Their importance should remain at the forefront, while recognizing that any of them will likely become a 'long term' project with regards to funding and implementation. Recognizing this, the Study addresses some Wayfinding 'PRIORITIES' that intermix throughout the 'VIEW IMPACT' areas along Highway 340 and elsewhere within Fruita. These have been labeled 'PRIORITIES' as they (1) address immediate wayfinding deficiencies, (2) are provided as a 'family' of features with a unified theme, (3) are significantly more affordable, and (4) provide an ease in phased implementation due to their size and versatility. Throughout the graphic and pictorial examples displayed above in this study there are numerous examples of the more traditional wayfinding components, which are attractive and are 'valid' candidates for use in Fruita. But Fruita has a unique identity defined by its setting, its established reputation, and its people. With this in mind a unique family of Fruita Theme Based Wayfinding Components is suggested below.

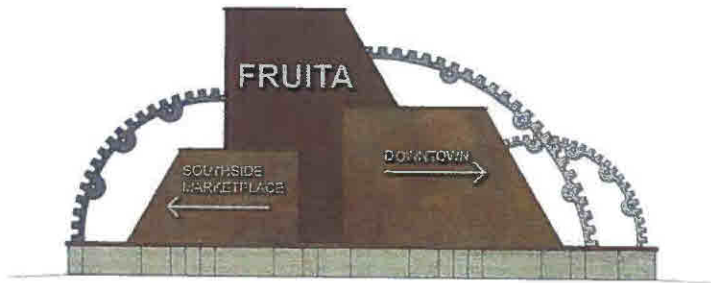
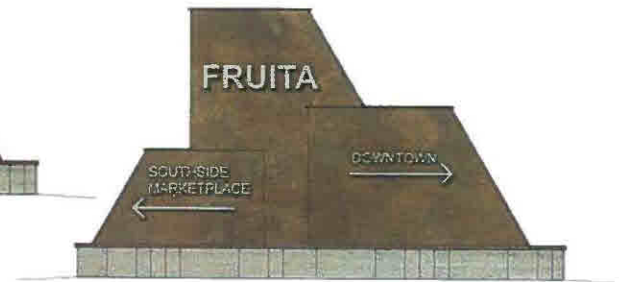
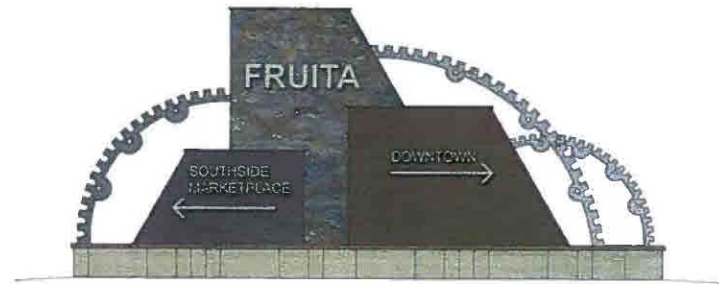
- Existing Roundabout Wall Enhancements** – As you first approach the existing Highway 340 Roundabouts coming eastbound from Utah, northbound from Colorado National Monument, or southbound across the bridge over I-70, the roundabouts are highlighted by fairly prominent plain concrete walls. Setting aside the need for sculpture and/or landscape within these currently barren roundabouts, the plain 'white' concrete walls encircled with the rounded brick stamped rose colored aprons are visually dominant ... and which can attractively influence the colors, materials, and theme for this Highway 340 corridor. Some reasonable enhancements to these raised walls are suggested, which aid in making these walls part of the 'family' of wayfinding components. These reasonable enhancements include limited scoring and/or chisel hammering of the walls to add texture; the addition of a natural stone cap that introduces the existing stone used on Aspen Avenue and is complimentary to the existing rose colored stamped concrete aprons and medians; and the identification of having arrived at Fruita. This modified wall can now be incorporated into the family of wayfinding components.



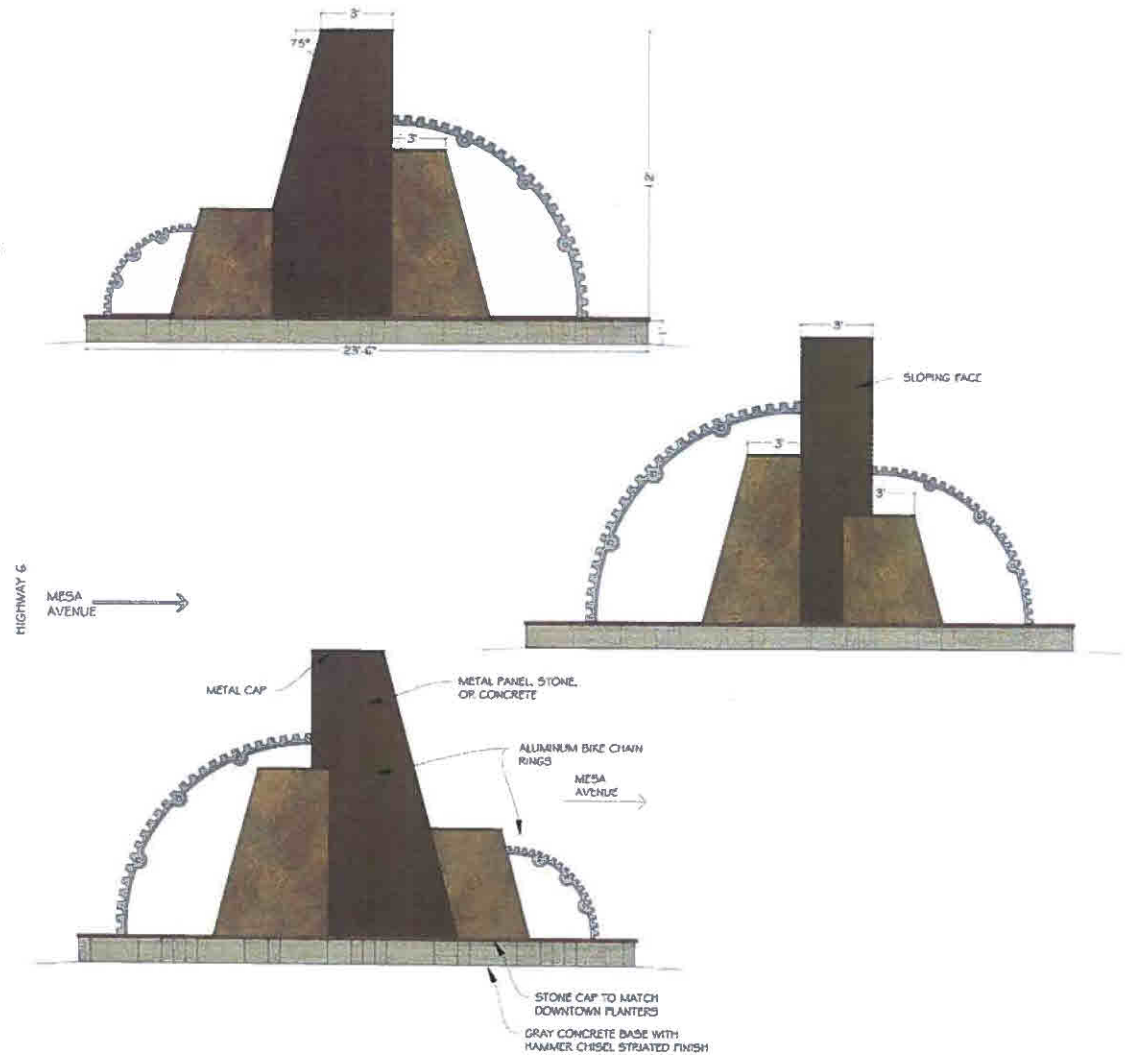
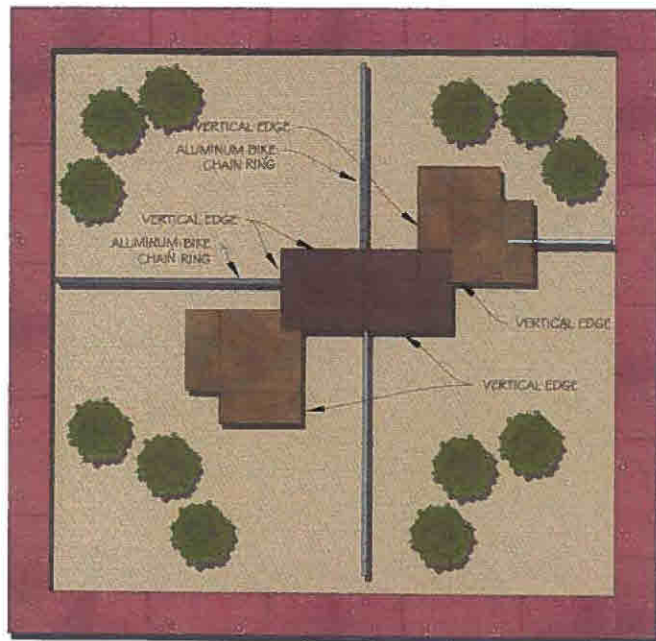
- Primary Directional Sign** – Possibly having the largest potential for immediate results is directional signage at the top of the westbound I-70 off ramp to Fruita. The intersection of this ramp with Highway 340 is in need of wayfinding, aesthetics, and a feeling of sense-of-place. All four corners of this intersection should be enlarged (via limited retaining walls) and enhanced (via limited landscape), and significant directional signage utilizing and establishing thematic materials, forms, and colors is critical. The concept for this feature takes the enhanced forms and treatments from the above roundabout walls, and introduces new forms to be carried through many of the wayfinding features ... including the Fruita 'Gear Icon' from the new Fruita logo. The upright panels, which can be flexible in both material and color, represent the geologic landforms that are iconic to the area and in particular to Fruita with its close proximity to Colorado National Monument; the 'gears' are shown as aluminum or chrome, and represent the new and modern recreational paradise that Fruita has become known for. The following page provides a number of color options for the upright panels, with and without the 'gears', each having a slightly different feel. As depicted below, this wayfinding theme is unique, strong, and contemporary, but still warrants more detailed input and study if it is to move forward.



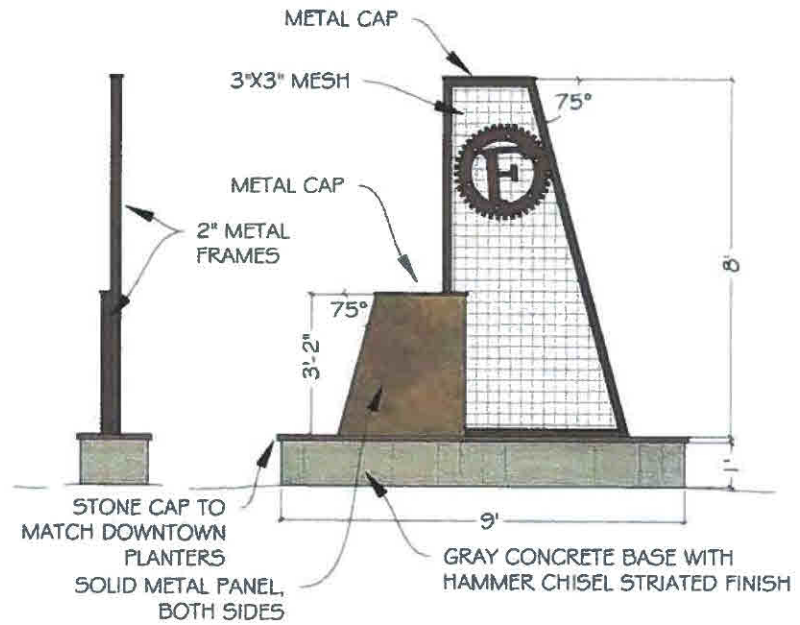
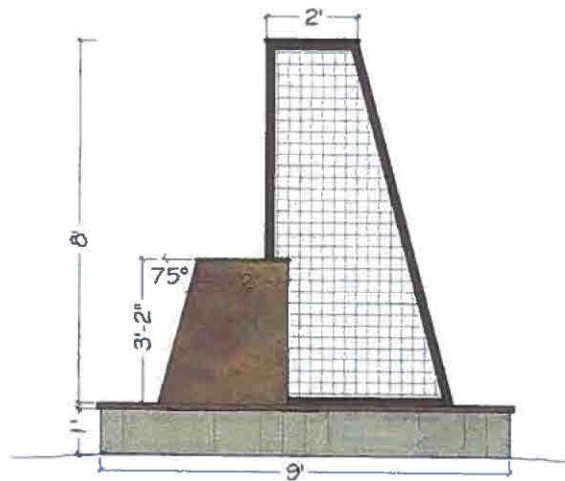
The recommended placement of this directional feature is within the existing median that originates at this ramp top intersection and extends north within Highway 340 to its intersection with Aspen Avenue.



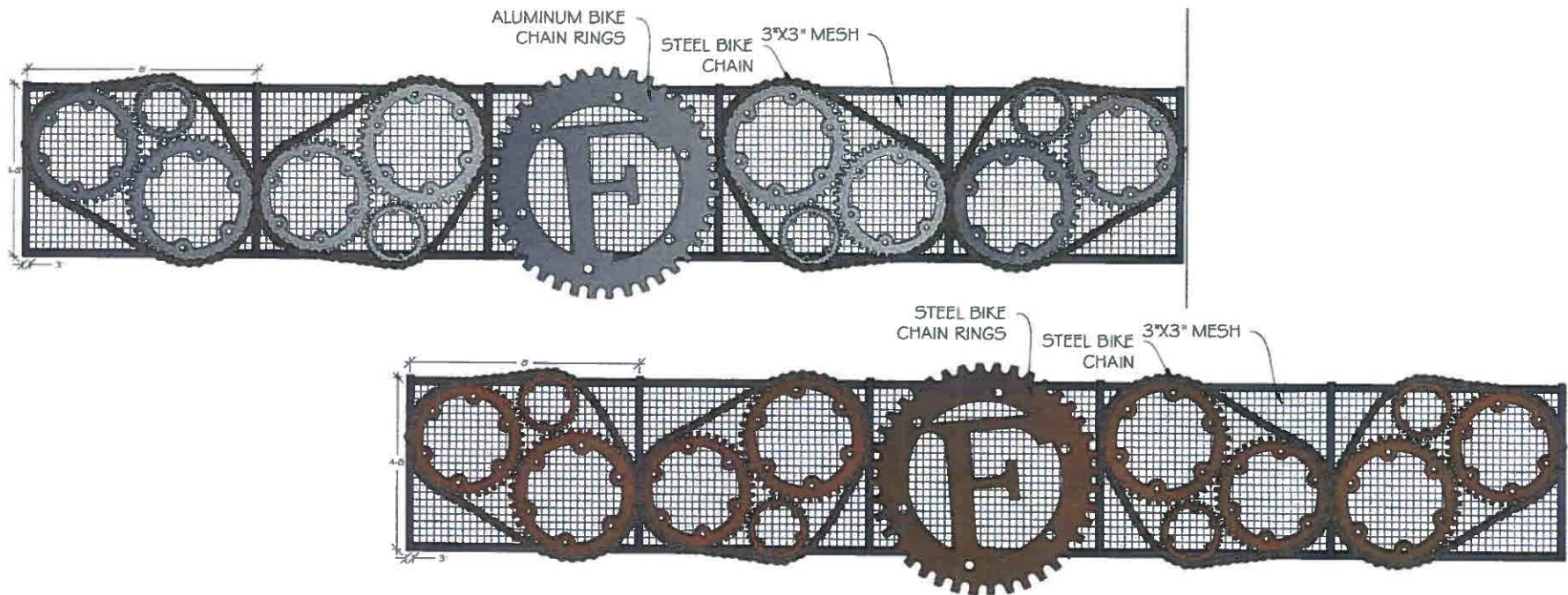
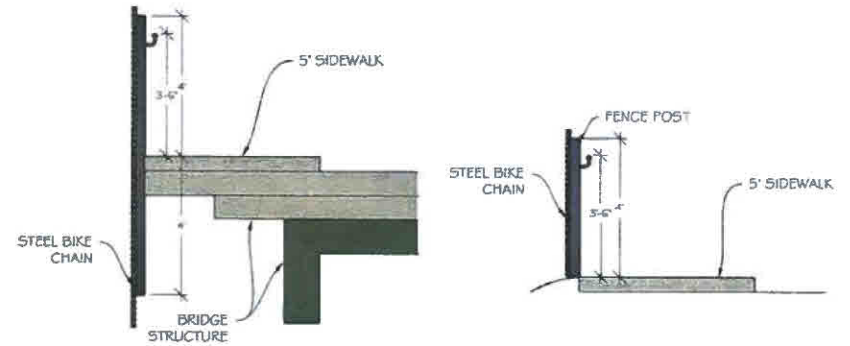
- Entry Monuments** – The Study recognizes the need for a visual ‘beacon’ at the intersection of Mesa Street with Highway 6 & 50 ... something to relay a visual cue that you have arrived. This feature needs to be more three dimensional as it is viewed from multiple directions. The proposed entry monument is larger than the Primary Directional Sign described above, but again uses the base wall, theme forms, and ‘gear icon’ components described above. Although this entry monument is suggested for use at Mesa and 6 & 50, if desired it could be reused at multiple other locations ... maybe to the east of the High School along 6 & 50, or west of the 6 & 50 crossing of Little Salt Wash, and possibly south on highway 340 in the vicinity of Dinosaur Hill.



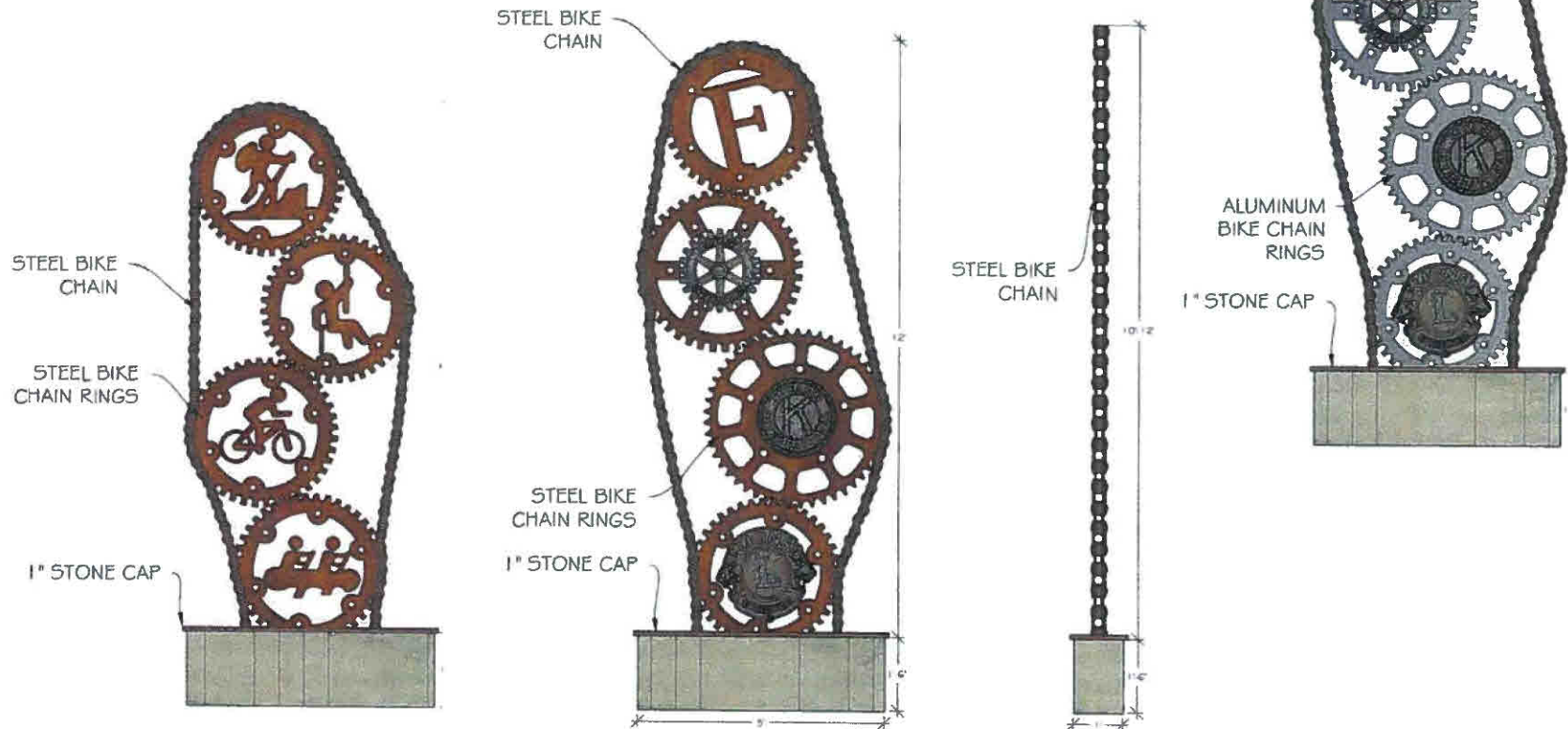
- Theme Monuments** – At present, the study only promotes the use of these Theme Monuments within the medians along Highway 340; approximately six Theme Monuments from about the Visitor Center north towards Aspen Avenue. However their scale and affordability allows them to be used throughout the community. These Wayfinding 'Theme Monuments' draw from the character and features of the above wayfinding components, including the base wall, as well as materials from the Pedestrian and Bridge Fencing materials described below. These smaller monuments help to support and repeat the theme for the 'family' of features being sought. The taller form frames a mesh fabric to allow a purposeful transparency with regards to traffic safety, and can incorporate the Fruita logo entirely, selectively, or not at all.



- Pedestrian Fencing / Bridge Fencing – Impact Area One**, discussed above, provided existing and conceptual examples of new bridge façades which are impressive, and expensive. Additionally, the Pedestrian Facilities section above identified contemporary or ‘artsy’ railings that might be considered possibly with the widening of the existing walkways over the two bridges. For purposes of addressing the Wayfinding Priorities, this portion the Study is not concerning itself with the need to cantilever the bridge walkways or not, but rather addresses the railing opportunities for the pedestrian areas. The concept works on approximate four foot by eight foot modules for use as the bridge security fencing, and as fencing along the steep hill east of Highway 340 between the off ramp and Aspen Avenue. In addition, if it was determined that this bridge fencing would also be desirable as the bridge façade the modular size might then increase to eight feet by sixteen feet, thereby providing approximately four feet above the bridge deck and four feet below the bridge deck. A modular gear arrangement with large ‘chain’ added to further promote ‘biking’, can be easily rotated to add interest. As noted above the gears could be rusted steel or aluminum, and the frame and metal mesh could be finished to promote a level of transparency and/or accentuate the final design.



- Kiosks** – At present, Fruita has a couple of ‘messages’ that could be easily presented in Kiosk form. These messages include the multiple recreational opportunities within the Fruita area, and the multiple Service Clubs that contribute to Fruita. The kiosks utilize the base wall, the ‘gears’ and chain, and icons to exemplify the variety of recreational Activities in and around Fruita, and the Service Clubs. The Service Club Kiosks could replace the current worn out signs at the approximate same locations; the Recreational Activities Kiosk could be randomly placed throughout the community at key locations. Again the gears could be finished to rust, painted, or cut from aluminum. These recreational icons could also be considered for the use within the railings noted above.

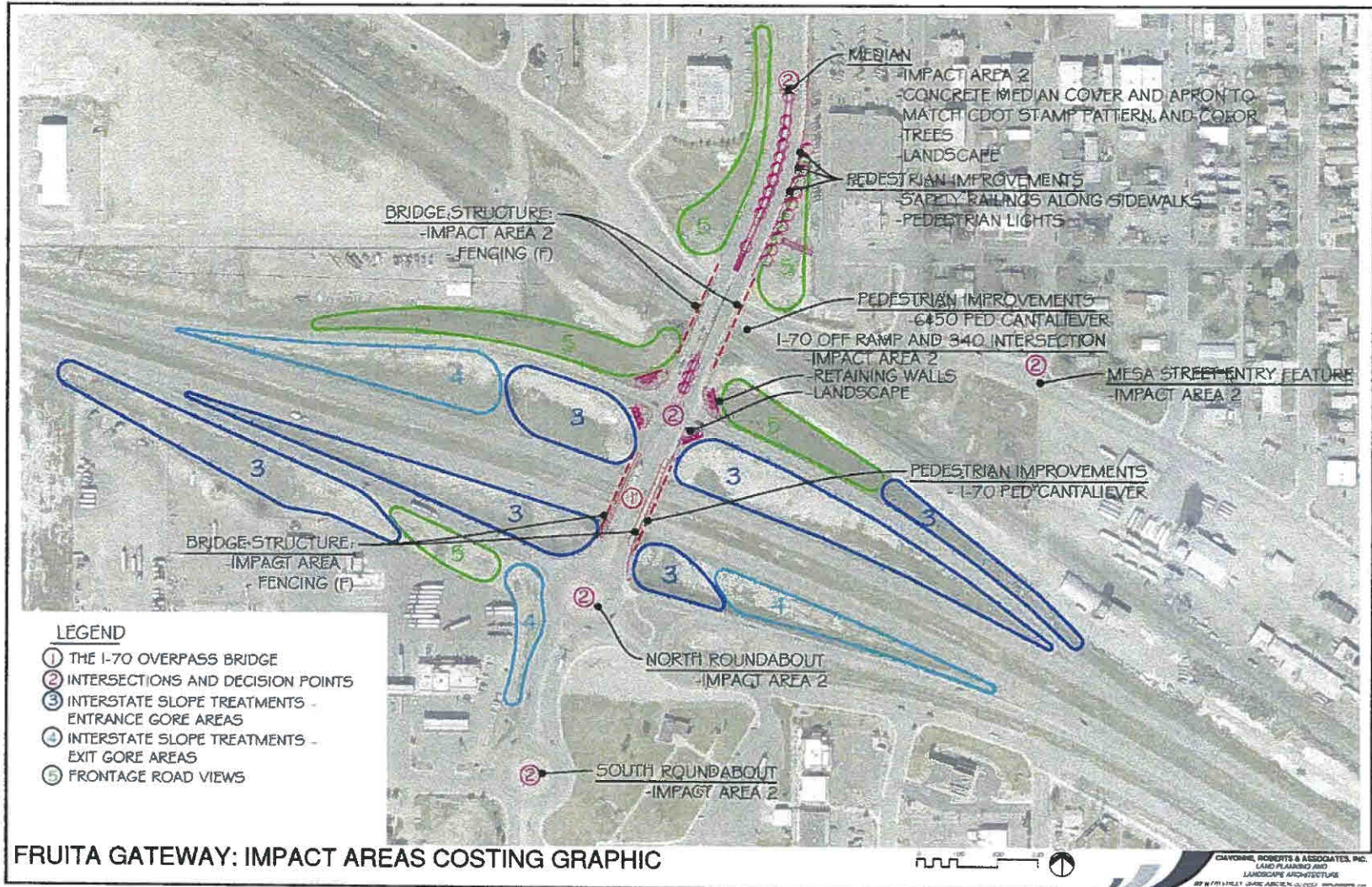


Project Cost Estimates

Two cost estimates, and associated Costing Graphics are provided; the first is for the View Impact Areas, the second is for the Wayfinding Priorities.

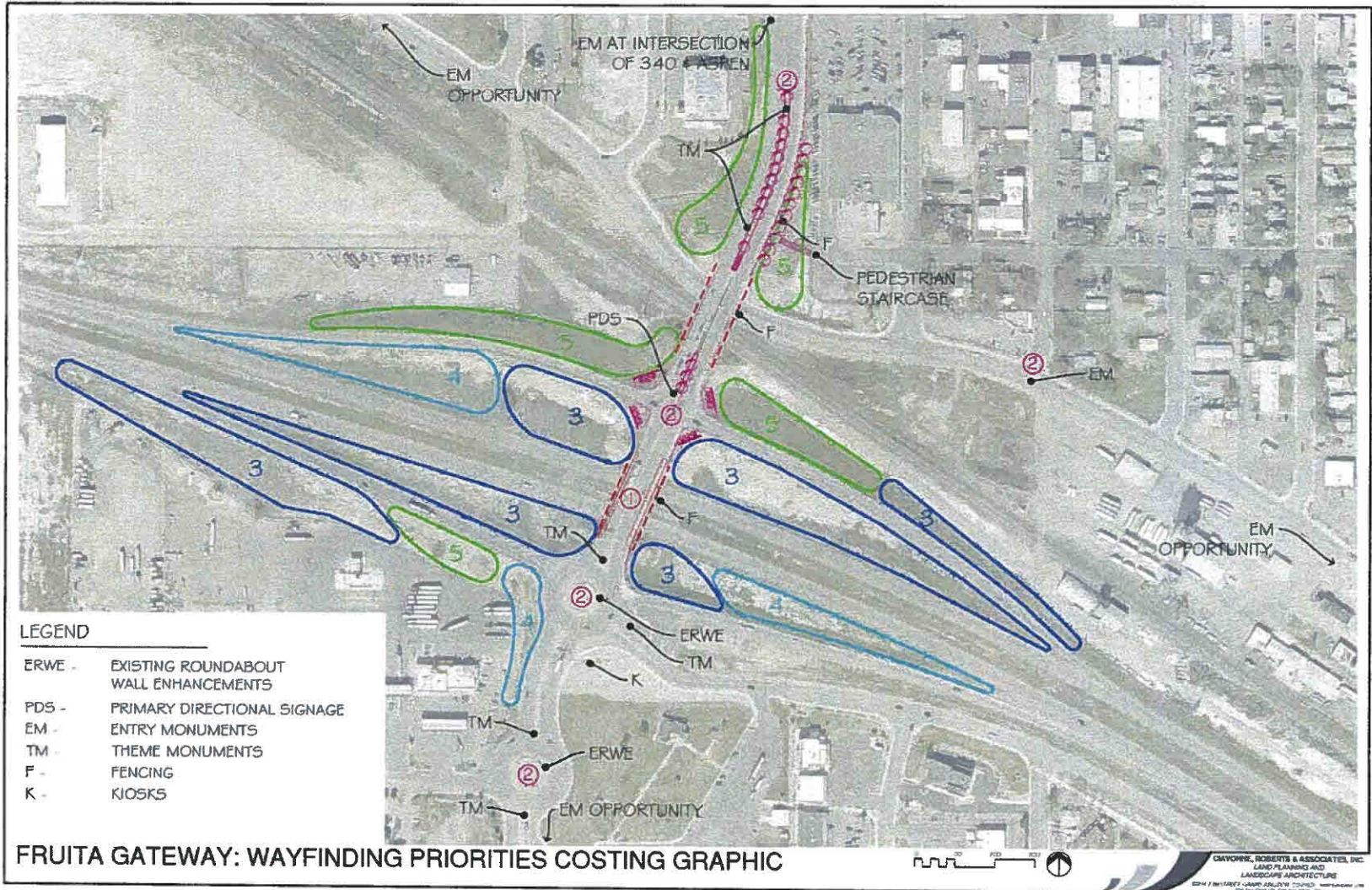
View Impact Areas: Much of this project involves large artwork that could extend into large bridge facades and cantilevered bridge railings. Subsequently, the estimated Lump Sums for many of the proposed View Impact Area amenities could be significantly different upon more detailed study. Costs have been categorized to correlate to the View Impact Areas, and a High-Low Range is provided. A 20% contingency has been incorporated into each Impact Area summary cost. A Costing Graphic for the Impact Area follows this spreadsheet.

ESTIMATE OF PROBABLE COST Date 12/1/2016						
Fruita Gateway Enhancements, Conceptual Cost Estimate for VIEW IMPACT AREAS						
City of Fruita Engineering						
Clavonne, Roberts & Associates						
	QUANTITY	UNIT	COST/UNIT	COST/ITEM	HIGH COST	LOW COST
IMPACT AREA 1 - The I-70 Overpass Bridge						
Detached Structure from Bridge	2	SUM	\$750,000.00	\$1,500,000	\$1,500,000	\$1,500,000
Impact Area 1 Cost Range w/ 20% Cont.					\$1,800,000	\$1,800,000
IMPACT AREA 2 - Intersections and Decision Points						
South Roundabout						
Option A All Landscape & Boulders	1	LS	\$19,740.00	\$19,740		\$19,740
Option B Art & Landscape	1	LS	\$175,000.00	\$175,000	\$175,000	
South Roundabout Cost Range w/ 20% Cont.					\$210,000	\$23,688
North Roundabout						
Option A All Landscape & Boulders	1	LS	\$19,740.00	\$19,740		\$19,740
Option B Art & Landscape	1	LS	\$175,000.00	\$175,000	\$175,000	
North Roundabout Cost Range w/ 20% Cont.					\$210,000	\$23,688
Westbound Ramp Intersection with Hyw 340						
Landscape Areas	33,000	SF	\$4.00	\$132,000		
Trees	12	EA	\$450.00	\$5,400		
Retaining Walls	1,440	FF	\$40.00	\$57,600	\$195,000	\$195,000
WB Ramp Intersection with 340 Cost Range w/ 20% Cont.					\$234,000	\$234,000
Median from Westbound Ramp Intersection to Aspen Avenue						
Concrete Median Cover	1,776	SF	\$20.00	\$35,520		
Landscape Areas	6,523	SF	\$4.00	\$26,092		
Trees	20	EA	\$450.00	\$9,000		
Pedestrian lights	20	EA	\$2,500.00	\$50,000	\$120,612	\$120,612
WB Ramp to Aspen Median Cost Range w/ 20% Cont.					\$144,734	\$144,734
Mesa Street Entry Feature						
All Landscape	1	LS	\$40,000.00	\$40,000		\$40,000
Mesa Street Entry Cost Range w/ 20% Cont.					\$0	\$48,000
Impact Area 2 Cost Range w/ 20% Cont.					\$798,734	\$474,110
IMPACT AREA 3 - I-70 Slope Treatments - Entrance Gore Areas						
Option 3A Native Grass with Enhanced Landscape entry points	351,000	SF	\$1.25	\$438,750		\$578,750
Enhanced Landscape entry points	35,000	SF	\$4.00	\$140,000		
Option 3B Artistic Landscape Rock Treatment	351,000	SF	\$2.25	\$789,750	\$929,750	
Enhanced Landscape entry points	35,000	SF	\$4.00	\$140,000		
Impact Area 3 Cost Range w/ 20% Cont.					\$1,115,700	\$694,500
IMPACT AREA 4 - Interstate Slope Treatments - Exit Gore Areas						
Option 4A - Native Grass	122,577	SF	\$1.25	\$153,221		\$153,221
Option 4B Artistic Landscape Rock Treatment	122,577	SF	\$2.25	\$275,798	\$275,798	
Impact Area 4 Cost Range w/ 20% Cont.					\$330,958	\$193,866
IMPACT AREA 5 - Frontage Road Views						
Native Grass	213,346	SF	\$1.25	\$266,683	\$266,683	\$266,683
Impact Area 5 Cost Range w/ 20% Cont.					\$320,019	\$320,019
Estimated Cost Range w 20% Contingency					\$4,365,411	\$3,472,495



Wayfinding Priorities: The components within the wayfinding priorities are more tangible, and therefore the estimated costs are more discernable. As noted, the final choice of materials and finishes can vary, and with these decisions the costs will vary. The use of plate steel, vs. stainless steel, vs. aluminum will impact cost, and in some cases the size of the finished product aids in determining the most economic material and metal cutting technique. Costs have been provided for each of the seven components in the proposed wayfinding family. Some of the components are single- that is there is only one; others are modular and can be repeatedly used. For the modular components a 'per each' cost is provided. A 20% contingency has been incorporated into each Wayfinding Priority component cost. A Costing Graphic for the Wayfinding Priorities follows this spreadsheet.

ESTIMATE OF PROBABLE COST Date 12/1/2016					
Fruita Gateway Enhancements, Conceptual Cost Estimate for WAYFINDING PRIORITIES					
City of Fruita Engineering					
Ciavonne, Roberts & Associates					
	QUANTITY	UNIT	COST/UNIT	COST/ITEM	TOTAL
EXISTING ROUNDABOUT WALL ENHANCMENTS					
South Roundabout					
Wall Scoring / Chisel / Hammer	400.0	LF	\$1.50	\$600	\$600
Cap Rock	250.0	LF	\$45.00	\$11,250	\$11,250
Lettering	1.0	LS	\$2,000.00	\$2,000	\$2,000
South Roundabout Cost Range w/ 20% Cont.					\$16,620
North Roundabout					
Wall Scoring / Chisel / Hammer	400.0	LF	\$1.50	\$600	\$600
Cap Rock	250.0	LF	\$45.00	\$11,250	\$11,250
Lettering	1.0	LS	\$2,000.00	\$2,000	\$2,000
North Roundabout Cost Range w/ 20% Cont.					\$16,620
PRIMARY DIRECTIONAL SIGNAGE					
Westbound Ramp Intersection with Hyw 340					
Concrete Base	4.5	CY	\$400.00	\$1,800	\$1,800
Caprock	21.0	LF	\$45.00	\$945	\$945
Sign Mass Metalwork (Enamel Paint)	1.0	LS	\$11,000.00	\$11,000	\$11,000
Sprokets (Aluminum)	1.0	LS	\$6,200.00	\$6,200	\$6,200
Lettering	1.0	LS	\$1,000.00	\$1,000	\$1,000
WB Ramp Intersection with 340 Cost Range w/ 20% Cont.					\$25,134
THEME MONUMENTS (Estimated cost per EACH ... 5 suggested)					
Concrete Base	1.0	CY	\$400.00	\$400	\$400
Caprock	1.0	LF	\$45.00	\$45	\$45
Sign Mass Metalwork (Enamel Paint)	1.0	LS	\$4,100.00	\$4,100	\$4,100
WB Ramp to Aspen Median Cost Range w/ 20% Cont.					\$5,454
ENTRY MONUMENTS (Estimated cost for 1 ... 4 suggested)					
Concrete Base	15.0	CY	\$400.00	\$6,000	\$6,000
Caprock	100.0	LF	\$45.00	\$4,500	\$4,500
Sign Mass Metalwork (Enamel Paint)	1.0	LS	\$14,500.00	\$14,500	\$14,500
Sprokets (Aluminum)	1.0	LS	\$8,250.00	\$8,250	\$8,250
Mesa Street Entry Cost Range w/ 20% Cont.					\$39,900
PEDESTRIAN FENCING / BRIDGE FENCING					
Ped: 4' x 8' Mesh Fence Panel with Theme Gear (Aluminum)					
	630.0	LF	\$129.00	\$81,270	\$81,270
Bridges: 4' x 8' Mesh Fence Panel with Theme Gear (Aluminum)					
	1,000.0	LF	\$120.00	\$120,000	\$120,000
ALT - Bridges: 8' x 16' Mesh Fence Panel with Theme Gear (Aluminum)					
	1,000.0	LF	\$240.00	\$240,000	
Impact Area 3 Cost Range w/ 20% Cont.					\$241,524
KIOSKS (Estimated cost per EACH)					
Concrete Base	1.0	CY	\$400.00	\$400	\$400
Caprock	5.5	LF	\$45.00	\$248	\$248
Sprokets (Steel) and Chain (Real)	1.0	LS	\$8,000.00	\$8,000	\$8,000
Impact Area 4 Cost Range w/ 20% Cont.					\$10,377
Estimated Cost Range Including 20% Contingency					\$355,629



Summary

There is a lot of Community Support for both the Paleontology (Dinosaurs) and Recreational (Bike Riding and much more) features that are associated with the City of Fruita. The recreational support is exemplified in the new City logo. For this reason you have seen a continuation of those potential 'themes' throughout this document, with the Paleontological examples suggested within the larger Impact Areas and the Recreational examples suggested within the Wayfinding Priorities.

When 'art' becomes the means of developing and enhancing a community, it is a wonderful opportunity for unique identification. It is also 'touchy' because one person's definition of art will often differ from another's. There are artistic components within both the Impact Areas (Large Sculpture / Highway Slope Treatments) and the Wayfinding Priority Areas (Final Design Details). This is an opportunity for Community Leaders to gather and better define the permanent large art for Fruita, possibly considering using a nationwide art search called Call for Art in soliciting artwork that would best represent the desired Fruita Image; and to work through the final design details for the 'family' of Wayfinding components.

Within the pictorial examples displayed in the Impact Area portion of this study there are numerous examples of wayfinding components that are tried and tested, are attractive and affordable, and are 'valid' candidates for use in Fruita. But in recognizing Fruita as having a unique identity defined by its setting, its established reputation, and its people, a one-of-a-kind 'family' of Fruita Theme Based Wayfinding Components has been suggested. The proposed theme of the monoliths and gears is unique, strong, and contemporary, but what is also important to the proposed features is consistency, compatibility, cost, and maintenance. Maybe the concepts provided are spot on; maybe they need some tweaking; maybe they identify and establish the various wayfinding needs of Fruita but can be accomplished with a differing conceptual theme. Regardless, the Wayfinding Priorities should be a cohesive 'family' of components.

Within this study 'Gateway Enhancements' have been better defined, prioritized, and cost estimated. Ideas and concepts have been presented, but they can and do remain flexible. With the support of the City of Fruita decision makers, this document can be used as the framework to enter into discussions with the Colorado Department of Transportation (CDOT) on required permitting in implementing the concepts within CDOT ROW, as well as potential funding sources available through CDOT. With the majority of the proposed improvements lying within CDOT ROW, this is critical to the design development and final design moving forward.

