



FRUITA COLORADO

CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, March 19, 2024 at 7:00 PM

AGENDA

The link to join the 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. PRESENTATION - Recognition of Elmwood Heights HOA "Adopt A Street" Volunteers

B. PRESENTATION – Brad McCloud, Xcel Energy Area Manager, Community Relations Western Colorado to address Council concerns regarding utility strikes

C. PRESENTATION – Doug Seacat, Deeply Digital Owner/President and Jonathon Cook, Project Manager to address Council concerns regarding utility strikes and provide update on buildout of fiber infrastructure

5. PUBLIC PARTICIPATION

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

6. CONSENT AGENDA

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

- A. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Fermented Malt Beverage and Wine (Off-Premise) liquor license for Maverik, Inc. #400 located at 1103 E. Highway 6 & 50
- B. RESOLUTION 2024-09 – Amending the Livability Commission Bylaws concerning Council Liaison positions and other changes
- C. FINANCIAL REPORTS – A request to approve the February 2024 Financial Reports

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 PERMIT APPLICATION – A request to approve a Special Event Liquor Permit application from Gemini Adventures to serve beer for the Desert Rats Trail Running Festival on Saturday, April 13, 2024 from 5:00 to 9:00 p.m. Civic Center Memorial Park located at 325 E. Aspen Ave. - *Deputy City Clerk Deb Woods*

- 2) MODIFICATION OF LICENSED PREMISES – A request to approve a Modification of Licensed Premises on a Hotel & Restaurant – Malt, Vinous and Spirituous Liquor License for Mezcalera, LLC dba El Mescal Family Mexican Restaurant & Bar located at 439 E. Highway 6 & 50 – *Deb Woods, Deputy City Clerk*

B. LEGISLATIVE HEARINGS

- 1) Ordinance 2024-10 – Second Reading – An Ordinance Amending the Fruita Municipal Code and Creating a New Title IX Chapter to Regulate Unmanned Aircraft Systems - *Nick Peck, Lieutenant of the Fruita Police Department*

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER’S REPORT

10. COUNCIL REPORTS AND ACTIONS

11. ADJOURN

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.

**FRUITA**
COLORADO**AGENDA ITEM COVER SHEET**

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER

DATE: MARCH 19, 2024

AGENDA TEXT: Presentation - Recognition of Elmwood Heights HOA Adopt A Street Volunteers

BACKGROUND

In May of 2022, the City Council, after recommendation from the Livability Commission, formally created the Fruita Adopt a Street/Trail program. The program allows local families, businesses, and community groups the ability to perform a valuable community service by adopting a section of Fruita street or trail to keep clear of litter and debris. These groups are recognized by the Fruita City Council after completing at least one year of service and receive a road sign acknowledging their efforts along the route that is adopted. Since creating the program, six (6) routes have been adopted by Fruita residents.

The Elmwood Heights HOA adopted North Mesa Street from Ottley Avenue to K $\frac{3}{4}$ Road. Since adopting this route, residents have completed several clean ups.

The certificates for each person that has participated in the program are attached with this cover sheet, and the following members will be attendance for the meeting to accept recognition on behalf of the Elmwood Heights HOA:

- Jamie Vavra

More information on the City of Fruita's Adopt a Street/Trail program can be found here: [Adopt a Street/Trail program](#).



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Jamie Vavra

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

Fruita Mayor
Joel Kincaid



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Tim Winey

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

Fruita Mayor
Joel Kincaid



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Pat Moore

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

Fruita Mayor
Joel Kincaid



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Margo Winey

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

Fruita Mayor
Joel Kincaid



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Linda Johnson

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

Fruita Mayor
Joel Kincaid



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Jane Loyda

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

Fruita Mayor
Joel Kincaid



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Dan Moore

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

Fruita Mayor
Joel Kincaid



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Cheri Walters

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

Fruita Mayor
Joel Kincaid



FRUITA
COLORADO

CERTIFICATE AWARDED TO:

Alan Walters

For your dedication to the Fruita community
and your willingness to help keep Fruita
clean and beautiful.

**2024 Adopt a Street
Program –
Elmwood Heights
HOA**

Fruita Mayor
Joel Kincaid



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: KIMBERLY BULLEN, PUBLIC WORKS DIRECTOR

DATE: MARCH 19, 2024

AGENDA TEXT: Presentation – Brad McCloud, Xcel Energy Area Manager, Community Relations Western Colorado to address Council concerns regarding utility strikes.

BACKGROUND

The City of Fruita and Public Service Company of Colorado (Xcel Energy) have a Gas and Electric Franchise Agreement. This agreement grants Xcel Energy the non-exclusive right to make reasonable use of City Streets, Public Utility Easements, and other City Property to provide utility service to the City and to its residents under the Tariffs; and to acquire, purchase, construct, install, locate maintain, operate, upgrade and extend into, within and through the City all Company Facilities reasonably necessary for the generation, production, manufacture, sale, storage, purchase, exchange, transportation, transmission and distribution of Utility Service (natural gas) within and through the City.

With construction in the public right-of-way (ROW), the City has seen a significant number of utility strikes including natural gas utility lines owned and operated by Xcel. Several of these strikes were the result of utility gas lines not being marked correctly by Xcel’s locators. Recently a gas line was struck near the CO-OP that resulted in the closure of the CO-OP and evacuations of several residents in the area. City Council is concerned about the number of strikes and is interested in understanding what actions Xcel Energy is taking to protect the residents of Fruita and Xcel’s infrastructure during construction.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: KIMBERLY BULLEN, PUBLIC WORKS DIRECTOR

DATE: MARCH 19, 2024

AGENDA TEXT: Presentation – Doug Seacat, Deeply Digital Owner/President and Jonathon Cook, Project Manager to address Council concerns regarding utility strikes and provide update on buildout of fiber infrastructure

BACKGROUND

Deeply Digital is a privately owned fiber company out of Montrose, CO that builds out last mile fiber. The City of Fruita has issued Right-of-Way (ROW) permits to Deeply Digital to install conduit/fiber throughout the City of Fruita and connecting to the middle mile through the City's Carrier Neutral Location (CNL).

The City of Fruita and Deeply Digital have also entered into a Location Extension Agreement allowing the City ten business days from the time the locate is called in to locate the underground facilities if the City is experiencing staffing shortages. The extensions under this agreement have not been required as Public Works staff has been able to keep up with requests for locates.

With construction in the public right-of-way (ROW), the City has seen a significant number of utility strikes by Deeply Digital including natural gas utility lines. Several of these strikes were the result of utility gas lines not being marked correctly by Xcel Energy's locators, but others were the result of the Deeply Digital construction crew hitting a located utility. The City Council is concerned about the number of utility strikes and is interested in understanding what actions Deeply Digital is taking to protect the residents of Fruita as it continues to install conduit/fiber throughout the community.

Deeply Digital will also provide an update on the buildout of last mile fiber in the Fruita Community.



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: MARCH 19, 2024

AGENDA TEXT: LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Fermented Malt Beverage and Wine (Off-Premise) liquor license for Maverik, Inc. #400 located at 1103 E. Highway 6 & 50

BACKGROUND

The Fermented Malt Beverage and Wine (Off-Premises) Liquor License for Maverik Inc. #400 located at 1103 E. Highway 6 & 50 is up for renewal. Their current license expires on **April 7, 2024**. The City Clerk’s office has not been advised of any issues or concerns related to the liquor license during the past year. The Police Department report indicates that there have not been any violations or incidents reported to them in the last year and there is nothing unusual or of concern that would hinder renewal of the license. There are no TIPS certificates on file at the City Clerk’s Office.

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

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

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

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review and

renewal of liquor licenses ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

OPTIONS AVAILABLE TO THE COUNCIL

1. Renew the Fermented Malt Beverage and Wine (Off-Premises) Liquor License.
2. Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

- **RENEW THE FERMENTED MALT BEVERAGE AND WINE (OFF-PREMISES) LIQUOR LICENSE FOR MAVERIK INC. #400 LOCATED AT 1103 E. HIGHWAY 6 & 50**

Submit to Local Licensing Authority

MAVERIK INC #400
185 SOUTH STATE STREET, SUITE 800
North Salt Lake UT 84111

Fees Due	
Renewal Fee	221.25
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$

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

Retail Liquor License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name MAVERIK INC		Doing Business As Name (DBA) MAVERIK INC #400	
Liquor License # 04-22730-0002	License Type Fermented Malt Beverage and Wine (city)		
Sales Tax License Number 004227300002	Expiration Date 04/07/2024	Due Date 02/22/2024	
Business Address 1103 EAST US HIGHWAY 50 Fruit CO 81521		Phone Number 9708585346	
Mailing Address 185 SOUTH STATE STREET, SUITE 800 North Salt Lake UT 84111		Email Licensing@Maverik.com	
Operating Manager Paula Karr	Date of Birth 11/01/63	Home Address 106 Peter Dr. Apt 2, Fruit, CO, 81521	Phone Number 970.858.5346
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

DR 8400 (03/31/23)
 COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division

APPLICANT ID: 213279

7. 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
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation: ☒ Yes ☐ No

Affirmation & Consent

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

Type or Print Name of Applicant/Authorized Agent of Business

Utahna Archuleta

Title

Licensing Manager

Signature

Date

2/29/2024

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 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For

The City of Frisco

Date

Signature

Title

JOEL KINCAID, MAYOR

Attest


Tax Check Authorization, Waiver, and Request to Release Information

I, Utahna Archuleta, am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Maverik Inc (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) Maverik Inc #400		Social Security Number/Tax Identification Number 83-0197092	
Address 185 S. State Street, Suite 800			
City Salt Lake City		State UT	Zip 84111
Home Phone Number 801.936.5557		Business/Work Phone Number 801.683.3628	
Printed name of person signing on behalf of the Applicant/Licensee Utahna Archuleta			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed 2/29/2024

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

275	MAV	0275	Cortez	10223 Hwy 491	Cortez	CO	Montezuma	81321	970-565-3504	Brianna Provstgaard
400	MAV	0400	Fruita	10101 Highway 50	Fruita	CO	Mesa	81521	970-858-5346	Paula Karr
417	MAV	0417	Clifton	3249 F Rd	Clifton	CO	Mesa	81520	970-434-3887	Maricruz Verdeja
418	MAV	0418	Grand Junction	10101 Highway 50	Grand Junction	CO	Mesa	81504	970-243-1144	Shawn Zimmerman
463	MAV	0463	Delta	101 Highway 92	Delta	CO	Delta	81416	970-874-7025	Richard Fitzgerald
480	MAV	0480	Fort Morgan	1206 Main St	Fort Morgan	CO	Morgan	80701	970-867-2304	Marie Garcia
482	MAV	0482	Grand Junction	2902 D Rd	Grand Junction	CO	Mesa	81504	970-243-4016	Mendy Wyckoff
490	MAV	0490	Aurora	22910 E Arapahoe Rd	Aurora	CO	Arapahoe	80016	303-680-6605	Beth Heinrich
494	MAV	0494	Colorado Springs	2477 Peterson Road	Colorado Springs	CO	El Paso	80915	719-574-8043	Brad Athmer
495	MAV	0495	Aurora	15510 E 6th Ave	Aurora	CO	Arapahoe	80011	303-366-2662	Olga Ledesma
497	MAV	0497	Cortez	1455 State St	Cortez	CO	Montezuma	81321	970-565-2409	Michelle Halcomb
500	MAV	0500	Grand Junction	2696 Highway 50	Grand Junction	CO	Mesa	81503	970-245-0016	Melissa Hyle
520	MAV	0520	Fort Collins	6511 SE Frontage RD	Fort Collins	CO	Larimer	80524	970-493-2627	Pamela Kelly
525	MAV	0525	Aurora	13480 E Mississippi Ave	Aurora	CO	Arapahoe	80012	303-369-7635	Yolanda Gaytan
540	MAV	0540	Thornton	8810 Pecos St	Thornton	CO	Adams	80260	303-426-7156	Andrew Gustin
544	MAV	0544	Thornton	11160 Colorado Blvd	Thornton	CO	Adams	80233	303-451-0292	Angela Jackson
549	MAV	0549	Aurora	3755 Chambers Rd	Aurora	CO	Arapahoe	80011	303-371-1438	Denise Navarro
579	MAV	0579	Aurora	21800 E Quincy Ave	Aurora	CO	Arapahoe	80015	303-680-1054	Rachel Douwenga
602	MAV	0602	Colorado Springs	2291 Hancock Expy	Colorado Springs	CO	El Paso	80910	719-473-5965	Paolo (Gabe) Martinez
616	MAV	0616	Montrose	1140 N Townsend Ave	Montrose	CO	Montrose	81401	970-323-4234	Tawnya Kincade
636	MAV	0636	Colorado Springs	135 E Motor Wy	Colorado Springs	CO	El Paso	80905	719-419-9912	Marissa Athmer
642	MAV	0642	Fort Collins	7490 SW Frontage Rd	Fort Collins	CO	Larimer	80528	720-961-5115	Vikki Whitehead
647	MAV	0647	Littleton	11601 W Bowles Ave	Littleton	CO	Jefferson	80127	720-828-8595	Kenly Gonzales
653	MAV	0653	Clifton	636 Sun King Way	Clifton	CO	Mesa	81520	970-628-3647	Chelsy Cozad
673	MAV	0673	Colorado Springs	6955 Campus Dr	Colorado Springs	CO	El Paso	80918	719-418-7062	Melissa Leistman
679	MAV	0679	Alamosa	3141 Main St	Alamosa	CO	Alamosa	81101	719-653-1339	Maurice Acuna
689	MAV	0689	Avon	111 W Beaver Creek Blvd (PO Box 4113)	Avon	CO	Eagle	81620	970-423-9246	Jamina Plett
691	MAV	0691	Berkeley - Denver	5580 Federal Blvd.	Berkeley	CO	Adams	80221	303-477-7711	Stephanie McPhie
700	MAV	0700	Denver	5803 Broadway	Denver	CO	Denver	80216	303-226-9993	Taylor Peterson
701	MAV	0701	Durango	44 Zyme Rock Rd	Durango	CO	La Plata	81301	970-400-7542	Sheila Reed
701	MAV	0701	Durango	44 Zyme Rock Rd	Durango	CO	La Plata	81004	970-400-7542	Sheila Reed
650	MAV	5236	Monument	17970 Knoll Wood DR	Monument	CO	El Paso	80132	719-487-2696	Richard Lauer
665	MAV	5240	Colorado Springs	1206 Interquest Pkwy	Colorado Springs	CO	El Paso	80921	719-219-0697	Matthew Zylstra
667	MAV	5241	Colorado Springs	7375 Duryea Rd	Colorado Springs	CO	El Paso	80923	719-445-5041	Cindy Benner
670	MAV	5242	Fountain	8050 Fountain Mesa Rd	Fountain	CO	El Paso	80817	719-382-9018	Phil Chapman
668	MAV	5269	Colorado Springs	3091 N Chestnut ST	Colorado Springs	CO	El Paso	80907	719-424-4580	Jamie Crook
661	MAV	5359	Colorado Springs	3525 Spectrum Air Way	Colorado Springs	CO	El Paso	80911	720-262-7570	Tommy Secrest
985	MAV	5398	Aurora	10950 E Mississippi Ave	Aurora	CO	Arapahoe	80012	720-677-1096	Nicole Brown
986	MAV	5399	Aurora	1875 S Havana St	Aurora	CO	Denver	80247	720-677-1127	John Perez
987	MAV	5400	Colorado Springs	1911 S 8th Street	Colorado Springs	CO	El Paso	80905	719-785-0060	Branda Hebert

CITY OF FRUITA MEMORANDUM

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	MARCH 5, 2024
RE:	FERMENTED MALT BEVERAGE AND WINE (OFF PREMISES) LIQUOR LICENSE RENEWAL

License Information

Licensee:	Maverik #400
Location:	1103 E. US Highway 6 & 50
Type of License:	Fermented Malt Beverage and Wine (Off Premises)
Expiration Date of Current License:	April 7, 2024
City Council Hearing Date:	March 19, 2024
DUE DATE FOR POLICE REPORT:	March 14, 2024

Tips certificates on File

Employee:	Date:	Exp.
(None)		

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	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	No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	No

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

Signed: Paula Rajewich _____ Date: __3-6-24_____



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEB WOODS, DEPUTY CITY CLERK

DATE: MARCH 19, 2024

AGENDA TEXT: RESOLUTION 2024-09 – Amending the Livability Commission Bylaws concerning Council Liaison positions and other changes

BACKGROUND

The City Council met with various boards and commissions throughout 2023 to review their purposes, accomplishments, and roles in furthering the city's strategic and master plans. They also evaluated the roles of City Council members serving on these boards and commissions. As part of this review, City Council determined they would take the proper steps to remove the City Council Liaison in each Board and Commission as a voting board member, designate the City Council Liaison as a non-voting Council Liaison to the board, and ensure the Council Liaison does not occupy one of the limited voting member positions on the board. Membership requirements for the Livability Commission, established by their Bylaws, currently require a representative of the City Council to serve on the Livability Commission, and therefore needs to be amended to clarify City Council's direction.

A liaison serves as a bridge or intermediary between two entities or groups. In this context, the City Council liaison to the Livability Commission would facilitate communication, collaboration, and understanding between the City Council and the Commission. They would convey relevant information, concerns, and decisions between the two bodies, ensuring alignment of efforts and effective utilization of resources towards improving the quality of life, economic health and lifestyle of the Fruita Community and achieving shared objectives within the community.

Attached is Resolution 2024-09, drafted for City Council review to proposed amendments to the Livability Commission's Bylaws. A few of the amendments included in the Resolution were proposed by Livability Commission members at their past meetings such as adding a section concerning nepotism.

FISCAL IMPACT

This Ordinance does not have any fiscal impact.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The removal of a representative from the City Council as a voting member from the Livability Commission provides a degree of separation of roles and responsibilities between the City Council and the Advisory Commission and promotes independence of the Commission. The appointment of a City Council member as a liaison to the Livability Commission fosters communication between the two boards.

OPTIONS TO THE COUNCIL:

- Approve the Resolution as presented, or with amendments, or
- Opt for no action, retaining the current membership structure of the Livability Commission.

RECOMMENDATION:

MOVE TO APPROVE RESOLUTION 2024-09 - AMENDING THE LIVABILITY COMMISSION BYLAWS CONCERNING COUNCIL LIAISON POSITIONS AND OTHER CHANGES

RESOLUTION 2024-09

A RESOLUTION AMENDING EXHIBIT A OF RESOLUTION 2018-37 - BYLAWS OF THE FRUITA LIVABILITY COMMISSION CONCERNING MEMBERSHIP

WHEREAS, Resolution 2018-37 was adopted by the Fruita City Council on October 2, 2018, and established the Fruita Livability Commission, and

WHEREAS, Exhibit A of Resolution 2018-37 consists of the Bylaws of the Fruita Livability Commission, and

WHEREAS, the City Council desires to make the City Council members appointed to the Livability Commission non-voting members in order to provide better separation of roles and responsibilities between the City Council and the Commissions and promote independence of the Commissions, and

WHEREAS, the Livability Commission has other changes to the Fruita Livability Commission Bylaws that they want to propose to the City Council

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

Section 1:

Article IV of the Bylaws of the Fruita Livability Commission concerning Membership is hereby amended to read as follows:

ARTICLE IV. MEMBERSHIP:

The Commission shall consist of no less than seven (7) and no more than twenty-one (21) members. All members of the Commission (commissioners) shall be appointed to three-year terms by the Mayor with approval of the City Council. First appointments shall be for staggered terms of one, two and three years.

Appointments to the Commission shall mirror, as much as possible, the demographics of the population of Fruita’s city and rural limits. These include ethnicity, gender, race, age, sexual orientation, political viewpoints and affiliations, and geographic location.

- A. Any person desiring to be appointed to the Commission is encouraged to attend at least one regularly scheduled meeting of the Commission and then submit a copy of his/her application to the City of Fruita.
- B. A commissioner may resign his/her membership at any time by providing written or email notice to the City of Fruita or the Chair of the Commission.

- C. Commissioners shall serve without compensation, except for those expenses incurred in connection with the work of the Commission as approved by the City Manager or their designee.
- D. A commissioner may be removed by the City Council pursuant to Article 6.07 of the Fruita City Charter.
- E. Livability Commission Ex-Officio members will include a City Council Liaison, and City of Fruita Staff Member(s) as appointed by the City Manager.
 - a. City Council Liaison appointments are not considered members of the Commission.
 - i. After each Regular Municipal Election, held biannually, a member of the Fruita City Council or the Mayor will be appointed by the Mayor to serve a two-year term as the City Council Liaison to the Livability Commission.
 - 1. The Council Liaison's role is to:
 - A. Serve as a communications link between the City Council and board members.
 - B. Work with the Mayor to fill vacancies, review applications and interview candidates if required.
 - C. Resolve questions the board may have about the role of the Council, city government and the board or commission.
 - b. City Staff Liaison appointments are not considered members of the Commission.
 - 1. City Staff's role is to:
 - A. Schedule meetings based on input from the board and publish on the monthly meeting calendar.
 - B. Prepare and post agendas and packets for the board based on input from the board or City Council.
 - C. Post minutes of meetings on the City's website.
 - D. Ensure that recommendations of the board get forwarded to the City Council for action.
 - E. Provide guidance and information to the board.
 - F. Communicate vacancies and resignations to the City Clerk's Office.
 - G. Communicate with the Mayor and Council Liaison regarding excessive absences of members.
 - H. Schedule annual appointments of officers to the board on the agenda as required by Bylaws or other documents.
 - I. Provide orientation and training as needed to board members.

F. Nepotism

- a. Relatives of City Council cannot serve on boards and commissions
- b. City employees and their Relatives cannot serve on boards and commissions
- c. Relatives of Boards and Commissions members cannot serve on the same board or commission
 - i. Relatives are defined as:
 - 1. Any person related by blood or marriage who is a member of the official’s household, under the same roof, or
 - 2. Any parent, stepparent, grandparent, spouse, child, grandchild, brother, sister, or
 - 3. Any child, parent, stepparent, or grandparent of the official’s spouse.
 - ii. This provision shall apply to all appointments made after August 1, 2020.

G. Term Limits

- a. Term limits shall be two consecutive terms for all boards with the exception of the Board of Adjustments. The balance of an unexpired term served by a person to fill a vacancy shall not be counted as a term for the purpose of term limits. This provision shall apply to all appointments made after August 1, 2020. Appointments made prior to this date shall not be included in the two consecutive terms.

H. Membership on Multiple Boards

- a. Appointment of an individual to serve concurrently on more than board is discouraged. This limitation does not apply to committees deemed to be temporary in nature or that have a general purpose which encourages input from representatives of various boards. This provision shall apply to all appointments made after August 1, 2020.

Section 2:

Article VII of the Bylaws of the Fruita Livability Commission concerning Amendments to the Bylaws is hereby added to read as follows:

ARTICLE VII. AMENDMENTS TO THE BYLAWS:

The Bylaws listed herein, with the exception of those established by the City Charter, may be amended in the following manner:

- A. Any proposed amendment to the by-laws of the Livability Commission must be submitted in writing to the Board of Directors/Executive Committee/Other Appropriate Authority

(“Approving Authority”).

- B. The proposed amendment shall be reviewed by the Approving Authority, and if deemed appropriate, it shall be presented to the City Council for consideration.

These amended Bylaws were passed and adopted this 19th day of March, 2024 by the City of Fruita City Council.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 19th DAY OF MARCH, 2024**

ATTEST:

Cityof Fruita

City Clerk

Joel Kincaid, Mayor



FRUITA
COLORADO
PARKS & RECREATION

Bylaws

Livability Commission

ARTICLE I. CREATION AND NAME:

Per Resolution 2018-37 by the Fruita City Council the following by-laws are being adopted to convert the Senior Task Force to the Livability Commission.

ARTICLE II. STATEMENT OF MISSION:

Serving in an advisory capacity to Fruita City Council, the mission of the Livability Commission is to continually gather community input and make recommendations to the City Council pertaining to the eight domains of livability (as listed in Article III: Duties and Responsibilities) that support healthy aging and improve the quality of life, economic health and lifestyle of the Fruita community members.

ARTICLE III. DUTIES AND RESPONSIBILITIES:

To provide a representative group in the City of Fruita to ascertain and assess the needs of the Fruita Community members by identifying gaps, duplications, and competency issues in services required to support the well-being of our community members;

- A. Explore ways to make the City of Fruita a Livable Community in the following 8 Livability domain areas:
 - 1. Transportation
 - 2. Housing
 - 3. Outdoor Spaces and Buildings
 - 4. Social Participation
 - 5. Respect and Social Inclusion
 - 6. Civic Participation and Employment
 - 7. Communication and Information
- B. Community Support and Health Services

To encourage cooperation and coordination among agencies and groups working on behalf of the Fruita Community. To draw upon the expertise or advice of any group or organization that has an interest in the well-being of the Fruita, including without limitation: Family Health West, Grand Valley Transportation, Mesa County Health and Planning Departments, Mesa County School District 51, and the City of Fruita itself.
- C. To provide a forum for stakeholder input on strategies and service delivery issues affecting community members and to make recommendations in respect thereof to the Council.

ARTICLE IV. MEMBERSHIP:

The Commission shall consist of no less than seven (7) and no more than twenty-one (21) members. All members of the Commission (commissioners) shall be appointed to three-year terms by the Mayor with approval of the City Council. First appointments shall be for staggered terms of one, two and three years.

Appointments to the Commission shall mirror, as much as possible, the demographics of the population of Fruita's city and rural limits. These include ethnicity, gender, race, age, sexual orientation, political viewpoints and affiliations, and geographic location.

- A. Any person desiring to be appointed to the Commission is encouraged to attend at least one regularly scheduled meeting of the Commission and then submit a copy of his/her application to the City of Fruita.
- B. A commissioner may resign his/her membership at any time by providing written or email notice to the City of Fruita or the Chair of the Commission.
- C. Commissioners shall serve without compensation, except for those expenses incurred in connection with the work of the Commission as approved by the City Manager or their designee.
- D. A commissioner may be removed by the City Council pursuant to the Article 6.07 of the Fruita City Charter.
- E. Livability Commission Ex-Officio members will include a City Council Liaison appointed by the Mayor and City of Fruita Staff Member(s) as appointed by the City Manager.

ARTICLE V. OFFICERS:

Officers of the Commission shall consist of a Chair, Vice-chair, and Secretary. Only appointed members of the Commission are eligible to hold office.

- A. The Chair and Vice-chair shall be elected for one-year terms of office by members of the Commission. The Chair and the Vice-chair each may be elected for one (1) successive term to their same offices.
- B. In the event that a commissioner fills the position of Chair or Vice-chair due to a mid-term vacancy, the commissioner will still be eligible to serve up to two full one-year terms in the same office.

In the event of a mid-term vacancy in the office of Chair, the Vice-chair shall assume and finish out the remainder of the term of the office of Chair.

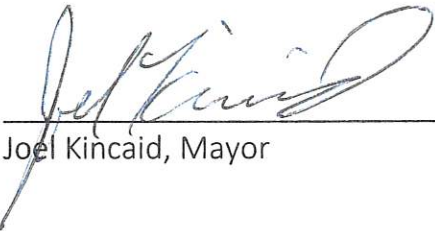
ARTICLE V. COMMISSION MEETINGS AND QUORUM:

- A. The Commission shall meet at least ten (10) times a year. Special meetings of the Commission may be called at such times and places as may be determined necessary by the Chair or the Commission itself.
- B. All meeting of the Commission shall be open to the public in accordance with the state open meetings law.
- C. A record of each meeting shall be kept and a copy filed with the City Clerk's office.
- D. Only appointed commissioners may vote on issues before the Commission. Each commissioner is allocated one vote for each issue to be voted upon. All decisions of the Commission shall be made by majority vote of those commissioners present in

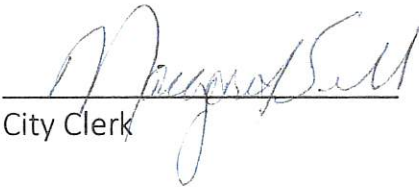
person. Votes can be made by proxy by providing advance notice to the Chair and the proxy holder.

- E. Agendas for all Commission meetings shall be sent, if possible, to all commissioners in advance of the meetings.
- F. Regular meetings of the Commission shall be at a time and place established by the Commission.
- G. A quorum shall be necessary to conduct official business of the Commission. A quorum shall consist of more than 50 percent, rounded up to the next whole number, of the appointed membership of the Commission.
- H. If the Chair and Vice-Chair are unable to attend a scheduled meeting or must leave a meeting for any reason, the Committee members in attendance shall select an acting Chair to perform the duties of the Chair.
- I. The Commission may from time to time establish such sub-committees, ad-hoc committees or working groups as it considers advisable to fulfill its mandate.

These bylaws were passed and adopted this 2nd (day) of October (month/year) by the City of Fruita City Council.


Joel Kincaid, Mayor

Attest: __


City Clerk



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Margaret Sell, Finance Director/City Clerk

DATE: March 19, 2024

AGENDA TEXT: FINANCIAL REPORTS – A request to approve the February 2024 Financial Reports

BACKGROUND

Sales and use tax revenues. The following table provides a summary of sales and use tax revenues for January sales compared to sales in the same period in 2023. Reductions in sales and use tax revenues were anticipated in the 2023 Budget. Collectively, these revenues have surpassed the budget through January by \$35,851.

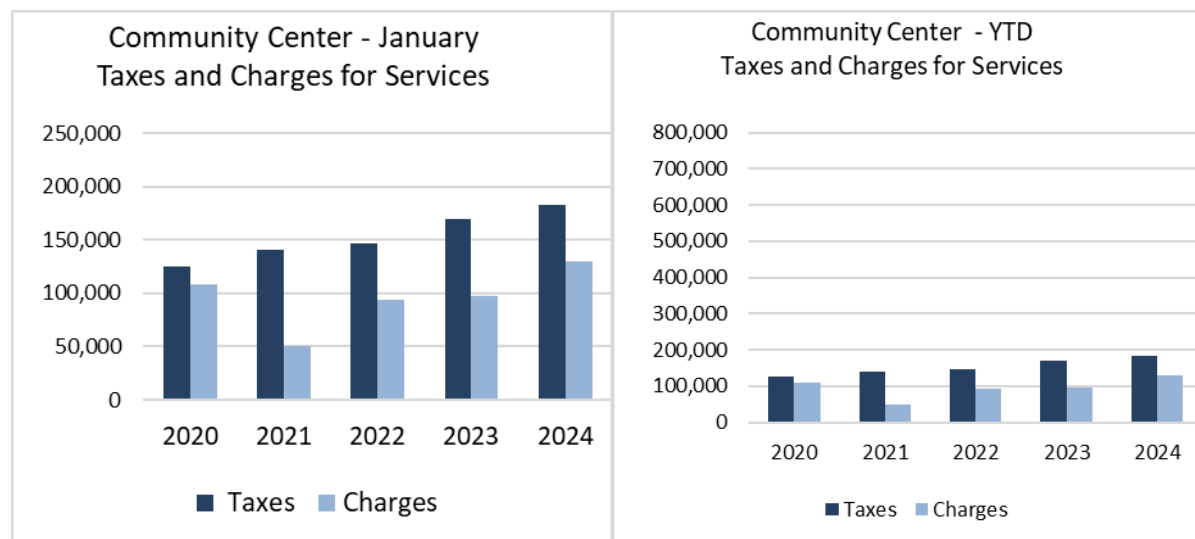
Summary of Sales and Use Tax Revenues - January 2024					
		Percent (%) Change		Dollar (\$) Change	
Type	Month	Month	Y-T-D	From prior year - YTD	Between actual and budget - YTD
City Sales Tax (2%)	Jan-24	11.0%	11%	\$ 24,361	\$ 24,361
Use tax on Motor Vehicles (2%)	Jan-24	2.7%	3%	\$ 1,294	\$ (2,626)
Use tax on Building Materials (2%)	Jan-24	7.8%	8%	\$ 1,794	\$ 1,794
Lodging Tax (3%)	Jan-24	12.8%	13%	\$ 570	\$ 1,026
County Sales Tax	Jan-24	4.9%	5%	\$ 11,148	\$ 11,148
Public Safety Tax	Jan-24	2.5%	3%	\$ 862	\$ 148
				\$ 40,028	\$ 35,851

The following table shows a monthly comparison between January 2023 and 2024 city sales tax collections by NAICS category. Retail trade and food sales had the largest increases (\$40,993) from the prior year and the largest reductions were in utilities and oil and gas (\$16,366). Remote sales were up 15% over the prior year.

Sales Tax Revenues by Category (3%)					
Jan-24					
Description	2022	2023	2024	1 yr % Chg	1 yr \$ Chg
Retail Trade	176,666	191,117	216,018	13%	24,901
Food	57,586	47,019	63,111	34%	16,092
Other Miscellaneous	9,387	11,298	14,565	29%	3,267
Utilities	43,246	55,468	43,591	-21%	(11,877)
Manufacturing	7,344	14,136	11,388	-19%	(2,748)
Rental and Leasing	5,026	8,577	9,718	13%	1,141
Other Services	2,556	6,022	13,378	122%	7,356
Lodging	5,758	8,528	7,848	-8%	(680)
Wholesale Trade	9,519	45,914	48,872	6%	2,958
Communications	15,487	14,377	14,998	4%	621
Oil and Gas	761	5,610	1,121	-80%	(4,489)
Total	333,336	408,066	444,608	9%	36,542
Remote retailers	33,799	39,315	45,249	15%	5,934

Community Center Fund Charges for Services – January 2024

January charges for services (pass fees and recreation programs) were up 33% from the prior year while sales and use tax revenues were up 8% from the prior year.



Actual vs Budget Report – February 2024. The attached Actual vs Budget report presents comparison information on budgeted vs actual revenues and expenses by fund and department for all funds for February 2024. The following is a summary of the report by fund.

Revenues and Expenses as Percentage of Budget - February 2024 (17%)		
Column 1	Revenues as a % Budget	Expenses as a % of Budget
General Fund	14%	10%
Conservation Trust Fund	0%	0%
Economic Development Fund	10%	0%
Marketing	10%	17%
Public Places Fund	10%	16%
Community Center	16%	11%
Fruita Housing Authority	0%	0%
Capital Projects	0%	1%
Debt Service	0%	0%
Devils Canyon Center	0%	0%
Irrigation Water *	1%	18%
Sewer*	8%	16%
Trash*	9%	8%
Fleet Maintenance Fund	0%	15%
Total	8%	8%

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 staff that the Council by motion:

ACCEPT THE FEBRUARY 2024 FINANCIAL REPORTS AS PRESENTED

SALES AND USE TAX REPORTS

City Sales Tax - 2% General Fund (110-3131)							
	2020	2021	2022	2023	2024	\$ Variance	% Variance
Jan	190,392.44	204,830.52	222,224.08	272,043.95	296,405.04	24,361.09	10.96%
Feb	167,749.86	201,246.04	241,043.51	257,301.07			
Mar	242,722.52	274,325.31	241,256.77	274,681.30			
Apr	211,354.97	275,116.14	307,724.72	310,799.52			
May	236,158.52	299,751.07	315,266.10	337,385.69			
Jun	229,208.70	280,881.50	315,464.89	334,549.58			
Jul	280,361.25	268,022.29	290,659.73	306,866.03			
Aug	229,018.92	259,681.40	321,372.15	319,767.61			
Sep	239,752.16	281,301.78	303,829.93	335,023.25			
Oct	243,770.76	266,678.57	302,938.30	300,395.33			
Nov	224,503.72	251,620.04	281,773.52	279,460.03			
Dec	243,087.11	275,684.31	308,179.47	324,997.78			
TOTAL	2,738,080.93	3,139,138.97	3,451,733.17	3,653,271.14	296,405.04	24,361.09	10.96%
%	23.68%	14.65%	9.96%	5.84%			

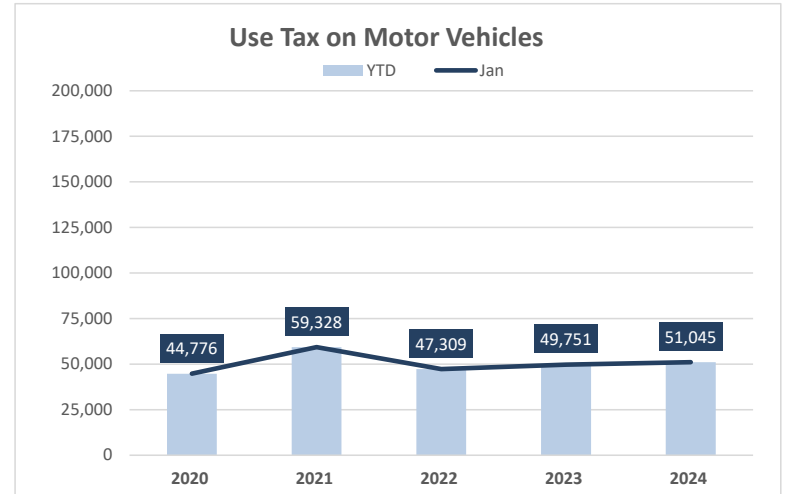
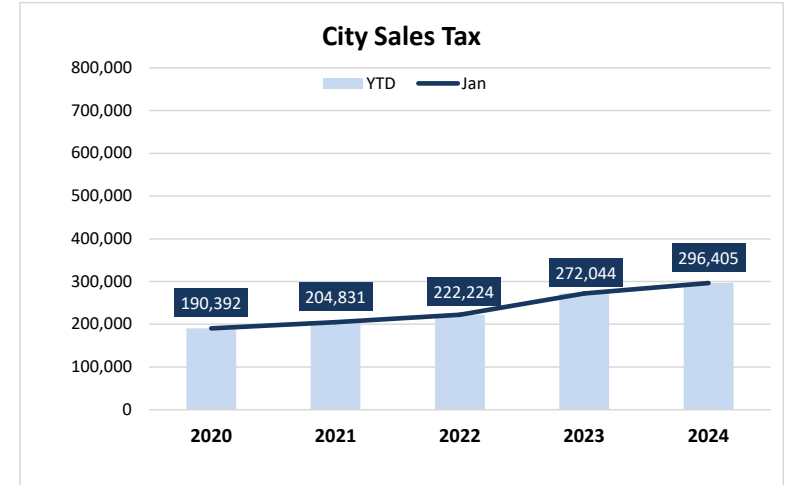
2024 Budget= \$3,650,000, 0% change from 2023 Actual Revenues

Jan	190,392.44	204,830.52	222,224.08	272,043.95	296,405.04	24,361.09	10.96%
3%	285,588.66	307,245.78	333,336.12	408,065.93	444,607.56	36,541.64	10.96%

Use Tax on Motor Vehicles - 2% General Fund (110-3132)							
	2020	2021	2022	2023	2024	\$ Variance	% Change
JAN	44,776.20	59,327.64	47,309.36	49,751.32	51,045.27	1,293.95	2.74%
FEB	59,554.07	38,721.90	46,447.50	60,836.73			
MAR	53,618.86	69,952.45	74,968.11	74,791.15			
APR	37,062.83	56,918.15	79,891.83	54,713.24			
MAY	35,122.84	73,577.89	94,600.69	81,719.62			
JUN	72,285.02	73,709.93	64,351.62	50,023.47			
JUL	89,038.90	79,197.84	64,357.92	54,891.13			
AUG	73,161.03	111,272.20	83,056.00	93,114.18			
SEP	69,374.11	55,871.85	71,679.10	64,187.04			
OCT	61,789.73	80,751.67	81,246.37	67,369.67			
NOV	37,390.30	72,701.97	68,028.87	51,376.62			
DEC	67,505.07	70,219.53	80,815.93	61,951.47			
YTD	700,678.96	842,223.02	856,753.30	764,725.64	51,045.27	1,293.95	2.74%
%	1.44%	20.20%	1.73%	-10.74%			

2024 Budget = \$825,000 - 7.88% increase from 2023 Actual revenues

Jan	44,776.20	59,327.64	47,309.36	49,751.32	51,045.27	1,293.95	2.74%
3%	67,164.30	88,991.46	70,964.04	74,626.98	76,567.91	1,940.93	2.74% for chart only



SALES AND USE TAX REPORTS

Use Tax on Building Materials - 2% General Fund (110-3133)							
	2020	2021	2022	2023	2024	\$ Variance	% Change
JAN	14,922.55	16,599.65	22,964.41	16,208.89	18,002.73	1,793.84	7.81%
FEB	10,930.68	27,922.86	31,415.26	52,028.31			
MAR	41,435.81	32,453.39	58,817.72	9,971.22			
APR	10,766.83	27,295.09	44,288.18	42,054.83			
MAY	38,491.01	17,464.96	34,286.83	19,000.44			
JUN	17,591.28	33,914.75	38,355.04	41,803.15			
JUL	37,279.04	24,039.63	18,894.10	26,846.41			
AUG	20,497.47	10,941.09	19,619.37	42,886.61			
SEP	23,043.51	15,065.96	30,588.98	23,227.32			
OCT	20,654.70	41,315.52	37,933.25	20,223.19			
NOV	32,902.26	19,098.82	19,923.44	25,569.31			
DEC	30,253.24	26,525.37	18,289.07	9,921.69			
YTD	298,768.38	292,637.09	375,375.65	329,741.37	18,002.73	1,793.84	7.81%
%	43.35%	-2.05%	28.27%	-12.16%			

2024 Budget = \$325,000 -0% change from 2023 Actual revenues

Jan	14,922.55	16,599.65	22,964.41	16,208.89	18,002.73	1,793.84	7.81%
3%	22,383.83	24,899.48	34,446.62	24,313.34	27,004.10	2,690.76	7.81%

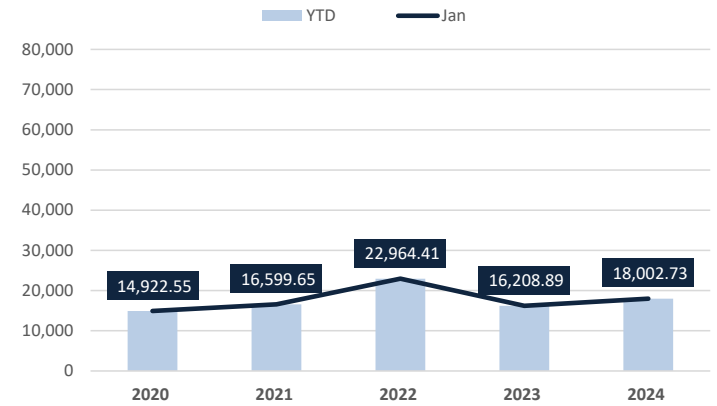
for chart only

City Lodging Tax - 3% (125-3134)							
	2020	2021	2022	2023	2024	\$ Variance	%
Jan	3,573.20	3,452.69	4,465.16	4,145.44	4,715.35	569.91	12.76%
Feb	4,018.26	4,145.37	5,490.69	7,399.14			
Mar	4,677.20	10,961.79	12,266.06	10,093.53			
Apr	2,305.15	16,557.26	14,135.42	16,355.71			
May	5,512.69	19,501.69	27,925.85	24,540.57			
Jun	8,463.77	23,011.89	24,010.29	26,405.31			
Jul	11,150.71	19,979.13	14,726.50	19,695.54			
Aug	11,047.44	16,446.92	13,107.77	18,237.56			
Sep	12,255.47	21,282.81	20,312.24	25,090.28			
Oct	13,854.54	18,243.68	27,831.93	14,577.28			
Nov	7,447.85	11,126.88	10,712.63	12,772.58			
Dec	5,195.64	7,209.43	6,475.52	12,740.56			
TOTAL	89,501.92	171,919.54	181,460.06	192,053.50	4,715.35	569.91	12.76%
	-29.56%	92.08%	5.55%	5.84%			

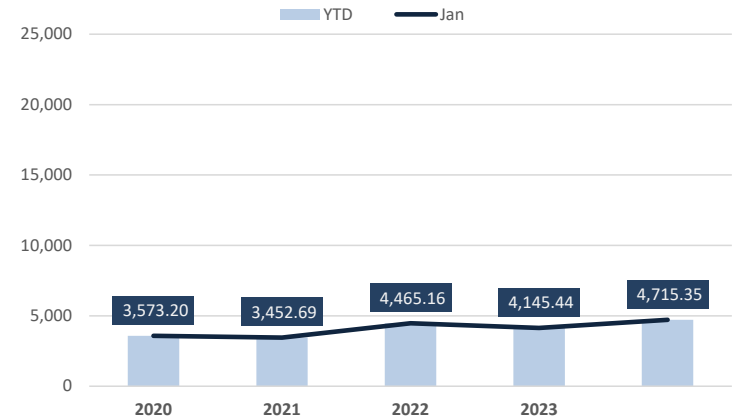
2024 Budget = \$171,000 - 11% decrease from 2023 actual revenues

Jan	3,573.20	3,452.69	4,465.16	4,145.44	4,715.35	569.91	12.76%
6%	7,146.40	6,905.38	8,930.32	8,290.88	9,430.70	1,139.82	12.76%

Use Tax on Building Materials



City Lodging Tax

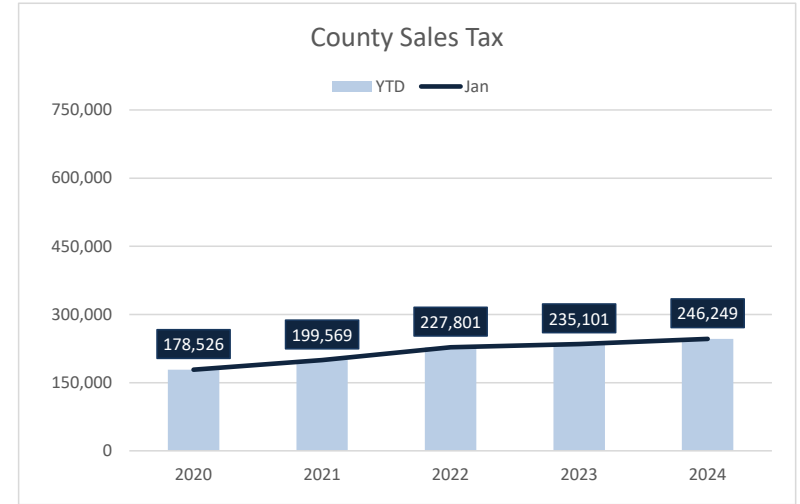


SALES AND USE TAX REPORTS

County Sales Tax - 2% (110-3130)							
	2020	2021	2022	2023	2024	\$ Variance	% Variance
Jan	178,526.13	199,569.41	227,801.34	235,100.74	246,248.54	11,147.80	4.89%
Feb	181,438.93	200,816.29	232,761.64	234,963.31			
Mar	188,855.08	268,529.43	283,096.69	283,146.64			
Apr	187,855.58	270,209.01	279,500.97	277,150.11			
May	220,166.38	266,353.47	293,351.88	299,401.48			
Jun	233,449.26	281,089.81	304,783.41	306,021.87			
Jul	227,956.26	264,407.19	283,763.03	289,221.95			
Aug	222,314.16	259,705.93	308,357.00	292,640.77			
Sep	230,820.91	274,282.88	297,059.99	292,818.85			
Oct	228,020.45	263,951.60	278,430.83	283,059.19			
Nov	211,965.09	252,758.87	275,219.04	281,096.69			
Dec	248,034.85	296,934.24	316,028.45	316,326.92			
TOTAL	2,559,403.08	3,098,608.13	3,380,154.27	3,390,948.52	246,248.54	11,147.80	4.89%
%	5.23%	21.07%	9.09%	0.32%			

2024 Budget=\$3,375,000 0% changed from 2023 actual revenue

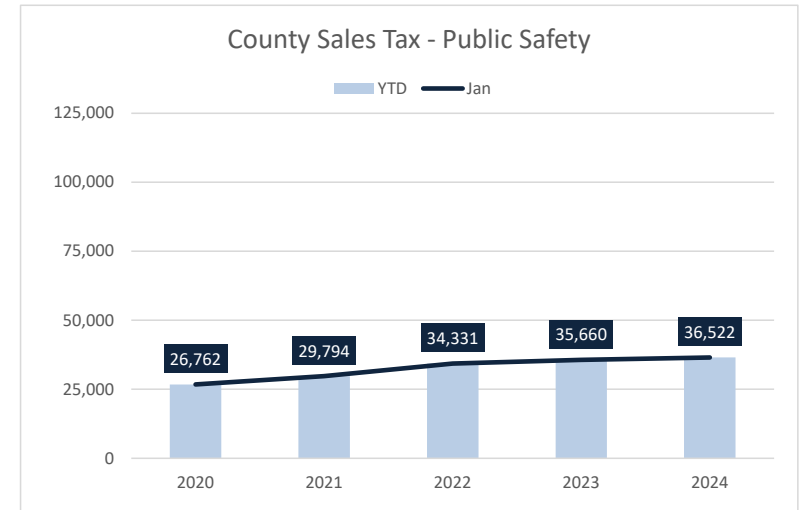
Jan	178,526.13	199,569.41	227,801.34	235,100.74	246,248.54	11,147.80	4.89%
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County Sales Tax - 0.37% Public Safety Tax (110-3129)							
	2020	2021	2022	2023	2024	\$ Variance	% Variance
Jan	26,762.07	29,794.36	34,330.68	35,660.02	36,521.59	861.57	2.51%
Feb	26,744.72	30,522.74	35,019.51	35,427.83			
Mar	26,640.82	41,095.99	42,371.66	42,812.82			
Apr	27,635.27	40,485.69	41,898.53	41,149.35			
May	32,800.08	39,900.10	43,792.01	45,752.66			
Jun	35,125.60	42,158.45	45,827.75	46,220.47			
Jul	34,219.03	39,786.84	42,639.68	43,521.83			
Aug	33,414.60	38,714.05	45,747.00	43,705.32			
Sep	34,227.49	41,177.94	44,829.02	43,705.41			
Oct	34,007.72	39,502.32	41,678.35	42,311.45			
Nov	31,513.90	37,647.08	40,801.66	42,018.88			
Dec	36,822.92	44,432.47	47,219.60	47,619.75			
TOTAL	379,914.22	465,218.03	506,155.45	509,905.79	36,521.59	861.57	2.51%
%	3.40%	22.45%	8.80%	0.74%			

2024 Budget=\$500,000, 2% increase from 2023 actual revenue

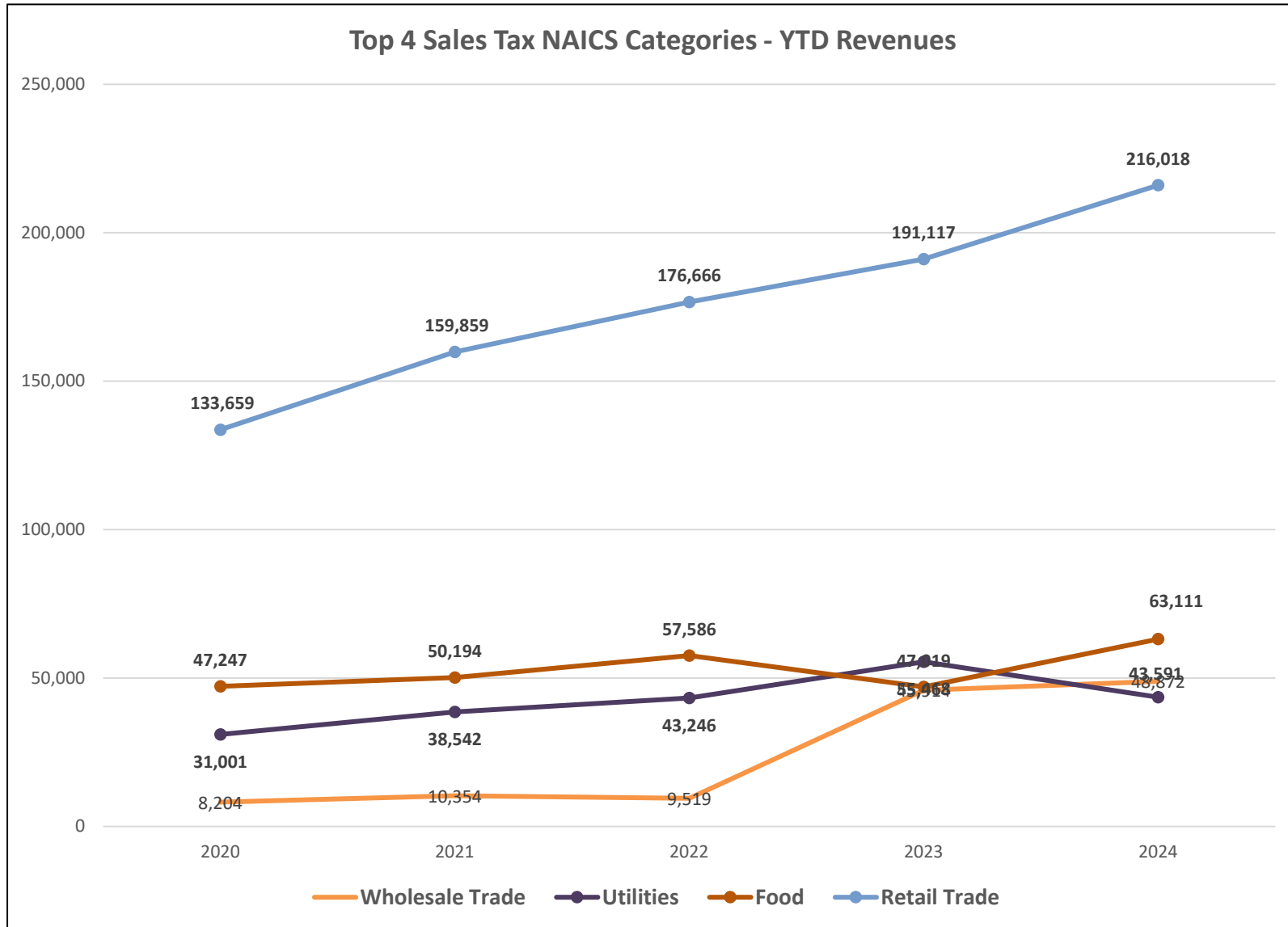
Jan	26,762.07	29,794.36	34,330.68	35,660.02	36,521.59	861.57	2.51%
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2023 City Lodging Tax - Marketing Fund 3% (125-3134)					
	Hotels & Campgrounds		VRBO'S		Monthly Total
	Revenue	% of Total	Revenue	% of Total	
Jan	3,937	83%	778	17%	4,715
Feb					-
Mar					-
Apr					-
May					-
Jun					-
Jul					-
Aug					-
Sep					-
Oct					-
Nov					-
Dec					-
TOTAL	3,937	83%	778	17%	4,715

2023 City Lodging Tax - Other Funds 3%					
	Economic Development		Public Places		Monthly Total
	Revenue	% of Total	Revenue	% of Total	
Jan	3,143	67%	1,572	33%	4,715
Feb					-
Mar					-
Apr					-
May					-
Jun					-
Jul					-
Aug					-
Sep					-
Oct					-
Nov					-
Dec					-
TOTAL	3,143	67%	1,572	33%	4,715

Sales and Use Tax Revenues by Category (3%) January								
Description	2020	2021	2022	2023	2024	1 yr % Chg	1 yr \$ Chg	% of 2024 Total
Sales taxes								
Other Services	5,131	5,561	2,556	6,022	13,378	122%	7,356	2%
Other Miscellaneous	8,349	6,993	9,387	11,298	14,565	29%	3,267	3%
Manufacturing	4,800	8,544	7,344	14,136	11,388	-19%	(2,748)	2%
Wholesale Trade	8,204	10,354	9,519	45,914	48,872	6%	2,958	9%
Rental and Leasing	10,580	7,625	5,026	8,577	9,718	13%	1,141	2%
Communications	10,359	12,060	15,487	14,377	14,998	4%	621	3%
Oil and Gas	19,837	1,651	761	5,610	1,121	-80%	(4,489)	0%
Utilities	31,001	38,542	43,246	55,468	43,591	-21%	(11,877)	8%
Lodging	6,422	5,863	5,758	8,528	7,848	-8%	(680)	1%
Food	47,247	50,194	57,586	47,019	63,111	34%	16,092	12%
Retail Trade	133,659	159,859	176,666	191,117	216,018	13%	24,901	39%
Subtotal	285,589	307,246	333,336	408,066	444,608	22%	36,542	81%
Use taxes								
Vehicles	67,164	88,991	70,964	74,627	76,568	3%	1,941	14%
Building materials	22,384	24,899	34,447	24,313	27,004	11%	2,691	5%
Subtotal	89,548	113,891	105,411	98,940	103,572	5%	4,632	19%
Total	375,137	421,137	438,747	507,006	548,180	16%	41,174	100%
Online sales	22,454	33,872	33,799	39,315	45,249	16%	5,516	8%



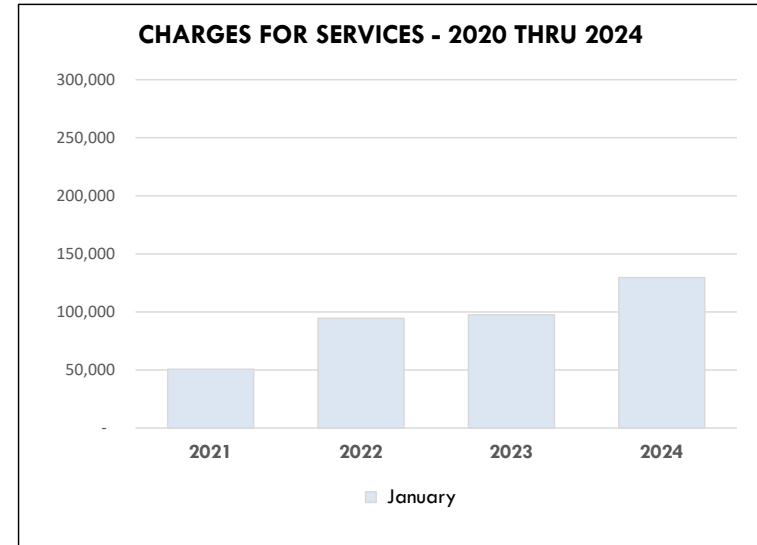
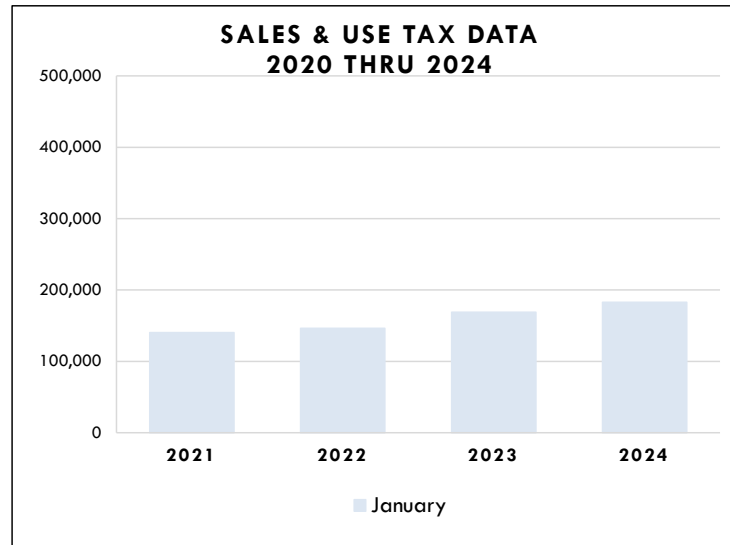
2024 COMMUNITY CENTER FUND REVENUES

2024 Tax Revenues									
Month	2021	2022	2023	City Sales	Use Tax Motor Vehicles	Use Tax Building Materials	2024	\$ Change	% Chg
January	140,379	146,249	169,002	148,203	25,523	9,001	182,727	13,725	8%
February	133,945	159,453	185,083				-		
March	188,406	187,521	179,722				-		
April	179,665	215,952	203,783				-		
May	195,397	222,077	219,053				-		
June	194,253	209,085	213,188				-		
July	185,630	186,956	194,302				-		
August	190,947	212,024	227,884				-		
September	176,120	203,049	211,219				-		
October	194,373	211,059	194,078				-		
November	175,424	184,863	178,203				-		
December	186,215	203,642	198,435				-		
TOTAL	2,140,753	2,341,931	2,373,953	148,203	25,523	9,001	182,727	13,725	8%
% Change	14.55%	9.40%	1.37%						
2023 Budget				1,650,000	400,000	150,000	2,200,000		
% of Budget				8.98%	6.38%	6.00%	8.31%		

140,379 146,249 169,002 182,727 13,725 8%

Charges for Services						
Month	2021	2022	2023	2024	\$ Change	% Chg
January	50,712	94,372	97,499	129,537	32,038	33%
February	52,470	81,894	78,473			
March	65,392	98,073	109,728			
April	68,466	97,049	102,490			
May	105,543	116,172	114,132			
June	135,621	140,195	135,399			
July	113,550	125,561	137,877			
August	85,139	98,449	99,965			
September	62,246	83,220	72,984			
October	66,519	68,943	74,354			
November	76,544	82,759	83,245			
December	83,066	77,309	97,027			
TOTAL	965,269	1,163,997	1,203,173	129,537	32,038	33%
2024 Budget	694,300	1,190,300	1,196,500	1,317,500		
% of Budget	139.03%	97.79%	100.56%	9.83%		

50,712 94,372 97,499 129,537 32,038 33%



General Ledger Actual vs Budget Report

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
110	General Fund					
000						
R01	Taxes	-804,453.47	-1,540,190.15	-11,211,500.00	-9,671,309.85	13.74
R02	Licenses and permits	-2,615.00	-14,430.00	-61,900.00	-47,470.00	23.31
R03	Intergovernmental revenue	-39,404.04	-81,090.36	-582,350.00	-501,259.64	13.92
R04	Charges for services	-36,056.12	-63,047.68	-443,000.00	-379,952.32	14.23
R05	Fines and forfeitures	-2,122.26	-3,690.42	-31,650.00	-27,959.58	11.66
R06	Interest	-55,183.89	-121,773.77	-400,000.00	-278,226.23	30.44
R07	Donations	-4,500.00	-4,500.00	-30,000.00	-25,500.00	15.00
R08	Miscellaneous	-598.15	-2,031.57	-2,500.00	-468.43	81.26
R09	Transfers from other funds	0.00	0.00	-251,125.00	-251,125.00	0.00
R10	Other financing sources	-122.00	-18,309.00	0.00	18,309.00	0.00
R12	Rents	-2,211.36	-10,600.27	-49,000.00	-38,399.73	21.63
000		-947,266.29	-1,859,663.22	-13,063,025.00	-11,203,361.78	14.24
410	General Government Department					
E01	Personnel services, salaries	42,901.50	93,305.60	548,600.00	455,294.40	17.01
E02	Personnel services, benefits	14,524.93	35,853.00	165,250.00	129,397.00	21.70
E03	Purchased professional service	12,490.48	22,167.18	194,100.00	171,932.82	11.42
E04	Purchased property services	369.24	990.83	48,800.00	47,809.17	2.03
E05	Other purchased services	308.47	4,218.96	40,500.00	36,281.04	10.42
E06	Supplies	17,620.04	19,907.27	63,100.00	43,192.73	31.55
E07	Capital	243.90	58,052.18	45,000.00	-13,052.18	129.00
E08	Special projects	7,105.30	41,705.30	45,800.00	4,094.70	91.06
410	General Government Department	95,563.86	276,200.32	1,151,150.00	874,949.68	23.99
415	Administration Department					
E01	Personnel services, salaries	38,890.28	81,589.86	634,800.00	553,210.14	12.85
E02	Personnel services, benefits	11,687.37	28,842.52	225,825.00	196,982.48	12.77
E03	Purchased professional service	3,485.61	59,284.62	143,650.00	84,365.38	41.27
E04	Purchased property services	11,462.89	25,503.48	188,150.00	162,646.52	13.55
E05	Other purchased services	2,440.88	2,453.00	24,900.00	22,447.00	9.85
E06	Supplies	5,089.94	8,149.29	67,850.00	59,700.71	12.01

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
E07	Capital	19,266.89	19,266.89	35,000.00	15,733.11	55.05
E08	Special projects	0.00	0.00	5,000.00	5,000.00	0.00
415	Administration Department	92,323.86	225,089.66	1,325,175.00	1,100,085.34	16.99
418	Engineering Department					
E01	Personnel services, salaries	27,027.20	55,054.40	361,400.00	306,345.60	15.23
E02	Personnel services, benefits	16,666.13	34,960.78	135,675.00	100,714.22	25.77
E03	Purchased professional service	2,160.00	2,814.90	13,000.00	10,185.10	21.65
E04	Purchased property services	0.00	0.00	8,975.00	8,975.00	0.00
E05	Other purchased services	147.06	147.06	2,800.00	2,652.94	5.25
E06	Supplies	259.29	279.29	7,100.00	6,820.71	3.93
418	Engineering Department	46,259.68	93,256.43	528,950.00	435,693.57	17.63
419	Community Development Dpmt					
E01	Personnel services, salaries	38,501.50	79,558.11	529,250.00	449,691.89	15.03
E02	Personnel services, benefits	19,535.84	45,026.88	201,350.00	156,323.12	22.36
E03	Purchased professional service	1,410.00	1,935.32	57,500.00	55,564.68	3.37
E04	Purchased property services	2,248.00	3,046.00	26,800.00	23,754.00	11.37
E05	Other purchased services	390.53	491.77	26,950.00	26,458.23	1.82
E06	Supplies	566.26	2,454.54	27,250.00	24,795.46	9.01
E07	Capital	0.00	0.00	1,800.00	1,800.00	0.00
E08	Special projects	0.00	0.00	500.00	500.00	0.00
419	Community Development Dpmt	62,652.13	132,512.62	871,400.00	738,887.38	15.21
421	Police Department					
E01	Personnel services, salaries	128,037.64	264,160.34	1,743,875.00	1,479,714.66	15.15
E02	Personnel services, benefits	99,310.95	187,254.38	747,465.00	560,210.62	25.05
E03	Purchased professional service	1,670.64	3,750.64	16,025.00	12,274.36	23.40
E04	Purchased property services	26,431.00	38,793.24	161,225.00	122,431.76	24.06
E05	Other purchased services	59,908.91	59,908.91	378,000.00	318,091.09	15.85
E06	Supplies	10,731.31	13,278.03	96,425.00	83,146.97	13.77
E07	Capital	1,521.43	30,525.43	216,000.00	185,474.57	14.13
421	Police Department	327,611.88	597,670.97	3,359,015.00	2,761,344.03	17.79
431	Public Works Department					
E01	Personnel services, salaries	47,227.65	95,134.59	736,675.00	641,540.41	12.91
E02	Personnel services, benefits	53,369.89	90,325.07	382,450.00	292,124.93	23.62
E03	Purchased professional service	4,437.77	28,775.14	232,550.00	203,774.86	12.37
E04	Purchased property services	6,083.36	7,362.57	669,325.00	661,962.43	1.10
E05	Other purchased services	115.85	115.85	6,650.00	6,534.15	1.74
E06	Supplies	31,090.95	36,483.60	406,595.00	370,111.40	8.97
E07	Capital	49,177.00	187,477.00	471,710.00	284,233.00	39.74
431	Public Works Department	191,502.47	445,673.82	2,905,955.00	2,460,281.18	15.34

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	39,234.45	74,323.29	581,525.00	507,201.71	12.78
E02	Personnel services, benefits	30,630.86	58,499.39	236,800.00	178,300.61	24.70
E03	Purchased professional service	3,120.79	25,829.96	61,350.00	35,520.04	42.10
E04	Purchased property services	490.00	1,067.03	190,400.00	189,332.97	0.56
E05	Other purchased services	240.78	240.78	10,025.00	9,784.22	2.40
E06	Supplies	18,631.43	24,376.61	245,325.00	220,948.39	9.94
E07	Capital	5,196.67	5,196.67	77,500.00	72,303.33	6.71
E08	Special projects	773.80	2,340.80	92,000.00	89,659.20	2.54
451	<i>Parks and Recreation Dept</i>	98,318.78	191,874.53	1,494,925.00	1,303,050.47	12.84
490	<i>Non-Departmental Expenses</i>					
E01	Personnel services, salaries	0.00	0.00	71,000.00	71,000.00	0.00
E02	Personnel services, benefits	-6.63	-25.46	0.00	25.46	0.00
E03	Purchased professional service	1,101.04	41,997.72	88,000.00	46,002.28	47.72
E04	Purchased property services	427.79	427.79	8,000.00	7,572.21	5.35
E05	Other purchased services	0.00	60,370.65	268,350.00	207,979.35	22.50
E06	Supplies	0.00	0.00	25,000.00	25,000.00	0.00
E08	Special projects	0.00	0.00	77,275.00	77,275.00	0.00
E11	Contingency	0.00	0.00	300,000.00	300,000.00	0.00
E12	Transfers to other funds	0.00	0.00	9,090,875.00	9,090,875.00	0.00
490	<i>Non-Departmental Expenses</i>	1,522.20	102,770.70	9,928,500.00	9,825,729.30	1.04
Revenue Total		-947,266.29	-1,859,663.22	-13,063,025.00	-11,203,361.78	-14.2361
Expense Total		915,754.86	2,065,049.05	21,565,070.00	19,500,020.95	9.5759
110	General Fund	-31,511.43	205,385.83	8,502,045.00	8,296,659.17	2.42

General Ledger Actual vs Budget Report

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
121	Conservation Trust Fund					
000						
R03	Intergovernmental revenue	0.00	0.00	-175,000.00	-175,000.00	0.00
R06	Interest	-101.05	-208.91	-1,000.00	-791.09	20.89
000		-101.05	-208.91	-176,000.00	-175,791.09	0.12
880	<i>Parks, Trails and Open Space</i>					
E12	Transfers to other funds	0.00	0.00	508,675.00	508,675.00	0.00
880	<i>Parks, Trails and Open Space</i>	0.00	0.00	508,675.00	508,675.00	0.00
Revenue Total		-101.05	-208.91	-176,000.00	-175,791.09	-0.1187
Expense Total		0.00	0.00	508,675.00	508,675.00	0
121	Conservation Trust Fund	-101.05	-208.91	332,675.00	332,883.91	-0.06

General Ledger Actual vs Budget Report

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
124	Economic Development Fund					
000						
R01	Taxes	-3,143.25	-11,636.00	-114,000.00	-102,364.00	10.21
000		-3,143.25	-11,636.00	-114,000.00	-102,364.00	10.21
465	Marketing and ED Operations					
E08	Special projects	0.00	0.00	15,000.00	15,000.00	0.00
E12	Transfers to other funds	0.00	0.00	5,100.00	5,100.00	0.00
465	Marketing and ED Operations	0.00	0.00	20,100.00	20,100.00	0.00
Revenue Total		-3,143.25	-11,636.00	-114,000.00	-102,364.00	-10.207
Expense Total		0.00	0.00	20,100.00	20,100.00	0
124	Economic Development Fund	-3,143.25	-11,636.00	-93,900.00	-82,264.00	12.39

General Ledger Actual vs Budget Report

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
125	Marketing and Promotion Fund					
000						
R01	Taxes	-4,715.35	-17,455.91	-171,000.00	-153,544.09	10.21
R04	Charges for services	-20.00	-40.00	0.00	40.00	0.00
R06	Interest	-39.40	-81.46	0.00	81.46	0.00
R09	Transfers from other funds	0.00	0.00	-12,000.00	-12,000.00	0.00
000		-4,774.75	-17,577.37	-183,000.00	-165,422.63	9.61
465	Marketing and ED Operations					
E01	Personnel services, salaries	1,932.56	3,965.11	25,525.00	21,559.89	15.53
E02	Personnel services, benefits	721.61	1,840.50	8,350.00	6,509.50	22.04
E03	Purchased professional service	5,000.00	5,000.00	10,000.00	5,000.00	50.00
E04	Purchased property services	21.63	21.63	1,625.00	1,603.37	1.33
E05	Other purchased services	23,157.50	23,157.50	102,000.00	78,842.50	22.70
E07	Capital	-272.66	-272.66	0.00	272.66	0.00
E08	Special projects	6,000.00	6,000.00	88,500.00	82,500.00	6.78
465	Marketing and ED Operations	36,560.64	39,712.08	236,000.00	196,287.92	16.83
Revenue Total		-4,774.75	-17,577.37	-183,000.00	-165,422.63	-9.6051
Expense Total		36,560.64	39,712.08	236,000.00	196,287.92	16.8272
125	Marketing and Promotion Fund	31,785.89	22,134.71	53,000.00	30,865.29	41.76

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
126	Public Places Fund					
000						
R01	Taxes	-1,571.95	-5,819.40	-57,000.00	-51,180.60	10.21
000		-1,571.95	-5,819.40	-57,000.00	-51,180.60	10.21
452	Public Space					
E04	Purchased property services	0.00	9,000.00	10,000.00	1,000.00	90.00
E06	Supplies	0.00	0.00	35,000.00	35,000.00	0.00
E08	Special projects	0.00	0.00	10,000.00	10,000.00	0.00
452	Public Space	0.00	9,000.00	55,000.00	46,000.00	16.36
Revenue Total		-1,571.95	-5,819.40	-57,000.00	-51,180.60	-10.2095
Expense Total		0.00	9,000.00	55,000.00	46,000.00	16.3636
126	Public Places Fund	-1,571.95	3,180.60	-2,000.00	-5,180.60	-159.03

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
127	Community Center Fund					
000						
R01	Taxes	-202,990.88	-382,697.98	-2,400,000.00	-2,017,302.02	15.95
R04	Charges for services	-91,397.51	-220,934.61	-1,317,500.00	-1,096,565.39	16.77
R06	Interest	-4,034.44	-8,692.81	-40,000.00	-31,307.19	21.73
R07	Donations	-75.00	-150.00	0.00	150.00	0.00
R08	Miscellaneous	-257.08	-96.13	0.00	96.13	0.00
R09	Transfers from other funds	0.00	0.00	-95,000.00	-95,000.00	0.00
R12	Rents	-5,294.61	-27,429.22	-74,000.00	-46,570.78	37.07
000		-304,049.52	-640,000.75	-3,926,500.00	-3,286,499.25	16.30
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	112,304.05	217,441.99	1,582,650.00	1,365,208.01	13.74
E02	Personnel services, benefits	64,006.10	99,545.28	342,275.00	242,729.72	29.08
E03	Purchased professional service	11,785.50	22,784.51	70,325.00	47,540.49	32.40
E04	Purchased property services	12,192.87	17,667.34	164,250.00	146,582.66	10.76
E05	Other purchased services	1,602.03	12,021.08	60,950.00	48,928.92	19.72
E06	Supplies	28,328.44	36,952.02	408,250.00	371,297.98	9.05
E07	Capital	189,042.39	189,042.39	1,820,000.00	1,630,957.61	10.39
E11	Contingency	0.00	0.00	40,000.00	40,000.00	0.00
E12	Transfers to other funds	0.00	0.00	762,200.00	762,200.00	0.00
451	<i>Parks and Recreation Dept</i>	419,261.38	595,454.61	5,250,900.00	4,655,445.39	11.34
Revenue Total		-304,049.52	-640,000.75	-3,926,500.00	-3,286,499.25	-16.2995
Expense Total		419,261.38	595,454.61	5,250,900.00	4,655,445.39	11.34
127	Community Center Fund	115,211.86	-44,546.14	1,324,400.00	1,368,946.14	-3.36

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
129	Fruita Housing Authority Fund					
000						
R04	Charges for services	0.00	0.00	-50,000.00	-50,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-5,100.00	-5,100.00	0.00
000		0.00	0.00	-55,100.00	-55,100.00	0.00
463	Housing Authority					
E03	Purchased professional service	0.00	0.00	55,000.00	55,000.00	0.00
E05	Other purchased services	0.00	0.00	100.00	100.00	0.00
463	Housing Authority	0.00	0.00	55,100.00	55,100.00	0.00
Revenue Total		0.00	0.00	-55,100.00	-55,100.00	0
Expense Total		0.00	0.00	55,100.00	55,100.00	0
129	Fruita Housing Authority Fund	0.00	0.00	0.00	0.00	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
130	Capital Projects Fund					
000						
R06	Interest	-15,355.00	-30,253.15	0.00	30,253.15	0.00
000		-15,355.00	-30,253.15	0.00	30,253.15	0.00
708	<i>Downtown Improvements</i>					
E07	Capital	0.00	0.00	350,000.00	350,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-150,000.00	-150,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-200,000.00	-200,000.00	0.00
708	<i>Downtown Improvements</i>	0.00	0.00	0.00	0.00	0.00
710	<i>Broadband Connection</i>					
E07	Capital	12,920.00	12,920.00	483,200.00	470,280.00	2.67
R03	Intergovernmental revenue	0.00	0.00	-483,200.00	-483,200.00	0.00
710	<i>Broadband Connection</i>	12,920.00	12,920.00	0.00	-12,920.00	0.00
733	<i>Sidewalk Replacement</i>					
E07	Capital	0.00	0.00	50,000.00	50,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-50,000.00	-50,000.00	0.00
733	<i>Sidewalk Replacement</i>	0.00	0.00	0.00	0.00	0.00
734	<i>South Mesa Improvements</i>					
E07	Capital	0.00	9,055.00	2,120,750.00	2,111,695.00	0.43
R03	Intergovernmental revenue	0.00	0.00	-1,736,000.00	-1,736,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-384,750.00	-384,750.00	0.00
734	<i>South Mesa Improvements</i>	0.00	9,055.00	0.00	-9,055.00	0.00
735	<i>Overlays</i>					
E07	Capital	0.00	0.00	560,000.00	560,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-560,000.00	-560,000.00	0.00
735	<i>Overlays</i>	0.00	0.00	0.00	0.00	0.00
736	<i>Business Park- 16 Rd Rail</i>					
E03	Purchased professional service	0.00	0.00	18,925.00	18,925.00	0.00
E07	Capital	0.00	0.00	390,000.00	390,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-50,000.00	-50,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-208,625.00	-208,625.00	0.00

Sort Level	Description	Period Amt	End Bal	Budget	Variance	%	Section 6, Item C.
R11	Development impact fees	0.00	0.00	-121,700.00	-121,700.00		0.00
736	<i>Business Park- 16 Rd Rail</i>	<i>0.00</i>	<i>0.00</i>	<i>28,600.00</i>	<i>28,600.00</i>		<i>0.00</i>
744	<i>18 12 Road Improvements</i>						
E07	Capital	1,813.50	1,813.50	384,875.00	383,061.50		0.47
R09	Transfers from other funds	0.00	0.00	-384,875.00	-384,875.00		0.00
744	<i>18 12 Road Improvements</i>	<i>1,813.50</i>	<i>1,813.50</i>	<i>0.00</i>	<i>-1,813.50</i>		<i>0.00</i>
746	<i>Maple Street Bridge</i>						
E03	Purchased professional service	5,778.66	5,778.66	250,000.00	244,221.34		2.31
E07	Capital	0.00	0.00	81,400.00	81,400.00		0.00
R03	Intergovernmental revenue	0.00	0.00	-250,000.00	-250,000.00		0.00
R09	Transfers from other funds	0.00	0.00	-81,400.00	-81,400.00		0.00
746	<i>Maple Street Bridge</i>	<i>5,778.66</i>	<i>5,778.66</i>	<i>0.00</i>	<i>-5,778.66</i>		<i>0.00</i>
750	<i>19 Road Improvements</i>						
E03	Purchased professional service	0.00	0.00	10,000.00	10,000.00		0.00
E07	Capital	2,637.60	2,637.60	6,294,225.00	6,291,587.40		0.04
R09	Transfers from other funds	0.00	0.00	-6,054,225.00	-6,054,225.00		0.00
R11	Development impact fees	0.00	0.00	-250,000.00	-250,000.00		0.00
750	<i>19 Road Improvements</i>	<i>2,637.60</i>	<i>2,637.60</i>	<i>0.00</i>	<i>-2,637.60</i>		<i>0.00</i>
785	<i>Building Improvements</i>						
E07	Capital	0.00	0.00	90,000.00	90,000.00		0.00
R09	Transfers from other funds	0.00	0.00	-90,000.00	-90,000.00		0.00
785	<i>Building Improvements</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>		<i>0.00</i>
792	<i>SH 340 Trail</i>						
E03	Purchased professional service	0.00	0.00	250,000.00	250,000.00		0.00
R03	Intergovernmental revenue	0.00	0.00	-160,000.00	-160,000.00		0.00
R07	Donations	0.00	0.00	-90,000.00	-90,000.00		0.00
792	<i>SH 340 Trail</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>		<i>0.00</i>
793	<i>Snooks Bottom improvements</i>						
E07	Capital	0.00	0.00	100,000.00	100,000.00		0.00
R09	Transfers from other funds	0.00	0.00	-100,000.00	-100,000.00		0.00
793	<i>Snooks Bottom improvements</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>		<i>0.00</i>
795	<i>Reed Park Improvements</i>						
E07	Capital	139,555.80	147,055.80	2,455,875.00	2,308,819.20		5.99
R03	Intergovernmental revenue	0.00	0.00	-1,010,000.00	-1,010,000.00		0.00
R09	Transfers from other funds	0.00	0.00	-1,408,675.00	-1,408,675.00		0.00
R11	Development impact fees	0.00	0.00	-37,200.00	-37,200.00		0.00
795	<i>Reed Park Improvements</i>	<i>139,555.80</i>	<i>147,055.80</i>	<i>0.00</i>	<i>-147,055.80</i>		<i>0.00</i>

Sort Level	Description	Period Amt	End Bal	Budget	Variance	%	Section 6, Item C.
Revenue Total		-15,355.00	-30,253.15	-13,860,650.00	-13,830,396.85		-0.2183
Expense Total		162,705.56	179,260.56	13,889,250.00	13,709,989.44		1.2906
130	Capital Projects Fund	147,350.56	149,007.41	28,600.00	-120,407.41		521.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
140	Debt Service Fund					
000						
R06	Interest	-3,332.98	-6,879.18	-22,000.00	-15,120.82	31.27
R09	Transfers from other funds	0.00	0.00	-726,200.00	-726,200.00	0.00
000		-3,332.98	-6,879.18	-748,200.00	-741,320.82	0.92
470	<i>Debt Service</i>					
E09	Debt service principal	0.00	0.00	400,000.00	400,000.00	0.00
E10	Debt interest & bond issuance	0.00	0.00	348,200.00	348,200.00	0.00
470	<i>Debt Service</i>	0.00	0.00	748,200.00	748,200.00	0.00
Revenue Total		-3,332.98	-6,879.18	-748,200.00	-741,320.82	-0.9194
Expense Total		0.00	0.00	748,200.00	748,200.00	0
140	Debt Service Fund	-3,332.98	-6,879.18	0.00	6,879.18	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
210	Devils Canyon Center Fund					
000						
R06	Interest	-276.31	-571.24	0.00	571.24	0.00
000		-276.31	-571.24	0.00	571.24	0.00
Revenue Total		-276.31	-571.24	0.00	571.24	0
Expense Total		0.00	0.00	0.00	0.00	0
210	Devils Canyon Center Fund	-276.31	-571.24	0.00	571.24	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
211	Irrigation Water Fund					
000						
R04	Charges for services	-750.00	-1,680.50	-136,500.00	-134,819.50	1.23
R06	Interest	-39.36	-81.37	-50.00	31.37	162.74
000		-789.36	-1,761.87	-136,550.00	-134,788.13	1.29
 431	 <i>Public Works Department</i>					
E01	Personnel services, salaries	3,854.68	7,767.00	54,725.00	46,958.00	14.19
E02	Personnel services, benefits	3,055.44	5,993.35	22,750.00	16,756.65	26.34
E04	Purchased property services	0.00	0.00	2,975.00	2,975.00	0.00
E05	Other purchased services	0.00	0.00	10,000.00	10,000.00	0.00
E06	Supplies	897.44	11,279.48	20,475.00	9,195.52	55.09
E07	Capital	0.00	0.00	12,200.00	12,200.00	0.00
E11	Contingency	0.00	0.00	3,300.00	3,300.00	0.00
E12	Transfers to other funds	0.00	0.00	10,125.00	10,125.00	0.00
431	<i>Public Works Department</i>	7,807.56	25,039.83	136,550.00	111,510.17	18.34
 <i>Revenue Total</i>		-789.36	-1,761.87	-136,550.00	-134,788.13	-1.2903
<i>Expense Total</i>		7,807.56	25,039.83	136,550.00	111,510.17	18.3375
211	Irrigation Water Fund	7,018.20	23,277.96	0.00	-23,277.96	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
212	Sewer Fund					
000						
R03	Intergovernmental revenue	0.00	0.00	-1,176,000.00	-1,176,000.00	0.00
R04	Charges for services	-63,990.47	-426,629.82	-4,481,500.00	-4,054,870.18	9.52
R06	Interest	-20,567.34	-37,676.54	-125,000.00	-87,323.46	30.14
R08	Miscellaneous	0.00	0.00	-2,000.00	-2,000.00	0.00
000		-84,557.81	-464,306.36	-5,784,500.00	-5,320,193.64	8.03
 433	 <i>Sewer</i>					
E01	Personnel services, salaries	54,300.23	111,871.84	721,375.00	609,503.16	15.51
E02	Personnel services, benefits	37,959.32	80,815.53	308,100.00	227,284.47	26.23
E03	Purchased professional service	6,109.61	8,505.45	89,925.00	81,419.55	9.46
E04	Purchased property services	1,399.99	7,492.73	122,000.00	114,507.27	6.14
E05	Other purchased services	1,579.35	16,030.23	179,000.00	162,969.77	8.96
E06	Supplies	43,329.54	53,284.70	482,125.00	428,840.30	11.05
E07	Capital	0.00	0.00	464,225.00	464,225.00	0.00
E09	Debt service principal	0.00	560,000.00	1,120,000.00	560,000.00	50.00
E10	Debt interest & bond issuance	0.00	83,690.00	170,005.00	86,315.00	49.23
E11	Contingency	0.00	0.00	55,150.00	55,150.00	0.00
E12	Transfers to other funds	0.00	0.00	165,000.00	165,000.00	0.00
E15	Reserves	0.00	0.00	500,000.00	500,000.00	0.00
433	<i>Sewer</i>	144,678.04	921,690.48	4,376,905.00	3,455,214.52	21.06
 601	 <i>Lift Stations</i>					
E03	Purchased professional service	0.00	0.00	29,000.00	29,000.00	0.00
E07	Capital	0.00	0.00	231,000.00	231,000.00	0.00
601	<i>Lift Stations</i>	0.00	0.00	260,000.00	260,000.00	0.00
 602	 <i>WWTF - Ventilation & Foul Air</i>					
E07	Capital	46,212.82	46,212.82	300,000.00	253,787.18	15.40
602	<i>WWTF - Ventilation & Foul Air</i>	46,212.82	46,212.82	300,000.00	253,787.18	15.40
 603	 <i>Sewer Line Upgrades</i>					

Sort Level	Description	Period Amt	End Bal	Budget	Variance	%	Section 6, Item C.
E07	Capital	59,956.17	59,956.17	100,000.00	40,043.83		59.96
603	Sewer Line Upgrades	59,956.17	59,956.17	100,000.00	40,043.83		59.96
604	Sewer Line Improvements						
E07	Capital	0.00	0.00	240,000.00	240,000.00		0.00
604	Sewer Line Improvements	0.00	0.00	240,000.00	240,000.00		0.00
606	Sewer Line Upgrades						
E03	Purchased professional service	0.00	0.00	51,700.00	51,700.00		0.00
E07	Capital	0.00	0.00	948,300.00	948,300.00		0.00
606	Sewer Line Upgrades	0.00	0.00	1,000,000.00	1,000,000.00		0.00
607	Treatment System - Aeration						
E07	Capital	3,978.00	4,007.24	16,000.00	11,992.76		25.05
607	Treatment System - Aeration	3,978.00	4,007.24	16,000.00	11,992.76		25.05
Revenue Total		-84,557.81	-464,306.36	-5,784,500.00	-5,320,193.64		-8.0267
Expense Total		254,825.03	1,031,866.71	6,292,905.00	5,261,038.29		16.3973
212	Sewer Fund	170,267.22	567,560.35	508,405.00	-59,155.35		111.64

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
215	Trash Fund					
000						
R04	Charges for services	-347.57	-105,867.91	-1,175,000.00	-1,069,132.09	9.01
R06	Interest	-44.66	-92.33	0.00	92.33	0.00
000		-392.23	-105,960.24	-1,175,000.00	-1,069,039.76	9.02
432	Sanitation Department					
E05	Other purchased services	90,264.08	90,264.08	1,105,000.00	1,014,735.92	8.17
E12	Transfers to other funds	0.00	0.00	70,000.00	70,000.00	0.00
432	Sanitation Department	90,264.08	90,264.08	1,175,000.00	1,084,735.92	7.68
Revenue Total		-392.23	-105,960.24	-1,175,000.00	-1,069,039.76	-9.0179
Expense Total		90,264.08	90,264.08	1,175,000.00	1,084,735.92	7.682
215	Trash Fund	89,871.85	-15,696.16	0.00	15,696.16	0.00

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220	Fleet Maintenance Fund					
000						
R04	Charges for services	0.00	0.00	-448,275.00	-448,275.00	0.00
000		0.00	0.00	-448,275.00	-448,275.00	0.00
 431	 <i>Public Works Department</i>					
E01	Personnel services, salaries	9,097.60	22,197.36	172,725.00	150,527.64	12.85
E02	Personnel services, benefits	7,966.34	17,189.09	80,300.00	63,110.91	21.41
E03	Purchased professional service	1,500.00	5,050.00	8,500.00	3,450.00	59.41
E04	Purchased property services	3,616.20	5,948.68	56,200.00	50,251.32	10.58
E06	Supplies	4,944.98	12,049.97	108,850.00	96,800.03	11.07
E07	Capital	0.00	4,685.00	16,700.00	12,015.00	28.05
E11	Contingency	0.00	0.00	5,000.00	5,000.00	0.00
431	<i>Public Works Department</i>	27,125.12	67,120.10	448,275.00	381,154.90	14.97
 <i>Revenue Total</i>		0.00	0.00	-448,275.00	-448,275.00	0
<i>Expense Total</i>		27,125.12	67,120.10	448,275.00	381,154.90	14.973
220	Fleet Maintenance Fund	27,125.12	67,120.10	0.00	-67,120.10	0.00

General Ledger Actual vs Budget Report

Section 6, Item C.



User: msell
Printed: 3/15/2024 12:00:58 PM
Period 02 - 02
Fiscal Year 2024

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<i>Revenue Total</i>		-1,365,610.50	-3,144,637.69	-39,727,800.00	-36,583,162.31	-7.9155
<i>Expense Total</i>		1,914,304.23	4,102,767.02	50,381,025.00	46,278,257.98	8.1435



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: MARCH 19, 2024

AGENDA TEXT: SPECIAL EVENT LIQUOR PERMIT APPLICATION – A request to approve a Special Event Liquor Permit application from Gemini Adventures to serve beer for the Desert Rats Trail Running Festival on Saturday, April 13, 2024 from 5:00 to 9:00 p.m. Civic Center Memorial Park located at 325 E. Aspen Ave.

BACKGROUND

In order to sell alcohol at community events, State law requires that a not-for-profit or current liquor license holder apply for a special events liquor permit, the applicant is required to uphold the standards and requirements placed on them by the City.

Gemini Adventures is requesting to provide one free can of beer from 5:00 to 9:00 p.m. on Saturday, April 13, 2024 to all attendees who participated in the Desert Rats Trail Running Festival. No alcohol will be sold.

The Fruita Police Department states in a memorandum that they have no concerns with issuance of the license.

The Special Event Application, narrative of the event, diagram of the Beer Garden and Police Department's comments are attached.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

None.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approval of the Special Events Liquor Permit for Gemini to provide one free beer to attendees who participated in the Desert Rats Trail Running Festival subject to the following conditions:
 - a) The entire licensed premises shall be monitored closely and continuously by event staff in order to prevent alcoholic beverages going from or into the area.

- b) The licensee needs to be aware that they are solely responsible for adherence to state and municipal liquor laws.
 - c) All other procedures presented by Gemini Adventures will be followed.
2. Denial of the Special Events Liquor Permit.
 3. Approve the permit with modified conditions.

RECOMMENDATION

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

- **APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR GEMINI ADVENTURES TO PROVIDE BEER FOR THE ATTENDEES OF THE DESERT RATS TRAIL RUNNING FESTIVAL AT CIVIC CENTER MEMORIAL PARK ON SATURDAY, APRIL 13, 2024 FROM 5:00 TO 9:00 PM SUBJECT TO THE CONDITIONS STATED BY STAFF**

DR 0430 (03/19/10)
 COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division
 (303) 205-2300

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|---|--|
| <input type="checkbox"/> Social | <input checked="" type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipally Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:		DO NOT WRITE IN THIS SPACE	
2110 <input type="checkbox"/> Mail, Vinous And Spirituous Liquor	\$25.00 Per Day	Liquor Permit Number	
2170 <input checked="" type="checkbox"/> Fermented Malt Beverage	\$10.00 Per Day		
1. Name of Applicant Organization or Political Candidate <div style="text-align: center;">Gemini Adventures LLC</div>		State Sales Tax Number (Required) <div style="text-align: center;">87-4730588</div>	
2. Mailing Address of Organization or Political Candidate (Include street, city/town and ZIP) 3506 Feather Reed Ave, Longmont CO 80503		3. Address of Place to Have Special Event (Include street, city/town and ZIP) Olvio Center Park 325 Aspen Ave, Fruita CO 81521	
4. Authorized Representative of Qualifying Organization or Political Candidate <div style="text-align: center;">Kyla Claudell</div>		Date of Birth <div style="text-align: center;">01/10/75</div>	Phone Number <div style="text-align: center;">303-875-3347</div>
Authorized Representative's Mailing Address (if different than address provided in Question 2.) <div style="text-align: center;">1356 Tamarack Ave, Boulder CO 80304</div>			
5. Event Manager <div style="text-align: center;">Kyla Claudell</div>		Date of Birth <div style="text-align: center;">01/10/75</div>	Phone Number <div style="text-align: center;">303-875-3347</div>
Event Manager Home Address (Street, City, State, ZIP) 1356 Tamarack Ave, Boulder CO 80304		Email Address of Event Manager <div style="text-align: center;">kyla@geminiadventures.com</div>	
6. Has Applicant Organization or Political Candidate been issued a Special Event Permit this Calendar Year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes How many days? _____		7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes License Number _____	
8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? <input type="checkbox"/> Yes <input type="checkbox"/> No List Below the Exact Date(s) for Which Application is Being Made for Permit:			
Date 04/13/24 Hours From 5 p.m. To 9 p.m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
Oath of Applicant I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.			
Signature		Title <div style="text-align: center;">Race Director</div>	Date <div style="text-align: center;">02/21/24</div>
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 44, Article 5, C.R.S., as amended. <div style="text-align: center;">THEREFORE, THIS APPLICATION IS APPROVED.</div>			
Local Licensing Authority (City or County) <div style="text-align: center;">City of Fruita CO</div>		<input checked="" type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk <div style="text-align: center;">970-639-4210</div>
Signature		Title <div style="text-align: center;">JOEL KINCAID, MAYOR</div>	Date
DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY			
Liability Information			
License Account Number	Liability Date	State	Total
		750 (999)	\$

(Instructions on Reverse Side)

Special Event Liquor Permit Narrative

Desert Rats Trail Running Festival 2024

The event is an awards party for the runners of the 2024 Desert Rats Trail Running Festival in Civic Center Park. It will include an awards ceremony and live music from 5pm-9pm. We will be providing one free can of beer to all attendees who participated in the event. No alcohol will be sold.

The area will be completely fenced with labeled and monitored exits. We will have a professional security company hired for the duration of the event.

We will be using orange fencing to secure the area.

There will be 10 portable toilets including one with ADA access and 3 handwashing stations at the event. See venue map for location.

Signage will be posted at all entrance/exit areas reminding participants that removing alcohol is not permitted

All staff distributing the beer giveaways will be over 21 years of age.

There will be 2 food trucks present at the event.

Ave, Fruita, CO 81521

ade needs: 700'

nt for Merchandise

nt for registration

for HOKA (partner)

s for local partners

10 Portos

1 HWS

ES AND TIMES:

9 @ 9:00 AM (parking lot MERCH tent only)

out on field (REG tent and HOKA, local vendors)

wn on 4/15 @ 9:00

vered on 4/12 @ 9:00

r announcements and presentations

the duration of operations have

quipped with fire packages



Break in fence for emergency exit

Break in fence for emergency exit

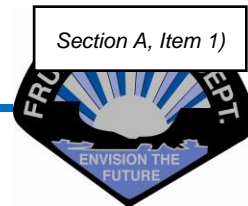
Fruita Police Department

Chief David Krouse

Section A, Item 1)

157 S. Mesa St
Fruita, CO 81521

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



To: Debra Woods
From: Dave Krouse, Chief of Police
Date: March 6, 2024
Re: 2024 Desert Rats 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

Section A, Item 1)

02/27/2024

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

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

PRODUCER Willis Towers Watson Northeast, Inc. o/c 26 Century Blvd P.O. Box 305191 Nashville, TN 37205191 USA	CONTACT Willis Towers Watson Certificate Center	
	PHONE (A/C, No, Ext): 1-877-945-7378	FAX (A/C, No): 1-888-467-2378
	E-MAIL ADDRESS: certificates@willis.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Philadelphia Indemnity Insurance Company	18058
	INSURER B: National Union Fire Insurance Company of P	19445
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES	CERTIFICATE NUMBER: W32721245	REVISION NUMBER:
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.		

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD / WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		PHPR2637785	12/31/2023	12/31/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY		PHPR2637785	12/31/2023	12/31/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		PHUB894330	12/31/2023	12/31/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	080772148	01/01/2024	01/01/2025

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: For the Desert Rats Trail Running Festival 2024.

The dates for the event is 4/8-4/15

CERTIFICATE HOLDER	CANCELLATION
City of Fruita 324 N Coulson St Fruita, CO 81521	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE

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AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEB WOODS, DEPUTY CITY CLERK

DATE: MARCH 19, 2024

AGENDA TEXT: MODIFICATION OF LICENSED PREMISES – A request to approve a Modification of Licensed Premises on a Hotel & Restaurant – Malt, Vinous and Spirituous Liquor License for Mezcalera, LLC dba El Mescal Family Mexican Restaurant & Bar located at 439 E. Highway 6 & 50 – *Deb Woods, Deputy City Clerk*

BACKGROUND

El Mescal Family Mexican Restaurant & Bar located at 439 E. Highway 6 & 50 has submitted an application for a permit to be able to serve patrons food and alcoholic beverages on a patio at the back of their restaurant. This requires filing a Modification of Premises to their existing liquor license that will require both local and state (Liquor Enforcement Division) approval.

The modification as proposed includes an outdoor dining patio which will be enclosed with wooden fencing 3.5 feet (42 inches) in height.

The permit application has been reviewed by Police Chief Dave Krouse and Lower Valley Fire District Marshal Travis Holder.

The City Clerk's Office received one comment from Lower Valley Fire District Marshal Travis Holder that the patio must include an egress (exit) with panic hardware. There were no concerns from the Fruita Police Department.

The application documents and e-mailed comments from the Fruita PD and Lower Valley Fire District are attached.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review of modifications of premises where alcoholic beverages are sold and served ensures that the licensed establishment is operating by the rules and regulations adopted by the City of Fruita.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the Modification of Licensed Premises permit application with the condition that the applicant install a patio egress (exit) with panic hardware and other conditions stated by staff.
- Approve the Modification of Licensed Premises permit application with the condition that the applicant install a patio egress (exit) with panic hardware and other conditions stated by staff plus additional conditions of approval (citing specific concerns as part of the motion).
- Denial of the Modification of Licensed Premises permit application. (If denied, the licensing authority must give notice in writing and state grounds upon which the application is denied).

RECOMMENDATION

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

APPROVE THE REQUEST FOR MODIFICATION OF PREMISES APPLICATION FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICANT RESTAURANT & BAR SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE PATIO SHALL BE ENCLOSED WITH A FENCE EXCEPT FOR ONE EGRESS (EXIT) THAT IS EQUIPPED WITH PANIC HARDWARE.**
- 2. THE PATIO AREA SHALL BE MONITORED TO ENSURE THAT ALCOHOL IS CONTROLLED WITHIN THE AREA AND THERE ARE NO VIOLATIONS OF THE LIQUOR CODE.**
- 3. THE OUTSIDE PATIO SHALL BE KEPT CLEAN AND CLEAR OF GLASS AND OTHER DANGEROUS OR UNSIGHTLY ITEMS AT ALL TIMES**

Permit Application and Report of Changes

All Answers Must Be Printed in Black Ink or Typewritten

Applicant is a ☒ Corporation ☐ Individual ☐ Partnership ☐ Limited Liability Company

License Number

03-18110

Name of Licensee

MEZCALERA, LLC

Trade Name of Establishment (DBA)

EL MESCAL FAMILY RESTAURANT AND BAR

Address of Premises (specify exact location of premises)

439 HIGHWAY 6 & 50

City

FRUITA

County

MESA

State

CO

ZIP Code

81521

Business Email Address

munozpd95@gmail.com

Business Phone Number

970-433-5466

Select the Appropriate Section Below and Reference the Instructions on Page 1.

Section A – Manager

- ☐ Manager's Registration (Hotel & Restaurant)..... \$30.00
- ☐ Manager's Registration (Tavern)..... \$30.00
- ☐ Manager's Registration (Lodging & Entertainment)..... \$30.00
- ☐ Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.)..... No Fee

Please note that Manager's Registration for Hotel & Restaurant, Lodging & Entertainment, and Tavern licenses requires a local fee with submission to the local licensing authority as well. Please reach out to local licensing authorities directly regarding local processing and fees.

Section B – Duplicate License

- ☐ Duplicate License \$50.00

Section C

Section A, Item 2)

- ☐ Retail Warehouse Storage Permit (each)..... \$100.00
- ☐ Wholesale Branch House Permit (each)..... \$100.00
- ☐ Change Corporation or Trade Name Permit (each)..... \$50.00
- ☐ Change Location Permit (each)..... \$150.00
- ☐ Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change..... \$150.00
- ☒ Change, Alter or Modify Premises.....\$150.00 x ☐ Total Fee:
- ☐ Addition of Optional Premises to Existing Hotel/Restaurant\$100.00 x ☐ Total Fee:
- ☐ Addition of Related Facility to an Existing Resort or Campus Liquor Complex.....\$160.00 x ☐ Total Fee:
- ☐ Campus Liquor Complex Designation..... No Fee
- ☐ Sidewalk Service Area..... \$75.00

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued

License Account Number

Period

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 of Revenue may collect the payment amount directly from your bank account electronically.

Total Amount Due..... \$

Retail Warehouse Storage Permit or a Wholesalers Branch House Permit☐ **Retail Warehouse Permit for:**

- ☐ On-Premises Licensee (Taverns, Restaurants etc.)
- ☐ Off-Premises Licensee (Liquor stores)

☐ **Wholesalers Branch House Permit**

Address of Storage Premise

City

County

ZIP Code

Attach a deed/lease or rental agreement for the storage premises.

Attach a detailed diagram of the storage premises.

Change Trade Name or Corporate Name☐ Change of Trade Name/DBA only☐ Corporate Name Change (Attach the following supporting documents)

1. Certificate of Amendment filed with the Secretary of State, or
2. Statement of Change filed with the Secretary of State, and
3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name

New Trade Name

Old Corporate Name

New Corporate Name

Change of Location

Section A, Item 2)

Note to Retail Licensees: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

Date filed with Local Authority

Date of Hearing

Address of current premises.

Address

City

County

ZIP Code

Address of proposed New Premises

(Attach copy of the deed or lease that establishes possession of the premises by the licensee)

Address

City

County

ZIP Code

New mailing address if applicable.

Address

City

County

State

ZIP Code

Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.

Select the option that applies to your situation:

- ☐ Make a current Primary Manufacturing Location (Location 1) into a Noncontiguous Location (Location 2); **or**
- ☐ Make a current Noncontiguous Manufacturing Location (Location 1) into a Primary Manufacturing Location (Location 2).

Address of Location 1:

Address

City

County

ZIP Code

Address of Location 2:

Address

City

County

ZIP Code

Change of Manager

Change of Manager or to **Register the Manager** of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8), C.R.S.

Change of Manager

Former Manager's Name

New Manager's Name

Date of Employment

Has manager ever managed a liquor licensed establishment?..... ☐ Yes ☐ No

Does manager have a financial interest in any other liquor licensed establishment?..... ☐ Yes ☐ No

If yes, give name and location of establishment

Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service

Note: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed

Adding patio to restaurant with 3 1/2" tall wooden fence - 89'

(b) If the modification is temporary, when will the proposed change:

Start (month/day/year)

End (month/day/year)

Note: The total state fee for temporary modification is \$300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?.....

☐ Yes

☒ No

(If yes, explain in detail and describe any exemptions that apply)

(d) Is the proposed change in compliance with local building and zoning laws?..... ☒ Yes ☐ No

(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises?.....

☐ Yes

☐ No

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), 1 C.C.R. 203-2, include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

Campus Liquor Complex Designation

Section A, Item 2)

An institution of higher education or a person who contracts with the institution to provide food services
I wish to designate my existing:

Liquor License Type

Liquor License Number

to a Campus Liquor Complex..... ☐ Yes ☐ No

Additional Related Facility

To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.

Address of Related Facility

Address

City

State

ZIP Code

Outlined diagram provided..... ☐ Yes ☐ No

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.

Print Name

Title

Signature

Date (MM/DD/YY)

Report and Approval of Local Licensing Authority (City / 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 applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.

Local Licensing Authority (City or County)

Date filed with Local Authority

Signature

Title

Date (MM/DD/YY)

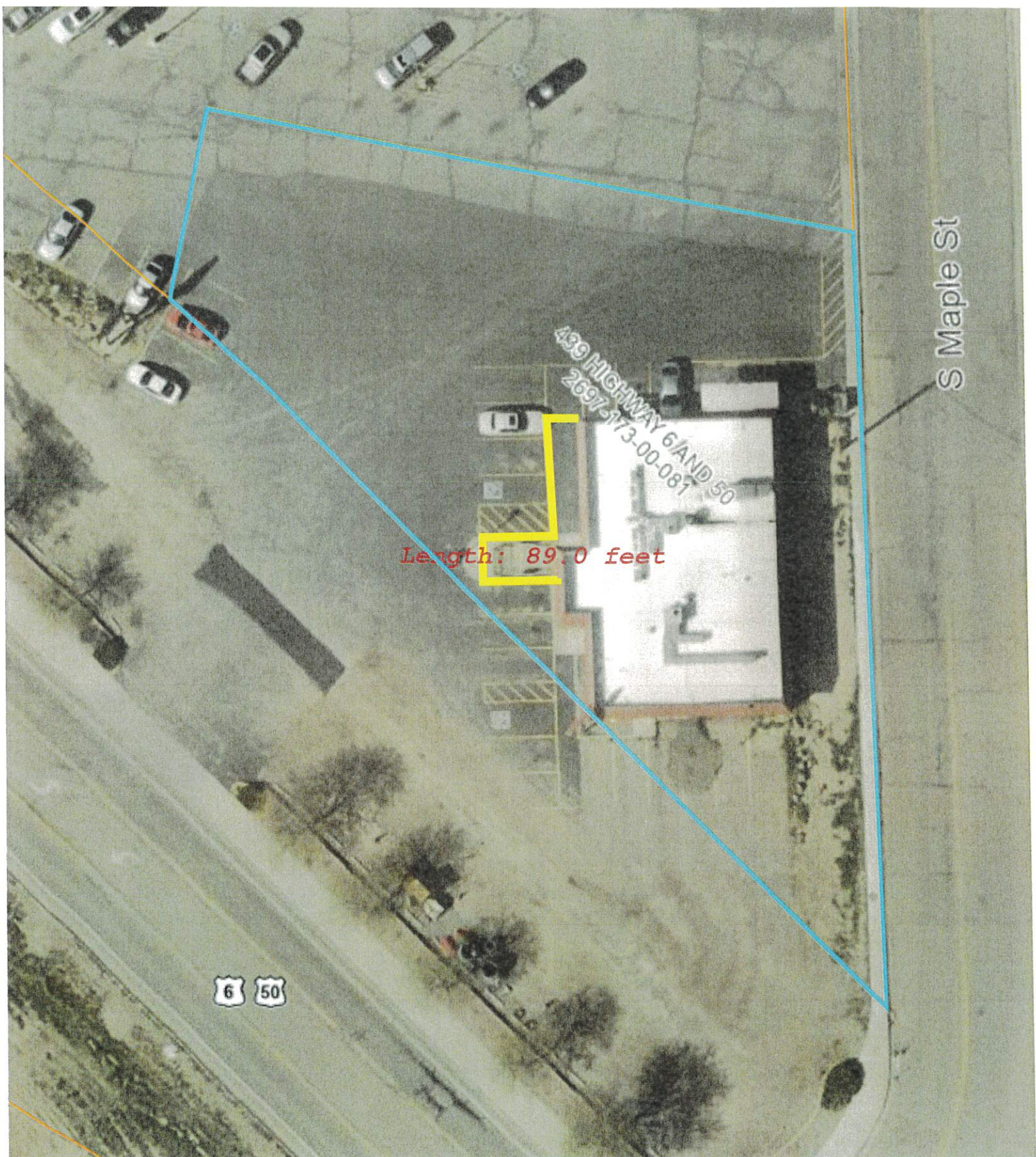
Report of State Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.

Signature

Title

Date (MM/DD/YY)



Fruita Police Department

Chief David Krouse

157 S. Mesa St
Fruita, CO 81521

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



Section A, Item 2)

To: Debra Woods
From: Dave Krouse, Chief of Police
Date: March 6, 2024
Re: 2024 El Mescal Premises Expansion

The application and narrative have been reviewed. There is nothing which would prohibit the changes in licensing as 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.

Debra Woods

From: Travis Holder <tholder@lvfdfire.org>
Sent: Tuesday, March 12, 2024 9:16 AM
To: Debra Woods
Subject: Re: Request for Review: Modification of Licensed Premises (for alcohol) application

Debra,

The LVFD would require an egress in the patio area. With the current design the patio locks restaurant goes inside the patio with no egress. The patio exit would need panic hardware.

Thank you,

Travis Holder



168 N. Mesa St. Fruita, Co. 81521

970-858-3133

Cell 970-296-4258

Office of the Fire Marshal

From: Debra Woods <dwoods@fruita.org>
Sent: Tuesday, March 5, 2024 11:38 AM
To: Dave Krouse <dkrouse@fruita.org>; Travis Holder <tholder@lvfdfire.org>
Cc: Dan Caris <Dcaris@fruita.org>; Kelli McLean <kmclean@fruita.org>; Henry Hemphill <hhemphill@fruita.org>; Mike Bennett <mbennett@fruita.org>
Subject: Request for Review: Modification of Licensed Premises (for alcohol) application

Caution: Sender from outside domain.

Dave and Travis –

El Mescal located at 439 Highway 6 & 50 is proposing to add a patio to their restaurant and have it licensed for alcohol. Page 7 of the attached shows the proposed change and a diagram is attached on the last page. This has been scheduled to go before City Council on March 19th. Please provide me with your review comments by March 14th at the latest, but sooner if you foresee problems and recommend amendments to the application. Thank you,

Deb Woods

Deputy City Clerk

City of Fruita

325 E. Aspen Ave.

Fruita, CO 81521

(970) 639-4210

dwoods@fruita.org





AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Nick Peck, Lieutenant of the Fruita Police Department.

DATE: MARCH 19, 2024

AGENDA TEXT: Ordinance 2024-10 – Second Reading – An Ordinance Amending the Fruita Municipal Code and Creating a New Title IX Chapter to Regulate Unmanned Aircraft Systems.

BACKGROUND

The purpose of this coversheet is to provide the City Council with the updated regulations pertaining to all Unmanned Aircraft Systems (UAS) operating within the boundaries of the City of Fruita. Following multiple City Council discussions, the ordinance was modified to remove restrictions for the use of UAS on City property and to provide more access for UAS operations. This modification also removes the necessity for a UAS operator to seek written authorization from the City Manager or their designee prior to operating a UAS on City property. The current ordinance aligns with FFA regulations with the exception of prohibiting the operation of UAS on or over another's private property without prior consent from the property owner. Staff met with local UAS operators and attended an FAA UAS Law Enforcement Seminar to better understand public concern and safety implications surrounding UAS usage. This draft ordinance was presented and discussed with the City Council at the November 28, 2023 City Council Workshop, at which the City Council directed staff to proceed with bringing this ordinance forward through the first and second reading process.

FISCAL IMPACT

There is additional fiscal impact associated with this amendment to the Fruita Municipal Code.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The city's primary goal is to protect the health, safety and welfare of the city's residents. Additionally, the proposed Ordinance is intended to align with Fruita's Community Values where people feel safe in their neighborhoods, in their homes, and on their property. Quality of Place is another strong focus of Staff and the City Council, as a community where residents and visitors love where they are.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve Ordinance 2024-10 as presented.
- Advise staff to revise ordinance and make any changes, then move to approve Ordinance 2024-10 as amended.

- Advise staff to revise or reevaluate the ordinance and bring at a future date.

Staff recommendation is for City Council to make a motion to approve as proposed.

RECOMMENDATION

MOVE TO APPROVE ORDINANCE 2024-10 AMENDING THE FRUITA MUNICIPAL CODE AND CREATING A NEW CHAPTER IN TITLE IX TO REGULATE UNMANNED AIRCRAFT SYSTEMS.

ORDINANCE 2024-10**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO
AMENDING SECTION IX OF THE FRUITA MUNICIPAL CODE AND CREATING A
NEW TITLE IX CHAPTER TO REGULATE UNMANNED AIR SYSTEMS.**

WHEREAS, The City of Fruita is a home rule municipality with the powers and authority vested under the Colorado Law; and

WHEREAS, Congress has provided the Federal Aviation Administration (FAA) with exclusive authority to regulate aviation safety, the efficiency of the navigable airspace, and air traffic control; and

WHEREAS, the FAA has promulgated and enforces 14 C.F.R. Part 107 regarding the safe and orderly operation of UAS; and

WHEREAS, the Fruita City Council has requested the ability for the Police Department to address unmanned aircraft systems throughout Fruita, and

WHEREAS, Title IX of the Fruita Municipal Code addresses the Public Peace, Morals, and Welfare of Fruita, and

WHEREAS, over the past year, staff and the Fruita City Council has been working on language and an update to Municipal Code to include language on the use of unmanned aircraft systems, and

WHEREAS, this update has included the recommendation on adding a new chapter to the Fruita Municipal Code on unmanned aircraft systems, and

WHEREAS, in this new chapter, unmanned aircraft systems are defined, along with prohibited acts, exemptions to the chapter, and enforcement of the provisions of the chapter, and

WHEREAS, the Fruita City Council finds it necessary to add this chapter to maintain the the public peace, morals, and welfare of Fruita.

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

Section 1: Section Chapter 9.16 of the Fruita Municipal Code is hereby added and included as follows of the Fruita Municipal Code, and as detailed in Exhibit A:

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 19th DAY OF MARCH, 2024.**

ATTEST:

CITY OF FRUITA

City Clerk

Mayor Joel Kincaid

EXHIBIT A

Chapter 9.16

UNMANNED AIRCRAFT SYSTEMS

Sections:

9.16.010	Purpose and intent
9.16.020	Definitions
9.16.030	Prohibited Acts
9.16.040	Enforcement

9.16.010 PURPOSE AND INTENT. The purpose of this Chapter is to establish regulations pertaining to all unmanned aircraft systems, (“UAS”) operating within the jurisdictional borders of the City of Fruita. It is the intent of this Chapter to be interpreted in conformance with any existing or future federal or state laws or regulations that address the operation of unmanned aircraft systems.

9.16.020 DEFINITIONS. For the purposes of this section, unless the context otherwise requires:

Aircraft means any contrivance invented, used, or designed to navigate or fly in the air.

Model aircraft means an unmanned aircraft that is: (a) capable of sustained flight in the atmosphere; (b) flown within visual line of sight of the person operating the aircraft; and (c) flown for hobby or recreational purposes.

Navigable airspace means airspace above the minimum altitudes of flight prescribed by FAA regulations, including airspace needed to ensure safety in takeoff and landing of aircraft.

Operate means to fly, use, launch, land, employ or navigate an unmanned aircraft system.

City airspace means and includes all airspace above the jurisdictional boundaries of the City, to the full extent such airspace can legally be regulated by the City.

Unmanned aircraft system or UAS means an aircraft, powered aerial vehicle, or other device without a human pilot on board, the flight of which is controlled either autonomously by on board computers or by remote control of a pilot operator on the ground or in another vehicle or aircraft, and all associated equipment and apparatus. It includes model aircraft and drones.

9.16.030 PROHIBITED ACTS. The following acts are prohibited in the operation of an unmanned aircraft system anywhere in the City or City airspace:

- (a) No person shall operate a UAS to endanger, harm or harass the life or property of any person nor shall any person operate a UAS in a reckless or careless manner. No person may operate a UAS near any person, pedestrians, bicyclists, motorists to the extent it creates or is perceived to create a public safety threat to life or property.
- (b) No person shall operate a UAS to endanger, harass, harm or injure any livestock, companion animal or wildlife.
- (c) No person shall operate a UAS who is under the influence of alcohol, marijuana, or one (1) or more controlled substances as defined in Article 18 of Title 18 of the Colorado Revised Statutes.
- (d) No person shall operate a UAS if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a UAS, or if he or she knows or has reason to know that UAS equipment is not in proper working order.
- (e) No person shall enter, hover, land or otherwise operate an unmanned aircraft system on or over another person's private property without the prior consent of the property owner. Such unauthorized entry onto another's property shall be deemed a trespass.

9.17.040 EXEMPTION. For the purposes of this section, the following are exemptions for prohibited acts:

- (a) This ordinance is not intended and does not prohibit the use of any UAS by a Fire Department, Emergency Medical Services, Law Enforcement, or other City employees for the benefit of public safety.
- (b) Nothing in this ordinance is intended to prohibit commercial UAS operators from using any UAS in the performance of their business that is outside of the scope of hobby and recreational purposes.

9.16.050 ENFORCEMENT. It shall be unlawful to violate any provision of this Chapter. Any Person who is convicted of a violation of any provision of this Chapter shall be punished in accordance with Section 1.28.020 of this Code. In addition, any UAS operated in violation of this Chapter may be immediately impounded in the interest of public safety. Law enforcement officers are authorized to disable any UAS operating within the City Airspace that poses an imminent threat to public safety.