AGENDA

The link to join the meeting electronically will be posted prior to the meeting at https://www.fruita.org/citycouncil/page/council-meeting-information. You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting. This agenda is for informational purposes only and items may be added or deleted at the discretion of the City Council. An executive session may be requested for any item appearing on the agenda.

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

   A. PROCLAMATION - Proclaiming Monday, May 29, 2023 as Observance of Memorial Day to be accepted by American Legion Post 2006 Commander KJ Kline

   B. PROCLAMATION - Proclaiming May 21 - 27, 2023 as "National Public Works Week: Connecting the World Through Public Works" in the City of Fruita to be accepted by Mike Bramlett, Heavy Equipment Operator on behalf of the Public Works Department

5. PUBLIC PARTICIPATION

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

6. CONSENT AGENDA

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

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

LEGISLATIVE – Legislative public hearings are held when the City Council is considering an item that establishes legislation such as an ordinance amending or establishing laws of the city. Interactions by members of the public with the City Council or individual members is permissible on items of a legislative nature.

ORDINANCES - After introduction of an Ordinance (First Reading), a public hearing date is set and notice of the hearing is published in the newspaper. Staff presents the ordinance on Second Reading and the hearing is opened to the public for public input. After comments from the public, the Mayor will close the hearing and bring the Ordinance back to the City Council for discussion and potential action. The Council will make a motion to approve the Ordinance or take no action. In the event the ordinance is approved, it will become effective 30 days after adoption.

QUASI-JUDICIAL – Quasi-judicial public hearings are held when the City Council is acting in a judicial or judge like manner and a person with a legitimate interest is entitled to an impartial decision made on the basis of information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of the City Council) outside of the Public Hearings and meetings on the subject application. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:

1. Staff presentation - Staff will present the comments and reports received from review agencies and offer a recommendation.
2. Applicant Presentation - The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
3. Public Input (limit of 3 minutes per person) Speakers must step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
4. The public hearing is closed to public comments.
5. Questions from the Council. After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
6. Make a motion. A member of the City Council will make a motion on the issue.
7. Discussion on the motion. The City Council may discuss the motion.
8. Vote. The City Council will then vote on the motion.

A. QUASI-JUDICIAL HEARINGS

1) SPECIAL EVENT LIQUOR PERMITS APPLICATION – A request to approve an application from the Fruita Rotary Club to provide a beer garden at the Mike the Headless Chicken Festival at Civic Center Memorial Park located at 325 E. Aspen Ave – Deputy City Clerk Deb Woods

B. LEGISLATIVE HEARINGS

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER’S REPORT

10. COUNCIL REPORTS AND ACTIONS

A. Scheduling Two Special City Council Meetings
11. ADJOURN

An executive session may be called for any item on the agenda.

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact the City Clerk’s Office at 970-858-3663 within 48 hours prior to the meeting in order to request such assistance.
Proclamation

Memorial Day in the City of Fruita
Monday, May 29, 2023

WHEREAS, Memorial Day each year serves as a solemn reminder of the scourge of war and its bitter aftermath of sorrow; and

WHEREAS, the Congress, in a joint resolution approved May 11, 1950, provided that Memorial Day should be set aside as a day of prayer for permanent peace; and

WHEREAS, today, and every day, let us remember the servicemen and women we have lost and let us honor them by rededicating ourselves to strengthening our Nation’s promise. With love, grace, and reflection, let us honor our fallen fellow Americans, known and unknown, who sacrificed their freedom to ensure our own; and

WHEREAS, the citizens of the City of Fruita desire to honor and acknowledge those who serve in uniform for their sacrifice and preservation of our American way of life;

NOW, THEREFORE, BE IT RESOLVED that the Fruita City Council hereby proclaims:

Monday, May 29, 2023 as Observance of Memorial Day

in the City of Fruita and urges all citizens of this community to honor those have served and are serving today.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 16th day of May, 2023.

______________________________
Joel Kincaid, Mayor, City of Fruita
NATIONAL PUBLIC WORKS WEEK PROCLAMATION

MAY 21 - 27, 2023

"CONNECTING THE WORLD THROUGH PUBLIC WORKS"

WHEREAS, Public Works is the thread that connects us all, no matter where we live in the world. Every public works professional strives to improve the quality of life for the community they serve, leading to healthier, happier communities.

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

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

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association,

BE IT NOW RESOLVED that the Fruita City Council does hereby designate the week May 21-27, 2023, as National Public Works Week and urges all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State (to be affixed), this 16th day of May, 2023.

Joel Kincaid, Mayor
BACKGROUND

The Fruita Rotary Club has filed an application to be granted Special Event Liquor Permits to provide a beer garden for the Mike the Headless Chicken Festival at Civic Center Memorial Park on the dates and at the times below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday, June 2, 2023</td>
<td>3:00 – 10:00 pm</td>
</tr>
<tr>
<td>Saturday, June 3, 2023</td>
<td>10:30 am – 10:00 pm</td>
</tr>
</tbody>
</table>

State law allows any municipality, county, or special district to apply for a Special Events Liquor Permit, and the Fruita City Council adopted Resolution 2011-32, which authorizes the Local Licensing Authority to issue Special Events Liquor Permits to qualifying organizations and political candidates without sending the application to the State Authority for approval.

The City of Fruita requires that the applicant submit a narrative addressing specific issues related to the Special Events Permits. The application, narrative, diagram, permission from the City of Fruita Recreation Department, Fruita Police Department Memorandum and Certificate of Liability Insurance are attached.

The diagram of the licensed premises submitted with the application controls the area in which alcohol may be sold or consumed and should be strictly adhered to.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

N/A

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the application
- Deny the application
1. Approval of the special events permits for the Mike the Headless Chicken Festival

2. Denial of the special events permits

RECOMMENDATION

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

- APPROVE THE APPLICATION FOR THE SPECIAL EVENTS PERMITS FOR THE FRUITA ROTARY CLUB TO PROVIDE A BEER GARDEN DURING THE 2023 MIKE THE HEADLESS CHICKEN FESTIVAL ON FRIDAY JUNE 2, 2023 FROM 3:00 – 10:00 PM AND ON SATURDAY, JUNE 3, 2023 FROM 10:30 AM – 10:00 PM SUBJECT TO THE FOLLOWING CONDITIONS:

1. APPLICANT WILL DISCONTINUE SERVING ALCOHOL AT 9:30 PM ON BOTH NIGHTS TO ALLOW PATRONS 30 MINUTES TO FINISH BEVERAGES AND LEAVE THE AREA.

2. ALL ALCOHOL WILL SECURED AND REMOVED BY 10:00 PM.

3. NO ALCOHOL SHALL BE BROUGHT INTO OR OUT OF THE LICENSED PREMISES.

4. THE LICENSEE IS SOLELY RESPONSIBLE FOR CONTROL OF THE LICENSED PREMISES IN REGARDS TO ALCOHOL POSSESSION, CONSUMPTION AND ADHERENCE TO STATE AND MUNICIPAL LIQUOR LAWS.

RECOMMENDED MOTION:

- APPROVE THE APPLICATION FOR THE SPECIAL EVENTS LIQUOR PERMITS FROM THE FRUITA ROTARY CLUB TO PROVIDE A BEER GARDEN DURING THE MIKE THE HEADLESS CHICKEN FESTIVAL AT CIVIC CENTER MEMORIAL PARK ON THE DATES AND TIMES REQUESTED SUBJECT TO THE CONDITIONS STATED BY STAFF.
**Permit**

In order to qualify for a Special Events Permit, You Must Be Nonprofit and One of the Following (See back for details.)

- Social
- Fraternal
- Patriotic
- Political
- Athletic
- Chartered Branch, Lodge Or Chapter
- Of A National Organization Or Society
- Philanthropic Institution
- Political Candidate
- Municipality Owning Arts Facilities

**LIAB**

<table>
<thead>
<tr>
<th>Type of Special Event Applicant is Applying for:</th>
<th>DO NOT WRITE IN THIS SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2110 Mall, Vinous And Spirituous Liquor $25.00 Per Day</td>
<td>Liquor Permit Number</td>
</tr>
<tr>
<td>2170 Fermented Malt Beverage (3.2 Beer) $10.00 Per Day</td>
<td></td>
</tr>
</tbody>
</table>

1. Name of Applicant, Organization or Political Candidate

Fruita Rotary Club

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Birth</th>
<th>Home Address (Street, City, State, ZIP)</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>CIVIC CENTER PARK, 325 E Aspen Ave, Fruita, CO 81521</td>
<td>4342426408</td>
</tr>
</tbody>
</table>

2. Mailing Address of Organization or Political Candidate

PO BOX 471
FRUITA, CO 81521

3. Address of Place to Have Special Event

325 E Aspen Ave, Grand Junction CO 81501
Fruita, CO 81521

4. President of Org. or Political Candidate

Johanna van Waveren
7/15/85
1036 Ouray Ave, Grand Junction CO 81501
4342426408

5. Event Manager

Lou Mudd
01/16/55
126 S Maple St, Fruita, CO 81521
970-201-4881

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year?

- NO
- YES
- HOW MANY DAYS?

7. Is premises now licensed under state liquor or beer code?

- NO
- YES
- TO WHOM?

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed?

- YES
- NO

List Below the Exact Date(s) for Which Application is Being Made for Permit

<table>
<thead>
<tr>
<th>Date</th>
<th>8/29/2023</th>
<th>8/31/2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours From</td>
<td>3:00 p.m.</td>
<td>10:00 a.m.</td>
</tr>
<tr>
<td>To</td>
<td>10:00 p.m.</td>
<td>10:00 p.m.</td>
</tr>
</tbody>
</table>

**Oath of Applicant**

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

Signature: [Signature]

Title: Event Manager

Date: 4/24/2023

**Report and Approval of Local Licensing Authority (City or County)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

**THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority (City or County)

City [ ] Country [ ]

Telephone Number of City/County Clerk [ ]

[ ] (970) 639-4210

Signature: [Signature]

Title: Mayor

Date: [Date]

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

**Liability Information**

<table>
<thead>
<tr>
<th>License Account Number</th>
<th>Liability Date</th>
<th>State</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>$750 (999)</td>
<td></td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

(Note: This is a sample form for illustrative purposes. The actual form may contain additional information or fields.)
Mike the Headless Chicken Days
JUNE 2 & 3, 2023
Special Event Permit Narrative

The Fruita Rotary Club has served beer at this event since it began several years ago.

1) **Description**: Mike the Headless Chicken Days is an event held each year in Fruita celebrating the life of a chicken that lost its head. The Fruita Rotary Club will provide beer, cider and wine sales during this event.

2) **Security**: The City of Fruita schedules volunteers to monitor entrances to the licensed area to make sure no alcohol enters or exits the area. Signs will be posted along the perimeter indicating that no alcohol can be brought into or exit the area.

3) **Crowd Control**: Rotarians will monitor patrons and the consumption of alcohol to prevent any patrons from becoming overly intoxicated, and stop serving anyone who is intoxicated. Fruita PD will be notified if any activity escalates beyond the control of Fruita Rotary Club.

4) **Fencing/Barriers**: The licensed area as marked in red on the attached map will be enclosed by metal fencing.

5) **Toilets**: Porta-Potties will be located near the north side of the fenced area.

6) **Signage**: Signs will be posted at each entrance/exit indicating no alcohol allowed into or out of the licensed premise.

7) **ID's**: ID's will be checked by Fruita Rotary members and issued a wristband indicating that their ID has been checked for legal consumption age.

8) Many Fruita Rotarians have been TIPS trained and will be present at this event. Several new Rotary members will be attending an alcohol server training May 31.

9) **Trash**: Rotarians will patrol the area and pick up empty beverage containers to keep premises clean and neat.

10) **Food**: Food vendors will be available within the licensed area during hours of operation.
To: Debra Woods  
From: Dave Krouse, Chief of Police  
Date: April 24, 2023  
Re: 2023 Mike the Headless Chicken Festival Special Event Liquor Permit

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

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

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

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

**PRODUCER**
Arthur J. Gallagher Risk Management Services, Inc.
2850 Golf Road
Rolling Meadows IL 60008

**INSURED**
Fruita Rotary Club
All Active US Rotary Clubs & Districts
ATTN: Risk Management Dept.
1566 Sherman Ave.
Evanton, IL 60201-3998

**INSURER/S AFFORDING COVERAGE**
Westchester Surplus Lines Insurance Company

**COVERAGE**

<table>
<thead>
<tr>
<th>INSURER A</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>INSURER B</td>
<td>N/A</td>
</tr>
<tr>
<td>INSURER C</td>
<td>N/A</td>
</tr>
<tr>
<td>INSURER D</td>
<td>N/A</td>
</tr>
<tr>
<td>INSURER E</td>
<td>N/A</td>
</tr>
<tr>
<td>INSURER F</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**CERTIFICATE NUMBER:** 899307648

**REVISION NUMBER:**

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 191, Additional Remarks Schedule, may be attached if more space is required)**

The Certificate Holder is included as an additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

**CERTIFICATE HOLDER**

City of Fruita, Fruita Colorado

Mike The Headless Chicken Days
Fruita Rotary Club - Beer Service
June 2 - 3, 2023

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**

© 1988-2015 ACORD CORPORATION. All rights reserved.
This item is to discuss and schedule to additional City Council meetings: (1) a special meeting at 6pm, prior to the May 23, 2023 City Council workshop, which begins at 6:30 pm to discuss in executive session a matter related to potential purchase of property, and (2) an additional City Council workshop at 6pm on June 6, 2023, prior to the regularly scheduled City Council meeting, which begins at 7pm.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

To discuss matters related to the goals and objectives of the City.

OPTIONS AVAILABLE TO THE COUNCIL

To determine the appropriate time for the additional meetings to be scheduled and set the time and date of the meetings to be added to the official calendar of the City.

RECOMMENDATION

To determine the appropriate time for the additional meetings to be scheduled and set the time and date of the meetings to be added to the official calendar of the City.