



FRUITA COLORADO

CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, November 07, 2023 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 – Fruita Teachers/Students of the Month for November 2023: Shelledy Elementary School
- B. PROCLAMATION - Proclaiming Saturday, November 11, 2023 as Veterans Day in the City of Fruita to be accepted by Lou Brackett on behalf of Amercian Legion Post 2006
- C. PROCLAMATION - Proclaiming November 15 - 21, 2023 as "Interfaith Awareness Week" in the City of Fruita to be accepted by Grand Valley Interfaith Network Vice-President Carlene Goldthwaite and Chair Rev. Dr. Carla Ryan
- D. PROCLAMATION - Honoring the King Family and their Sunflower Farm

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. MINUTES - A request to approve the minutes of the September 5, 2023 Regular City Council meeting
- B. MINUTES - A request to approve the minutes of the September 29, 2023 Special City Council meeting
- C. MINUTES - A request to approve the minutes of the September 19, 2023 Regular City Council meeting
- D. MINUTES - A request to approve the minutes of the September 26, 2023 City Council Workshop meeting
- E. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Retail Liquor Store – malt, vinous and spirituous liquor license for CTL Fruita, LLC dba Center Town Liquors located at 161 N. Park Square, Unit B
- F. LIQUOR LICENSE RENEWAL – A request to approve the renewal of an Optional Premises – Malt, Vinous and Spirituous Liquor License for Adobe Creek National, LLC dba Adobe Creek Golf Course located at 876 18 ½ Road
- G. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant – Malt, Vinous & Spirituous Liquor License for Mezcalera, LLC dba El Mescal Family Mexican Restaurant & Bar located at 439 Highway 6 & 50
- H. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of James Jackson to the Police Commission for another three-year term to expire in November of 2026
- I. ORDINANCE 2023-14 - First Reading - Submitting to the Registered Electors Voting in the Regular Municipal Election, to be held April 2, 2024 a Ballot Issue Concerning the Retention of Revenue in Excess of TABOR Limits
- J. RESOLUTION 2023-31 – Approving the lease of a room located in the Fruita Civic Center located at 325 E Aspen to Mesa County for Motor Vehicle Registrations and Related Services
- K. RESOLUTION 2023-32 – Supporting an application to the Colorado Department of Local Affairs (DOLA) for the construction of the Kingsview Lift Station Project
- L. MEMORANDUM OF UNDERSTANDING (MOU) - A request to approve a Memorandum of Understanding between the City of Fruita and the One Riverfront Foundation
- M. CITY MANAGER FORMAL EVALUATION SCHEDULE AND FORM - A request to approve a proposed schedule for the Annual Formal Evaluation of the City Manager and a request to approve the Evaluation Form

7. ACKNOWLEDGMENT OF NEWLY APPOINTED OR REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

8. 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) ORDINANCE 2023-13, SECOND READING, An Ordinance amending the official zoning map of the City of Fruita by zoning approximately 131 acres of property located south of Snooks Bottom and west of the intersection of Kings View Road and Highway 340 to a Planned Unit Development zone and approval of a Preliminary PUD Plan (Sunset Pointe PUD) - *City Planner Henry Hemphill*

B. LEGISLATIVE HEARINGS

8. ADMINISTRATIVE AGENDA

- A. 2024 BUDGET PRESENTATIONS – Quality of Place and Community Wellness, and Personnel and Employee Retention – *Assistant City Manager Shannon Vassen*

9. CITY MANAGER’S REPORT

10. COUNCIL REPORTS AND ACTIONS

- A. Establishing a Committee to Review Possible “Localism” Board
- B. Council Reports and Actions
- C. EXECUTIVE SESSION – To convene in Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. Sec. 24-6-402(4)(a) for the possible sale or lease thereof with regard to the redevelopment of 169 N. Mulberry Street

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: Debra Woods, Deputy City Clerk

DATE: November 7, 2023

AGENDA TEXT: Presentation – Fruita Teachers/Students of the Month for November 2023: Shelledy Elementary School

BACKGROUND

At the direction of the Fruita City Council, the City of Fruita began recognizing students and teachers in Fruita’s schools as “Students of the Month” or “Teachers of the Month” at the first City Council meeting of the month beginning in February of 2019. The students and teachers are chosen by the Principal of each of the schools as being those that represented their school’s core values during the previous month.

For the month of November 2023, Principal Cami Kidd selected these Shelledy Elementary students from each grade:

- Avayla Englund Kindergarten
- Eloise Jones 1st Grade
- Gracen Gastineau 2nd Grade
- Landon Mosbarger 3rd Grade
- Ryan Meyer 4th Grade
- Scout Greener 5th Grade

Principal Cami Kidd stated that she also wanted to celebrate these Shelledy Elementary teachers:

- Molly Evans School Psychologist
- Sandi Mahnke Special Education Teacher
- Jami Lewis Music Teacher

Mayor Kincaid will present each of the students and teachers with a certificate, day pass to the Fruita Community Center and an I-Heart-Fruita button.

***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR NOVEMBER 2023***

This Certifies That
Avayla Englund

Of
Shelledy Elementary School, Kindegarten

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

November 7, 2023

Joel Kincaid, Mayor

***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR NOVEMBER 2023***

This Certifies That
Eloise Jones

Of

Shelledy Elementary School, 1st Grade

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

November 7, 2023

Joel Kincaid, Mayor

***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR NOVEMBER 2023***

This Certifies That
Gracen Gastineau

Of
Shelledy Elementary School, 2nd Grade

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

November 7, 2023

Joel Kincaid, Mayor

***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR NOVEMBER 2023***

This Certifies That
Landon Mosbarger

Of

Shelledy Elementary School, 3rd Grade

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

November 7, 2023

Joel Kincaid, Mayor



***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR NOVEMBER 2023***

This Certifies That
Ryan Meyer

Of

Shelledy Elementary School, 4th Grade

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

November 7, 2023

Joel Kincaid, Mayor

***CITY OF FRUITA'S STUDENT OF THE MONTH
FOR NOVEMBER 2023***

This Certifies That
Scout Greener

Of

Shelledy Elementary School, 5th Grade

Is being recognized by The Fruita City Council for outstanding
academic achievement and excellence.

Keep up the great work!

November 7, 2023

Joel Kincaid, Mayor

CITY OF FRUITA'S TEACHER OF THE MONTH
NOVEMBER 2023

This certificate is presented to:

Molly Evans

School Psychologist at Shelledy Elementary

In recognition of your dedication, passion and hard
work. Thanks for all you do!

November 7, 2023

Joel Kincaid, Mayor



CITY OF FRUITA'S TEACHER OF THE MONTH
NOVEMBER 2023

This certificate is presented to:

Sandi Mahnke

Special Education Teacher at Shelledy Elementary

In recognition of your dedication, passion and hard
work. Thanks for all you do!

November 7, 2023

Joel Kincaid, Mayor

CITY OF FRUITA'S TEACHER OF THE MONTH
NOVEMBER 2023

This certificate is presented to:

Jami Lewis

Music Teacher at Shelledy Elementary

**In recognition of your dedication, passion and hard
work. Thanks for all you do!**

November 7, 2023

Joel Kincaid, Mayor

CITY OF FRUITA

VETERANS DAY PROCLAMATION

WHEREAS, honorable service performed in the defense of our nation and her cause in time of war is the highest form of citizenship; and

WHEREAS, the men and women who have served in the Armed Forces of the United States of America have made major contributions toward the preservation of the freedom of this nation and her people; and

WHEREAS, the services performed by these millions of gallant Americans have demonstrated the willingness of our nation to meet the challenges of those wishing to subjugate individual determination through armed conflict; and

WHEREAS, the nation and the free world are eternally grateful for the contributions of American Veterans – men and women – to the advancement of the cause of an honorable world peace; and

WHEREAS, for many, that sacrifice has ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

NOW, THEREFORE, the City of Fruita City Council calls upon all citizens to observe Saturday, November 11, 2023 with appropriate ceremonies in honor of those who have served to preserve the principles of Justice, Freedom, and Democracy.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 7th day of November, 2023.



Joel Kincaid
Mayor of the City of Fruita

Proclamation

November 15-21, 2023 AS:
6th ANNUAL INTERFAITH AWARENESS WEEK

Whereas, the City of Fruita honors and respects all religious beliefs, cultures, creeds, and races and is recognized as an Inclusive City -- defined in the November 20, 2018 original "Inclusivity Proclamation"-- and seeks to learn from those who believe that equal spiritual opportunity and human rights belong to every citizen; and

Whereas, various statistical sources calculate that there are between 4,000 and 5,000 different religions in the world and that the city of Fruita and Mesa County are home to a number of such different faith paths along with individuals who do not have a religious practice; and

Whereas, freedom of religion or belief (FoRB) is recognized internationally as a human right, and observances like Interfaith Awareness Week seek to promote and support that right for all individuals; and

Whereas, the Grand Valley Interfaith Network (GVIN) has been networking together since 1977 and offers varied programs designed to bring diverse faith groups into dialogue to better practice peace, harmony, cooperation, and understanding among all people; and

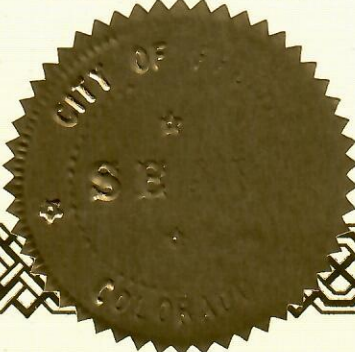
Whereas, the annual ThanksGVIN community interfaith service on November 21, which is the capstone of Interfaith Awareness Week, demonstrates that diverse religious perspectives are committed to learning and loving; and

Whereas, the ongoing activities of harmony among a diversity of faiths is a vital goal for all people throughout Fruita, North America, and the world; **NOW, THEREFORE,**

BE IT PROCLAIMED, that the City Council for the City of Fruita, on behalf of the citizens of Fruita, proclaims November 15-21, 2023 to be "**INTERFAITH AWARENESS WEEK**" in the City of Fruita. **FURTHERMORE,** the City of Fruita hereby intends to continue annually recognizing the importance of all beliefs in the community and to consider, respect, and value the uniqueness and importance of religious diversity in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Fruita this Seventh day of November 2023.

Joel Kincaid
Mayor of the City of Fruita



Proclamation

Honoring the King Family and their Sunflower Farm

Whereas, Fruita’s agricultural roots run deep and strong with family farms at its core. Multiple crops have graced our fields: corn, wheat, alfalfa and so many more; and

Whereas, These farms bring food to our tables, feed our animal friends and bring beauty, green space and charm. The families who run them are hardworking folks; their smiles and hearts open and warm; and

Whereas, Fruita’s values of kindness and neighborly acts are evident every day. The King Family stepped up and displayed these great things in a big and most beautiful way; and

Whereas, The sunflowers they planted came up strong and true, their bright blooms turning each day to the sun. The King Family decided to open their fields to share these flowers with everyone; and

Whereas, The word quickly spread and the community came with their families and cameras in tow. Beautiful photos popped up each and every day; they wanted the whole town to know; and

Whereas, The City of Fruita quickly learned of the wonderful joy being spread by this family farm. We want to recognize and show appreciation for this act, so thoughtful, kind and warm;

NOW, THEREFORE: Let it be known with this token of ours, a symbol of Fruita so true. We honor and cherish this kindness you’ve shared ~
Tonight, we celebrate YOU!

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Fruita this Seventh day of November, 2023.



Joel Kincaid
Mayor of the City of Fruita

**FRUITA CITY COUNCIL MEETING
SEPTEMBER 5, 2023
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present: Mayor Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Aaron Hancey

Excused Absent: City Councilor Amy Miller

City staff present: City Manager Mike Bennett
Deputy City Clerk Deb Woods
Assistant City Manager Shannon Vassen
Communications and Engagement Specialist Ciara DePinto
City Clerk/Finance Director Margaret Sell
Planning and Development Director Dan Caris
City Attorney Mary Elizabeth Geiger
Neighborhood Services Coordinator Matt Carson

Also present: Special Counsel to the Fruita Housing Authority Dee Wisor with Butler
Snow (virtually)
Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Kincaid called for a moment of silence for all faiths and beliefs to have the opportunity for a silent prayer. He then led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

Deputy City Clerk Deb Woods noted that changes to the agenda included the removal of Item 4.C - A Presentation by Dalida Bollig of the Business Incubator Center as she was ill and needed to reschedule her presentation to the City Council. In addition, Ms. Woods added a Section at the end of the Consent Agenda to give the Mayor an opportunity to thank and acknowledge the individuals who were appointed to the City's various Boards and Commissions on the Consent Agenda.

- **COUNCILOR BREMAN MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAMATION – PROCLAIMING SEPTEMBER 2023 AS “SUICIDE PREVENTION MONTH” IN THE CITY OF FRUITA TO BE ACCEPTED BY ABBY LANDMEIER WITH THE MESA COUNTY SUICIDE PREVENTION COALITION

Councilor Kreie read the Proclamation, which was accepted by Jennifer Daniels, who serves on the Mesa County Suicide Prevention Coalition. She explained that her organization is a coalition working to create a community where everyone feels supported in preventing and responding to suicide.

Ms. Daniels stated that the Suicide Prevention Coalition wants to invite everyone in the Grand Valley to be part of the #Bethelto campaign, which teaches five simple actions:

1. Be the one to ask
2. Be there
3. Help keep them safe
4. Help them connect
5. Follow up

Mayor Kincaid requested that Ms. Daniels get the information concerning the Coalition’s events to the City’s Communications and Engagement Specialist, Ciara DePinto, who will help to make those known to the residents of Fruita.

B. PRESENTATION – CHIEF EXECUTIVE OFFICER OF MIND SPRINGS JOHN SHEEHAN GIVES THE CITY COUNCIL A PRESENTATION ABOUT MIND SPRINGS HEALTH

Mr. John Sheehan, Chief Executive Officer of Mind Springs Health provided the Council with a presentation that included what Mind Springs Health has been doing since he took his position there on August 2, 2022.

Mr. Sheehan stated that one of the things that he really felt strongly about when he first started with Mind Springs was that the organization needed to fundamentally change the way that they operate by not utilizing the old 1960s mental health model and instead looking at the landscape of mental health, substance abuse treatment and the idea of mind, body and spirit.

Mr. Sheehan explained that previously, Mind Springs had a very complicated governance structure that included four different operating boards with all different members who rarely talked to each other. He said one of the things he and his staff did immediately was put into place one group of people to oversee all of the operations of the five different corporations that include:

- West Springs Hospital
- Mind Springs Health
- Mind Springs Asset Management Company
- HUD housing (Bookcliff Apartments)
- Mind Springs Foundation

Mr. Sheehan said one of the things that he’s most proud of is that Mind Springs was able to open a psychiatric emergency room, which is actually the only freestanding psychiatric emergency room in

the State of Colorado. He noted that they have been seeing around 250 patients per month through this facility.

Mr. Sheehan stated that they've also recruited an entirely new Executive Team and have increased the number of quality employees related to compliance. He said to him, though, what is important is not compliance with what the state requires, but instead setting a quality standard that is state-of-the-art and is providing excellent care to every patient that they serve.

Mr. Sheehan noted that the Mind Springs Hospital is now in full compliance and added that they've got some bench strength in terms of how they are training their nurses and making sure they have good, quality practices. He added that outpatient services are now also in full compliance with all state regulations and the state came out and said they had no concerns with those.

Mr. Sheehan listed other successes at Mind Springs as follows:

- Two (2) child Tele-Psychiatrists
- Ability to provide an appointment same-day
- Upgrading all withdrawal management facilities from 3.2 to 3.7 (which means they have a more robust medical model)
- 16 new men's beds for residential substance abuse treatment
- Looking to hire more LPNs to support hospital operations
- Looking at the opening of the new Withdrawal Center in Glenwood Springs (six beds with a 3.7 level of care)
- New Vision Statement: *We create healing breakthroughs in brain, body and spiritual wellbeing for the individual, family and community.*
- Want to be a model of excellence across the continuum of care (not just meeting the minimum for compliance) such as evidence-based care, care to children, prevention, linking that care into a continuum, making sure that they don't get disengaged patients in a fragmented system and then lose them
- Committed to becoming a breakthrough community partner with law enforcement, hospitals, community partners to improve the access and quality of the care that's received by children, adults and families in all the counties they serve on the Western Slope of Colorado
- Employer of Choice
- Behavioral Health Overlays such as consults in the hospital
- Coordination and Call Centers

Mr. Sheehan assured the Council that the previous "fires" at Mind Springs had all been put out, but now it's about the hard work of putting a culture in place and rebuilding the organization so that it is trusted and seen as a community resource.

Councilor Purser asked how many people Mind Springs is having to turn away considering there are eight (8) beds in the hospital. Mr. Sheehan responded that Mind Springs actually has 48 beds total plus the eight Psych ER beds at the hospital and right now, they are staffed and operating at about 32 beds. He added that they usually fluctuate between 28 and 32 patients, but he would like to get to 43 (which is 90% occupancy) by October/November because they are gradually opening the hospital up. He stated that the Psych ER is not full and isn't on a regular basis, so a lot of the conversations he has been having recently is about the ability to do Psych ER transfers. Mr. Sheehan noted that the other piece that's starting to catch on is that law enforcement can just pull up and drop off patients.

Councilor Purser asked if Mind Springs has criteria for the Psych ER. Mr. Sheehan responded that if someone is having a mental health emergency or if it's a substance abuse issue or a little of both, he would recommend that someone bring them in to the Psych ER to be assessed. He added that potential patients will also be evaluated for the need of detox (which is just down the hall) and will never be discharged without a "warm" handoff.

Councilor Purser asked about the criteria for a non-emergency bed. Mr. Sheehan said anyone can come to the Psych ER and be evaluated. If it is a voluntary admission, they take those as well, although that is not the norm.

Councilor Purser asked for confirmation from Mr. Sheehan that Mind Springs is not having to turn away a lot of people who (for example) have been persuaded to come in by a family member. Mr. Sheehan said they would probably be able to take them and certainly wouldn't let them leave until they had been evaluated and either admitted to the Mind Springs facility or another facility. He said he really tries to reduce the amount of folks that have to go the Front Range for care, particularly children.

Councilor Breman recalled when a person in high school was having some issues and he remembered that it was up to 20 days before that person could see somebody. He asked Mr. Sheehan to confirm his earlier statement that people can make same-day appointments. Mr. Sheehan confirmed this to be true and added that if someone is in crisis, they need to come to the Psych ER.

Councilor Hancey asked what Mind Springs is doing to help Fruita specifically. Mr. Sheehan said he didn't know that Mind Springs has been very targeted on Fruita specifically, but he thinks there's obviously a great need in Fruita just like there is everywhere else. He said his question would be what can Mind Springs do better for the Fruita community than they have in the past? Councilor Hancey said could see value in Mind Springs reaching out to Family Health West to see what they could do about in-person care so that Fruita residents don't have to go to Grand Junction or things of that nature. Mr. Sheehan said he has met with Dr. Korrey Klein (President/CEO of Family Health West) probably three times in the last month about that very subject and he would be open to having some form of partnership.

Councilor Purser suggested that an information booth at a Farmers Market or other event would be a good way to share information, especially about the same-day appointment aspect.

Councilor Breman commented that it would be an uphill battle considering the rollercoaster of the past but that consistent messaging within the Fruita community would be beneficial. Mr. Sheehan said he was leaving some of his business cards with the Council members and requested that they pass along any specific feedback and contact information for whomever may be having trouble.

C. PRESENTATION – EXECUTIVE DIRECTOR OF THE FRUITA AREA CHAMBER OF COMMERCE KAYLA BOWERS WILL GIVE THE CITY COUNCIL AN UPDATE

Mrs. Kayla Bowers, Executive Director of the Fruita Area Chamber of Commerce, provided the City Council with a presentation about the Fruita Chamber. She listed Fruita Chamber efforts as follows:

- Looking for ways to better support local businesses
- Continuing to be a trusted community resource

- Collaborated with other organizations like the Business Incubator Center to provide educational opportunities such as “Coffee Club”
- Hosted workshops which provide guidance and access to programs and development services that help businesses thrive
- Helped support community engagement by hosting events such as the Fruita Fall Festival and Fruita Farmers Market
- Facilitates partnerships between business and local organizations which enhances the quality of life and creates a sense of pride and belonging among residents
- Funded scholarships for youth in the community
- Passed the Scholarship Fund to the Fruita Area Chamber Foundation, which was able to increase scholarships to \$1,000 for each student
- Honored a local FFA student, a business major student and a student services student, all of whom graduated from Fruita Monument High School and will be continuing to pursue higher education at Colorado Mesa University
- Continue to foster “Kids in Business,” which is an opportunity for young entrepreneurs in the Fruita community to learn the fundamentals of running a business
- Currently have 29 “Kids in Businesses” who have participated in the Fruita Farmers Market this year
- Has strong partnerships with Fruita Boards and Commissions. Last year, the Chamber helped recruit sponsorship dollars to help pay for the printing of 5,000 copies the Fruita History Coloring & Activity Book to be distributed to local businesses and in Fruita schools
- Advocacy and representation – Government Affairs Committee made up by Chamber member businesses for its member businesses which advocates in the interest of businesses at the local, regional and sometimes even the national level.
- 617 bills were passed in the Colorado General Assembly this year and more than 78% of those bills were actually passed. These bills not only affect Fruita’s local businesses, but also the community. The Chamber’s Governmental Affairs Committee monitored 42 of those bills and took position on 32.
- The Committee is non-partisan and serves as the voice of business in advocating for policies and programs which create an environment in which businesses can thrive and expand.
- Next month, the Colorado Economic Development Council is hosting its Annual Conference in Mesa County. The Fruita Chamber is hosting a tour in Fruita that will showcase some of Fruita’s downtown revitalization projects, outdoor recreation and community culture, all of which promotes the City of Fruita on a state-wide level.
- The Chamber often engages in marketing and branding efforts that promote the City as a great place to live, work and do business. These efforts enhance the City’s reputation and attract new residents and businesses due to the community culture the Chamber helps cultivate.

Mrs. Bowers stated that her commitment to the City Council is to provide more data that will help support the important work that the Chamber is doing and the direct impact it has on the City of Fruita. The Chamber is currently developing its Strategic Plan in the upcoming months and part of those efforts will be to create a Vision and Traction Organizer to help the Chamber stay on track to achieving its Core Focus, One-Year Plan, Three-Year Picture and Ten-Year Target. These are all strategies that the Chamber has learned from the EOS Model, which was a workshop the Chamber hosted earlier this year at Coffee Club.

Mrs. Bowers said she would also like to include data surrounding support for tourism the Chamber provides as well as analytics for the economic impact events like Fruita Fall Festival have on the City of Fruita.

Mrs. Bowers said she hoped the Council members had had an opportunity to look over the Annual Report the Chamber did for 2022. She added that thanks to the continued partnership of the City of Fruita and the Fruita Chamber, the Chamber was able to accomplish some major milestones over the past year. She said while the Chamber is now a non-profit organization, they must still operate as a business, so the Chamber has launched innovative partnerships to help stretch its dollars further in the community, like the partnership the Chamber has with the Palisade Chamber of Commerce.

Mrs. Bowers stated that she wanted to send the Council a copy of the Chamber's 2022 Balance Sheet and Profit & Loss Statements so they have a better understanding of the small budget the Chamber must work with and the big accomplishments they've achieved under it. She pointed out that inflation has significantly impacted Fruita's local businesses and the Chamber is not exempt from that. In 2022, the Chamber's event expenses increased 36.5% while its income only increased by about 19%, which resulted in a financial loss for 2022. The Chamber's membership dues also decreased from 2021 to 2022 by 11% due in part to the financial setbacks that local businesses have been facing since the pandemic.

Mrs. Bowers also stated that the Council members should have received a copy of the Chamber's 2023 Financial Statement year-to-date. She said the Chamber is committed to increasing its revenue and looking at creative ways to do that without putting that burden back on the local businesses. She added that the Chamber is fortunate to have several community partners like the City of Fruita, who also invest in the Chamber to help keep resources and educational opportunities low- or no-cost to the local businesses. The Chamber also seeks sponsor dollars to help fund small scholarships for students to attend educational events like the Women's Conference that the Chamber hosted earlier this year at Colorado Mesa University.

Mrs. Bowers said that the large community events that the Chamber hosts provide a great deal of value and sense of belonging to the Fruita community and without the Chamber here to host those events, that responsibility could fall on the City of Fruita. She said hiring an event planner alone to coordinate events like the Farmers Market, Fall Festival and Parade of Lights could cost somewhere on the low end of \$65,000 for a full-time position and paid benefits. Mrs. Bowers explained that the Chamber continues to host these events in addition to everything else that they do for half of that cost.

Mrs. Bowers continued that partnerships between Chambers and their local municipalities aren't uncommon and that by continuing to foster strong partnerships with the City of Fruita and the Fruita Area Chamber, it directly supports the culture the Chamber has worked so hard to create in Fruita. She stated that not everything the Chamber does is profitable, but they continue to support the families and the children in the Fruita community and build that family-friendly culture that Fruita has worked so hard to achieve. She said the Chamber exists to grow a prosperous and sustainable community with the vision of being a trusted advocate and resource to the community.

As part of her closing remarks, Mrs. Bowers asked the City Council to consider the continued partnership investment of \$30,000 for 2024. She said the partnership between the City of Fruita and the Fruita Area Chamber of Commerce isn't just an alliance; it's an investment in shared futures. She added that the return on investment with the Chamber is felt in the growth of Fruita's local businesses,

the strength in the economy, the sense of belonging in the community and the overall wellbeing of Fruita residents. Mrs. Bowers said the Chamber is honored to be a part of that.

Mayor Kincaid thanked Mrs. Bowers for the presentation and acknowledged how hard the employees of the Chamber work. He noted that he hears a lot of positive feedback on the Chamber's momentum and where they are going.

Councilor Purser asked Mrs. Bowers if she had an idea of the percentage of the number of Fruita businesses are Chamber members out of all of the businesses. Mrs. Bowers said she did not have that statistic but would pull that data and send it to the City Council.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE JULY 25, 2023 CITY COUNCIL WORKSHOP MEETING**
- B. BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF DEREK BIDDLE TO THE PLANNING COMMISSION AS A REGULAR MEMBER FOR A THREE-YEAR TERM TO EXPIRE IN SEPTEMBER OF 2026**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JAMIE VAVRA TO THE LIVABILITY COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN SEPTEMBER OF 2026**
- D. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF TIFFANY O'BRIEN TO THE DOWNTOWN ADVISORY BOARD FOR A THREE-YEAR TERM TO EXPIRE IN SEPTEMBER OF 2026**
- E. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF BRADLEY REIST TO THE POLICE COMMISSION AS A REGULAR MEMBER TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN MAY OF 2027**
- F. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF JOSH MCGUIRE TO THE PLANNING COMMISSION AS AN ALTERNATE MEMBER FOR A THREE-YEAR TERM TO EXPIRE IN SEPTEMBER OF 2026**
- G. RESOLUTION 2023-26 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2023 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND AND MARKETING AND PROMOTION CONTINGENCY ACCOUNTS FOR ENTERTAINMENT EXPENSES AND SHORT-TERM RENTAL COMPLIANCE SOFTWARE**

H. AUDIT SERVICES CONTRACT – A REQUEST FOR APPROVAL OF A FOUR-YEAR CONTRACT WITH MCMAHAN AND ASSOCIATES, LLC FOR PERFORMANCE OF THE CITY’S ANNUAL AUDIT FOR FISCAL YEARS 2023 THROUGH 2026 WITH AN OPTION FOR ONE FOUR-YEAR EXTENSION

Mayor Kincaid asked if there were any requests from the public to remove any item(s) removed from the Consent agenda for further discussion. There were no such requests.

Mayor Kincaid asked the City Council if they had any item(s) they would like removed from the Consent agenda for further discussion. There were no such requests.

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

7. ACKNOWLEDGMENT OF THE APPOINTMENTS OF BOARDS AND COMMISSIONS MEMBERS

Mayor Kincaid recognized that five people had just been appointed to the City’s various Boards and Commissions and that some were fulfilling terms that had not yet expired. He stated that it was great to see people in the community applying for those positions and expressed the Council’s appreciation. He thanked the new board members in advance for providing their insight to the Fruita City Council.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

- 1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AND/OR CIDER AT THE FRUITA FALL FESTIVAL “BEER FEST” TO BE HELD ON FRIDAY, SEPTEMBER 22, 2023 FROM 5:00 TO 10:00 PM AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave staff’s presentation. She summarized the application and noted that Fruita Chief of Police Dave Krouse submitted his statement that after his review of the application, he saw nothing that would prohibit the issuance of the Special Event Liquor Permit being requested. Ms. Woods then provided staff’s recommendation of approval of the Special Event Liquor Permit subject to the following conditions:

- 1) The entrance and exit shall be monitored closely and continuously by event staff in order to prevent alcoholic beverages from going into or out of the area.
- 2) The licensee needs to be aware that they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws.
- 3) All other procedures presented by the Chamber will be followed.

Ms. Woods advised that Executive Director of the Fruita Area Chamber of Commerce Kayla Bowers was present in the audience as the applicant's representative and invited her to provide any additional comments she may have.

Mrs. Bowers said she wanted to add that the Chamber had hired security to help monitor the beer garden as they do every year and that the Chamber had requested that monitor each of the entry and exit points so that that burden does not fall on volunteers. She explained that in the past, the Chamber had incidents where individuals tried to take their beer out of the beer garden and the volunteers didn't feel very comfortable when those issues arose, so the Chamber made sure this year to have security that will be stationed at all of the entry and exit points. Mrs. Bowers added that anybody that does get a wristband will be the only ones will be served by the breweries who will be pouring all the alcohol.

Mayor Kincaid opened the public hearing on the Fruita Area Chamber of Commerce's application for a Special Event Liquor Permit. Hearing no comments, he closed the public hearing and brought the matter back to the City Council, who also had no comments.

- **COUNCILOR WILLIAMS MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AND/OR CIDER AT THE FRUITA FALL FESTIVAL "BEER FEST" TO BE HELD ON FRIDAY, SEPTEMBER 22, 2023 FROM 5:00 TO 10:00 PM AT CIVIC CENTER MEMORIAL PARK SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- 2) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM THE FRUITA ROTARY CLUB TO SELL AND SERVE BEER AT FRUITA FALL FESTIVAL ON SATURDAY, SEPTEMBER 23, 2023 FROM 10:00 AM TO 10:00 PM AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave staff's presentation. She summarized the application and noted that Fruita Chief of Police Dave Krouse submitted his statement that after his review of the application, he saw nothing that would prohibit the issuance of the Special Event Liquor Permit being requested. Ms. Woods then provided staff's recommendation of approval of the Special Event Liquor Permit subject to the following conditions:

- 1) The applicant will discontinue serving alcohol at 9:30 p.m. to allow patrons 30 minutes to finish their beverages and leave the licensed area.
- 2) The licensee needs to be aware that they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws.
- 3) All other procedures presented by the Fruita Rotary Club will be followed.

Ms. Woods advised that Fruita Rotary Club Event Manager Lou Mudd was present in the audience as the applicant's representative and invited him to provide any additional comments he may have.

Mr. Mudd explained that approximately 80% of the money that the Rotary Club earns goes back to the Fruita community. He said the Rotary is looking at some international projects this year in Guatemala and a few other places because the Rotary is an international organization.

Mr. Mudd said the Rotary Club appreciates all the approvals of all of their previous beer applications. He made the comment that the other Rotary clubs in the Valley are envious of Fruita's because 13 out of 15 members of the Fruita Rotary Club have attended a Alcohol Server Responsibility Training in Grand Junction so that they are trained and experienced at alcohol serving. Mr. Mudd added that the Rotary Club knows what to watch for and what their liability is relative to the serving of alcohol.

Mayor Kincaid opened the public hearing on the Fruita Rotary Club's application for a Special Event Liquor Permit. Hearing no comments, he closed the public hearing and brought the matter back to the City Council.

Councilor Purser stated that 10:00 a.m. seems early to her for the beer garden to open and asked if there was a specific reason for it. She pointed out that 10:00 a.m. is the same time as the parade. Mr. Mudd responded that the Rotary needs time to set everything up and make sure that all the taps are pouring properly. He added that the Rotary usually doesn't get much businesses of any kind until after the parade, but once the parade is over, people start pouring into the beer garden, so the Rotary put 10:00 a.m. down as a buffer in order to be ready for patrons. He said sometimes there will be a few people who want to order a beer, but it's never a line of people at that point. Councilor Purser said it always just rings funny to her when she sees it, so she just wanted to ask if there was a specific reason.

- **COUNCILOR KREIE MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA ROTARY CLUB TO SELL AND SERVE BEER AT THE 2023 FRUITA FALL FESTIVAL TO BE HELD ON SATURDAY, SEPTEMBER 23, 2023 FROM 10:00 AM TO 10:00 PM AT CIVIC CENTER MEMORIAL PARK SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. LEGISLATIVE HEARINGS

There were no Legislative public hearings on the agenda.

9. ADMINISTRATIVE AGENDA

There were no Administrative items on the agenda.

10. CITY MANAGER'S REPORT

City Manager Mike Bennett provided the following updates to the Council:

- What is happening with the two vacant lots north of the Hot Tomato – there is a large lot there and it's often been requested of the City (even though the City doesn't own it) that people be allowed to park there. Mike explained that it's privately owned and staff hasn't been able to come to an agreement with the property owner to buy the property because their asking price has been either \$2 million or \$3 million over the years, which staff

cannot justify purchasing. He said staff broached the subject with the landowner concerning the possibility of the City leasing the property for downtown overflow parking and has been able to verbally agree on a price with the owner. Mike said the reason he was bringing it up now was because the owner agreed to a month-to-month lease for the remainder of the year when Fruita is going to get much busier within the next few weeks. The annual lease was proposed by the owner at \$9,000 per year (or about \$750 per month) and Mike said he wanted to know what the Council's thoughts were. He said it would be great if the City could use it for overflow parking, but if in the future someone else purchases the property, that could be a problem because people would be used to parking there.

Mike added that the City's lease agreement would include a provision for First-Right-of-Refusal (which the property owner agreed to) and in addition, the City would make an annual payment for the year. If there were to be any sale that the City refused, the City would receive a pro-rated amount back based upon which month the sale occurred. If leased by the City, there would be no improvements made on the property because the owner is not willing to agree to that (which is understandable) and there would be Building Code requirements that would kick in that would not be part of what the owner is willing to agree to. Mike said that staff could put forth a monthly contract for the Council's approval for the remainder of this year in time for Fruita Fall Festival and that essentially, there would be a sign marking the property as "Temporary Overflow Public Parking" unless the Council wasn't interested in it. Mike noted that the City does have the funds to lease the property for the rest of the year. There was consensus among the Council for staff to move forward on the lease agreement with the property owner and to ensure that the signage for the lot prohibits large trucks, campers and overnight camping.

- Staff sent out an email which was forwarded from the Mesa County Public Health Department about their Suicide Awareness Campaign. Mike asked if the Council had any questions or felt any discomfort with participating in the campaign after noting that there are many opportunities for the Council members to do that. There was consensus among the Council members for staff to proceed with taking part in the campaign. Fruita's Communications and Engagement Specialist Ciara DePinto said that Sara Spaulding with the City of Grand Junction was working with KKCO on some news stories and that if the Fruita City Council was interested, she could facilitate that for Fruita as well. Mayor Kincaid said that would be great and the Council members agreed.
- A follow up on the transaction of the City purchasing the "The Beach" property from Mesa County: City Attorney Mary Elizabeth Geiger recalled how the City Council authorized the City Manager to sign a contract to be able to move forward with the closing. Mesa County has an unwritten policy that states that they only convey title to property via Quit Claim Deed. She said initially, that gave her a lot of heartache because it was uncertain or not whether Fruita was going to get title insurance. She added that title insurance will be available and the City will be covered. Ms. Geiger noted that the City has been a beneficial owner of that property even though it hasn't held the title. She added that there isn't anything in the title work, so the county is signing an affidavit that they haven't done anything that would cause there to be any issues, which is acceptable by the underwriters.

- Regarding “Friends of Enoch’s Lake,” Ms. Geiger noted that the group sent a request to City of Fruita staff to be allowed to start doing work at the lake and potentially get some keys and other access from Public Works in order to get in. She explained that just like when the City has any contractor doing work, staff must have them under contract and they must be fully insured. Mrs. Geiger stated that this was something to keep in mind for the future, but the short answer is that staff will be responding to the “Friend of Enoch’s Lake” that until or unless the City enters into a contract with them, they are not allowed to do any work at the lake on behalf of the City of Fruita. Mayor Kincaid said he wanted to be clear that at the next regular meeting of the Council on September 15, 2023, Council and staff would be discussing the process for conveying all mountain water properties owned by the City; not just Enoch’s Lake. Ms. Geiger noted that “Friends of Enoch’s Lake requested to be put on the agenda, but that is not how the City handles requests like that and that staff would not be putting that discussion on as a specific agenda item for dialogue that night at all; that on September 19th, the discussion was going to be about the process in general for selling the property at Enoch’s Lake.

Mike said he was going to send an e-mail response to the “Friends of Enoch’s Lake” and would copy in the Mayor and City Council that the meeting of September 19th had a discussion that is *not* a public hearing; it’s a discussion to talk about *process* and the fact that the City has to have its workers under contract and they must have proof of liability insurance.

Councilor Breman asked if the expectation for September 19th was that the Council will sort of brainstorm “from scratch” or was it possible for the Council to have some documentation such as different ways of thinking about it? Mayor Kincaid advised that if a majority of the Council wanted to give that direction to staff, they could. Councilor Breman suggested that staff bring examples of how some other communities have handled situations like this just so the Council could have a framework to get started. Mike said that typically, staff can find examples from other communities but that examples of this situation might be more difficult to find and that if it was okay, he would rather spend more time on establishing the process for putting up the property for sale for some period of time while still meeting the requirements of the Ordinance process. He said staff could easily bring some examples of what that would look like.

There was discussion about whether the agenda item on September 19th should be concerning a process for the sale/conveyance of *any* City property or if it was for Enoch’s Lake specifically. Ms. Geiger pointed out that the City Charter says that in order to sell property, the City has to go through the Ordinance process and that is all it says; it doesn’t say anything about putting up a “For Sale” sign or anything else. She recognized that the Council was concerned about the perception of transparency specifically for Enoch’s Lake, so she suggested that the Council focus on Enoch’s Lake at the upcoming meeting as it is unique for a variety of reasons. Ms. Geiger added that at a later time when the pressure is off, the Council could discuss setting a policy to address the sale of other City properties. Councilor Breman disagreed, saying that it just felt awkward to him to set a policy for one property because the Council would be setting a precedent that should apply to all the mountain properties. There was discussion among staff and the Council members and the consensus was that on September 19th, the conversation would have a hyper-focus on the process for Enoch’s Lake with a more broad focus on the process for the other mountain properties.

11. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken stated that downtown Fruita is becoming more vibrant in the evening and that there tends to be a lot of live music going on, which is great, but he wondered how loud the music actually is and if any of the neighbors downtown are annoyed by it. He said he didn't think the City should enact any enforcement measures, but that a communication campaign may be in order to figure out what everyone was thinking and whether there is an issue that might require setting noise volumes or providing noise mitigation. He said he has heard murmurs and that he didn't know if it's an issue because he doesn't have a decibel meter. He added that he has been disrupted. Mike pointed out that there is a state noise Ordinance and a City of Fruita one that addresses the time of night. Deputy City Clerk Deb Woods described the Noise Amplification Permit and the process for it. Ken pointed out that the state's regulations allow 55 decibels from 7:00 a.m. to 7:00 p.m. and then 50 decibels after 7:00 p.m. that's measured from the property line to 25 feet. He said he would like to avoid going there; he would rather have a conversation with the people who can control the noise levels before they become a problem. Councilor Purser said she's also been hearing multiple murmurs about it. Mike suggested that staff look into the noise regulations in the Municipal Code and get back to the Council with potential options.

COUNCILOR AARON HANCEY

Aaron said he wanted to give everyone a heads up that Executive Director Kaia Michaelis with the Museums of Western Colorado (MWC) has chosen to leave, so currently the position is open. Her contract expires at the end of September and the MWC is accepting applications right now to replace her. Aaron said the MWC has quite a few qualified candidates. The Assistant Executive Director will be heading things up until the MWC finds a new Executive Director.

COUNCILOR JAMES WILLIAMS

James said he had reached out to Mike a few weeks ago after noticing that Fruita Middle School had posted online that they need picnic tables. He asked Mike if the City had any left over from the COVID-19 pandemic, but it was thought that the City already gave those tables to the school last year. James said he also reached out to School District #51 to see if they had any and the Chief Operating Officer (COO) got back to him and wanted to set up a meeting to talk about it. James said he tried to contact Principal Johnston to determine the school's exact need first and left him a voicemail, but never heard back from him. James said that he saw a bunch of picnic tables at the school on the way to the Council meeting and Mike said the tables were already there and that he took photos of them the day James originally approached him about it.

James reported that the Fruita Tourism Advisory Council (FTAC) meeting was canceled due to lack of a quorum.

MAYOR PRO TEM MATTHEW BREMAN

Matthew said he was excited to represent the City of Fruita on September 14th at the Trade & Export Summit featuring the Consul-Generals from Japan, the UK, Mexico, Canada and Taiwan. Apparently,

the State of Colorado has new grant opportunities for municipalities wishing to bring live music into their community. Matthew said Representative Soper thinks Fruita is an excellent candidate for the funding and that Fruita should take advantage of the opportunity. James suggested that staff look into it as soon as possible because it was probably a matter of first come, first serve.

COUNCILOR JEANNINE PURSER

Jeannine thanked staff for forwarding the presentation on Dark Skies that the Council received at a prior meeting and said she was interested in knowing more about what the City can or cannot do in that regard. She asked if the other Council members felt the same. Ken pointed out that the City's Land Use Code addresses it and Mike confirmed that it does on all new construction. Jeannine wondered if the City could implement some kind of an incentive program, maybe phasing in a program to change out existing lighting that causes light pollution or even hearing what that might look like such as whether it could ever be a possibility for consideration. Joel recalled when the City received a complaint from a resident about her neighbor's bright light that shone into her bedroom and he said he liked the idea of an incentive for the City's sidewalks. James noted that the previous night it was so dark around 10:30 p.m. that the Milky Way could easily be seen and that he was cognizant of it due to receiving the Dark Skies presentation. Joel thought it might be a good Budget discussion. Aaron thought there might not be enough time to get it into next year's Budget. Ken thought there could also be an educational campaign such as an article in the City Link newsletter. James said it would be good to know what the City already has in place and Mike agreed, saying that staff could start there. Jeannine said that would be great.

Jeannine reported that she heard a concern about whether the City lets the Fruita United Methodist Church know when streets are going to be closed during special events because during Fall Festival or any of the bike races, the events might be on Saturday, but the streets are still blocked off on Sunday. She said the church hasn't been alerted to when those things are happening and she wondered if they were forgotten by staff. Mike explained it is a requirement in the City's permit process that the organizers of special events notify affected residents and businesses. This could include the City, Chamber or other outside entity and they have to notify those located within a certain radius of the event of its date and time. Joel asked if staff helps the other entities with a mailing list or anything and Mike said the notifications are typically done in person aside from all the City's other communications to the public.

Jeannine also reported that the "HeArt of Fruita" reception would be held on Saturday, September 13th, the same night as the Community Hospital childcare facility groundbreaking.

COUNCILOR AARON HANCEY

Aaron reported that he would be attending the Early Childhood Education Center groundbreaking at Community Hospital on September 13th and he wondered if any of the other Council members were also attending. None responded that they were.

CITY MANAGER MIKE BENNETT

Mike recalled that he wasn't at the City Council meeting when there was a discussion about the drones Ordinance but there was direction from Council for staff to bring forward a First Reading of the Ordinance along with another presentation from staff. He said he was informed that there were a lot of questions related to removing proposed language in the draft of the Ordinance and the Fruita Police

Department told him that what they would be able to enforce would be minimal under the new draft language. Mike asked what the direction was from Council that night. Jeannine recalled that there was a certain part that the Council decided could be taken out and she specifically asked Lt. Peck if there were still enough “teeth” in the Ordinance language and he said, “yes.”

Planning & Development Director Dan Caris recalled that there was a lot of conversation about how people could be in violation of the law immediately if they flew a drone on a trail or in a park where people could say they felt harassed by that but staff wouldn’t be able to prove that intent. Dan said he thought that was Aaron’s consternation around the Ordinance in general when the intent of the Ordinance originally was really just to protect people’s private property.

Dan recalled discussing a hypothetical situation where a kid at Prospector Park flies his drone over the fence line. He would be in violation of the City’s regulations, but he would already be in violation of the FAA regulations because it’s against the law to lose line of sight of your drone. He said he felt that staff got good direction on what the Council wanted them to do, but he didn’t know if there was total consensus around the language that would make everyone happy.

James said he thought the majority of the Council landed on wanting kids to be able to go to a park and fly their drones but not in a residential area over their neighbor’s homes (except in the case of realtors who have this permission). He recalled that that was what he wanted, anyway.

Dan said that staff could write an Ordinance that would prohibit drones from flying in residential areas unless a person had permission, such as in the case of a commercial enterprise. He added that this would really be the only way that the City could regulate the behavior through fines. Mayor Kincaid noted that it would be complaint-based.

Councilor Kreie said it was his understanding that something was supposed to happen in September of 2023 where all drones would now have to emit an identification that would identify their owners. He said he suspected that new code may be generated for drones and laws would be more enforceable after that, so it may be best to hold off.

Dan said he didn’t think the City should confuse civil complaints with criminal complaints because outside of vehicles and public right-of-way, the Police Department is usually involved in criminal cases and not civil. He added that he thought part of the confusion could be that some of the terminology being used by staff and the Council was being used interchangeably when it shouldn’t be. He said instead of going to District Court, the enforcement would come through the threat of fines or other means in a civil case.

After more discussion, Jeannine located and read the following draft Ordinance language from the last time staff and the Council discussed regulations for drones:

“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.”

Dan reviewed paragraphs A through G of the draft Ordinance language, noting that the Council had previously discussed allowing drones to be flown in City parks, condensing the paragraphs into one paragraph and/or eliminating paragraph E.

There was consensus among the Council that the paragraph read by Jeannine most closely reflected the regulations that the Council wanted. Mike suggested letting staff amend the draft language again and bring it before Council at another meeting to see if it still needed more amendments. There was consensus for staff to do that for the First Reading of the Ordinance and have staff prepare another presentation (not put it on the Consent Agenda).

MAYOR JOEL KINCAID

Joel recalled when he sat in the back of the room at the August 29, 2023 Special Meeting that was presided over by Mayor Pro Tem Matthew Breman. He said he wanted feedback from the Council on the following:

- Joel thought that requesting that audience members not clap, etc. before the meeting was awesome and that the clapping after the meeting was inappropriate because it felt like a celebration of the Council voting “No.” He said the time for people to clap and the Council to reward people should only be during Proclamations and Presentations, and not during a public hearing. He recalled when the audience clapped and cheered after all the Councilors voted “No” except for Matthew, who voted “Yes,” it seemed like Matthew’s vote didn’t count and it set a poor tone as a Council. Ken agreed that the Council could relay its expectations for common decency, but he didn’t know that he wanted to tell people they couldn’t be happy. City Attorney Mary Elizabeth Geiger recalled how one Council member had said (after the vote) to the audience, “okay, you guys can celebrate now,” and she agreed that it kind of harms the process of a public hearing because there aren’t “winners” and “losers;” that’s not the point of a public hearing. It is the Council making a decision on something that is in front of them. Ken said he understood.
- Joel said he also wanted to mention how the Fruita City Council addresses audience members at Council meetings. He said everything is a learning experience and that the Council has done a great job of addressing the public and listening to them, but that the Council also needs to be aware that they need to be portrayed to the audience as having one voice. Joel added that the Fruita City Council is more unified than most other groups in the Valley and he wanted to share that with Council because he feels like if Fruita steps up, it will be the best City in the Valley. Joel also noted that these two things were what he noticed as he sat in the audience as an “outsider.”

Ken said there were parts of the meeting towards the end when the Council was having a conversation with staff and the audience wanted more information, so he feels like he didn’t know if the Council could anticipate that enough to know ahead of time.

Matthew said he felt like some of the challenges at certain times was that the Council was addressing the audience members, which opened up a dialogue.

Aaron said he thought it was part of the decorum where the Council was having discussions and of course, the Council feels that the audience and community need to hear that. He called it a natural law to address them and said that the public hearing in question was a special kind of experience that doesn’t happen very often.

Jeannine said Joel was spot on and that moving forward, the Council members would take his feedback, but that it was very unnatural to not want to engage with the audience and let them know they'd been heard.

Joel said he wanted to leave the seat of Mayor in a better condition than when he started and that is his goal. He pointed out that he'd only be around another seven (approximately) months and said he has learned so much over the years.

B. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE CITY ATTORNEY'S ANNUAL FORMAL REVIEW

- **COUNCILOR HANCEY MOVED TO CONVENE IN EXECUTIVE SESSION FOR DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F) AND NOT INVOLVING:**
 1. **ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION,**
 2. **ANY MEMBER OF THIS BODY OR AND ELECTED OFFICIAL,**
 3. **THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR**
 4. **AN ELECTED OFFICIAL OR PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES (THE CITY ATTORNEY'S FORMAL REVIEW). COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

The City Council took a five-minute break followed by the Executive Session at 9:21 p.m.

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita

**FRUITA CITY COUNCIL SPECIAL MEETING
AUGUST 29, 2023
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present: Mayor Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Amy Miller
City Councilor Aaron Hancey

Excused Absent: (None)

City staff present: City Manager Mike Bennett
Assistant City Manager Shannon Vassen
Deputy City Clerk Deb Woods
Public Works Director Kimberly Bullen
Parks and Recreation Director Marc Mancuso
Fruita Chief of Police Dave Krouse
Fruita Lieutenant Nick Peck
City Attorney Mary Elizabeth Geiger

Also present: Members of the public (in-person and virtually)

Prior to the Moment of Silence and Pledge of Allegiance, Mayor Kincaid addressed the audience and explained that he was absent from the July 18, 2023 City Council meeting when the public hearings on the mountain water properties were on the agenda. At that meeting, the public hearings on second reading of Ordinance Nos. 2023-07 and 2023-08 concerning City-owned properties on Pinon Mesa known as Enoch's Lake and a 2-acre parcel were continued by a vote of the City Council to this Special Meeting of August 29, 2023.

Mayor Kincaid requested that audience members be respectful to both Council and other audience members by refraining from clapping, cheering or blurting out comments.

Mayor Kincaid also explained that Mayor Pro Tem Matthew Breman would be presiding over the public hearings for Enoch's Lake and the 2-acre parcel since he was the one who presided over the original public hearings at the July 18, 2023 Regular City Council meeting.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Kincaid called for a moment of silence for all faiths and beliefs to have the opportunity for a silent prayer. He then led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

Deputy City Clerk Deb Woods noted that staff had no changes to the agenda but clarified for the record that all written public comment concerning the City's mountain water properties received by staff after the Council packet had gone out the previous Friday had been emailed to all Council members, made part of the official record and hard copies of those comments were provided to the Council on the dais.

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

4. PUBLIC PARTICIPATION

There were no comments from the public.

5. LEGISLATIVE PUBLIC HEARINGS

- A. **CONTINUANCE OF ORDINANCE 2023-07 – SECOND READING – AN ORDINANCE AUTHORIZING THE CONVEYANCE OF WATER RIGHTS AND REAL PROPERTY OF THE CITY REFERRED TO AS ENOCH'S LAKE LOCATED ON PINON MESA – PUBLIC WORKS DIRECTOR KIMBERLY BULLEN AND CITY ATTORNEY MARY ELIZABETH GEIGER (CONTINUED FROM THE JULY 18, 2023 REGULAR CITY COUNCIL MEETING)**

Mayor Kincaid excused himself from the dais and turned the public hearing over to Mayor Pro Tem Matthew Breman.

Public Works Director Kimberly Bullen explained that because this was a continuance, she was not going to repeat the presentation that she had already given at the July 18, 2023 Council meeting. She stated that at that time, the Council did ask for clarification on the following two matters:

- How the Glade Park Pipeline Water Users Association (GPPWUA) makes decisions
- Information regarding the county road and trails near the City's water mountain properties

Ms. Bullen stated that the GPPWUA is governed by bylaws and has an annual meeting each year where four officers are elected to fill the seats of President, Vice-President, Secretary and Treasurer and three members at large. The GPPWUA also holds monthly meetings on the second Monday of each month during the water season, which is typically between May and September. These monthly meetings are chaired by the President and generally, the decisions of the board are reached as a consensus item, but oftentimes, they will take a vote to make a decision and move it forward. Any relevant information or action taken by the GPPWUA is presented to the City of Fruita, who does not have any representation on their board nor attends their meetings.

With regard to the decision to disconnect the Enoch Lake line from the Glade Park line, the City of Fruita believes the GPPWUA made that decision as a board. The GPPWUA contacted the City for permission for the disconnect and City staff then contacted the water users on the Enoch's Lake side. Everybody was in agreement that it was okay to disconnect the lines primarily so that the GPPWUA could make repairs on the Glade Park Pipeline in order to obtain water for the summer months this year, which Glade Park has received.

Concerning 18 Mile Road and access to Enoch's Lake, City staff reached out to the Mesa County Road and Bridge Director as well as the Mesa County Surveyor and they said that it has been maintained by the county for many years with maintenance records dating back to 1977. Mesa County will continue to maintain the road even if the sale of Enoch's Lake goes through because that is not a basis for the county to not continue maintaining a road that has been utilized by property owners south of Enoch's Lake and provides access to some of the federal lands. The Mesa County Surveyor also confirmed that South 18 Road is shown on the Mesa County GIS as a valid, petitioned right-of-way.

Staff also contacted the Bureau of Land Management (BLM) to talk about any trails that they might manage in the area and they indicated through their Realty Specialist that there are no BLM trails in the area of Enoch's Lake and the closest trails that they do manage are about 2.5 miles away.

Staff also contacted the US Forest Service and the Acting District Ranger who responded that there's a total of six (6) trails on the forest accessed by 18 Mile Road. Ridge ATV Trail 646 and Black Pine Trail 647 are both accessed from the 18 Mile Road. The trailhead for Trail 646 is actually located on private property, for which the USFS has obtained an easement to have the trailhead located there. These trails can also be accessed from the west side of the forest, but as the Forest Service indicated, if closure of 18 Mile Road were to occur, it would severely limit the loop experience that people have come to enjoy in that area, therefore it would be highly unlikely that the US Forest Service would approve or support any closure of that road.

This concluded Ms. Bullen's update to the Council on access to Enoch's Lake and the question about how the GPPWUA makes decisions.

City Attorney Mary Elizabeth Geiger added that in order to have the 18 Mile Road vacated as a public county right-of-way, it would require that all of the owners of property who utilize the road come forward with a petition to Mesa County to do that. This would include the US Forest Service (which is not likely going to happen), so closure of the road wasn't something that just one property owner could accomplish on their own and additionally, it would require a vote of the Board of County Commissioners.

Prior to opening the public hearing, Mayor Pro Tem Breman thanked the audience members for coming to the meeting. He explained the process for having them provide public comment that involved a signup process with staff in the room.

Mayor Pro Tem Breman also explained that this was a continuation of the same public hearing that was held on July 18, 2023, meaning that all comments made at that meeting were still valid. He noted that staff's presentation consisted of updates only regarding questions that the City Council had asked on July 18th and added that typically, the Council does not allow members of the public to speak twice during the same public hearing. He asked that anyone who spoke on July 18th and desired to speak again keep their comments in response to the additional information that was provided by staff and not be a repeat of what they already said on July 18th. Mayor Pro Tem Breman also requested that those speaking state their full name and full address before providing comments and reiterated what Mayor Kincaid said earlier about no clapping, cheering or jeering in order to maintain decorum and respect for all who were speaking no matter their views.

Mayor Pro Tem Breman opened the public hearing on Ordinance 2023-07.

PUBLIC COMMENT:

Jim Cook, 2331 S. 15 Road, Glade Park, thanked the Council for continuing the public hearing. He said he wanted everyone to know that it wasn't an "us versus them" battle and that hopefully, decisions could be made that would benefit both parties. Mr. Cook noted that he had spoken with the potential buyers of the properties and while decisions were not made, they were able to come to an agreement on several things.

Mr. Cook stated that the "Friends of Enoch's Lake" group had set up a website at www.enochslake.org and also came up with a proposal to stall, do away with or postpone the sale of Enoch's Lake. He said there have been over 1,000 views on the group's website, almost 400 individuals signed up and over 200 people offered to volunteer in the group's effort. He added that 42 individuals wrote emails to the City Council. The group is in the process of setting up a 501(c)(3) non-profit organization so that they can receive donations and the process should be complete within the next month.

Mr. Cook also stated that there are volunteers in place to monitor the lake and campsite until the end of October and that it could be extended beyond that so that there is a presence of somebody at the lake on a more permanent basis.

Mr. Cook said that many members of the group have reached out to multiple organizations and some said they were interested in helping, but others would not even consider it. They also had one person step up and offer to purchase the property, but that offer fell through. Mr. Cook stated that in less than a month's time, the "Friends of Enoch's Lake" has done a lot of work to try to make things happen.

Mr. Cook continued that if the sale of the lake doesn't go through, "Friends of Enoch's Lake" will be in touch with the Sheriff's Department to set up a line of communication to deal with emergencies or enforcement of the law, which is something the surrounding property owners have said is lacking.

Mr. Cook said his group would continue to try to come up with partnering organizations, but what they were asking the City of Fruita to do is assume the liability that it currently has just for access to the lake. He said he was not referring to water usage or existing contracts that are in place. The group just wants access to the lake and Mr. Cook suggested that the "Friends of Enoch's Lake" sit down with the City Council and staff to come up with a Memorandum of Understanding or some other type of agreement. He noted that for any of that to happen, the group needs to stall the sale of the lake. He added that he saw that the City had received other offers on some of the other properties, but that is not his group's issue.

Mr. Cook concluded by saying that the "Friends of Enoch's Lake" would like to turn a liability into an asset and be partners with the potential buyers so that the public can access Enoch's Lake.

Vera Mulder, 983 E. Pabor Ave., Fruita, said she was going to offer her personal opinion and that she hoped she didn't offend anyone, but that she has been so proud of all the City employees at the Public Works and Parks and Recreation Departments and other personnel that Fruita has managed to hire. She asked the Council not to be offended but said that sometimes she wonders about who gets elected to Fruita City Councils.

Mrs. Mulder said her question was why any entity would sell off water rights when water rights now are "gold." She asked why the City would sell 240 acres of prime land which houses wildlife when the wildlife (in the past) was dying from the lack of water and fodder, etc. She asked why the City would sell 240 acres for the price of a house in Fruita and added that she couldn't buy her neighbor's house for \$500,000. She said she didn't get it.

Mrs. Mulder also said that the City Council sits at the dais for four years and after that, they are gone, but the history of Enoch's Lake goes from 1950 on; that is when the City obtained the lake. She asked why Fruita was going to stash history just because all of a sudden the City hasn't learned the value of water. Mrs. Mulder added that she was also told that the City had its mind made up before any of the public hearings happened and asked why there hadn't been a referendum where the citizens of the City of Fruita and Glade Park could vote on it.

Mrs. Mulder said she knows that surrounding property owners are the people that want to buy Enoch's Lake and that she is not very trustful. She asked why the City is going to give the lake to private entities and forget about the public using it. She asked if the pipeline was going to be restored so that "there will be an outlet."

Mrs. Mulder said she heard a rumor earlier in the day that the people who want to buy Enoch's Lake threatened to drain the lake if they didn't get their way. She concluded by saying she hopes to God that the City Council decides what is right and that it's not right to sell.

Kathleen Morrison, 909 Prince Ct., Fruita, stated that she has lived at her current address for 15 years and often goes to Enoch's Lake just to get out of the heat and because it's such a beautiful place. She noted that she was also in attendance on July 18th but wasn't going to say the same things she said last time.

Ms. Morrison said that she read all of the emails and attachments to the agenda and something that bothered her was in the memorandum between the Public Works Director and City Attorney that said it was inefficient for the City of Fruita to maintain Enoch's Lake because it is of no value to the City. She contended that the lake is of value to the people of Fruita but wasn't of value to the City because the City doesn't get income from it. She stated that the City also doesn't get income from Snooks Bottom and yet the City cleans the port-a-potties and picks up the trash there, so it is a public space.

Ms. Morrison stated that the other thing that bothered her was the email from the proposed owners threatening to drain Enoch's Lake if the City didn't sell it to them. She asked what kind of upstanding citizens the City was dealing with and called it shocking to her. She added that perhaps it was in the heat of the moment, she didn't know, but to put that out there was shocking.

Ms. Morrison pled with the City Council to not accept the offer to buy Enoch's Lake, but rather give "The Friends of Enoch's Lake" about one year, and if they can't perform, then the City could put it up for public auction at that time while making it as open and transparent as possible.

Teresa Wilcox, 651 E. Carolina Ave., Fruita, stated that she has been a resident of Fruita for twelve years and has lived on the Western Slope of Colorado for almost her entire life. She said she wanted to let the Council know that she is extremely opposed to the sale of Enoch's Lake and the water rights. She stated that everyone should know by now that the most precious resource there is in this part of the country is water.

Ms. Wilcox said she hears a lot about how the City needs to attract businesses to Fruita and wants the City to grow, but argued that with growth comes the need for water. She asked how easy it would be for the City to get the water rights back once they are sold and the City needs them again in 20 or 30 years. She thought that it would be next to impossible and at great cost.

Ms. Wilcox also argued that the water is an investment in Fruita's future and as with all investments, there may be a period of time where it costs money before the rewards can be reaped. She asked how the City would look at someone who ended their 401K before retirement because it was costing too much money. She said she would consider that person to be very shortsighted and that is what she considers this move; very shortsighted.

Ms. Wilcox continued that one of the things that she has always thought is that she would rather have something and not need it than to need it and not have it. She said she has worked extremely hard to have a nice yard; she has planted trees, bushes and grass so that she can enhance the value of her house and she does not want to see that literally dry up in the future due to lack of water.

Ms. Wilcox stated that if the issue is that the City needs money, she had a couple of suggestions: 1) why not rent or lease the land and water rights but retain ownership? and 2) (addressing a different issue she wished to speak to) how about placing patrol officers on East Carolina and Maple and some of the other residential streets in that general area and ticketing anyone who goes over 10 mph above the speed limit? She said she thinks the City would have plenty of money in very short order. Ms. Wilcox maintained that there are people who routinely drive motorcycles and cars through these residential areas at 50 mph or more. She said she saw someone recently going at about 70 mph and that it feels rather unsafe for her to walk her dog on the street when cars are going that fast. She said if that is allowed to continue, the quality of life in Fruita will begin to degrade but by enforcing the law, the City could generate more revenue and alleviate the need to sell Fruita's very precious water rights.

Steve Cook, 231 E. Pabor Ave., Fruita, said he has been in Fruita since about 1976 and that he has not read any of the emails or other documents, but he knows that Enoch's Lake is a part of Fruita and has been since he was a kid. He stated that as a river guide, the City is already "writing checks that we can't cash" as far as water goes. He added that he didn't know if the City will use the water rights or not but agreed with the others that water is precious.

Mr. Cook continued that Enoch's Lake is a piece of Fruita and the City can't get rid of it, but if it does, he thinks it would only be fair if the City puts it up to a vote of the people who live here and have been going to the lake since the 60s and 70s. He said it is a place that's been very dear to a lot of people and that for the size of the property, the City should ask a little bit more than \$500,000.

Maribel Steele, 14390 Bs Road, Glade Park, thanked the City Council for allowing her the opportunity to speak today as well as at the last meeting on July 18th. She said she almost felt like an intruder at the last meeting since she is not a Fruita resident but noted that Enoch's Lake is open to all and that the Council's decision will affect all in the area.

Ms. Steele stated that on July 18th, many members of the public spoke about their desire to keep Enoch's Lake open to public use and that far more were against the sale than were for it. She said she is grateful that the Council listened to the public input at that meeting while giving the audience members more time to organize amongst themselves. Ms. Steele said she was happy to announce that as a community, the audience members have done just that; they have held meetings in Glade Park, Fruita and Grand Junction and from those discussions emerged the grassroots organization that Jim Cook spoke of earlier. She said she is part of that group "Friends of Enoch's Lake" and that they are in the process of becoming a 501(c)(3) nonprofit that has created a website that allows volunteers to sign up. Pending approval, the IRS will allow them to accept donations as well.

Ms. Steele reported that the group has members working on grant applications and other members who have started the process of collaborating with other groups such as Colorado Land Trust who have shown interest in Enoch's Lake as a public easement in order to maintain the public access on the property for years to come. She said the group members are willing and able to step up as stewards of the land. They have submitted a written proposal of their plan by the August 15th deadline, created online groups that have news articles to help spread awareness, and are growing in numbers still.

Ms. Steele said "Friends of Enoch's Lake" has accomplished all this in 40 days since the July 18th meeting and asked the City Council to imagine what they could accomplish in six months or even a year. She said she completely understands why, as a City, Fruita wants out of the responsibility of Enoch's Lake and knows that some of the Council members spoke about their own memories of the lake just like the rest of the audience members did. She said everyone can allow generations to come the same opportunities to create memories.

Ms. Steele stated that there are other options beyond the sale to Tipping, Powers and Muhr, but in order for "Friends of Enoch's Lake" to proceed with those other options, they need the City Council to decline or again postpone the current offer on the table. She asked with great sincerity that the Council do just that.

George Mosher, 849 S. 16 ½ Road, Glade Park, stated that he is on the Board of Directors for the GPPWUA. He said he wanted to add a little bit of information concerning the water line being discontinued. He stated that Glade Park has not received water out of Enoch's Lake for 12 years and that the water line is in very bad condition, which is the reason they are not using it. He said that the reason it was taken offline is because there was a break in the road section of the line, so they took it apart and sealed it off so that it would not flood the road.

Mr. Mosher went on to say that he heard people say that it was one person's idea to discontinue the line, but it wasn't; it was a Board of Directors idea and the board contacted the City of Fruita, who agreed that shutting down the line was the best fix for the problem. He said the water line from Enoch's Lake to the GPPWUA line is not usable, period, not without a bunch of money to replace almost all of the line, anyway. Mr. Mosher concluded by saying he wanted the Council to understand that situation.

Jerry Martinez, 317 W. Ottley Ave., Fruita, also thanked the Council for postponing the sale of Enoch's Lake and said he was in agreement with a lot of the people who spoke prior to him. He said it seemed like there were a lot more options than there were at the initial meeting, which is what everyone wanted. He said the City has done such a good job on innovation and making recreation a part of Fruita and it should continue. He stated that Enoch's Lake is a great resource to Fruita and asked why the City couldn't incorporate a trail system from the lake all the way out to 18 Road.

Mr. Martinez stated that people want to volunteer and establish a non-profit, so there are many options on the table right now. He said he would pay extra if he could have some of the lake's water coming down into Fruita because it is the best water available and no one else is on the line.

Mr. Martinez requested that the Council give the residents of Fruita a chance to vote on the issue because it's everybody's water and asked the Council to consider not selling Enoch's Lake.

Debra Moorland, 254 N. Mulberry St. #3, stated that she spoke previously at the July 18th public hearing, but wanted to again urge the Council to give it more time. She said she was speaking as a City of Fruita

citizen and she knows that making the decision was over and above what a City Council or City staff should have to do.

Ms. Moorland continued that Enoch's Lake is historically something that Fruita has hung onto for this long and that for as long as it has gone on, to not give the decision some time to develop would be a shame.

Ms. Moorland said that the citizens of Fruita are the City Council's constituents and asked the Council if they have a "good feel" for how the citizens of Fruita actually feel about this issue. She accused some of the Council members of thinking it wasn't a big deal and stated that she feels it should be put to the citizens in a referendum to find out whether they feel the lake is an important resource to hang onto or whether they feel like the best business decision is for the City to definitely get rid of Enoch's Lake so it could focus on its core issues.

Ms. Moorland stated that she thinks it is going to take a little more time for everything to play out and that it wasn't the only offer the City is going to get, so if the potential buyers are really interested, and it turns out that the City will entertain another offer later on, perhaps a public auction would be an option. She said the current offer didn't seem to reflect the value of the water and the property, so she didn't think the Council had to rush to a decision. She again requested that the Council give it some time.

Frank Cardoza, 1379 17 ½ Rd., Fruita, said he didn't envy the spot the Council was in but as a teacher, he kind of gets it because he gets a lot of angry looks at 8:00 a.m. in the morning. He said he was born in Fruita, went to school in the Civic Center building and remembers going to Enoch's Lake and other lakes around the area as a child, which provided him with irreplaceable memories.

Mr. Cardoza stated that if he had kids, he would be wanting to take them to Enoch's Lake because it isn't just some little pond somewhere that people can't get to; it's a beautiful lake and if the City gets rid of it, he wondered if Fruita Reservoirs #1 and #2 were next. He asked how many other Fruita assets the City is going to get rid of.

Melanie Martinez, 508 E. Pabor Ave., Fruita, said that she spoke at the last meeting on July 18th and she wanted to thank Councilor Miller for answering her questions in a very well-written email. She said she also bumped into her in the community and they had a great conversation. She acknowledged that the City Council had a very tough decision in front of them but added that the work that Mr. Cook had done alone would warrant more time for a decision to be made.

Ms. Martinez said she had no intentions of speaking at this meeting until she heard the word "transparency," and although Councilor Miller did a great job answering her questions, the one she still didn't have an answer to was when the open meetings were because everything that she saw was in Executive Session. She said she was sent a link and when she clicked on it and watched the videos, every time Enoch's Lake came up, the video paused. Ms. Martinez stated that the Council had the best outcome that she's heard at a City Council meeting in quite some time, so she thinks it would be really important for the community if the Council could give the public more time to see who else will come out in support of Enoch's Lake remaining public.

Everett Sedillo, 210 S. Sycamore St., Fruita, stated that he has two properties in Fruita and one up at Glade Park and he, just like everybody else, pays a lot of taxes. He said that he would be willing, as a taxpayer, to pay an assessment as one means to pay for maintenance of Enoch's Lake and he doesn't say that lightly. He said that's how important it is.

Mr. Sedillo thanked the City Council for having the meeting and said he firmly believes that the Council has a really big decision that he was sure weighs on the Council members. He suggested putting it up for a referendum and let the citizens of Fruita decide. He said he applauds all the ideas of volunteerism and that through the years and even now, he goes up to Enoch's Lake and picks up trash left by people without very good ethics, unfortunately. He pointed out that there are a lot of people like himself who go out of their way to pick up trash but haven't said anything about it.

Liberty Martinez, 231 Palo Verde Ct., Fruita, recalled that at the July 18th meeting, there was discussion about how much it costs the City to maintain Enoch's Lake but after that, she thought there were two more open sessions about the lake and the other Pinon Mesa properties that Fruita owns and the sale of those. She said if the City was looking at options to have money for Enoch's Lake, she thought there were a lot of options presented at this meeting and different ways to be able to keep the lake open to the public, at least for a little longer than 40 days. Ms. Martinez asked the Council to keep all the options and everyone's thoughts in mind.

There were no further comments from the public, so Mayor Pro Tem Breman closed the public hearing and referred the matter to the City Council.

Councilor Kreie noted that some of the comments had been about transparency and he just wanted to say that on Tuesday nights, the Council room has mostly been occupied by the Council and staff only and that there have been many discussions about the City's mountain water properties. He pointed out that it is hard to engage people even though staff sends out lots of messaging.

Councilor Kreie explained that every City Council prior to the current one has not been able to resolve the City's issues with the mountain properties when they knew they needed dealt with but wouldn't do it because they knew there was a lot of public sentiment about the lake. He said a lot of people have accused the City Council of accepting a "backdoor" offer that they didn't talk to anybody about, but it wasn't true because the City has been talking about these mountain properties for years.

Councilor Kreie continued that the mountain properties are a liability that a lot of people do not want to take on and that it doesn't make a lot of sense for most people to buy a lake like that, so it made sense for the Council to consider the offer that was extended after talking about the mountain properties all those years. He again assured the audience that none of the Council members had any intentions to take a sneaky, "backdoor" offer and sell the Enochs Lake property without talking to anybody; instead, they were trying to solve a problem that the City of Fruita has had for a very long time and that leaders have been avoiding.

Councilor Kreie said he still felt bad that the City didn't go through a normal process of putting the properties up for sale and that had been weighing on his mind since the last meeting.

Mayor Pro Tem Breman asked City Attorney Mary Elizabeth Geiger to refresh his memory about the water rights and what the City of Fruita has in terms of senior or junior water rights and what those terms mean.

Ms. Geiger explained that the City of Fruita owns Enoch's Lake and Fruita Reservoirs #1, #2 and #3 up on Pinon Mesa and that Reservoir #2 has been under a no-fill order for years now because the dam is in such disrepair that it can't be filled. Those water rights were not enough water to provide potable water to the City of Fruita by 1983 and at that point, the City's population was just under 3,600.

There had been a pipeline constructed from Fruita Reservoirs #1, #2 and #3 down to the City of Fruita through the Colorado National Monument back in the early 1900s and that pipeline doesn't exist anymore. Ms. Geiger said she didn't work for the federal government so she couldn't 100% positively speak to it, but she does know from working with the federal government that it's pretty much an impossibility to reconstruct the pipeline because the cost would be astronomical and the amount of water available is not enough to take care of a City that is now at a population of approximately 14,000.

Ms. Geiger said it was her understanding that Enoch's Lake was constructed before the water rights were decreed in the 1940s for domestic, livestock watering and irrigation uses. She stated that water rights are decreed for very specific uses and the State of Colorado holds owners of the rights to those uses. If someone wanted to expand or change the use on a water right, that person would have to go to water court to do so. Ms. Geiger said the Enoch's Lake water rights were not adjudicated until the 1940s, which means that the water rights are pretty "junior," which is another thing to factor in as far as the value of the water rights.

Ms. Geiger stated that when the City of Fruita stopped being the potable water provider for the City, it entered into an agreement with the Ute Water Conservancy District to be that potable water provider in 1983. Ute Water Conservancy District holds a Right of First Refusal on all of Fruita water rights, meaning that if Fruita gets an offer, the City has to first give it to Ute Water to decide if they want to purchase it or not. The Ute Water Board received a copy of the offer for Enoch's Lake but did not want to purchase it because they can't use the water, either.

Ms. Geiger acknowledged that water rights are super important (she's a water attorney when not acting as the City Attorney to the City of Fruita) but said that sometimes water rights might not be valuable to the owner of those rights (the City of Fruita in this case) for a use beyond recreation, for which, in all honesty, Enoch's Lake's water rights are not even decreed.

Mayor Pro Tem Breman asked Ms. Geiger to confirm that the City of Fruita has "junior" and not "senior" water rights, so in case of a drought, the City would not get the first call even if the City could get the water down from Pinon Mesa. Ms. Geiger responded that the call would go to the more "senior" priority water rights first. She further explained that there's water that's stored in the reservoir that is the size of 240-acre feet and then there's a water right that fills the reservoir, so that water right that fills the reservoir would be stopped so that whatever was in the "bucket" at that time could be used and no more water could be put in.

Councilor Purser said she was curious about the City's current liability as owners of the property at Enoch's Lake in the event of a humanly caused fire or someone drowned in the lake. Ms. Geiger said there could arguably be liability to the City, which does fall under the Governmental Immunity Act that provides some protection; however, if the City is negligent in its maintenance of the lake which then causes an accident, that protection can go away.

Councilor Miller asked Ms. Geiger to speak to who is using the water from Enoch's Lake and how the City is compensated for that. Ms. Geiger explained that Ron Tipping entered into an agreement with the City of Fruita in 2013 because the Enoch's Lake dam as well as the dam at Reservoir #1 needed repair and Mr. Tipping provided assistance in getting those repairs done. In exchange, the City has a non-monetary obligation to Mr. Tipping to "repay" that work and as part of the agreement, he is entitled to up to 100-acre feet of water per year out of Enoch's Lake. In addition, Stan Muhr has an agreement with the City of Fruita whereby if he wants to use water out of the lake, he pays per acre foot of it.

Councilor Miller asked whether it would drain the lake if Mr. Tipping and Mr. Muhr used all their water rights and Ms. Geiger stated that it would not. She said she believes that the public comment that referred to that was inaccurate based upon the agreements that the City has. Public Works Director Kimberly Bullen confirmed that what Ms. Geiger had said was correct and added that the water that feeds the Glade Park Pipeline is City water that the City of Fruita is not compensated for, but the GPPWUA has a structure in place where if someone wants a new tap, it goes to the GPPWUA so that they can reinvest that in maintenance and providing water. She added that the GPPWUA maintains some of the pipeline while the City of Fruita maintains the reservoirs.

Councilor Miller noted that there had previously been mention of converting Enoch's Lake into a place where people would pay to access the lake and also the campground. She asked how many campsites were set up originally and how many were possible at the lake. City Manager Mike Bennett answered that he thought there were eight (8).

Councilor Miller pointed out for the audience members that Colorado was the first state in the country to enact anti-discrimination laws for potential homebuyers based on their race, gender, socioeconomic standing among many other protected classes.

Mayor Pro Tem Breman asked Councilor Miller to confirm that if he wanted to put an offer on any piece of property, he could do that at any given time with contingencies on it that he would eventually have his financing, insurance and/or other requirements in place. Councilor Miller confirmed this to be true, but said it wouldn't make for a very strong offer, however.

Councilor Purser asked for clarification on the number of acres at Enoch's Lake. Ms. Geiger stated that there are 51 acres of land and 240 acre feet of water at Enoch's Lake.

Councilor Miller asked if there were any buildable sites not located on the floodplain. Ms. Geiger said she didn't have the answer to that question but that Mesa County would, and although she's been up to Enoch's Lake, she doesn't know where the property line is on the far side of the lake. She said there's not a lot of land on the side closest to the road. Councilor Miller said it had been suggested by a few individuals that there might be plans to put a lot of buildings up there and she didn't see that being possible.

Councilor Hancey asked Councilor Kreie to expound on his feeling bad about the City's process of considering the offer on Enoch's Lake. Councilor Kreie clarified that he sort of feels bad about the way the whole thing unfolded and that nobody intended for it to unfold that way because it looks like the City didn't offer the properties to anybody. Councilor Purser pointed out that any member of the public could have made the same offer or offers to the City at any time since the beginning, but the City didn't put up a sign or anything that the (specifically Enoch's Lake) property was for sale. Councilor Kreie confirmed that was what it was and added that if he could have gone back and done it that way, he would have.

Councilor Hancey said he wanted to make sure the public knows that the City followed legal processes and that if the City sells property in the future, the staff and the Council might do it differently due to this experience. Mayor Pro Tem Breman requested that Councilor Hancey refrain from discussing things outside of the Ordinance that was before the City Council concerning Enoch's Lake and the potential sale thereof.

City Attorney Mary Elizabeth Geiger advised that the Fruita City Charter allows the City to sell or convey property by Ordinance, so the process as it happened in this instance was that an offer was received, and because it involved water, it first went to the Ute Water Conservancy District for them to say whether or

not they wanted to purchase the property and if they had said they wanted to purchase it, the current conversation would not even be happening. Ute Water decided they did not want to purchase the property, so then staff held the First Reading of the Ordinance at a City Council meeting in June and subsequently published the Second Reading of the Ordinance for July 18th, which had then been continued to this meeting.

Councilor Miller asked for clarification concerning the comment from the public about how the video of the meeting was paused when Enoch's Lake came up. Ms. Geiger said she hadn't ever gone back to watch a meeting to understand if it happens, but if there is an Executive Session on an agenda, because it is not public, the video is paused. After any Executive Session and once the regular meeting has been reconvened, there can be open discussion about the subject that was discussed in Executive Session and sometimes that happens, sometimes it doesn't. She added that it depends on the reasons for the Executive Session and that no decisions can be made in Executive Session, such as decisions to sell or convey property.

Councilor Hancey asked if the water rights at Enoch's Lake were for non-potable water and Ms. Geiger explained that the water rights were decreed for domestic use (in addition to livestock watering and irrigation), but the water would have to be treated before it could be used. Councilor Hancey said he thinks the fact that they are junior water rights is secondary to the issue of the insurmountable cost that would be required to deliver the water to Fruita city limits. Ms. Geiger said she believes there are three issues:

1. Even with all of the reservoirs on Pinon Mesa, it is not enough water to serve the City of Fruita.
2. The exorbitant price plus the potential legal roadblocks to getting the water through the Colorado National Monument.
3. They are junior water rights.

Mayor Pro Tem Breman pointed that for the past decade or more, the people at Mesa County, BLM and the US Forest Service have known that the City of Fruita does not want to hold onto these mountain water properties and also that he knows there have been conversations and opportunities in the past, but no one has ever stepped up to say that they'd like to purchase any of them in over a decade.

Councilor Miller asked Ms. Bullen how often the City's vac truck is being sent up to Pinon Mesa. Ms. Bullen responded that it varies and added that there was an arrangement with the US Forest Service whereby they would haul trash while the City pumped the toilets, but that has somewhat waned over the years. She said that the truck goes up there at least once towards the end of the season, but there are times when staff learns that the toilets need to be pumped out, so they will send it up there.

City Manager Mike Bennett clarified that the Forest Service agreed to do trash many years ago and the City of Fruita agreed to send the vac truck up to suck out the toilets and within a year of that agreement over a decade ago, the Forest Service said that they just couldn't do the trash anymore, so Fruita continued to do both trash and the toilets after that. He explained that the vac truck is over a half million-dollar piece of equipment that is being used every day on the sewer system in town and is not necessarily meant be taken that far out of town on those roads to clean out port-a-potties. In addition, the Forest Service even recommended pulling the toilets out of Enoch's Lake but the City left them there anyway. Ms. Bullen added that years previous, staff went up to Enoch's Lake three times per week to service the port-a-potties and past Councils had suggested minimizing the amount of staff time spent up there on maintenance, so that is why it has declined over the years.

Councilor Miller asked how often staff was sent up to empty the trash. Ms. Bullen said it was probably once per month and staff takes readings and does observations of the reservoirs and the dams and then takes the trash out. Mr. Bennett said it significantly decreased when the City changed from overnight camping to day use only. The last year when overnight camping was allowed, there were continuous complaints that the City was not keeping up with the trash even though staff were going up three times per week to dump it at that time.

Councilor Hancey asked staff if they had received any other offers on City owned property on Pinon Mesa. Mr. Bennett confirmed that since the last public hearing on July 18th, staff did receive Open Records Requests for detailed information from at least one attorney's office that was representing somebody interested in purchasing property and staff provided all the records to the requestor, but it is not known who the attorney is representing. He explained that pursuant to state law, staff must respond to Open Records Requests within three (3) days. He added that staff has not received any additional offers, though.

Councilor Miller asked what a partnership between the "Friends of Enoch's Lake" and the City of Fruita might look like typically. Mr. Bennett used the example of GPPWUA, with whom he thinks the City has a great partnership. He added that in 2017, the City held a public Open House leading into the Mike the Headless Chicken Festival and many people from Glade Park and quite a few Fruita residents attended. Staff had timelines of everything that's gone on with all the mountain water properties and between six and eight staff members were there to answer questions. The invitation let people know (just like people were informed over the years) that the goal of the Open House was to brainstorm on what to do about the properties because the original purpose was no longer and would never be again. Mr. Bennett stated that this caused a little bit of fear on the GPPWUA board, who stepped up and requested that they be allowed to do more maintenance on the water line. At that time, the City was trying to spend less on maintenance, so Mr. Bennett called it a very successful partnership.

Mr. Bennett continued that he thinks it's wonderful what Jim Cook had done and added that staff is impressed with the website and all the volunteers, but it doesn't take away any of the City's liability from the standpoint of what the City is held liable for as a City. He stated volunteers can't replace that, but they can definitely help with putting more eyes on the property and/or some of the maintenance.

Mr. Bennett assured the Council and tried to assure the audience as well that the issue wasn't about money. He said that the process has been completely transparent because the only process there is when the City is contemplating an offer is the Ordinance process, which is what staff did. He added that even if staff put a "For Sale" sign on the property at Enoch's Lake, if the City Council wants to consider the first offer that comes in, it is through the Ordinance process because that is the only way the Council can publicly discuss it and make decisions.

Mr. Bennett said he thought what has been confusing are some of the comments about money and what the value of the property is, but it's actually about the liability and the burden on staff and the City as an organization in the future. He added that when jurisdictional dams have failures like Reservoir #2, those are multi-million dollar expenses and the City is already wrestling with what to do with that reservoir. He also noted that dam failures have happened in the past at Enoch's Lake and Reservoirs #1 and #3 because they just happen over time and are in addition to any other liability, which is why the City has liability insurance. Mr. Bennett stated that there could be wonderful help from volunteers for certain things, but that the City can't rely on them to meet the City's obligations.

Ms. Bullen said the only thing she would add is that like the City Manager said, it's not the money (other than the required maintenance and ongoing expenses of taking care of the properties) and investing

minimal amounts just means those properties aren't being taken care of at the level they probably need to be. She further explained that they are also taking resources out of the core of the City for employees that have plenty of work in the City to provide services to the community. She added that it's an hour drive just to get there and when staff was doing daily monitoring for Reservoir #2, it was an everyday trip that took one or two Public Works employees away from providing City services in town, so it is a staffing issue and currently, the Public Works Department is understaffed because the City can't fill positions. Ms. Bullen called them ongoing challenges.

Mr. Bennett said it was worth noting that the City has talked about what to do with the mountain water properties for many, many years and going back in history, that very issue has been included in the goals of City Council for the entire time. He also clarified that the City is in a contract with Ute Water to have the amount of water the City will need as the City grows to full capacity, just like how Fruita is at half-capacity with its sewer system. Mr. Bennett explained that growth cannot be approved if a municipality does not already have all that infrastructure at play. It is built and secured ahead of time; otherwise, the City is not able to approve that type of growth.

Mr. Bennett pointed out that Fruita is different than Glade Park, which is included in Mesa County's future planning documents as "overutilized water," meaning there's not enough water, but they continue to allow development. He explained that the City of Fruita cannot rely on the mountain water because it is not possible to bring the water to the City and the water the City does receive from Ute is from the Grand Mesa and is first-use water (so it's not used by anybody else before it comes to Fruita).

Mr. Bennett said he understands that people have concerns that that there won't be enough water in the future, but added that the water in the City of Fruita is covered in a different way through Ute Water Conservancy District.

Mayor Pro Tem Breman noted that the "Friends of Enoch's Lake" were putting together a 501(c)(3) and asked what would happen liability-wise if the City of Fruita were to enter into a partnership with the group and one of the volunteers (God forbid) drowns or suffers any type of injury. Ms. Geiger responded that she knows that a lot of work has been done by folks to come up with proposals, but that the public hearing was on the Ordinance that was before the City Council only and whether or not the Council is going to adopt it. She advised that if the Council chooses not to (adopt the Ordinance), the City will move to the next stage of where to go next. In answer to Mayor Pro Tem Breman's questions, Ms. Geiger said it would depend on what the partnership agreement says because that would be something that the City would want to address within the agreement.

Mr. Bennett added that when the City of Fruita partners with groups, the City requires a minimum level of insurance that the partner must hold whether it is an instructor for a class at the Community Center or even a contractor doing construction for the City.

Ms. Geiger explained that there are so many levels of agreements and insurance, so it would be really hard to opine on what that agreement would look like.

Mr. Bennett noted that over the years, there have been articles about the City's situation with its mountain water properties in the City Link, which he explained for the audience is a quarterly newsletter that is mailed to all Fruita residents in hard copy. He recalled that there was such an article as recently as at the end of last year. There is also information on the City's website. He added that at least in the nine years since he has worked for the City of Fruita, there have been numerous conversations with the US Forest Service, Colorado Parks and Wildlife and BLM. He noted that just recently, he and Mayor Pro Tem

Breman had a conversation with county representatives because anything the City does with all the properties has an impact on Mesa County residents that are outside of the City of Fruita. He said county staff has never put anything before the Board of County Commissioners about Enoch's Lake, so Fruita City staff couldn't speak for them, but there's never been an interest to go to that level. Mr. Bennett added that the Enoch's Lake property has been much more difficult with all the agencies he mentioned because it is surrounded by private land and while there's an interest in seeing the lake stay public, nobody wants to take on the liability for it to remain as such. He said Fruita has even offered to donate its properties to the other agencies so that they could take them on and maintain them, but there still have been no takers. Mr. Bennett further explained that the City has sought numerous grants for Reservoir #2 because the dam needs repaired.

Councilor Kreie asked if the Ordinance process for the City would have been the same if staff had listed the property for sale and received offers. Mr. Bennett confirmed that to be true because the only way the Council can consider an offer is to have the First Reading of an Ordinance and a public hearing at Second Reading of the Ordinance. This process allows the public to participate and the Council to make a decision. He added that when someone makes an offer, it is contingent upon due diligence prior to going under contract.

Ms. Geiger advised that if there is any offer that involves City water rights, it first has to go to Ute Water Conservancy District. She noted that she spoke to Ute Water's attorney and if the Council decided not to move forward with this Ordinance but receives another offer on Enoch's Lake that is higher, Ute Water has stated that they would want to see the offer to see if they wanted to purchase it at that time.

Councilor Kreie asked if the City had ever talked to Ute Water in the past to see if they would take the mountain water properties. Mr. Bennett confirmed that the City had and that it has been quite a few years ago, but staff specifically met with Ute Water knowing that they have First Right of Refusal and know how to manage dams and many lakes like Enoch's. Staff had actually hoped that Ute Water would take them, but they don't have a meaningful way to get the water to where they would need it for their systems, so they have not had any interest.

Mr. Bennett also pointed out that in all this time, the City has spoken about all the mountain water properties together and not separately until the City received this offer on Enoch's Lake. He added that it was important for the audience to hear and understand that the only way the Council can discuss and consider an offer is by going through the public hearing process, whether they want to accept the offer or not. They can hold an Executive Session to receive legal advice from the City Attorney on what to do, but the Council members cannot meet outside of a public hearing to even talk about it.

Councilor Kreie stated that he has a lot of nuanced opinions about Enoch's Lake, but he still is convinced that the City has no place in the far-away-lake business and that Fruita couldn't continue down the road owning the mountain water properties because it is a no-win situation for the City.

Councilor Purser stated that it is her personality in general to try to find a balance, but this was a topic that was causing her to be torn. She said she sees the logic concerning all the difficulties that these mountain properties have caused the City of Fruita over the years and why it makes a lot of sense to not own them any longer. On the flip side, she said all of the audience members' opinions were super important and valuable and she heard many valid points that need to be considered. She then pointed out that the actual people that the Council heard from is a very small percentage of the entire population of the citizens of Fruita, who voted for them to make these difficult decisions. Lastly, Councilor Purser stated that she also

hesitates to make a decision on something when there are really invested citizens who might be able to come up with creative solutions that the Council hadn't yet been able to think of.

Councilor Kreie noted that some of the people who spoke mentioned the idea of putting the matter to a vote of the people of Fruita, but he personally thought that would not solve the City's problem because if he were just a citizen and hadn't sat in the same meetings that he has and hadn't read about and talked about the issues the City has, he would also say no, don't get rid of the water rights; that's silly.

Councilor Miller said the City has its systems in place for a reason and the Council was taking the prescribed path that had been set forth before them. She agreed with Councilor Purser that there was an emotional pull that was very hard but added that she has learned so much and loved to see people participating. She thanked everyone in the audience for coming to the meeting but pointed out that in the end, even though many people from Glade Park came to the meetings and will be impacted, the City Council's burden of responsibility falls with the citizens of Fruita inside the City limits.

Councilor Williams stated that he didn't want to sway anybody's vote because he wanted them to vote the way they want to. He said his heart has been really heavy on it the past few months and felt that people really stepped up to do what the Council asked them to do.

Mayor Pro Tem Breman acknowledged that the Council did not have an easy decision to make and he had no idea which way it was going to go, but that clearly, the Council members have put a lot of thought into it. He thanked City Attorney Mary Elizabeth Geiger for getting the Council the answers they asked for very quickly and City Manager Mike Bennett and his entire staff for also getting answers and communicating to the public. He also thanked everyone in the audience for coming to the meeting, noting that it was a very passionate topic and wanted to convey how appreciative he was in terms of how everybody handled themselves with respect.

Mayor Pro Tem Breman noted that the Council had a couple of options: approve the Ordinance, do nothing and let the Ordinance die for lack of a motion or move to continue the public hearing again. Ms. Geiger suggested that if there was a motion for a continuance, there should be a purpose for the continuance such as requesting additional information like the last time. It would also need to be continued to a date certain and she provided the next upcoming regular City Council meeting dates.

Councilor Hancey noted that the offer before the Council had an acceptance deadline of August 31, 2023. Ms. Geiger confirmed that and said if the Council were to continue the public hearing, the City would need to request that the proposed buyer agree to extend the acceptance deadline. Mayor Pro Tem Breman asked if there had been any indication from the potential buyer that they would agree to that and Ms. Geiger responded that she had not spoken to the buyers, so she didn't know. She advised that there was a risk that the offer would just be withdrawn by the potential buyer with no further offers extended.

- **COUNCILOR KREIE MOVED TO APPROVE ORDINANCE 2023-07 – SECOND READING – AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF FRUITA AND RONALD TIPPING, RODNEY POWER AND STAN MUHR FOR THEIR PURCHASE OF 51.41 ACRES KNOWN AS ENOCH'S LAKE AND THE WATER RIGHTS KNOWN AS MIRROR DITCH NO. 1, MIRROR LAKE RESERVOIR NO. 1 (AKA ENOCH'S LAKE) AND SPRINGS R AND N AND AUTHORIZING THE CONVEYANCE THEREOF. COUNCILOR WILLIAMS SECONDED THE MOTION.**

Councilor Kreie stated that the only hesitancy he had is that online and in person, a lot of people had expressed concern that they didn't even know the properties were for sale and perhaps somebody else would've like to put in an offer, even though no one had. He added that otherwise, he was in favor of taking care of the City's problem.

Councilor Miller said she felt the same way and added that she would love to give people more time to figure out how (now that they understand) to get the properties off the City's books, which is a priority, and giving other entities an opportunity to purchase and manage Enoch's Lake.

Councilor Hancey pointed out that, in effect, the offer was actually \$640,000 when combined with the forgiveness of the City's remaining non-monetary performance obligation to Mr. Tipping and the City could lose out on a real option of financial impact to the community besides just decreasing the City's current expenses and the liabilities associated with them. He added that he, too, was appreciative of all the public comments.

Mayor Pro Tem Breman stated that like the others, he, too, was torn in the matter but he was looking at how it was an issue for the City spanning 30 plus years. He said he was impressed with the amount of work that had been done by the people in such a short period of time but added that the City had something real on the table and he wondered if there could have been another offer because he thought that would have had an influence on the Council's decision making process, at least from his standpoint.

- **THE MOTION FAILED WITH FIVE NO VOTES AND ONE YES VOTE. COUNCILOR BREMAN VOTED YES.**

Councilor Williams said that the only reason he voted no was because the people in the audience stepped up and did what the Council asked them to do. He added that if the audience members don't do anything in the next year, he will then happily vote yes because the Council needs to do what is wise for the Fruita community.

City Attorney Mary Elizabeth Geiger announced that there will need to be another City Council meeting to decide the next steps, so she asked that everyone not make any assumptions in the meantime. She advised the members of the public that the City would be advertising future discussions on the City's website and urged them to pay attention to Council agendas so they will know when future discussions concerning Enoch's Lake will take place.

Mayor Pro Tem Breman called for a five-minute break at 8:50 p.m. The meeting reconvened at 8:55 p.m.

B. CONTINUANCE OF ORDINANCE 2023-08 – SECOND READING – AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OF THE CITY REFERRED TO AS 2-ACRE PARCEL LOCATED ON PINON MESA – PUBLIC WORKS DIRECTOR KIMBERLY BULLEN AND CITY ATTORNEY MARY ELIZABETH GEIGER (CONTINUED FROM THE JULY 18, 2023 REGULAR CITY COUNCIL MEETING)

Public Works Director Kimberly Bullen explained that this was a continuance of Ordinance 2023-08 and that the only question the Council had from the last meeting on July 18th was again concerning road access for the public. Staff reached out to the Mesa County Public Works Director, Road and Bridge Director and the County Surveyor, who basically said that the road is maintained as a public access road. It wouldn't change the maintenance of the road if this 2-acre parcel was sold; it would remain open because it accesses

property to the south as well as US Forest Service property. Staff also reached out to the BLM and the Forest Service and BLM said they don't have any trails, with the closest route being 2.5 miles away. The US Forest Service indicated that Ridge ATV Trail 646 and Blackpine Trail 647 are both accessed from the road and that the trailhead for 646 is located on private property adjacent to the 18 Mile Road. Ms. Bullen pointed out that the trails may also be accessed from the west side of the forest, but if the county road were ever closed, it would severely limit the ability to have a loop experience, which is what people have come to know. Ms. Bullen stated it was highly unlikely that the Forest Service would support a request to close the road.

City Attorney Mary Elizabeth Geiger stated that it couldn't be just one landowner requesting that the road be closed; there would need to be a petition from all the people who have access off that road including the Forest Service and a vote of the County Commissioners. She agreed with Ms. Bullen that this was an unlikely scenario and added that there hasn't been any indication or request for the road to be closed at this point and that it would be completely out of the City of Fruita's control.

Mayor Pro Tem Breman asked if anyone else had signed up to speak and Deputy City Clerk Deb Woods confirmed that no one had. He opened the public hearing on Ordinance 2023-08.

Mariel Steele, 14390 Bs Road, said that in the discussions amongst themselves within the group of "Friends of Enoch's Lake," the members have spoken about their interest in the 2-acre parcel as well for future projects like storage or possibly hosting a camp supervisor to do maintenance and things like that, so the group was asking that the Council would either say no at this time to the potential buyers or postpone as well.

Jim Cook, 2331 S. 15 Road, Glade Park, stated that he knew the City Council received another offer on the 2-acre parcel for a better price, but requested that the Council hold off on that for a little bit because the "Friends of Enoch's Lake" would like to use that for a staging area for the campgrounds in the event they are able to develop some campsites. He said it could be a place to store their materials and noted that the group actually got an offer for a temporary storage shed that could be brought up to the site.

After hearing no further comments from the public, Mayor Pro Tem Breman closed the public hearing and referred the matter to the City Council.

Councilor Williams asked staff to pull up a map of the 2-acre parcel for the Council's reference.

Ms. Geiger reminded the City Council that they did receive an offer from a third party on the parcel and in addition, a revised offer from Mr. Powers and that these were included in the Council packet. Councilor Hancey noted that the original offer from Powers was \$16,000 and the revised offer from him was for \$50,000. He asked what the offer was from the third party and Ms. Geiger responded that it was for \$32,000. She advised that the Ordinance could be amended to reflect Mr. Powers revised offer.

Councilor Hancey asked how far away the 2-acre parcel was from Enoch's Lake. Ms. Geiger estimated that it was about ¼ of a mile. Ms. Bullen agreed that it was in close proximity but that there was still some distance between the two parcels. Ms. Geiger pointed out that the 2-acre parcel is not contiguous to Enoch's Lake parcel, but it does have access to 18 Mile Road. She added that Mr. Powers owns the property that surrounds the 2-acre parcel on the other side and that the 2-acre parcel does not have any water rights associated with it, so the City did not have to go to Ute Water for the First Right of Refusal.

Councilor Kreie stated that his issue with this Ordinance was the same as the issue he had with Enoch's Lake. He clarified that he thinks staff and the Council did everything right, but because people got involved at the end of the process and the City didn't go through the process of putting up a "For Sale" sign, there was a perception of nontransparency on the part of the City.

Councilor Hancey stated that he was leaning toward accepting Mr. Powers' revised offer.

- **COUNCILOR WILLIAMS MOVED TO AMEND ORDINANCE 2023-08 – SECOND READING – TO ACCEPT THE REVISED OFFER FROM MR. ROD POWERS OF \$50,000 AND AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OF THE CITY REFERRED TO AS 2-ACRE PARCEL LOCATED ON PINON MESA. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES AND ONE NO VOTE. COUNCILOR KREIE VOTED NO.**

Mayor Pro Tem Breman asked Mayor Kincaid to rejoin the meeting and preside over the remainder of it.

6. CITY MANAGER'S REPORT

Mike provided the following updates to the Council:

- A reminder to RSVP with staff for the many invitations to various meetings and events from other agencies that Mike emailed to the Council previously
- A request to know if Council members were available to schedule a Fruita Housing Authority Meeting prior to the Council meeting on September 5th from 6:00 to 7:00. There is a second grant request from the Fruita Mews development that needs to be considered by the Housing Authority. Mayor Kincaid asked the Deputy City Clerk if there were any Boards and Commission interviews scheduled for that evening and Deb replied that there were not. Matthew pointed out that that was Dog Daze in the Fruita pool from 4:00 to 6:00 p.m. Amy reported that she would not be able to attend either the Housing Authority meeting or Dog Daze. All the other Council members confirmed that they could make it to the Housing Authority Meeting.

7. COUNCIL REPORTS AND ACTIONS

COUNCILOR KEN KREIE

Ken reported that he attended a Grand Valley Regional Transportation Committee (GVRTC) meeting the previous day but there was really nothing of note to report except they are working on a new facility.

COUNCILOR AMY MILLER

Amy reported that the Lower Valley Heritage Room at the Civic Center is in need of Fruita Monument High School yearbooks for years 2000 forward and a few other specific years that she could email out to the Council members. She noted that the Historic Preservation Board is going to put out a Call to Action for them. Councilor Kreie suggested that Amy reach out to the Yearbook Committee at the high school. Amy said the Yearbook Committee only keeps one copy of each year for their own collection and the library also gets a copy. She stated that the Historic Preservation Board is going to purchase a subscription

of FMHS yearbooks for their records going forward into the future, but they would like to find copies of the previous years' books as well.

Amy also reported that she got some feedback that the Boards and Commissions Mixer event was very much appreciated; however, it was too loud. Amy agreed and said that the people at her table were having a hard time hearing one another, so perhaps next year, staff could try to figure out how to resolve that. She added that they loved the format and want to see that happen again, but they just couldn't hear what was being said, which was the point of the whole thing.

Amy stated that there's been a lot of traffic on the link for developers, but there is no pin on the map for the Fruita Mews and she thought it was the only one missing. Mike said he would make sure it is added to the map.

Amy announced that she would be attending the Home Builders' Association (HBA) Governmental Affairs luncheon the following day and would report back at the next Council meeting.

MAYOR JOEL KINCAID

Joel reported that Fruita will be hosting a Mesa County Town Hall event in November and they will be implementing the same roundtable format as the one at the Boards and Commissions Mixer. They are considering having it at the Fruita Community Center. Mike confirmed that they are holding the event at the Community Center. The Council thought it might have been the music playing in the background at the Boards and Commissions Mixer that made it so hard for everyone to hear. Matthew suggested that the tables be spread further apart and wondered if the food could be moved into the kitchen. Joel said there wouldn't be food at the Town Hall and Mike noted that there will be much fewer tables at the Town Hall, too.

Joel also reported that he and Amy interviewed applicants for the Fruita Planning Commission and he asked Mike what the timeline was for updating the membership guidelines for the Commission. Mike explained that staff had slated two items for the September workshop meeting and one of the items is the first draft of the 2024 Budget and the second is to recap all of the update meetings with each Board and Commission. He stated that never was there any feedback from the Council related to any changes to the Planning Commission during that process except for the recommendation of the City Attorney to make the change through an Ordinance process to remove a Council Liaison position on the Planning Commission. He said that staff will be scheduling the First Reading of an Ordinance at an upcoming meeting and in the meantime, as Joel and Amy are interviewing applicants, they can recommend the appointment of an alternate member to the Planning Commission. Joel asked for confirmation from the Council that they were in favor of moving forward with the Ordinance and the Council confirmed they were.

Matthew said that he would like a hard copy of the draft Budget after the initial presentation and asked Aaron when he would like his hard copy. Mike explained that after the first draft of the recommended Budget, there is a lot that gets built throughout the remainder of the upcoming discussions, so it could change four or five times over the course of the next three months. Matthew said he still preferred to have a hard copy to begin with but will be fine with an electronic copy after it gets adopted. Mike said staff could print out any draft at any point. Aaron decided he wanted a hard copy at the beginning of the process as well. Joel asked if there would be links in the electronic copy from the start like there are in the final document.

Joel asked when the Council could discuss procedures and future steps for selling and conveying the City's Mountain Properties and water rights. The Council came to a consensus to add the discussion to the September 19th Regular City Council meeting under the Council Reports and Actions section of the agenda.

8. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita

DRAFT

**FRUITA CITY COUNCIL MEETING
SEPTEMBER 19, 2023
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

Present: Mayor Joel Kincaid
Mayor Pro Tem Matthew Breman
City Councilor Jeannine Purser
City Councilor James Williams
City Councilor Ken Kreie
City Councilor Amy Miller
City Councilor Aaron Hancey

Excused Absent: (None)

City staff present: City Manager Mike Bennett
Deputy City Clerk Deb Woods
Assistant City Manager Shannon Vassen
Communications and Engagement Specialist Ciara DePinto
Planning and Development Director Dan Caris
Public Works Director Kimberly Bullen
City Attorney Mary Elizabeth Geiger

Also present: Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Kincaid called for a moment of silence for all faiths and beliefs to have the opportunity for a silent prayer. He then led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

- **COUNCILOR PURSER MOVED TO ADOPT THE AGENDA AS PRESENTED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – INTRODUCTION OF NEW FRUITA MONUMENT HIGH SCHOOL PRINCIPAL

Principal Newt Klusmire introduced himself to the City Council. He said he has been in Fruita for six years and that when he first moved here, took the position of Assistant Principal of Fruita Monument High School (FMHS) and fell in love with Fruita for its strong sense of community.

Principal Klusmire stated that he didn't have any asks of the City Council; he just wanted to introduce himself and offer FMH'S support.

Councilor Miller said she was excited for Principal Klusmire's leadership and knows the kids just love and appreciate him. Principal Klusmire commented that it's easy to lead a school with such great kids.

Councilor Hancey asked Principal Klusmire how he is ensuring transparency within the school between parents, students and teachers in this time of book issues and questionable surveys. Principal Klusmire responded that the keyword is "transparency," and that his number one goal as Principal this year is clear and consistent communication. He added that he welcomes parents who have hard questions about what is going on in the school because oftentimes, the faculty can enlighten them and bring them into the conversation. Principal Klusmire called parental perspective very important and said his school's communication is intentional and transparent.

Councilor Purser asked Principal Klusmire if there was anything he would like see from the Fruita City Council or if there was anything the Council could do for him. Principal Klusmire responded that nothing really came to mind; he just believes in the value of relationships more than anything.

Councilor Purser noted that last year, the City Council discussed the possibility of each of the Council members taking a day of the week to greet students at FMHS in the mornings and that the Council may be reaching out to him about that. Principal Klusmire said giving students a fist-bump as they come into the school in the morning is his favorite part of the day and that Council members are welcome to join him.

5. PUBLIC PARTICIPATION

1. **Kathleen Morrison**, 909 Prince Ct., Fruita, said she was also present at the Special Council meeting on August 29, 2023 when thankfully, the Council chose not to accept the offer for Enoch's Lake. She said she thought that the Council's intention was to give the "Friends of Enoch's Lake" time to come up with a plan to work with the City to protect the public access to the lake.

Ms. Morrison stated that the President of the group "Friends of Enoch's Lake" e-mailed the City Manager and asked to be allowed to have a picnic and a clean-up day at the lake so that everyone could all meet each other, get rid of the fire pits so that people didn't think they could have fires there and make sure that no hooligans show up. Ms. Morrison said that Mr. Bennett told her in an e-mail response that the City basically has no intention of working with "Friends of Enoch's Lake" and that the plan is to sell the property, so "don't bother." She said she is really concerned about that; she thinks the public needs clarification because the "Friends of Enoch's Lake" people are left out in the cold. She added that it didn't seem like staff was giving them a chance and asked for clarification on what the Council's position is; whether or not "Friends" will have an opportunity to go forward with volunteers while the City looks for a buyer.

2. **Vera Mulder**, 983 E. Pabor Ave., Fruita, said she was present at the meeting because of Enoch's Lake and was really pleased to meet the new Principal at FMHS. She said he used a word that she thinks is very good: transparency.

Mrs. Mulder continued that she was handed a copy of what Mr. Bennett stated concerning the City only allowing work to be performed on behalf of the City with a written contract and certain levels of insurance in place (which she can understand) and that since the City and “Friends of Enoch’s Lake” do not have a written agreement, there is no permission given and that it is a liability issue for the City of Fruita, who is currently focused on the process for no longer being the owner of the property. Mrs. Mulder accused the City of having already made up its mind and not giving Mr. Jim Cook and the “Friends of Enoch’s Lake” a chance to provide some alternative ideas to preserve the lake and water for the future.

Mrs. Mulder added that she and a couple of other people had occasion to go up to Enoch’s Lake several times and it was a joy to see it; it is a place where people can go and get in touch with Mother Nature while the City is complaining that it needs the revenue. She suggested that Police Officers give all the speeders on Pabor Avenue (where she lives) and Pine Street tickets because this is where there are little kids and old people trying to cross the street.

Mrs. Mulder concluded by saying that it is a sin for the Fruita City Council to even think about giving up Enoch’s Lake without giving Mr. Jim Cook and his committee, “Friends of Enoch’s Lake” a chance to solve the problem or provide solutions to the Fruita City Council. She added that she doesn’t want to be ashamed of Fruita because she loves Fruita, but that this is going to make her feel very bad.

3. **Teresa Cox**, 651 E. Carolina Ave., Fruita, stated that what she wanted to say ties into what Mrs. Mulder was just mentioning about speeding. She said she walks her dog all the time and there are speeders on Maple Street as well where people have small children and pets. Ms. Cox said her dog managed to slip out the door the other day and was down the street, which scared her to death because it is not an exaggeration to say she has seen people going through there at 70 miles per hour and that sometimes it’s the motorcycles who are really bad. She said it was routine to see people doing 40, 50 and 60 miles per hour and even walking on the sidewalk is a little nerve wracking because what if something does dart out in front of those cars and they jerk the wheel and lose control? She said this would “take her out” even though she’s on the sidewalk. Ms. Cox called it a very concerning issue that is happening all the time throughout the day and evening and if the Council would send an Officer down there to park and wait on one of the other streets, they will catch them and once that starts happening, it would get a lot of it stopped. She said she sees a real disregard for the law and doesn’t have any other solutions except four-way stop signs or speed bumps, which she was told aren’t easy to do.

6. CONSENT AGENDA

- A. **MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 1, 2023 CITY COUNCIL MEETING**
- B. **ORDINANCE 2023-12 – 1ST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 2.39 OF THE FRUITA MUNICIPAL CODE CONCERNING MEMBERSHIP OF THE FRUITA PLANNING COMMISSION FOR PUBLIC HEARING ON OCTOBER 17, 2023**
- C. **FINANCIAL REPORTS – A REQUEST TO APPROVE THE AUGUST 2023 FINANCIAL REPORTS**

Mayor Kincaid asked if there were any requests from the public to remove any item(s) removed from the Consent agenda for further discussion. There were no such requests.

Mayor Kincaid asked the City Council if they had any item(s) they would like removed from the Consent agenda for further discussion. There were no such requests.

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

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

There were no Quasi-Judicial Hearings on the agenda.

B. LEGISLATIVE HEARINGS

- 1) **RESOLUTION 2023-27 – PUBLIC HEARING – AMENDING THE 2023 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR EQUIPMENT, CAPITAL EQUIPMENT AND CAPITAL PROJECTS – ASSISTANT CITY MANAGER SHANNON VASSEN**

Assistant City Manager Shannon Vassen explained that staff needs to appropriate \$130,000 for two (2) Police Interceptors (patrol cars) that are due for replacement next year and was told by Ford Motor Company before the strike that the City has a very limited window in which to order the Interceptors in October to be delivered by October 2025 because they are holding off on all government builds throughout 2024.

Mr. Vassen noted that there are four (4) total Police Interceptors to be replaced over the next two years, but staff is actually going to cycle out two (2) investigator vehicles and put those into the regular fleet, which will transition to either a small SUV or a sedan.

Mr. Vassen continued that in the Sewer Fund, there is \$350,000 that will be appropriated. \$50,000 is to purchase a vertical drum mixer at the Wastewater Reclamation Facility. He recalled that the Council earlier this year approved \$250,000 to replace two (2) vertical drum mixers in the southern basin; one of them was kind of heaping, so staff was going to send it back to the manufacturer to be refurbished and sent back as an extra to have on hand for the future, but unfortunately, that one can't be fixed, so the Resolution before the Council will appropriate an additional \$50,000 to purchase one and have it to be used as a replacement in the future along with the other one that has been pulled out of the aeration basin.

Finally, Mr. Vassen noted that staff received a \$300,000 supplemental grant from the Colorado Department of Local Affairs (DOLA) for the H2S Mitigation Project. This does not increase the Budget for it, but will rather offset the City's cost for the project.

That concluded Mr. Vassen's presentation.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and referred the matter to the City Council.

Councilor Breman asked Mr. Vassen to confirm that even though the City will not receive the two Police Interceptors until 2025, Ford has to be paid now. Mr. Vassen explained that in order for staff to be able to place the order, the City has to have the money appropriated and Ford gave the City a 5% escalation per year, so it is actually more than the City has budgeted currently. This year in the Budget, there is \$55,000 for replacement and an additional 10% to receive the vehicles in 2025 and that is how Mr. Vassen stated he reached the \$130,000 (\$65,000 for each). These vehicles will be fully outfitted and when the Council adopts the 2025 Budget, staff can always increase those funds if needed. Mr. Vassen pointed out that it is currently very difficult to get Police Interceptors.

- **COUNCILOR KREIE MOVED TO ADOPT RESOLUTION 2023-27 – AMENDING THE 2023 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND AND THE SEWER FUND FOR EQUIPMENT, CAPITAL EQUIPMENT AND CAPITAL PROJECTS. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

8. ADMINISTRATIVE AGENDA

A. **PRESENTATION AND CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF FRUITA AND THE GRAND JUNCTION ECONOMIC PARTNERSHIP (GJEP) – CITY MANAGER MIKE BENNETT**

City Manager Mike Bennett introduced Curtis Englehart, Executive Director for the Grand Junction Economic Partnership (GJEP), who provided the City Council with a PowerPoint update. He noted that he last presented to the Council in January of 2023 and it has been a goal of his since to work with Mr. Bennett to strengthen the partnership between the City of Fruita and GJEP. Slides in his presentation included information about the following:

- GJEP's Mission and Vision
- 2022 GJEP Numbers of Wins (relocation or expansion of the area), Local Assists (GJEP helped a business in some form/fashion), primary jobs created and potential jobs created
- 2022 Economic Impact of \$15,690,242
- 2016 – 2022 Numbers of Wins (relocation or expansion of the area), Local Assists (GJEP helped a business in some form/fashion), primary jobs created and potential jobs created
- Cumulative Economic Impact years 2016 – 2022: \$73,162,459
- Announcement that GJEP received Business Facilities' 2023 Top Economic Development Organization Award (recognized for 27 Rural Jump Start companies - state leader)
- List of Fruita and GJEP's past collaborations (Economic Development Forums, trade shows and board/committee meetings)
- Focus on Fruita Businesses:
 - 3 Wins: Canfield Bikes, FHE – Rural Jump Start approval, SCORED – Rural Jump Start approval
 - 63 New jobs and 53 potential jobs
 - Capital Investment of \$579,251
 - Savings to Fruita Businesses:
 - \$69,492 in tax credits

- \$162,500 in grant dollars (OEDIT and GJEP)
 - 15 Site Visits for prospective business
 - 80+ Fruita properties shown in proposals
- Updated Prospect Development numbers (General and Jump Start)
- Top Sources for Active Prospects (Direct inquiry, local referral, trade show or other)
- Top Industries for Active Prospects

The remainder of Mr. Englehart's presentation was dedicated to a Memorandum of Understanding (MOU) between the City of Fruita and GJEP. He explained how after his last presentation to the City Council in January, he and City Manager Mike Bennett sat down and started having detailed conversations on how to strengthen and grow the partnership, resulting in a draft MOU between the City and GJEP.

Mr. Englehart listed each of the commitments from GJEP pursuant to the proposed MOU and GJEP's financial request of the City of Fruita of \$20,000 as the City Council begins the 2024 Budget process. He added that if there was a tiered approach that the Council would like to look at, he would be open to that as well before the City fully invests in GJEP at \$20,000 for the year.

Mr. Englehart turned the presentation over to City Manager Mike Bennett, who then reviewed each of the commitments of the City pursuant to the draft MOU with GJEP. He pointed out that GJEP is an expert at some things that the City is not such as all the programs that Mr. Englehart had described in his presentation such as Rural Jump Start, Job Growth Incentive Tax Credit, Career Development, Skills Advanced Colorado, Enterprise and Opportunity Zones. Mr. Bennett said that GJEP does a phenomenal job of walking businesses through these programs, whether they are existing businesses or prospective businesses and that Fruita has seen a lot of success with these. He added that the City of Fruita also has a lot of economic development successes where business owners come directly to the City and sometimes, those have clear-cut processes that the City's Planning and Development Department can walk them through (while keeping GJEP updated), but GJEP is always willing to help whenever they can.

Mr. Bennett noted that currently, the City's budgeted amount to pay GJEP is \$10,000 per year and that Mr. Englehart's request was for \$20,000, which is not part of the MOU. The MOU simply refers to an annual contribution to be determined as part of the annual budget appropriation process for outside agencies.

Mr. Bennett provided staff's recommendation that the Council approve the MOU subject to one correction in the first bulleted item of GJEP commitments (removing the words "City staff" and replacing them with "GJEP staff") and direct the City Manager to execute the MOU.

Councilor Breman asked Mr. Englehart if there was any chance that GJEP would change its name to the "Grand Valley Economic Partnership." Mr. Englehart responded that that would be a board discussion and decision, although he appreciated the question.

Councilor Breman stated it was his understanding that Mesa County is eligible for the Rural Jump Start Program because it is a depressed area, but now the area is starting to come out of that. He asked Mr. Englehart what tools would be available to the Grand Valley as the economy continues to improve. Mr. Englehart explained that there are a few different factors to Rural Jump Start; the base requirement is that Mesa County is in a rural area and then there are different cash incentives based on the level of being distressed. Mesa County is in more of the mild level of distressed, so it's a

\$20,000 cash incentive where more distressed counties are at \$40,000. He said that regardless of whether Mesa County is distressed or not, Rural Jump Start is still available in Mesa County; however, the program will sunset in 2024, so GJEP will be going back to the Colorado Legislature to try to get the program extended again. Mr. Englehart called it a great program and Councilor Breman agreed wholeheartedly.

Councilor Hancey asked Mr. Englehart what challenges he sees Fruita having and what Fruita could do to be even more attractive to potential businesses. Mr. Englehart said the thing that GJEP runs into with the City of Fruita the most is the lack of commercial properties to look at, although they do showcase land in Fruita quite a bit, such as the Fruita Business Park. He added that Mesa County as a whole has a very skilled and robust workforce, so that isn't an issue, and the only other thing that Fruita could probably do a little bit better job of is local incentives. He said it is tough for Fruita to compete with some of the other areas when Fruita doesn't have the funds for those kind of incentives from a cash perspective. Mr. Englehart clarified that the City of Grand Junction provides GJEP with a small amount of cash incentives on an annual basis. Councilor Hancey asked if the cash incentives would be in addition to the \$10,000 to \$20,000 that GJEP was requesting of the City of Fruita and Mr. Englehart confirmed that to be correct.

Councilor Hancey asked if there would be any benefit to additional community training or understanding more of what GJEP does for the Fruita community. Mr. Englehart said that GJEP has actually sat down with the Fruita Area Chamber of Commerce as they hired a full-time workforce coordinator position and part of that job consists of going out and meeting with local businesses. He explained oftentimes people think GJEP only brings businesses in, but they also help local businesses expand, and so GJEP is meeting with the Fruita Chamber to help them understand some of those incentive programs and when to involve GJEP to help.

Councilor Miller asked Mr. Englehart if prospective businesses are looking for existing commercial structures because they don't want to build and he responded that right now, GJEP is seeing probably 80% to 85% of businesses looking for existing structures because the cost to build is still really high. He added that many of them are looking to lease, so it begins to limit the options that Fruita can provide. Mr. Bennett agreed that many prospective businesses who have had interest in Fruita just were not in a position to build, so they ended up leasing an existing building in Grand Junction.

Councilor Miller noticed that Fruita used to participate in trade shows quite often and asked if that was something that will come back now that the pandemic was over. Mr. Englehart said trade shows are coming back but when they first started up again, they really weren't worth attending because the vendor turnouts were low. He added that GJEP attended nine trade shows this year and some have been really good and some they won't be going back to, so as GJEP continues to navigate which ones they should be going to, there will be an invitation for Fruita as well.

Mayor Kincaid asked which type of trade shows GJEP has gone to, is looking at going to and which might be good for Fruita. Mr. Englehart explained that GJEP has expanded its scope a little bit outside of outdoor recreation, although they still do those such as the Outdoor Retailer Show in January and the Big Year Show in Denver. He said out of the nine trade shows, three were outdoor rec-focused, but they've also done two or three aerospace shows and have applied for a grant to go to a clean energy one. He noted that aerospace seems to be the trade show that is coming back the quickest.

Mayor Kincaid pointed out that the Grand Valley is getting faster internet speed with new fiber connections and asked if that is going to help or if it just puts the valley on neutral ground with the

rest of the country for attracting businesses. Mr. Englehart said it is definitely a positive aspect because it feels like fiber is expected when dealing with some prospects, so it is good to see that it is coming. He added that for shovel-ready properties, GJEP will showcase that quite a bit.

Mayor Kincaid asked if there are grants that the City of Fruita could apply for that would help with economic development. Mr. Englehart answered that there aren't a ton of grants for governments and that there's a lot more for businesses such as those available through the Office of Economic Development and International Trade (OEDIT), who did an "Action Grant," which was up to a \$40,000 grant to help towards economic development efforts. He said he thought this was some of the pandemic relief money that OEDIT got and RFPed out. GJEP was a recipient of that grant, and Mr. Englehart said he didn't know if it would be available annually or if it was just a one off, and this was one example. He added that as far as larger grants to build out some specifications, GJEP doesn't have any of that at this time.

Mr. Bennett noted that there are a few grants staff is working on related to economic development and the riverfront properties that the City has. Staff has been in touch with the Department of Local Affairs (DOLA) and will be looking for infrastructure grants to help impact the City's public-private partnership with 2Forks Ventures and a Great Outdoors Colorado (GOCO) grant for Open Space and Recreational, which is key to getting the commercial pieces of that development. Staff is also working with DOLA on a grant for a bridge over the Big Salt Wash near the Fruita Business Park and in order for Fruita to be competitive, there has to be an actual project and partnership.

Mr. Englehart thanked the City of Fruita for supporting GJEP for a number of years.

Mayor Kincaid asked the Council members if they had any questions or concerns about the bullet points in the MOU that list the commitments of both GJEP and the City of Fruita. There were none.

- **COUNCILOR HANCEY MOVED TO APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF FRUITA AND THE GRAND JUNCTION ECONOMIC PARTNERSHIP (GJEP) AS AMENDED. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

9. CITY MANAGER'S REPORT

City Manager Mike Bennett provided the following updates to the Council:

- Mike noted that there were quite a few exciting updates and accomplishments listed in the Weekly Information Update, so he was not going to repeat them.

10. COUNCIL REPORTS AND ACTIONS

A. ENOCH'S LAKE SALE PROCESS AND DIVESTING OF MOUNTAIN PROPERTIES PROCESS DISCUSSION

City Manager Mike Bennett noted that staff had listed potential options for the City Council to consider in the Council packet. He reminded all that at the August 29, 2023 Special Meeting after the Council decided not to accept the current offer on Enoch's Lake, the Council directed staff to bring forth options for selling Enoch's Lake and in addition, to have a conversation related to the

other mountain water properties owned by the City on Pinon Mesa. These include Reservoirs #1, #2 #3, some springs and a large land holding without any water rights that was to be the future home of Reservoir #4 prior to 1983 when the City was no longer able to use the water from Pinon Mesa and contracted with Ute Water instead.

Mr. Bennett mentioned that the City's realtor, Lori Chesnick, was present in the audience to help with the discussion or any questions that the Council may have. He pointed out that staff and present and past City Councils over the many years have been very clear and transparent about trying to divest the City of Fruita from owning and maintaining the Enoch's Lake property with an interest in keeping it accessible to the public.

Mr. Bennett also stated that one of the problems the City has always had is that there is a continued non-monetary commitment valued at \$140,000 for delivery of water as needed to Ron Tipping for repairs he made pursuant to an agreement with the City. There is also the requirement of working with the State of Colorado's Dam Safety Engineer for jurisdictional dams. Mr. Bennett pointed out that both of these aspects would have to be continued for whomever owns Enoch's Lake.

Mr. Bennett recalled that the City went through the Ordinance process for the Council to be able to consider a non-solicited offer for Enoch's Lake, which is required in the Fruita City Charter. He said the goal for this meeting was to get direction from Council on next steps after it was made it clear in public hearings that the Council wanted to reconsider the process for selling the property.

One option included in the Council packet was to list the property on the open market through the City's realtor, who recommended that the property be listed in the MLS for 30 days including photos and drone footage. The listing would also include stipulations for the agreement with Mr. Tipping, the requirements of the state's Dam Safety Engineer, an Ordinance process and Ute Water's First Right of Refusal.

Mr. Bennett noted that staff had received the appraisal on Enoch's Lake, property and water rights after City Attorney Mary Elizabeth Geiger reached out to four or five appraisers and only one group agreed to do the appraisal. Mr. Bennett pointed out that the appraised amount plus the non-monetary obligation to Mr. Tipping would also be a point of discussion for the Council in deciding on a sale price if that was the course of action the Council chose to take. He suggested that the discussion continue with Enoch's Lake first followed by the City's other properties on Pinon Mesa.

Mayor Kincaid noted that staff and the Council could decide how to list property for sale and get information out to the public about it. Regarding Enoch's Lake, he stated that if the City receives many offers for it, the Council could accept the offer from someone who wants to keep the lake open to the public versus an offer for a higher dollar amount. City Attorney Mary Elizabeth agreed and added that the offer would then need to go back to Ute Water Conservancy District again for them to decide whether or not they want to purchase the lake on the same terms. Assuming they don't, then the matter would go back through the Ordinance process like before.

Councilor Kreie commented that realtors have a set fee and asked how that would be affected if the City were to accept an offer that wasn't for the highest dollar amount. Ms. Geiger said it would be the same percentage of a lower number, so it wouldn't matter.

Councilor Breman asked for clarification on whether the discussion at this meeting was just about the process for Enoch's Lake or was it for all mountain properties. Mayor Kincaid reminded him that

Ms. Geiger's recommendation was to discuss the Enoch's Lake property first and then the other properties after that. Councilor Kreie said he'd rather remain consistent for all the properties.

Mr. Bennett agreed that there needs to be a similar and consistent process but added that the properties are not the same because there were nuances to some of the properties such as Enoch's Lake not being on US Forest Service land; therefore, there would be no agreements with the Forest Service to go along with that property if someone wanted to buy it. He added that the process for listing property and then going through the Ordinance process could be similar for all the properties, but stressed that each property has different types of assets that would need to be incorporated into one of those first two steps. Ms. Geiger stated that for instance, Reservoir #3 has no land associated with it whatsoever; it is only the water that is sitting on US Forest Service property. She explained that concerning the reservoirs that sit on Forest Service property, the City has had discussions for years with other public entities such as the Forest Service and Colorado Parks and Wildlife and those agencies would probably be the ones that make the most sense to approach first because of the fact that the reservoirs already sit on public lands. Ms. Geiger pointed out that that is why those properties are very different from Enoch's Lake, which is surrounded by private property and sits only on City-owned property. She added that the City has only one parcel that is only land and she thinks that it could fit easily in the same process as what the City might do for Enoch's Lake and that is the dam for Reservoir #1 because the dam sits on land owned by the City, but the rest of the reservoir sits on US Forest Service land. Reservoir #2 is currently under a no-fill order, so it is really different because it's got a whole host of issues associated with what is next for that dam, whether it's a repair or a breach. Ms. Geiger said she didn't see a scenario when that one is ready for listing yet. Councilor Purser pointed out that the City is unlikely to spend the \$3 to \$4 million to fix Reservoir #2. Mayor Kincaid asked about the breach option and Ms. Geiger explained that the City would then have nothing to sell at that point because the water would be gone but the Forest Service land would remain.

Mr. Bennett suggested that the Council choose how they wanted to list and sell Enoch's Lake and then a similar process could be followed for the other properties except for the types of things that are being sold that may have some nuances to them. He added that the City could now write up a real offer of donation for which the other agencies would be allowed a period of time to accept. He added that if the Forest Service were to accept a donation like that and they continued to manage the property, then it would then be a public-accessible body of water, which would be an ideal situation for the City of Fruita. He further explained that the City would make it clear that it no longer intends to manage the properties because if they know that the City is just going to continue managing them, then of course, they don't want the properties because they don't want the liability of the dams and that has been their reasoning up until this point. Mr. Bennett also pointed out that staff wasn't recommending this for Enoch's Lake because the lake is surrounded by private property and is not connected to those other agencies who have been very clear about not having the resources to take care of the lake.

Councilor Hancey asked for more details about the property known as "Reservoir #4," which doesn't actually have a reservoir on it because it was never built. Ms. Geiger explained that this property consists of 125 acres that abuts some private property, some Forest Service land and has the county road and water pipelines out of Reservoir #1 that go through it, so it would be subject to those rights-of-way. She added that it didn't mean that the Colorado Parks and Wildlife or the Forest Service would not want that parcel. Councilor Hancey said he thought Enoch's Lake and Reservoir #4 were similar, so perhaps the process for both could be similar.

The City Council continued discussion concerning the process of listing Enoch's Lake and Ms. Geiger explained that any offers that came to the City would be public record and advised that once the agreed upon timeframe for accepting offers had ended, the Council should meet fairly soon afterward to discuss the offers in an open session. She added that there could be an Executive Session placeholder on the agenda should the City Council and/or staff have any legal questions. The Council would then make a decision in open session as to which offer they wanted to move forward to Ute Water for their review, and assuming Ute Water would not want the property, the Council would then set that offer for the Ordinance process.

Realtor Lori Chesnick explained that she would need ten to twelve days for photography and getting all the documentation together to create a listing. She added that any time an offer comes in, she will review it, do a net proceeds sheet on it, get all the information together and then present it to the City Manager, who would in turn get it to the City Council. Ms. Geiger clarified that the Council would need to review all the offers at the same time (not as they come in) and come to a decision in an open meeting.

The City Council came to a consensus to schedule a Special Meeting on Monday, November 13, 2023 at 6:30 p.m. to review offers on Enoch's Lake. Ms. Chesnick explained that if the City receives no offers by then, the property will still be listed for sale and the Council can decide how they want to proceed from there.

Councilor Williams stated that he would really like to know what "Friends of Enoch's Lake" had been able to accomplish (e.g., if they've moved forward with their non-profit status) because he would really like to see Enoch's Lake stay open to the public and if that wasn't possible, he would like to see it end up in the hands of the people of Glade Park. He clarified that his preference was for the City donating Enoch's Lake to either of those groups.

Mayor Kincaid said he didn't think Councilor Williams' ideas were off the table after he pointed out that the "Friends of Enoch's Lake" could offer the City \$1 for the property with the caveat that they would ensure public access to the lake and that would still be something for the Council to consider.

Councilor Breman pointed out that nobody on the Council had said that the property would be sold to the highest bidder. Councilor Williams said he felt a lot more comfortable with that clarification. Councilor Purser expressed her desired approach that anybody could make an offer and everyone's offer had equal opportunity to be considered by the City Council. Councilor Miller noted that the conditions that would need to be addressed in the offers would include:

- The approach to the liability insurance
- Maintenance of the dam
- The arrangement with Mr. Tipping.

The Council then discussed the price to be included in the listing for the Enoch's Lake property and came to a consensus to use the appraised value of the property, which is \$425,000. Ms. Geiger noted that once the Council sees the offers and makes a decision, they can amend the agreement with realtor Lori Chesnick accordingly. Ms. Chesnick explained that the only thing that couldn't be amended was the compensation the City would be offering to the other cooperating real estate agent, but added that she would be happy to change her compensation for the good of Fruita. Ms. Geiger pointed out that buyers do not have to make offers through an agent, however, and she would presume that if someone were making a donation or \$1 offer, they are probably not working with a realtor.

Mr. Bennett stated that staff would receive the offers from Ms. Chesnick and would put them in a Council packet to go out on Thursday, November 9th (November 10th is the Veterans Day Holiday) for the Special Meeting on November 13th. He suggested that the Council clarify that the City will accept offers through November 8th and request that Lori Chesnick get the listing done as soon as she could.

Ms. Geiger requested that the Council and staff stop referring to the property known as “Reservoir #4” as a reservoir because there is no reservoir and that a better name for it would be the “125 acres.” Mr. Bennett pointed out that the biggest difference with the 125 acres and Reservoirs #1, #2 and #3 is that it is not subject to a First Right of Refusal with Ute Water. He requested that the Council consider whether they wanted staff to draft a Resolution to create a little more clarity about why the City is selling the mountain water properties but with the intention of keeping them public. He said staff could bring it to the Council at the next workshop meeting.

Mr. Bennett also noted that the City currently has a Request for Proposal (RFP) out for breaching Reservoir #2, although staff has been very clear that no decision to breach it has been made; the Council just wanted to know what it would cost because they already know it will cost millions to repair the reservoir. He added that there is also the NRCS study that’s pending. Staff has followed up with the Bureau of Reclamation multiple times and is just not getting a response. Staff knows that the consulting firm that the Bureau paid to do the study turned it over to them months ago and staff is just waiting on the Bureau’s approval to turn the study over to the City. Mr. Bennett said he was pretty certain that there will not be some big solution for Reservoir #2 and the focus would be whether there are some other funding sources to help repair it. All indications throughout the process of the study have been that there are no good opportunities for that.

Mr. Bennett said no matter what happens with the study, breach or not, there was no reason in his mind to wait to start drawing up donation offers of these properties to Ute Water, the US Forest Service and Colorado Parks and Wildlife, but if all those agencies deny the offers, he would prefer to have a discussion with Mesa County concerning whether to include them as well for the offers rather than just submitting offers to them, although that would be a Council decision.

Councilor Breman said it was his opinion that the City should ask Mesa County first since it is Mesa County residents that would be affected. Mr. Bennett said Councilor Breman had a very good point.

Councilor Kreie wondered if Mesa County would consider signing a letter of support for the other agencies to accept the offers of donation from the City of Fruita.

Councilor Purser said she felt it was important to stress to Mesa County that the City’s intention was that the new owners of the properties would maintain open access to the public.

Ms. Geiger reminded the Council that the very first offer must go to Ute Water and that any of the other agencies could close public access if they decided to accept donated property from the City of Fruita but didn’t want to allow public access for whatever reason. She added that she had no idea what the zoning was for the 125 acres, but she knows there are no water rights associated with it.

Ms. Chesnick offered to do a market analysis on the 125 acres and come up with the value of the property.

- **COUNCILOR BREMAN MOVED TO APPROVE THE LISTING OF THE PROPERTY KNOWN AS ENOCH'S LAKE WITH ALL BIDS DUE BY 5:00 P.M. ON NOVEMBER 8, 2023 WITH THE LISTING PRICE OF THE APPRAISED VALUE OF \$425,000 WITH THE AFOREMENTIONED CONDITIONS (STATED BY COUNCILOR MILLER ABOVE). COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
- **COUNCILOR BREMAN MOVED TO HAVE STAFF WORK WITH THE CITY REALTOR (LORI CHESNICK) TO DO A MARKET ANALYSIS OF THE 125.54 ACRES. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Mayor Kincaid asked the Council members if they were comfortable with Mr. Bennett's suggestion that after the First Right of Refusal with Ute Water for Reservoirs #1, #2 and #3, the City shall approach Mesa County next and the other entities after that. Councilor Purser said she'd rather offer them to the US Forest Service after Ute Water because the Forest Service owns the surrounding property and she was just more comfortable with that. Councilor Miller agreed with Councilor Breman that Mesa County should be asked next after Ute Water to keep it more locally focused and especially because it does affect Mesa County residents. She added that if Mesa County decided that they didn't want to accept it, perhaps they could help back the City of Fruita up with the Forest Service and Colorado Parks and Wildlife. Councilor Hancey said he was in favor of approaching Ute Water first, Mesa County second and that Reservoirs #1, #2 and #3 be lumped together as a group of properties with water rights. Mr. Bennett stated that it would be cleaner if the three reservoirs were offered together as a group.

Mayor Kincaid reminded the Council that they had not yet made a motion to direct staff to draft a Resolution on what the City's goals are for the Pinon Mesa properties.

- **COUNCILOR KREIE MOVED THAT THE CITY COUNCIL OFFER AS A DONATION RESERVOIRS #1, #2 AND #3 AS A GROUP TO UTE WATER FIRST FOR THEIR RIGHT OF FIRST REFUSAL AND MESA COUNTY SECOND AND IF MESA COUNTY DOES NOT WANT THEM, THE CITY SHALL OFFER THE PROPERTIES TO THE US FOREST SERVICE NEXT AND FOLLOWING THAT, COLORADO PARKS AND WILDLIFE. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Concerning the Resolution, City Manager Mike Bennett explained that basically, staff would take points from the website and talking points that went out to the public to draft a Resolution for the Council's consideration.

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR AMY MILLER

Amy reported that the Fruita Chamber's new sign had been installed earlier in the day and looks amazing. She said if you look closely at the leaves, they are hand-painted and customized.

Amy also reported that she attended the 2023 Health Innovation Symposium and had a really cool, collaborative conversation. Input was taken concerning what the community's priorities are for health

care moving forward, resulting in priorities being set. Amy said she would really like to see if the Council could invite the new Mind Springs Director to a meeting and learned that she just missed him at a recent Council meeting when she was excused absent.

Amy asked if the “Narrow Bridge” sign been removed from Pine Street. Mr. Bennett said he wasn’t sure if they had come down just yet. He clarified that the contractor is still working to finish up some things.

COUNCILOR AARON HANCEY

Aaron said he really appreciated the GJEP presentation and thinks it would be valuable to instruct staff to talk about local business incentives at the December workshop meeting or later. Mayor Kincaid noted that the City does have money set aside from the 3% lodging tax for economic development.

MAYOR PRO TEM MATTHEW BREMAN

Matthew noted that Fruita Fall Festival was coming up and there will be poop circles for the parade, which is where kids take chalk, draw a circle and put their name in it on the parade route and if a horse poops in it, they win a prize.

Joel recalled that every year, the Chamber has a Mayor’s carriage ride and every year, he asks Council to join him. Aaron said he might be able to and would let Joel know.

Amy said she was talking with the Chamber Executive Director, Kayla Bowers, and the Chamber really needs volunteers for the parade portion of Fall Festival because they only had one. Kayla asked if the City could put a call out to its Boards and Commissions members to help. Councilor Williams thought the Youth Action Council would be good to ask.

Matthew said he’d had a conversation with Mike about Trick or Treat Street and there seems to be some confusion between the Downtown Advisory Board (DAB) and the Chamber. The DAB is not doing it and Matthew and Mike have been trying to figure out what the costs are if the City were to take over traffic control for the event or if subcontracted out, what the cost would be. The concern is that if there is no traffic control and kids are running around everywhere, there is the potential liability of someone getting hurt. The Chamber is hosting the event, but they need help on options for traffic control. Jeannine said originally, the idea was for the DAB to shadow the Chamber at the event, not take it over. She said there would be a meeting about it the following day and she was sure it would be a topic of discussion. James said the Chamber was trying to stretch the event to three hours from two, which was ridiculous. Amy explained that they are trying to have the younger children get the first hour of the event.

Matthew also reported that he attended “The World Comes to Grand Junction,” which he called a very cool event featuring representatives from Canada, the UK, Japan, Taiwan and Mexico and one of the stranger parts was the Consul General from Japan talking to Dalida with the Business Incubator (who is from Sweden) in Hebrew, in which they are both fluent. This was the first time for this event and they are going to try to do it again next year. It really was about resources and making connections for businesses here to do business overseas.

Matthew noted that he would be attending the Grand Junction Economic Partnership (GJEP) meeting the following evening.

He said with the jobs that come to Fruita, if they are of median income and Fruita collects 3% of that, it more than pays for the funding request from GJEP for 2024.

COUNCILOR JEANNINE PURSER

Jeannine reported that she received a complaint about the odor from the dumpsters in the alley behind Aspen Avenue and she told the person she would bring it up at the Council meeting. She recalled discussions about moving the dumpsters for years and years, but wondered what could be done about the smell because it is getting out of hand and she didn't know if there was anything the Council could do about it.

Jeannine also reported that the "Heart of Fruita" event was the previous Wednesday and it went really well; lots of people came and took the tour. She urged others to go take a look at the artwork.

COUNCILOR JAMES WILLIAMS

James reported that the September Fruita Tourism Advisory Council (FTAC) meeting was rescheduled to Friday, September 29th due to the Council Riverfront Development Field Trip scheduled for September 28th.

James also reported that there were four City Council members at the groundbreaking for the new LDS Church and it was very emotional. He said they did a really good job of recognizing the Lower Valley Fire Protection District (LVFPD) and first responders and that the whole ceremony was very thoughtful and moving. Mayor Kincaid said he got a shovel with a plaque on it and he wanted to engrave the Fruita logo and each of the City Council members' names on it and donate it to the Historic Preservation Board.

COUNCILOR KEN KREIE

Ken reported that he received a briefing the previous week from the Grand Valley Regional Transportation Committee (GVRTC) about a potential location for the future of the mobility hub and more information would be coming out in the future.

Aaron remembered that he and the Mayor attended the Open House for Community Hospital's childcare facility, "Adventure Academy," and they were able to get 113 seats instead of 100 and will be able to expand to 306. He added that there are over 8,000 total seats needed and half are filled.

MAYOR JOEL KINCAID

Joel said he spoke to Dr. Korrey Klein and he and Mike have been talking about childcare for Family Health West (FHW) employees. Dr. Klein has stated that FHW has a hard time retaining employees because they don't have a childcare program and facility in Fruita and it will be an ongoing discussion.

Joel also reported that when the City had the get together for Boards and Commissions members, the Livability Commission gave him a list of the roadway areas that still need to be cleaned up. The

Commission wants to know if the Council will step up and take one of the sections in the “Adopt a Street” program. There are several road sections available and Joel asked if any of the Council members were interested, noting that he was going to do it. Jeannine said she would like participate as well. Matthew suggested that there be a Doodle Poll of the Council members.

Joel also asked for a quick update on the Fruita Police Department’s radar sign and the speeding on Pabor Avenue that has been reported to the City Council. Mike stated that in the proposed 2024 Budget, there is a traffic calming measure for next year for Pabor. Officers have been monitoring and patrolling it pretty heavily while the radar sign is rotated around all complaint areas. Mike added that the Police Department has stepped up on speeding enforcement far more than was done in the past.

Joel noted that budget season is coming up and he had talked to Mike about getting more microphones for staff so that they don’t have to pass them around.

Amy added that the new signage for public parking is working well.

Jeannine added that Movie Night was well attended.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita

**FRUITA CITY COUNCIL
WORKSHOP
SEPTEMBER 26, 2023
6:30 P.M.**

CALL TO ORDER AND ROLL CALL

The workshop of the Fruita City Council was called to order at 6:30 p.m. by Mayor Joel Kincaid. City Council members present were Mayor Pro Tem Matthew Breman and City Councilors Jeannine Purser, James Williams, Amy Miller, Ken Kreie and Aaron Hancey.

City Staff present were City Manager Mike Bennett, Assistant City Manager Shannon Vassen, Communications and Engagement Specialist Ciara DePinto and Deputy City Clerk Deb Woods.

AGENDA ITEMS

1. PRESENTATION AND OVERVIEW OF CITY MANAGER'S 2024 RECOMMENDED BUDGET (CITY MANAGER MIKE BENNETT) (6:30 – 7:30 PM)

City Manager Mike Bennett provided 2024 Budget highlights as follows:

Municipal Election – For the third time in a row, the City of Fruita will conduct its own Municipal Election. Funding in the amount of \$25,000 has been budgeted for equipment rental, printing, posting and other expenses related to administering the election.

Continued investments in road, bridge and sidewalk infrastructure – The quality of City streets and limiting traffic congestion were the two top goals identified by the public in the 2021 Community Survey. Over the past couple of years, the City of Fruita has invested significant funds and reserves to achieve these goals. Projects and Capital Projects in the 2024 Budget continue these investments for transportation and multi-modal improvements. These projects that can be achieved for the upcoming year include:

- **19 Road Improvements** - \$6.0 million has been budgeted for improvements to 19 Road to include widening and adding a through turn lane, adding a pedestrian path on 19 Road, drainage improvements and more. It is estimated that construction will begin in the fall and the project will be complete in 2025.
- **Road Overlays** - \$560,000 has been budgeted for road overlays, which is an increase of \$260,000 from the prior year.
- **Chip Sealing** – Funding for chip sealing includes \$210,000 and this additional \$60,000 will help to double chipseal South 19 Road on the south side of Fruita.
- **Sidewalk Improvements** - \$50,000 has been budgeted for a safety project at Pabor Avenue and Sycamore Way, along with \$100,000 for annual sidewalk replacement throughout Fruita.
- **Street Striping** - \$71,500 has been budgeted to contract out street striping.

Downtown Improvements – After completing the Mulberry Plaza last year, additional improvements to downtown Fruita are included in the proposed budget including:

- **Self-Cleaning Restroom** - \$350,000 has been budgeted to add a self-cleaning restroom in downtown Fruita. These restrooms will provide additional options during special events and throughout the year.
- **Additional Parking** - \$10,000 has been budgeted to lease a parking lot on North Mulberry Street to allow for temporary overflow parking and minor maintenance expenses. Additionally, Fruita residents and guests will be able to use the newly acquired parking lot on South Mulberry Street next year.
- **Reed Park Renovation** – Construction of the improvements to Reed Park (a project carried over from the 2023 Budget) are estimated to be complete in 2024. Bids will be received by October 13, 2023, which will give staff exact construction costs.
- **South Mesa Street Improvements** – Also carried over from the prior year, significant multi-modal improvements to South Mesa Street between Circle Park and Highway 6 & 50. This also includes a replacement of the Orangeburg sewer line and timing is subject to the Colorado Department of Transportation since it is largely funded with a CDOT grant.

Ongoing Emphasis on Critical Sewer and Wastewater Projects – In 2023, Public Works staff completed several key and important projects for sewer and at the Wastewater Reclamation Facility. This continues into 2024 with two important projects that were identified in the Sewer Needs Assessment. These projects are:

- **Downtown Sewer Improvements** – Included in the proposed Budget is the First Phase of sewer improvement to the downtown service area starting at Greenway Drive to Highway 6 & 50. This sewer line is showing significant signs of deterioration and needs to be replaced to avoid further damage to the existing concrete line.
- **Kingsview Lift Station** – The Kingsview Lift Station (which was installed in 1995) will be replaced as it is showing signs of deterioration.

Fruita as an Employer of Choice – The City of Fruita continues to attempt to retain and recruit high-quality, innovative and performing employees as this is how the organization will improve and continue to provide essential and excellent core services. An overview of personnel changes in the Budget include:

- **Market Increase** – Continued implementation of the market-based pay plan and rewarding staff that go above and beyond. All full-time employees are budgeted to receive an 8% increase from the prior year. The year-over-year market change was 8% in the data.
- **Pay for Performance** – Employees that received an “Exceeds Expectations” will receive a one-time bonus for their work throughout 2023 (16 out of 84 full-time employees)
- **Benefit Increases** – The City of Fruita’s health insurance increased 6.5% and dental insurance increased 5%.
- **New Positions** – There are five new positions in the 2024 Budget, two of which are new and three are reclassifications of existing positions. These include:
 - **Finance Manager** – This position will overlap with the Finance Director to ensure an easy transition and continuity of operations when the current Director retires.
 - **Procurement and Contracts Specialist** – To help all City Departments with purchasing, contract and grant management.
 - **Human Resources Analyst** – To help with day-to-day HR functions as the City continues to grow.

- **Public Works Maintenance Worker** – A full-time position to replace two vacant seasonal positions that were not filled throughout the year.
 - **Parks Maintenance Worker** – A full-time position to replace two vacant seasonal positions that were not filled throughout 2023.
 - **Possible new Police Officer - Not included, but will watch as recruitment efforts evolve and public safety revenue increases**
- **Retirement Contribution** – No changes to the City of Fruita’s contribution for retirement as the City will contribute 4.5% to employees retirement plans and an additional 1.5% if the employee also contributes.
 - **Quality of Place and Community Wellness** – The City of Fruita also continues to focus on quality of place and improving community wellness for residents and visitors. Project included in the 2024 Budget for this (outside of the larger projects found in the Strategic Plan) include:
 - Increased entertainment for Fruita special events such as Mike the Headless Chicken Festival, Thursday Night Concert Series and micro-events
 - The final steps of the Broadband Middle-Mile Project: By next year, Fruita residents will have access to symmetrical gigabyte internet service (end of second quarter).
 - Installation of a Vault Toilet at Snooks Bottom
 - Design of the Colorado Riverfront Trail Underpass at Highway 340 and the Colorado River (continued from the prior year)
 - Several new pieces of replacement equipment at the Fruita Community Center including the heater replacement for the indoor and outdoor pool, chemical controllers and exercise equipment
 - Increased property cleanup funding and resources for Neighborhood Services to help keep Fruita clean and beautiful (*from \$4,000 to \$20,000*)
 - Increased funding for the 911 Communications Center in the amount of \$340,000 (13% increase)

Fee Increases –

- Included in the recommended budget are fee increases to help with the provision of government and core services. Notable fee increases include:
 - Sewer – 3% increase from the prior year
 - Fruita Community Center passes – a \$1 increase on passes. This is the first time the fee has been increased since 2017 despite the increased cost of operations.
 - Trash Collections – A 6.7% in monthly charges increase (this is a pass-through fee from Waste Management)

Other: Not yet in the draft Budget or Note

- **Artwork** – Funding for artwork – seeking process for RFP to get two murals in downtown
- **Misters in Plaza** – (With existing budget most likely)
- **Innovation Team** – Possible funding for Innovation Team, but want it to get up and running first – could occur with amendments if needed
- **Council Pay** – This is the proposed budget with \$50 increase per month for each category based on comparables Shannon did with similar sized cities – for discussion at the October workshop meeting

- **Proposition HH** – Council change to more \$
- **Legal** – Significant overage this year due to TMDL (\$25,000) and mountain properties (\$25,000) – Budget amendment at second meeting in October
- **Building Renovations**
- **Software Increases** – Tied to existing, new cloud-based finance system, STRs, Municipal Court, GASB for lease tracking
- **Engineering Services** – Need to contract to get through the bottleneck of work – CIP, project inspection/management, development review
- **Mountain Properties**
- **169 S. Mulberry**
- **Security Measures** - \$90,000 in Budget for Civic Center (\$60,000) and Fruita Community Center (\$30,000)

Grants Awarded this Year

- Awarded many grants to help with key projects in the Strategic Plan and other Master Plans including:
 - \$600,000 from the Colorado Department of Local Affairs for the Aeration Project at the Wastewater Reclamation Facility
 - \$160,000 from the Multi-modal and Mitigation Options Fund (MMOF) for the design of the Highway 340 Trail Connection at the Colorado River to expand the Colorado Riverfront Trail
 - In partnership with Mesa County Public Health and the Fruita Trails Initiative, received a \$250,000 grant from Colorado Parks and Wildlife to build out the professional contractor-built trails in the North Fruita Desert Master Plan
 - Received \$600,000 from the Great Outdoors Colorado for the construction of the Wheel Park at Reed Park
 - Awarded \$36,000 from the Colorado Department of Economic Development and International Trade (OEDIT), Outdoor Recreation Office for the production and printing of the Fruita + Palisade Gravel Adventure Guide. Was completed in the summer and is now available at local businesses throughout Mesa County and the state.
 - Obtained a \$300,000 supplemental award from the Department of Local Affairs for the H2S Sewer Mitigation Project.
 - Parks and Recreation was awarded \$4,000 from the Colorado Tree Coalition to plant trees at the Mulberry Street Outdoor Plaza.

Local and Regional Financial Outlook

For the 7th year in a row, the City of Fruita continues to see increases in local and regional sales tax collections. While this has slowed down compared to prior years, we continue to see increases in the largest sources of revenues for the City. As of the end of July 2023, a snapshot of fiscal indicators includes:

- City Sales tax revenues are trending 8% higher in 2023 than 2022 (2022 was 9% higher than 2021). Overall, the average percentage over the last six years has been 13%.
- County Sales tax revenues are trending 1% higher in 2023 over 2022 (2022 was 9% higher than 2021).

- Use tax on vehicles is trending at a decrease of 10% overall but is trending ahead of the 2023 Budget.
- Use tax on building materials is also trending at a decrease of 10% but is trending above Budget for 2023.
- Lodging tax is trending 5% higher in 2023 over 2022 (2022 was a record-breaking year for lodging tax collections).
- The county-wide public safety tax passed in the November 2017 election relieving the burden of funding the 911 Communication Center is trending 1% higher in 2023 over 2022. These funds have assisted in the expenses of additional officers over the past three years.

City Manager Mike Bennett asked the City Council what they want added to the calendar for discussion. These items included:

- Startup of “Winter Music Festival”
- All Funds Summary needs to be consolidated
- Connect PPTs to charts in Budget, tie to the numbers, do cost-benefit analysis of bigger highlights
- Need more detail about increases in Charges for Services – Fleet Services
- Identify connection of strategic area to sections of the Budget

2. BOARDS AND COMMISSIONS REVIEW FOLLOWING ALL BOARD UPDATES TO THE CITY COUNCIL (CITY MANAGER MIKE BENNETT) (7:30 – 8:30 PM)

Now that the City Council has received updates from the City’s Boards and Commissions, the Council needs to have a discussion about next steps in general for all boards and also those for certain individual boards that are more specific. City Manager Mike Bennett noted that staff has begun the process of creating a handbook that would be given to new Boards and Commissions members after they are appointed. There are a few boards that aren’t in need of direction from the Council or any other adjustments.

One new change will be that the Fruita Planning Commission will no longer have a Council Liaison position, so staff has initiated the Ordinance process to get the Municipal Code updated accordingly.

There was discussion about the overall success a few boards such as the Arts and Culture Board had with setting up a booth at the Fruita Farmers Market and staff and the Council would like to see other boards do the same next summer.

There was a long discussion about the Downtown Advisory Board (DAB), who has met all of its original goals and has asked the Council for direction. City Council discussed inviting the current members of the DAB and a mixture of past DAB members, past Council members, or others who have strived to increase residential involvement in the community to participate in a working committee, appointed by City Council, to review the purpose and creation of a new “Localism Board.” Highlights of the discussion included:

- Focus on localism
- Recruit members
- Focus on downtown Fruita, but look for ways to expand to south Fruita
- Propose a budget for funding

- 81521 Thursdays and Trick or Treat Street
- Find a way to communicate with downtown businesses
- Look for ways to partner with other boards and commissions
- Updated Resolution and bylaws – Mike and Ciara to bring draft to board and Council
- Localism Board could help with micro events so not solely relying on City staff
- Want to make sure to not compete with the Chamber
- When creating new group, look at what Fruita already has to not duplicate efforts.
- City Council has to set direction. What is best for our citizens?
- Mission, vision and belief then the rest will follow
- Ordinance or Resolution to dissolve DAB
- DAB to finish small business Saturday and Christmas lighting

Discussion about the Historic Preservation Board included:

- Bring budget to Council to help fund projects
- Digitize Walking Tour brochure
- Trying to partner with Oral History Program
- Adding more interpretive signs downtown
- Staff Liaison Henry Hemphill to work with HPB to get display cases in Civic Center updated/begin rotation of displays

Discussion about the Livability Commission included:

- Doing research about all sorts of resources
- Wellness checks for seniors
- Meetings have mainly included listening to presentations.
- Resources for health, groceries, how to share with community – put into something for a presentation to Council through staff liaison

Discussion about the Tourism Advisory Council included:

- City hired Ammon Pierce – Parks and Rec Dept Marketing and Communications Coordinator will be working on events and bringing social media marketing inhouse
- Continued partnership with the Town of Palisade
- Vet new process for staple L-T events to be different than new events seeking grants
- Guerilla marketing
- Co-Op grain elevator – do we have plans for updating the banners?

Discussion about the Parks and Recreation Advisory Board included:

- Looking at how to revitalize Snooks Bottom – what is and isn't allowed
- Pursue ideas for Little Salt Wash Park expansion, open space, Snooks Bottom potential story walk like the one at the FCC/library
- Work on updating bylaws to bring back to Council
- Bids close on Reed Park improvements on October 13, 2023
- City is getting proposals for use of merry-go-round.
- Impact Fee Ordinance and when and how fees are spent

Discussion about the Planning Commission included:

- Linkage fee for short term rentals (STRs)
- Difference between commercial property tax and residential property tax and use that as a basis for an annual fee to STR owners
- FAQ question about ADUs and campers as STRs
- Software package for STRs
- Move forward with changes to the Land Use Code to include increased density, drawing redevelopment boundaries and implementing incentives and density bonus waivers
- Having the Mayor sign a letter of intent for possible DOLA grant funds

Discussion about the Arts & Culture Board included:

- They've got it dialed in.
- Need financial support
- Mark Mancuso is working with board to get costs for murals
- Council should fund them
- Engage kids as part of the Arts & Culture Board

Other miscellaneous discussion about Boards and Commissions included Councilor Purser wanting to allow family members to serve on some of the City's Boards and Commissions. Mayor Kincaid said he thought there could be an issue with perception of nepotism with the public. This will be an item for a future workshop agenda.

Councilor Miller said that since she will no longer be on the Planning Commission, there was only one board on which she will be a Liaison, so she was open to take a Liaison position on another board.

OTHER ITEMS (8:30 PM)

City Manager Mike Bennett reminded the City Council that on Thursday, September 28th, they were going to tour riverfront developments in western Colorado.

With no further business before the Council, the meeting adjourned at 9:23 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: NOVEMBER 7, 2023

AGENDA TEXT: LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Retail Liquor Store – malt, vinous and spirituous liquor license for CTL Fruita, LLC dba Center Town Liquors located at 161 N. Park Square, Unit B

BACKGROUND

The Retail Liquor Store Liquor License for CTL Fruita, LLC dba Center Town Liquors located at 161 N. Park Square, Unit B is up for renewal. Their current license expires on **January 26, 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 two Colorado Responsible Alcohol Beverage Vendor Training certificates on file at the City Clerk’s Office for Sharray Fiske-Carpenter and Gretchen Hicks that are valid until January 5, 2024.

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 Retail Liquor Store 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 RETAIL LIQUOR STORE LIQUOR LICENSE FOR CTL FRUITA, LLC DBA CENTER TOWN LIQUORS LOCATED AT 161 N. PARK SQUARE, UNIT B**

Submit to Local Licensing Authority

**CENTER TOWN LIQUORS
 161 NORTH PARK SQUARE - UNIT B
 Fruita CO 81521**

Fees Due		
Renewal Fee		352.50
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		\$ 352⁵⁰

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 CTLFRUITA LLC		Doing Business As Name (DBA) CENTER TOWN LIQUORS	
Liquor License # 03-14086	License Type Retail Liquor Store (city)		
Sales Tax License Number 94606107-0001	Expiration Date 01/26/2024	Due Date 12/12/2023	
Business Address 161 NORTH PARK SQUARE - UNIT B Fruita CO 81521			Phone Number 9708587901
Mailing Address 161 NORTH PARK SQUARE - UNIT B Fruita CO 81521		Email ctlfruita@gmail.com	
Operating Manager Gretchen Hicks	Date of Birth 10.9.69	Home Address 791 Sabil Dr Fruita CO 81521	Phone Number 970-879-4962
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			

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 <i>Gretchen Hicks</i>	Title <i>Pres/owner</i>	
Signature <i>[Signature]</i>	Date <i>10/16/2023</i>	
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 <i>The City of Fruita</i>		Date
Signature	Title <i>JOEL KINCAID, MAYOR</i>	Attest

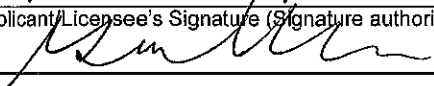
Tax Check Authorization, Waiver, and Request to Release Information

I, Gretchen Hicks am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of CTLFRUITA, LLC (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) <u>CTLFRUITA, LLC</u>		Social Security Number/Tax Identification Number <u>85-3308112</u>	
Address <u>161 N Park Sq Unit B</u>			
City <u>Fruita</u>		State <u>CO</u>	Zip <u>81521</u>
Home Phone Number <u>970-879-4962</u>		Business/Work Phone Number <u>970-858-7961</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Gretchen Hicks</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>10/16/23</u>

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).

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	OCTOBER 17, 2023
RE:	RETAIL LIQUOR STORE LICENSE RENEWAL

License Information	
Licensee:	Center Town Liquors
Location:	161 N. Park Square, Unit B
Type of License:	Retail Liquor Store License
Expiration Date of Current License:	January 26, 2024
City Council Hearing Date:	November 7, 2023
DUE DATE FOR POLICE REPORT:	November 3, 2023

Tips certificates on File

Employee:	Certificate expires:
Gretchen Hicks	01/05/2024
Sharray Fiske-Carpenter	01/05/2024

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.

Signature: Paula Rajewich
Date: 10-17-23

Certificate of Achievement

THIS ACKNOWLEDGES THAT

Sharray Fiske-Carpenter

HAS SUCCESSFULLY COMPLETED THE

**Colorado Responsible Alcohol Beverage Vendor Training
And Meets All Of The Necessary Requirements Of Section 44-3-1002, C.R.S.
For On And Off-Premises Liquor Licenses**



Expires Three Years From:

January 05, 2021

**Patrick Maroney, President
Alcohol Beverage Training
P.O. Box 998
Johnstown, Colorado 80534
(303)710-3424**

Certificate of Achievement

THIS ACKNOWLEDGES THAT

Gretchen Hicks

HAS SUCCESSFULLY COMPLETED THE

**Colorado Responsible Alcohol Beverage Vendor Training
And Meets All Of The Necessary Requirements Of Section 44-3-1002, C.R.S.
For On And Off-Premises Liquor Licenses**

abt

ALCOHOL BEVERAGE
TRAINING

Expires Three Years From:

January 05, 2021

**Patrick Maroney, President
Alcohol Beverage Training
P.O. Box 998
Johnstown, Colorado 80534
(303)710-3424**



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: NOVEMBER 7, 2023

AGENDA TEXT: LIQUOR LICENSE RENEWAL – A request to approve the renewal of an Optional Premises – Malt, Vinous and Spirituous Liquor License for Adobe Creek National, LLC dba Adobe Creek Golf Course located at 876 18 ½ Road

BACKGROUND

The Optional Premises Liquor License for the Adobe Creek National Golf Course located at 876 18 ½ Road is up for renewal. Their current license expires on **November 27, 2023**.

The Fruita Police Department report indicates that there have not been any violations or incidents at Adobe Creek National Golf Course reported to them in the last year and there is nothing unusual or of concern that would hinder renewal of the license.

On July 24, the City Clerk’s office was advised by the Liquor Enforcement Division that Adobe Creek National Golf Course sold alcohol beverages to their minor operatives. The establishment will be subjected to an administrative action consisting of payment of a fine in lieu of suspension of the liquor license.

The City Clerk’s office has no current Alcohol Awareness Training certificates or TIPS certificates on file for Adobe Creek National Golf Course; however, it should be noted that beginning mid-to-late 2019, this training was no longer provided by the City of Fruita Police Department. The City of Grand Junction’s Police Services Department ceased providing the training for a little over three years due to the COVID-19 pandemic. The City of Grand Junction just resumed offering their classroom training in May of this year and the City of Fruita has retained a Responsible Alcohol Vendor Trainer who will be giving the training in Fruita twice per year with a morning class and an afternoon class on each day of the training.

General Manager of Adobe Creek Golf Course Joe Toke explained that his employees will be laid off at the end of this month (October) because golf course operations are seasonal, but those who will remain employed throughout the winter will attend the next Responsible Alcohol Vendor Training that becomes available. He has also assured the City Clerk’s Office that once the 2024 season starts (March 2024), he will be sending all returning and new employees to the next available training class as well.

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

An Optional Premises Liquor License allows employees to serve alcoholic beverages in the Clubhouse and on the Golf Course.

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 Optional Premises – Malt, Vinous, and Spirituous Liquor License for Adobe Creek National Golf Course.
2. Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

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

- **RENEW THE OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ADOBE CREEK NATIONAL GOLF COURSE LOCATED AT 876 18 ½ RD**

Submit to Local Licensing Authority

ADOBE CREEK NATIONAL GOLF COURSE
876 18 1/2 ROAD
Fruita CO 81521

Fees Due		
Renewal Fee		625.00
Storage Permit	\$100 X	\$
Sidewalk Service Area	\$75.00	\$
Additional-Optional Premise Hotel & Restaurant	\$100 X 4	\$ 400.00
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$ 1025.00

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.

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name ADOBE CREEK NATIONAL LLC		Doing Business As Name (DBA) ADOBE CREEK NATIONAL GOLF COURSE	
Liquor License # 15-64787-0000	License Type Optional Premises (city)		
Sales Tax License Number 15647870000	Expiration Date 11/27/2023	Due Date 10/13/2023	
Business Address 876 18 1/2 ROAD Fruita CO 81521			Phone Number 9708580521
Mailing Address 876 18 1/2 ROAD Fruita CO 81521		Email:	
Operating Manager	Date of Birth	Home Address	Phone Number
1. Do you have legal possession of the premises at the street address above? <input type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input 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 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			

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 <i>JOE TOKE</i>	Title <i>Gen Manager</i>
Signature <i>[Signature]</i>	Date <i>OCT 16 2023</i>
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 <i>The City of Fruita</i>	Date
Signature <i>[Signature]</i>	Title <i>JOEL KINCAID, MAYOR</i>
	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, JOE TOKE am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of ADOBE CREEK NATIONAL LLC (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) <u>ADOBE CREEK NATIONAL, LLC DBA ADOBE CREEK GOLF COURSE</u>		Social Security Number/Tax Identification Number <u>01564787-000</u>	
Address <u>876 18 1/2 RD</u>			
City <u>FRUITA</u>		State <u>CO</u>	Zip <u>81521</u>
Home Phone Number		Business/Work Phone Number <u>(970) 858-0521</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>JOE TOKE</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information)			Date signed <u>OCT 16 2023</u>

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).

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT – CHIEF KROUSE/PAULA RAJEWICH
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	OCTOBER 17, 2023
RE:	LIQUOR LICENSE RENEWAL

License Information

Licensee:	Adobe Creek National Golf Course
Location:	876 18 ½ Road
Type of License:	Optional Premises - Malt Vinous and Spirituous Liquors
Expiration Date of Current License:	November 27, 2023
City Council Hearing Date:	November 7, 2023
DUE DATE FOR POLICE REPORT:	November 3, 2023

Tips certificates on File

Employee:	Date:
(none)	

Report of Fruita Police Department

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

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

Signature: Paula Rajewich	Date: 10-17-23
---------------------------	----------------

Debra Woods

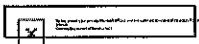
From: Herrmann - DOR, Noah <noah.herrmann@state.co.us>
Sent: Wednesday, July 26, 2023 4:26 PM
To: Debra Woods
Subject: Violation at Adobe Creek Golf Course

On 07/24/2023 the Adobe Creek National Golf Course had a violation in that an employee sold to a minor.

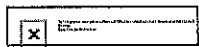
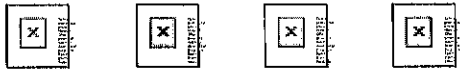
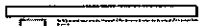
Let me know if you need anything else and will get it to you ASAP.

--

Noah Herrmann
Criminal Investigator
Liquor and Tobacco Enforcement



P 970.985-6851
632 Market Street, Suite G, Grand Junction, CO 81506
noah.herrmann@state.co.us | CDOR.Colorado.gov



[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Debra Woods

From: Broughton II - DOR, Jarrett <jarrett.broughtonii@state.co.us>
Sent: Friday, October 20, 2023 8:40 AM
To: Debra Woods
Subject: Adobe Creek Golf Course

Good morning,

Investigator Noah Herrmann forwarded your email to me. Adobe Creek did have a violation for sale to minor on 07/24/2023. They agreed to a stipulation to pay a fine in lieu of suspension. In order to obtain a copy of the stipulation, I would direct you to our website in order to submit a CORA request. Thanks, have a great day, and if you have any questions or concerns please reach out to me.

--
Jarrett D. Broughton II
Investigations Supervisor
Liquor & Tobacco Enforcement



P 970.248-7519 | F 970.248.7124 | C 970-201-7331
632 Market Street, Suite G3, Grand Junction, CO 81506
jarrett.broughtonii@state.co.us | www.colorado.gov/revenue/liquor

Below are some helpful links and more!

Liquor Enforcement Division Email Subscription:
<https://www.colorado.gov/pacific/enforcement/liquor-enforcement-division-email-subscription>

For licensing questions: Licensing: DOR_LIQLICENSING@state.co.us

For enforcement questions: Enforcement: DOR_LED@state.co.us,

Have a Tip: <https://apps.colorado.gov/apps/dor/mip/anonymousTipForm.isf>

Are you a Clerk? Clerks Corner: <https://www.colorado.gov/pacific/enforcement/clerks-corner>

These email addresses, as well as contact information for the Division offices, are on the "contact us" page of the Led's website. <https://www.colorado.gov/pacific/enforcement/contact-us-liquor-tobacco-enforcement-division>

The Liquor Code and Regulations are available (in searchable PDFs) on our website on the <https://www.colorado.gov/pacific/enforcement/liquor-enforcement-laws-rules-regulations> page.

For all media inquiries: <https://www.colorado.gov/pacific/enforcement/media-center-enforcement>

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: NOVEMBER 7, 2023

AGENDA TEXT: LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant – Malt, Vinous & Spirituous Liquor License for Mezcalera, LLC dba El Mescal Family Mexican Restaurant & Bar located at 439 Highway 6 & 50

BACKGROUND

The Hotel and Restaurant Liquor License for El Mescal Family Mexican Restaurant & Bar located at 439 Highway 6 & 50. is up for renewal. Their current license expires on **December 14, 2023**.

The Police Department report indicates there has been nothing of concern that would hinder the renewal. There are no current TIPS certificates on file at the City Clerk’s Office.

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

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

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

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Renew the Hotel and Restaurant Liquor License.
2. Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

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

- **RENEW THE HOTEL AND RESTAURANT – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR MEZCALERA, LLC DBA EL MESCAL FAMILY MEXICAN RESTAURANT & BAR LOCATED AT 439 HIGHWAY 6 & 50**

Fees Due		Section 6, Item G.
Annual Renewal Application Fee	\$	125
Renewal Fee		500.00
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	\$	625.00

Submit to Local Licensing Authority

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

* Note that the Division will not accept cash

Paid by check Paid online

Uploaded to **Movelt on**

Licensee Name MEZCALERA, LLC		Doing Business As Name (DBA) EL MESCAL FAMILY RESTAUR	
Liquor License # 03-18110	License Type HOTEL & RESTAURANT (CITY)		
Sales Tax License Number 95493494-0001	Expiration Date DEC 14, 2023	Due Date	
Business Address 439 HIGHWAY 6 & 50			Phone Number 970-433-5466
Mailing Address 441 30 ROAD			Email munozpd95@gmail.com
Operating Manager	Date of Birth	Home Address	Phone Number
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 type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>11-30-2027</u>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in the 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. Yes No
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	Title
DAVID MUNOZ GALVAN	CO-OWNER
Signature	Date
David Galvan	10/23/23

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	Date
The City of Fruita	
Signature	Title
	JOEL KINCAID, MAYOR
	Attest

Renewal Question #8:

Applicant also has direct interest in this Colorado Liquor License:

Los Toros Munoz, LLC
Dba El Mescal Family Mexican Restaurant & Bar
2210 Hwy 6 & 50
Grand Junction, CO 81505
License #03-16308

Tax Check Authorization, Waiver, and Request to Release Information

I, DAVID MUNOZ GALVAN am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of EL MESCAL FAMILY RESTAURANT & BAR (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) EL MESCAL FAMILY RESTAURANT & BAR		Social Security Number/Tax Identification Number 88-4220506	
Address 439 HWY 6 & 50			
City FRUITA		State CO	Zip 81521
Home Phone Number <input checked="" type="checkbox"/> (970) 783-0773		Business/Work Phone Number <input checked="" type="checkbox"/> (970) 639-2369	
Printed name of person signing on behalf of the Applicant/Licensee <input checked="" type="checkbox"/> DAVID MUNOZ GALVAN			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <input checked="" type="checkbox"/> <i>David Galvan</i>			Date signed <input checked="" type="checkbox"/> 10/23/23

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).

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	OCTOBER 23, 2023
RE:	HOTEL & RESTAURANT LIQUOR LICENSE RENEWAL

License Information

Licensee:	El Mescal Family Mexican Restaurant & Bar
Location:	439 Highway 6 & 50
Type of License:	Hotel & Restaurant-Malt, Vinous & Spirituous
Expiration Date of Current License:	December 14, 2023
City Council Hearing Date:	November 7, 2023
DUE DATE FOR POLICE REPORT:	November 3, 2023

Tips certificates on File

Employee:	Date:	Exp
(None Current)		

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	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: 10-24-23



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEB WOODS, DEPUTY CITY CLERK FOR MAYOR/COUNCIL LIAISON
JOEL KINCAID

DATE: NOVEMBER 7, 2023

AGENDA TEXT: BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of James Jackson to the Police Commission for another three-year term to expire in November of 2026

BACKGROUND

Commissioner James Jackson’s term on the Police Commission expires in December of 2023, thus creating a vacancy. The vacancy has been advertised on the City’s website at fruita.org and on Facebook beginning on September 19, 2023 through the present.

On October 26, 2023, James Jackson submitted his application (copy attached) for reappointment to the board. No additional applications were received by staff for the vacant seat.

Mayor Kincaid recommends James Jackson’s reappointment to the Police Commission for another three-year term to expire in March of 2026. If James Jackson is reappointed, there will still be one remaining vacancy on the Police Commission because Police Commissioner Dr. Eric Watters’ term will also expire in December of 2023. This vacancy has also been advertised since September 19, 2023 and will continue to be advertised until Dr. Watters or another applicant submits an application and is appointed by the City Council at a future Council meeting.

James Jackson will be term limited to one additional three-year term if he is reappointed pursuant to the City’s Boards and Commissions Policy that was adopted by the City Council on August 4, 2020.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

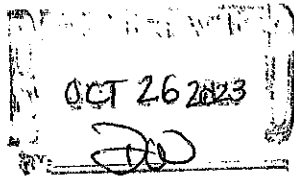
OPTIONS AVAILABLE TO THE COUNCIL

1. Reappoint James Jackson to the Police Commission as a regular member for another three-year term to expire in November of 2026.
2. Instruct staff to continue publishing the vacancy and wait for more applications to be submitted to the City Clerk's Office.

RECOMMENDATION

It is the recommendation of Mayor and Council Liaison Joel Kincaid that the following reappointment be made:

- **JAMES JACKSON TO THE POLICE COMMISSION FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN NOVEMBER OF 2026**



FRUITA
COLORADO

Section 6, Item H.

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

BOARD OR COMMISSION: Police Commission

NAME: James L Jackson

MAILING ADDRESS: 411 Comstock Dr

RESIDENCE ADDRESS:	City	State	Zip
	<u>Fruita</u>	<u>CO</u>	<u>81521</u>

PHONE NUMBER: 314-973-8498

Home	Work
------	------

E-MAIL ADDRESS: 16usc1@gmail.com

How long have you been a resident of Fruita? 8 years

Occupation/Employer: Retired- National Park Service

List any volunteer and/or work experience:

Retired National Park Service law enforcement officer, 23 years of service. Retired as Chief Ranger.

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

Yes, Fruita Police Commission

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

To help the community, to represent the people of Fruita to the Police Commission, and to represent the Police Commission to the people of Fruita.

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

Retired Federal Law Enforcement officer and administrator. Experience and skilled in group work, helping to come to a consensus. Current President of Comstock Estates HOA Board.

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

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

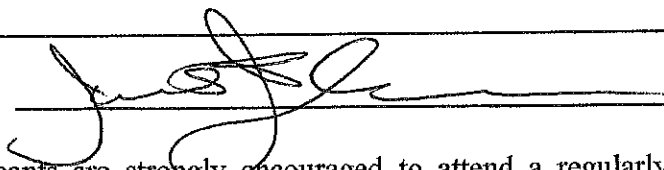
Please specify any activities which might create serious conflict of interest if you should be appointed to a particular board or commission. (If unsure, please call the City Manager's office at 858-3663)

None

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

Graduated from the Federal Law Enforcement Training center in 1992.

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

Signature  Date 10/25/2023

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

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

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



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, CITY CLERK/FINANCE DIRECTOR

DATE: NOVEMBER 7, 2023

AGENDA TEXT: ORDINANCE 2023-14 - First Reading - Submitting to the Registered Electors Voting in the Regular Municipal Election, to be held April 2, 2024 a Ballot Issue Concerning the Retention of Revenue in Excess of Tabor Limits

BACKGROUND

The Fruita City Council accepts the TABOR Review Committee's recommendation to place a question on the April 2, 2024 ballot to extend the exemption from the fiscal year spending limitations imposed by Article X, Section 20 of the Colorado Constitution. The Committee's recommendation was to place a question on the April 2, 2024 ballot to allow the City to keep and spend all revenues in excess of the fiscal year spending limits for implementation of the City's capital improvement program and maintenance of those improvements for a six year period. Ordinance 2023-14 places this question on the April 2, 2024 ballot and sets forth the ballot question that will be on the ballot for voter consideration.

FISCAL IMPACT

From 2017 thru 2022, the exemption from the fiscal year spending limits allowed the City of Fruita to keep and spend approximately \$6.8 million in excess revenue to fund \$9.8 million in capital projects with approximately \$4.5 million of the excess revenue necessary for these projects coming from various grant sources. The current voter approved retention of revenue will expire on December 31, 2024. Continuation of this voter approved revenue change will allow the City to continue to plan for and fund capital improvement projects and respond to the needs of a growing community.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Capital improvements and equipment are a necessary and vital part of city functions. A number of the goals and objectives of the City are directly related to capital improvements. These improvements include capital projects for roads, bridges, parks, open space, drainage and other improvements to the City.

OPTIONS AVAILABLE TO THE COUNCIL

1. Publish the proposed ordinance setting forth the ballot question to retain and spend revenue in excess of the fiscal year spending limits and placing it on the ballot for voter consideration at the April 3, 2024 regular municipal election for public hearing on December 5, 2023.
2. Modify the proposed ordinance and publish the revised ordinance for public hearing on December 5, 2023

3. Take no action.

RECOMMENDATION

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

ACCEPT THE TABOR COMMITTEE’S RECOMMENDATION AND PUBLISH A NOTICE OF PUBLIC HEARING FOR DECEMBER 5, 2023 ON ORDINANCE 2023-14 SUBMITTING TO THE VOTERS IN THE APRIL 2, 2024 REGULAR MUNICIPAL ELECTION A BALLOT QUESTION PROVIDING FOR THE RETENTION OF REVENUES GENERATED IN EXCESS OF THE TABOR LIMITATIONS FOR THE PERIOD JANUARY 1, 2025 THROUGH DECEMBER 31, 2030 FOR THE PURPOSES OF IMPLEMENTING THE CITY’S CAPITAL IMPROVEMENT PLAN AND THE MAINTENANCE OF THOSE IMPROVEMENTS

ORDINANCE 2023-14

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE APRIL 2, 2024 REGULAR MUNICIPAL ELECTION, A BALLOT ISSUE CONCERNING A REVENUE RETENTION MEASURE PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR) PROVIDING FOR THE RETENTION OF REVENUE IN EXCESS OF THE FISCAL YEAR SPENDING LIMITS FROM JANUARY 1, 2025 THROUGH DECEMBER 31, 2030

WHEREAS, the City of Fruita is a growing community in need of additional capital improvement projects while maintaining vital municipal services; and

WHEREAS, City of Fruita voters have approved six previous revenue retention measures in 1993, 1995, 2000, 2006, 2012 and 2018 allowing the City of Fruita to retain revenues over TABOR limits, which funds were to be used for capital projects and road maintenance; and

WHEREAS, in the 2018 election, 82% of the voters approved the revenue retention measure; and

WHEREAS, because of these positive votes for revenue retention, the City was able to complete \$9.8 million of capital improvements with the retention of \$6.8 million in excess revenue including \$4.5 million in grant funds from January 1, 2017 thru December 31, 2022; and

WHEREAS, the Fruita City Council formed a Citizen Review Committee in the fall of 2023 to analyze TABOR and its effects on the City of Fruita; and

WHEREAS, in its October 21, 2023 report, the Citizen Review Committee recommended that the Fruita City Council bring a revenue retention measure question to the voters in April of 2024 asking to keep funds over the TABOR limits for an additional six (6) year period (2025 thru 2030) with the restriction that funds be used for capital projects and the maintenance related thereto, and

WHEREAS, the Fruita City Council finds and determines that it is in the best interest of the City of Fruita to request the electors voting in the regular municipal mail ballot election to be held April 2, 2024, to authorize an increase in revenue and expenditure limitations established under Article X, Section 20 of the Colorado Constitution from January 1, 2025, through December 31, 2030 without any increase in existing tax rates or the imposition of additional taxes, for the purpose of implementing the city's capital improvement plan and maintenance thereof; and

WHEREAS, the Fruita City Council finds and determines that such requested authorization is permitted under Article X, Section 20 of the Colorado Constitution and Article 41 of Title 1, C.R.S., as amended.

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

Section 1: That the following ballot issue shall be submitted to the electors voting in the regular municipal mail ballot election to be held on April 2, 2024:

REFERRED ISSUE A

“Without increasing existing tax rates or adding new taxes of any kind, shall the City of Fruita be authorized, from January 1, 2025, through December 31, 2030, to receive and expend all grants and to collect, retain, and expend all revenues generated in excess of the revenue and expenditure limitations established under Article X, Section 20 of the Colorado Constitution for the purpose of implementing the city’s capital improvement plan including the maintenance of capital improvements?”

_____ YES

_____ NO

Section 2: Upon approval of the above question by the majority of the registered electors voting thereon, the City of Fruita shall be authorized to increase its revenue and expenditure limitations from January 1, 2025, through December 31, 2030, without increasing existing tax rates or adding new taxes of any kind. The City of Fruita shall further be authorized to receive and expend State grants; and to receive and expend all tax and other revenues generated in excess of the limitations set forth in Article X, Section 20 of the Colorado Constitution for the purpose of implementing the City’s Capital Improvements Plan and maintenance of those capital improvements.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 5th DAY OF DECEMBER, 2023**

ATTEST:

City of Fruita

City Clerk

Joel Kincaid, Mayor



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, FINANCE DIRECTOR/CITY CLERK

DATE: NOVEMBER 7, 2023

AGENDA TEXT: RESOLUTION 2023-31 – Approving the lease of a room located in the Fruita Civic Center located at 325 E Aspen to Mesa County for Motor Vehicle Registrations and Related Services

BACKGROUND

Mesa County desires to renew the lease of a room at the Fruita Civic Center for motor vehicle registrations (DMV Office located in the SE corner of 1st floor). The provision of motor vehicle registration services in the City of Fruita provides a convenient location for lower valley residents to register vehicles and take care of other related services provided by the Division of Motor Vehicles.

The Fruita City Charter requires that leases for a period of time longer than one year be approved by Ordinance. State Statutes require that leases of less than one year in length be approved by resolution or ordinance.

Terms of the lease agreement include the following:

- The City will lease the property to Mesa County for \$200 per month for janitorial services and a portion of utility charges. This reflects an increase of \$50 per month from the prior lease to cover increased costs. Mesa County shall also reimburse the City actual costs incurred for provision of other services provided by third party providers (carpet cleaning, etc.) subject to mutual agreement of the parties.
- The City will maintain the grounds and building systems.
- Mesa County is responsible for routine maintenance and upkeep of the interior of the room.
- The City will provide common facilities including restrooms and parking lot as well as utilities including water, sewer, trash, electricity and gas. Mesa County will be responsible for the fiber, internet, phones, and other utilities.
- The initial term of the lease is for less than one year with the option of renewing the lease for four one-year extensions.

FISCAL IMPACT

The City will receive \$200 per month to help offset increased utility and janitorial costs, an increase of \$50 per month from the previous lease agreement. Costs for maintenance of the grounds and building facilities would be incurred regardless of this lease agreement.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The re-opening of the Mesa County DMV office in Fruita provides a core service to Fruita residents who might otherwise have to go to Grand Junction to take care of motor vehicle registrations, renewals and other services provided by the DMV office.

OPTIONS TO THE COUNCIL:

- Approve the resolution and lease agreement as presented.
- Approve the resolution and lease agreement with amendments
- No action (Deny the resolution and lease agreement)

RECOMMENDATION:

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

- **ADOPT RESOLUTION 2023-31 - APPROVING THE LEASE OF A ROOM AT THE FRUITA CIVIC CENTER LOCATED AT 325 E ASPEN TO MESA COUNTY FOR MOTOR VEHICLE REGISTRATIONS SUBJECT TO THE TERMS OF THE LEASE AGREEMENT**

RESOLUTION 2023-31

A RESOLUTION APPROVING THE LEASE OF A ROOM AT THE FRUITA CIVIC CENTER TO MESA COUNTY FOR A PERIOD OF LESS THAN ONE YEAR

WHEREAS, the Fruita City Council finds that it is in the best interest of the City of Fruita to lease a room at the Fruita Civic Center located at 325 E. Aspen to Mesa County for use by the Division of Motor Vehicles for motor vehicle registrations and related services for a period of less than one year, and

WHEREAS, the City of Fruita will lease the room for two-hundred dollars per month to cover costs of utilities and janitorial services. The lease may be extended for four additional one-year terms. Additional terms and conditions of the lease are as set forth in the lease agreement attached hereto as Exhibit A, and

WHEREAS, C.R.S. 31-15-713 (1) (C) requires that lease agreements of less than one year be approved by resolution of the City Council.

NOW, THEREFORE BE IT RESOLVED BY THE FRUITA CITY COUNCIL TO APPROVE THE LEASE AGREEMENT WITH MESA COUNTY FOR LEASE OF A ROOM AT THE FRUITA CIVIC CENTER LOCATED AT 325 E ASPEN FOR A PERIOD OF LESS THAN ONE YEAR.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 7th DAY OF NOVEMBER, 2023**

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Joel Kincaid, Mayor

**LEASE AGREEMENT BETWEEN
MESA COUNTY, COLORADO and THE CITY OF FRUITA, COLORADO**

THIS LEASE is made and entered into as of the ___ day of _____, 2023 by and between the County of Mesa, Colorado, a political subdivision of the State of Colorado, hereinafter referred to as “Lessee”, and the City of Fruita, Colorado, a political subdivision of the State of Colorado, hereinafter referred to as “Lessor.”

RECITATIONS:

WHEREAS Lessor is the owner of certain real property and improvements known as 325 E. Aspen Avenue, Fruita, Colorado 81521, hereinafter referred to as the “Building” and,

WHEREAS Lessor desires to lease and the Lessee desires to rent a portion of the Building, specifically the room located on the southeast corner of the first floor, identified in Exhibit A as Motor Vehicles, hereinafter referred to as the “Premises”, together with the non-exclusive right, in common with the adjoining tenants and users, to use common areas of the building such as restrooms, breakroom, hallways and existing off-street parking for employees, invitees, guests and customers, upon the terms and conditions herein set forth.

NOW, THEREFORE, in consideration of the payment of the rent and the keeping and performance of the covenants and agreements of the Lease hereinafter set forth, Lessor hereby leases unto Lessee the above-described Premises,

TO HAVE AND TO HOLD the same for the term of this Lease as hereinafter defined.

ARTICLE I - TERM OF LEASE

1.1 This Lease shall commence on January 1, 2024 and shall end on December 31, 2024, hereinafter defined as the “Termination Date,” unless renewed or terminated in accordance with the terms and conditions identified in Section 9.1 of this Lease.

ARTICLE II - RENT

2.1 From and after commencement of this Lease, Lessee covenants to pay to Lessor, at such place as Lessor directs, \$200.00 (Two Hundred and 00/100) per month to offset costs associated with utilities and janitorial services that are paid by the Lessor. Mesa County shall also reimburse the City actual costs incurred for the provision of other services provided by third party providers (carpet cleaning, etc.) subject to mutual agreement of the parties.

ARTICLE III - INSURANCE

3.1 By Lessor: At all times during the lease term, Lessor agrees to procure and maintain Commercial General Liability, “Occurrence Form”, with minimum limits of \$1 million per occurrence and \$1 million aggregate for bodily injury, personal injury and property damage including earthquake, flood, and water damage; and, at Lessor’s option, boiler and machinery on a broad form basis.

- 3.2 By Lessee: At all times during the Lease Term, Lessee agrees to procure and maintain theft, fire and extended coverage insurance on the improvements and contents of the Premises and for the benefit of Lessor and Lessee, both to be named as Insureds, General Public Liability Insurance, "Occurrence Form" (provided that Occurrence Form insurance is reasonably available) with minimum limits of \$1 million per occurrence and \$2 million aggregate for bodily injury or death occurring within or upon the premises.
- 3.3 Each party shall have the right to insure and maintain the insurance coverage required by this Lease under blanket insurance coverage covering other premises so long as such blanket insurance policies specify a stated value for the premises and comply with the amounts of insurance and other requirements hereof.
- 3.4 All insurance policies required hereunder shall include a 30-day notification of cancellation clause. In addition, the County Contract Administrator shall be notified in writing 30 days prior to any material changes in the insurance policy(s) (without limitation) such as cancellation, non-renewal, reduction in coverage or alteration of coverage. Further, each party shall deliver to the other party certificates of insurance on Accord Form 25-S certifying the above-described insurance is in full force and effect upon signing of this contract. Such delivery shall be made within 30 days after commencement of this lease.

ARTICLE IV - FIRE AND CASUALTY DAMAGE

- 4.1 If the demised premises should be damaged or destroyed by fire, tornado or other casualty, Lessee shall give immediate written notice to Lessor.
- 4.2 If the demised premises should be so damaged that rebuilding or repairs cannot reasonably be completed within ninety (90) days from the date of written notification by Lessee to Lessor of the happening of the damage, this Lease shall terminate and rent and all additional charges shall be abated for the unexpired portion of this Lease, effective as of the date of the happening of the damage.

ARTICLE V - REPAIRS, MAINTENANCE USE AND ALTERATIONS

- 5.1 Lessee shall: Accept the Premises on an "as is" basis and keep the improvements presently upon the Premises, and those that may be installed by Lessee, in good repair at the expense of Lessee; provided, however, any improvements of Lessee shall be installed only after obtaining written Lessor consent, which consent shall not be unreasonably withheld. The general repair, maintenance, and upkeep of the identified Premises shall be accomplished via mutual agreement between the Parties hereto. At the expiration of this Lease Lessee shall surrender and deliver up the Premises in good condition, ordinary wear excepted.
- 5.2 Neither permit nor suffer said Premises, or the walls or floors thereof, to be endangered by overloading, nor said Premises to be used for any purpose which would render the insurance thereon void or the insurance risk more hazardous.
- 5.3 Make no structural alterations or alterations that change the Building footprint.
- 5.4 Make no changes or alterations, structural or otherwise, to any of the common areas.

ARTICLE VI - INSPECTION OF PREMISES BY LESSOR

- 6.1 Lessee agrees to permit Lessor, or the authorized representative of the Lessor, to enter the premises at all times during usual business hours and/or after normal business hours, for the purpose of inspecting the premises and making such necessary repairs to the Premises and performing any work therein which may be necessary. Lessor shall use its best effort to cause any inspection by Lessor to be made with escort provided by Lessee. Lessee agrees to indemnify Lessor for any loss resulting from lack of timely access by Lessor caused by inability to enter unit.

ARTICLE VII - PEACEFUL ENJOYMENT; EXCEPTIONS

- 7.1 Lessor shall, upon payment of the rent herein reserved and the performance of the other covenants of this Lease by Lessee, guarantee the peaceful and quiet enjoyment of the Premises during the full term of this Lease by Lessee.
- 7.2 Lessor's promise contained in Section 8.1 is subject to the provisions of Article VII.

ARTICLE VIII - PURPOSE, SUBLET AND ASSIGNMENT

- 8.1 The Premises are leased to Lessee for the expressed and exclusive purpose of operating motor vehicle registrations and related services. Lessee may not assign or sublet all, or any part of, the Premises.

ARTICLE IX - RENEWAL, TERMINATION, DEFAULT

- 9.1 The parties may negotiate renewal or extension of this Lease beyond the Termination Date specified herein subject to the availability of the property for lease, and subject to available funds, for four (4) additional one (1) year terms.
- 9.2 This Lease may be terminated at any time during the term or extension thereof by either party without cause upon advance notice of three (3) months, in the manner of giving notice as provided herein.
- 9.3 No assent, expressed or implied, to any breach of any one or more of the covenants or agreements contained in this Lease shall be deemed or taken to be a waiver of any succeeding or other breach.

ARTICLE X - ADDITIONAL PROVISIONS

- 10.1 Lessee agrees to save, hold harmless and protect Lessor free from any and all loss, damage, expense and liability arising out of injuries to persons or damage to property resulting from Lessee's occupancy of the Premises, its agents, employees, invitees and guests, or caused by failure of Lessee to perform any of its obligations hereunder.
- 10.2 It is further understood and agreed that, except as otherwise expressly provided herein, all of the covenants and agreements contained in this Lease shall extend to and be binding upon the executors, legal representatives, successors and assigns of the parties hereto. The duties contemplated by this paragraph shall survive the term or expiration of this Lease.
- 10.3 Any notice required under the terms of this Lease shall be given in writing, postage prepaid, addressed as follows:

Lessee:
Mesa County
c/o Facilities and Parks
P. O. Box 20000
Grand Junction, Colorado 81502

Lessor:
City of Fruita
c/o City Clerk
325 E. Aspen Avenue
Fruita, Colorado 81521

- 10.4 The parties hereto agree that no amendment or modification of this Lease shall be valid or binding unless in writing and executed by the parties hereto in the same manner as the execution of this Lease.
- 10.5 This lease agreement is and shall be deemed to be performable in the County of Mesa, Colorado, and venue for any dispute hereunder shall be in the District Court of the County of Mesa, Colorado.

IN WITNESS WHEREOF, this Lease has been duly executed by the parties hereto as of the day and year first above written.

LESSEE:

DocuSigned by:

 Pam Noonan, Finance Director, Mesa County

10/24/2023 | 11:01 MDT

 Date

LESSOR:

 City of Fruita

 Date



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: KIMBERLY BULLEN, PUBLIC WORKS DIRECTOR

DATE: NOVEMBER 7, 2023

AGENDA TEXT: RESOLUTION 2023-32 – Supporting an application to the Colorado Department of Local Affairs for the construction of the Kingsview Lift Station Project

BACKGROUND

The Kingsview Lift Station provides sewage pumping required due to elevation restrictions for an estimated 83 current residents and future development. The Kingsview Lift Station was installed in 1995 and has been in operation for 29 years and showing signs of deterioration. Specific areas such as the pump station's base plate and suction piping have high levels of rust and electrical components are becoming obsolete with increased cost for electrical repairs due to parts and supply requirements.

FISCAL IMPACT

The city has budgeted funds in the 2024 Annual Budget for this project but will seek grant funds to help with the completion of this project in 2024.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is dedicated to providing core services that help improve the Quality of Place and Economic Health. Ensuring the city's infrastructure is in good condition is directly related to these core services.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the resolution supporting the grant application to DOLA.
- Disapprove the resolution supporting the grant application to DOLA.

RECOMMENDATION

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

ADOPT RESOLUTION 2023-32 SUPPORTING AN APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR THE CONSTRUCTION OF THE KINGSVIEW LIFT STATION PROJECT.

RESOLUTION 2023-32

A RESOLUTION SUPPORTING AN APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR THE CONSTRUCTION OF THE KINGSVIEW LIFT STATION PROJECT

WHEREAS, the City of Fruita is a political subdivision of the State of Colorado, and therefore an eligible applicant for grants awarded through the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund (EIAF) program; and

WHEREAS, the City of Fruita is dedicated to providing core services that help improve the Quality of Place, Economic Health, and Lifestyle of the community; and

WHEREAS, the City of Fruita has identified and prioritized the Kingsview Lift Station for replacement due to the age and deterioration of the equipment; and

WHEREAS, the City of Fruita is not able to fund this high priority project without significant impacts to the operational funds of the City; and

WHEREAS, the City of Fruita is interested in seeking grant funds from the Department of Local Affairs to help complete this project and has adequate funds to meet the necessary match requirements of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT THE CITY COUNCIL FINDS AND DETERMINES:

THAT the City Manager be authorized to submit an application to the Department of Local Affairs on behalf of the City of Fruita requesting financial assistance for the Kingsview Lift Station Project.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 7th DAY OF NOVEMBER 2023.**

CITY OF FRUITA, COLORADO

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: Mayor & City Council

FROM: Mike Bennett, City Manager

DATE: November 7, 2023

AGENDA TEXT: Memorandum of Understanding (MOU) with One Riverfront Foundation

BACKGROUND

The City, One Riverfront Foundation, and Mesa County were formerly parties to a MOU dated June 7, 2010 as part of a land purchase of tax parcel 2697-181-00-095, 2697-184-00-093, 2697-183-00-096, and 2697-184-00-094 with the County as the title holder and the City and the Foundation as beneficial owners as follows: County 55.2%, City 29.9%, and Foundation 14.9%. Pursuant to the 2010 MOU, the City of Fruita constructed the Little Salt Wash section of the Riverfront Trail creating a north-south trail connection under the Railroad, Highway, and Interstate. The City recently purchased the property from Mesa County, closing on September 15, 2023, with the Foundation’s consent and the 2010 MOU was terminated. Rather than pay the Foundation for their 14.9% ownership interest, the City and the Foundation desire to continue to work together to develop the property. The purpose would be to leverage grant funds in the development of this property and the 25-acres of City-owned property connected to this 15-acre parcel.

The MOU states the City will hold tile to the property and will own beneficial interest the same of 85.1% with the Foundation owning a beneficial interest in the same at 14.9%. The Foundation will consider requests by the City to donate all or a portion of tis beneficial interest in the property to future projects of the City and its partners that benefit the Riverfront Trail System through improved access and the addition of new amenities along the Colorado River and the Riverfront Trail System. The City will keep the Foundation updated on progress with the City’s public-private partnership and development of the property, and with grants the City pursues for recreational and open space amenities in the development, to enable opportunities to collaborate with grant agencies.

The One Riverfront Foundation Board approved this MOU at its October 26, 2023, board meeting.

FISCAL IMPACT

There is no fiscal impact as this MOU simply recognizes One Riverfront Foundation’s financial interest in the property the City owns in title, now that the 2010 MOU is terminated with Mesa County’s sale of its portion to the City of Fruita. This partnership sets forth a relationship between the City and the Foundation to work together and leverage the Foundation’s ownership toward grants to develop the property.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This falls within the City's economic development goals and strategic priority to develop the City-owned riverfront property.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the MOU with One Riverfront Foundation and the City Manager to sign on behalf of the City.
2. Direct staff to revise the MOU and work with the Foundation to approve an amended version of the MOU.

RECOMMENDATION

Approve the MOU with One Riverfront Foundation and the City Manager to sign on behalf of the City.

MEMORANDUM OF UNDERSTANDING

Between the City of Fruita and the Colorado Riverfront Foundation, Inc.

This Memorandum of Understanding (“MOU”) is between the City of Fruita, a Colorado home-rule municipality (“City”) and the Colorado Riverfront Foundation, Inc., a Colorado non-profit corporation (“Foundation”) for the purposes of outlining the parties’ contributions and relationship regarding the development of that real property owned by the City as described herein below.

1. The City and the Foundation were formerly parties to that Memorandum of Understanding dated June 7, 2010 (“2010 MOU”) by and among the City, the Foundation and Mesa County (“County”) whereby those parties purchased Mesa County tax parcel numbers 2697-181-00-095, 2697-184-00-093, 2697-183-00-096 and 2697-184-00-094 (collectively the “Riverfront Property”) with the County as the title holder and the City and the Foundation as beneficial owners as follows: County 55.2%, City 29.9% and Foundation 14.9%
2. Pursuant to the 2010 MOU, the parties constructed an extension of the Colorado Riverfront Trail System from the James M. Robb Colorado River State Park in the City to the Fruita Trail System along Little Salt Wash adjacent to U.S. Hwy 6 and to allow the connection of the Colorado Riverfront Trail System to Loma (“Trail”).
3. Since the Trail was constructed, the City purchased the Riverfront Property from the County on September 15, 2023, to which the Foundation consented, and the 2010 MOU was terminated.
4. Through the purchase of the Riverfront Property, rather than pay the Foundation for its 14.9% interest, the City and the Foundation desire to continue to work together to develop the Riverfront Property as follows:
 - a. The City will hold title to the Riverfront Property and will own a beneficial interest in the same of 85.1% with the Foundation owning a beneficial interest in the same at 14.9%.
 - b. The Foundation will continue to partner with the City to develop and improve riverfront access and recreational amenities within the Property and adjacent properties. The Foundation will consider requests by the City to donate all or a portion of its beneficial interest in the Property to future projects of the City and its partners that benefit the Riverfront Trail System through improved access and the addition of new amenities along the Colorado River and the Riverfront Trail System.
 - c. The City will keep the Foundation updated on progress with the City’s public private partnership and development of the property, and also with grants the City pursues for recreational and opens amenities in the development, to enable opportunities to collaborate with grant requests.
5. This MOU may be executed in counterparts and by electronic signatures which together shall constitute the original.
6. This MOU will terminate by its own terms once the Foundation no longer owns a beneficial interest in the Riverfront Property.
7. The persons signing below certify that they are authorized to sign on behalf of the entity listed.

Date: _____

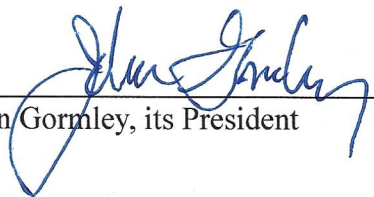
CITY OF FRUITA

Mike Bennett, City Manager

ATTEST: City Clerk

Date: 10-26-2023

COLORADO RIVERFRONT FOUNDATION, INC.
A Colorado non-profit corporation

By: 
John Gormley, its President



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: NOVEMBER 7, 2023

AGENDA TEXT: CITY MANAGER FORMAL EVALUATION SCHEDULE - A request to approve a proposed schedule for the Annual Formal Evaluation of the City Manager and a request to approve the Evaluation Form

BACKGROUND

Pursuant to Article 4.3 of the Fruita City Charter, the City Council shall conduct an annual evaluation of the City Manager. The procedure for the evaluation requires publication of notice for public input on the performance of the manager and making the forms used by the Council for evaluation available to the public for 30 days prior to the evaluation.

The date of the annual evaluation for Mike Bennett would have been recommended to occur on January 2, 2023, but because that Council meeting was canceled by the City Council, the date of the annual evaluation is recommended to occur on December 19, 2023. The Charter-mandated public notice will be printed in the Daily Sentinel on November 8, 2023 and will be posted on the City's website and made available to the public at the Administration counter starting on November 13, 2023. The Charter requires that the Council and the public use the same form to evaluate the City Manager. Attached is a copy of an evaluation form for Council consideration, comment, and adoption.

The proposed schedule for the evaluation is as follows:

- November 7, 2023– Finalize and approve the evaluation form and schedule
- November 8, 2023 – Date of legal publication
- November 13, 2023 – Evaluation form available to the public (electronic & paper)
- November 21, 2023 – Hold an Executive Session in order to draft the evaluation
- December 13, 2023 – Public comments are due
- December 19, 2023 – Hold an executive session to present the evaluation

In addition to the requirements of the City Charter, the contract between the City and the City Manager allows for an increase in compensation and establishing and defining goals and performance objectives that the Council determines necessary for the proper operation of the City as part of the annual evaluation.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The evaluation of the City Manager is important in holding staff accountable for achieving City Council adopted goals.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the use of the City Manager Appraisal Form as presented or with amendments.
2. Use another form for evaluation of the City Manager.
3. Establish procedures for the conduct of the evaluation.

RECOMMENDATION

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

- **DIRECT STAFF TO PUBLISH THE CHARTER-MANDATED PUBLIC NOTICE, APPROVE THE ATTACHED EVALUATION FORM AND HAVE STAFF MAKE IT AVAILABLE FOR USE BY THE PUBLIC, SCHEDULE AN EXECUTIVE SESSION FOR NOVEMBER 21, 2023 TO PREPARE THE EVALUATION AND AN EXECUTIVE SESSION ON DECEMBER 19, 2023 TO PRESENT THE ANNUAL FORMAL EVALUATION TO THE CITY MANAGER**

CITY OF FRUITA
325 E. Aspen
Fruita, CO 81521

CITY MANAGER APPRAISAL FORM
DECEMBER 13, 2022 – DECEMBER 13, 2023

Return by: December 13, 2023 at 5:00 p.m.

The Fruita City Charter provides for public comment on the performance of the City Manager. Those interested in providing input to the City Council in the evaluation process can obtain a copy of the Evaluation from the City Clerk's Office at the Fruita Civic Center, 325 E. Aspen Ave., Fruita, CO 81521 (858-3663) or from the City's website at www.fruita.org. Completed forms should be submitted via email to dwoods@fruita.org, mailed to the City of Fruita, Attention: City Council at the address on the top of this form, or by dropping off in person at the Fruita Civic Center at 325 E. Aspen Ave. by no later than 5:00 p.m. on December 13, 2023.

Please rate each performance category by either checking the appropriate box or placing a number 1 (low) through 10 (high) next to the category. Written comments are welcome.	Exceeds Expectations 10 or 9	Successful 8 or 7	Meets Expectations 6 or 5	Needs Improvement 4 or 3	Fails/Did Not Meet Expectations 2 or 1	Don't Know
<u>Overall Management Performance</u> Comments:						
<u>Personal Communication, Public Relations</u> Comments:						
<u>Communications/Relationship with the City Council</u> Comments:						
<u>Overall Job Knowledge/Skills</u> Comments:						
<u>Political Relationships with other Municipalities, County Officials, State Officials</u> Comments:						

Please rate each performance category by either checking the appropriate box or placing a number 1 (low) through 10 (high) next to the category. Written comments are welcome.	Exceeds Expectations 10 or 9	Successful 8 or 7	Meets Expectations 6 or 5	Needs Improvement 4 or 3	Fails/Did Not Meet Expectations 2 or 1	Don't Know
<u>Achievement of Goals Set by City Council</u> Comments:						
<u>Overall Leadership of the Organization</u> Comments:						
<u>Staff Supervision/Overall Performance of City Staff</u> Comments:						
<u>Financial Management (including budgeting) and Project Management</u> Comments:						
<u>How would you rate the leadership and direction the Mayor and City Council have provided to the City Manager?</u> Comments:						

Other comments:

Signature _____

Date _____



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Planning & Development Department

DATE: November 7, 2023

AGENDA TEXT: ORDINANCE 2023-13, SECOND READING, An Ordinance amending the official zoning map of the City of Fruita by zoning approximately 131 acres of property located south of Snooks Bottom and west of the intersection of Kings View Road and Highway 340 to a Planned Unit Development zone and approval of a Preliminary PUD Plan.

(Sunset Pointe PUD)

BACKGROUND

This is a request for approval of an Ordinance to adopt zoning standards for the Sunset Pointe Subdivision and approval of a Preliminary PUD Plan.

This Ordinance is not intended to change the entire zone, the purpose of this Ordinance is to record zoning standards pursuant to the existing Planned Unit Development in addition to clarifying additional zoning language which will apply to this development. This Ordinance does not include the already developed parcels referred to as the Kings View Estates Subdivision.

The Planned Unit Development Guide (PUD) titled “Sunset Pointe Planned Unit Development” as attached as Exhibit B to the Ordinance contains details related to the Sunset Pointe Development. These standards include lots sizes, setbacks, building heights, accessory structures, fencing, exterior home lighting, home fire sprinkler system requirements, and garage locations. Anything not listed in the PUD Guide will need to adhere to the Monument Preservation zoning district regulations.

Back in the 1970’s, Mesa County approved the overall development plan for the Kings View Estates Subdivision under their PD-1 (Planned Development – 1 acre) zoning criteria. This approval contained entitlements for 1 dwelling unit per acre as the overall density for the original 260 acres. In 1995, the City of Fruita then annexed the existing Kings View Estates properties and the remaining acreage yet to be developed while maintaining the PUD zoning in accordance with the original development plan. The primary reason for annexation was to be able to provide the properties with sanitary sewer due to a failing wastewater treatment facility meant to treat the wastewater produced with the Kings View Estates development.

The Kings View Subdivision has 84 dwelling units and was developed in 3 total phases with the 4th and final phase being the Sunset Pointe area. The overall density approved for the entire development was 1 dwelling unit per acre over the 260 original acres. With the Sunset Pointe development at 122 dwelling

units, this puts the total developments combined at a density of roughly 1.26 dwelling units per acre (206 dwelling units over 260 acres).

The Sunset Pointe PUD Plan proposes 122 single-family residential lots over approximately 132 acres for a density of about 1 dwelling unit per acre, being completed over eight (8) total Filings. The dwelling units will be clustered over approximately 54 acres with approximately 64 acres being dedicated for open space and trails. The residential lots take up about 41% of the total site, while the open space and trails portion is about 48.8%, leaving the remaining acreage for stormwater detention and interior roads and access. The site is bordered on the east by the existing Kings View Subdivision, on the south and west by public lands and on the north by open space owned by the City of Fruita.

Access to the subdivision will be from Kings View Road and Highway 340 with two (2) additional platted access points known as Golondrina Way and utilizing a street-stub located at the end of Fowler Drive.

Sanitary sewer is proposed to be extended with this development to the existing lift station along Highway 340 near the south side of the bridge. Additionally, Ute Water lines will be looped and extended to provide adequate water to the proposed development as well as storm water detention improvements and discharge to the Colorado River.

The Planning Commission discussed the Sunset Pointe Subdivision at their October 10, 2023 public hearing and recommended approval to the City Council by a vote of 6-1. Primarily, the discussion by the Planning Commission at this public hearing was focused on the Preliminary PUD Plan and the subdivision improvements.

Planning Commission Motion from 10/10/2023 meeting:

COMMISSIONER HEARNS MOVED TO RECOMMEND APPROVAL OF THE SUNSET POINTE PRELIMINARY PUD PLAN APPLICATION:

MR. CHAIR, BECAUSE THE APPLICATION MEETS OR CAN MEET ALL APPLICABLE APPROVAL CRITERIA FOR A PRELIMINARY PUD PLAN IN ACCORDANCE WITH THE FRUITA LAND USE CODE, I MOVE TO RECOMMEND APPROVAL OF THE SUNSET POINTE PRELIMINARY PUD PLAN APPLICATION TO THE FRUITA CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS ARE ADEQUATELY RESOLVED WITH THE FINAL PUD PLAN APPLICATION IN ADDITION TO THE FOLLOWING CONDITIONS

- *NEW TRAFFIC STUDY RECOMMENDATIONS BE MET*
- *ACCESS ROAD TO BE BUILT OUT OF THE FLOODPLAIN AREA*
- *SIDEWALK FROM HIGHWAY 340 TO SNOOKS BOTTOM INTERSECTION*
- *ALLOW KINGS VIEW ESTATES HOA ACCESS TO THE EMERGENCY ACCESS AREA*

COMMISSIONER HUMMEL SECONDED THE MOTION

MOTION PASSED 6-1

FISCAL IMPACT

Because the nature of this Ordinance is residential, there are no fiscal impacts associated with adoption. If the subject property is to develop, a fiscal impact will be associated with the public improvements.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The proposed Planned Unit Development zoning is in general conformance with the City of Fruita's Land Use Code and Comprehensive Plan. The Comprehensive Plan, adopted in February 2020, provides guidance and support for efficient development, connectivity, infill development, open space, and diversity of housing types. Influenced heavily by community values, the vision statement was created and states, "*The City of Fruita values quality of place. It's an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that's responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation.*" (Page 3, Fruita In Motion: Plan Like A Local Comprehensive Plan)

The Future Land Use Map (FLUM) recommends an MP zone for this area. The MP zone, as explained on page 35 of the Comprehensive Plan states, "The Monument Preservation category is intended to be a low-density area that is compatible with the surrounding lands of the Colorado National Monument and Bureau of Land Management (BLM) parcels. The intent is to preserve open space and for recreational uses to be integrated with low-density residential development."

OPTIONS AVAILABLE TO THE COUNCIL

1. Adopt Ordinance 2023-13, an Ordinance amending the official zoning map of the City of Fruita by zoning approximately 131 acres of property located south of Snooks Bottom and west of the intersection of Kings View Road and Highway 340 to a Planned Unit Development zone and approve the Sunset Pointe Preliminary PUD Plan as proposed.
2. Adopt Ordinance 2023-13, an Ordinance amending the official zoning map of the City of Fruita by zoning approximately 131 acres of property located south of Snooks Bottom and west of the intersection of Kings View Road and Highway 340 to a Planned Unit Development zone and approve the Sunset Pointe Preliminary PUD Plan with additional conditions.
3. Deny Ordinance 2023-13 and deny the Sunset Pointe Preliminary PUD Plan.

RECOMMENDATION

Staff recommends that the Council move to:

ADOPT ORDINANCE 2023-13, 2ND READING, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 131 ACRES OF PROPERTY LOCATED SOUTH OF SNOOKS BOTTOM AND WEST OF THE INTERSECTION OF KINGS VIEW ROAD AND

HIGHWAY 340 TO A PLANNED UNIT DEVELOPMENT ZONE AND APPROVE THE SUNSET POINTE PRELIMINARY PUD PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS ARE RESOLVED WITH THE FINAL PUD PLAN APPLICATION.

ORDINANCE 2023-13

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 131 ACRES OF PROPERTY LOCATED SOUTH OF SNOOKS BOTTOM AND WEST OF THE INTERSECTION OF KINGS VIEW ROAD AND HIGHWAY 340 TO A PLANNED UNIT DEVELOPMENT KNOWN AS THE SUNSET POINTE PLANNED UNIT DEVELOPMENT.

WHEREAS, the property owner, Sunshine of Delta Inc (“Owner”) has submitted a request to zone the property described in the attached Exhibit A, and commonly referred to as Sunset Pointe (the “Property”) to a Planned Unit Development (PUD) zoning designation, and

WHEREAS, the Fruita Planning Commission has recommended to the City Council approval of adopting the PUD Guide to clarify specific zoning related to the development, and

WHEREAS, the proposal is in conformity with the Fruita In Motion: Plan Like a Local Comprehensive Plan (“Comprehensive Plan”) of the City of Fruita and the City of Fruita Land Use Code (“LUC”), and

WHEREAS, by adopting the attached PUD Guide, each use in the development of the Property can be evaluated on an individual basis and impacts on surrounding land uses can be mitigated, and

WHEREAS, a Final Plan has been prepared entitled, “Sunset Pointe Planned Unit Development” which identifies the lot sizes, building setbacks, streets and other aspects of the overall development plan, which is part of the proposed Sunset Pointe Subdivision, and

WHEREAS, Owners have submitted a PUD Guide entitled, “Sunset Pointe Planned Unit Development” which includes dimensional standards, design standards and use restrictions for development of the Property, and

WHEREAS, proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the City Council, and

WHEREAS, based on the evidence, testimony, exhibits, relationship to the Comprehensive Plan and LUC, comments of Community Development Department, Review Agencies, and Planning Commission hearing minutes, the recommendation of the Planning Commission, and comments from all interested parties, the City Council finds as follows:

Pursuant to Chapter 19 of the Fruita Land Use Code, the City Council makes the following findings in its review of the PUD Application:

- a) The application is in general conformance with the Land Use Code and Comprehensive Plan.
- b) The proposed plan conforms to all applicable regulations policies and guidelines.
- c) The application does not vary the health and safety requirements contained in Title 8

- of the Fruita Municipal Code.
- d) The application does not vary from the requirements concerning public improvements contained in Title 12 of the Fruita Municipal Code.
- e) The application does not vary from the requirements concerning water and wastewater contained in Title 13 of the Fruita Municipal Code.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1: That the Zoning Map adopted pursuant to Section 17.03.030 of the Fruita Municipal Code is hereby amended and that the Property described and shown on the attached Exhibit A, containing 131 acres, more or less, is hereby designated as a Planned Unit Development Zone (PUD);

Section 2: That the PUD guide entitled, “Sunset Pointe Planned Unit Development” attached hereto as Exhibit B establishes dimensional standards including but not limited to setbacks and building heights for each lot within the Sunset Pointe Subdivision and is approved;

Section 3: Special Conditions: That the development of the Property will be required to adhere to the conditions outlined in the Planned Unit Development Guide for the Sunset Pointe Subdivision attached hereto as Exhibit B.

Section 4. It shall be a Class B municipal offense, as defined in the Fruita Municipal Code, for any person to knowingly erects, constructs, reconstructs, uses, or alters any building or structure or knowingly uses any land in violation of the Sunset Pointe Planned Unit Development Guide herein adopted.

Section 5. The City Clerk is directed to:

1. File the original of this Ordinance and attached exhibit in the office of the City Clerk of Fruita, Colorado;
2. File one copy of this Ordinance and attached exhibit in the office of the Mesa County, Colorado, Assessor; and
3. File for record one certified copy of this ordinance and attached exhibits with the Clerk and Recorder of Mesa County, Colorado.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 7TH DAY OF NOVEMBER 2023**

ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor

Exhibit A

Legal Descriptions

Parcel 1: LOT 10 & N4 LOT 13 SEC 19 1N 2W KINGS VIEW ESTATES FIL NO ONE & TWO & ALSO EXC KINGS VIEW FLOODPLAIN SUBDIVISION & EXC HWY AS DESC B-949 P-588 THRU 590 MESA CO RECDS

Parcel 2: NE4SW4 LYG S OF I 3/10 RD & SE4SW4 & NW4SE4 SEC 19 1N 2W EXC KINGS VIEW ESTATES FILING NO TWO & EXC KINGS VIEW FLOODPLAIN SUB

Parcel 3: SW4SE4 & S3/4 LOT 13 SEC 19 1N 2W EXC KINGS VIEW ESTATES FIL ONE-TWO & AMENDED THREE

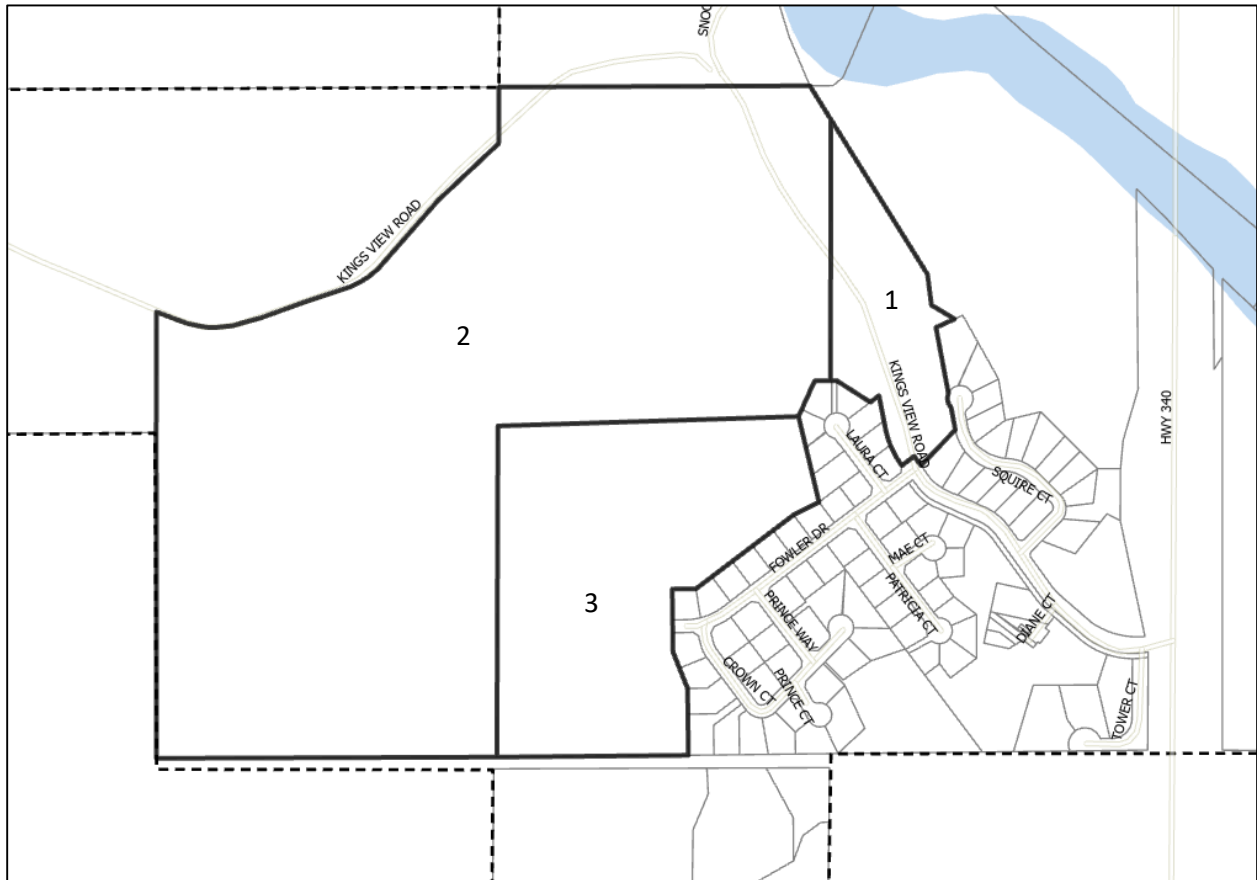


Exhibit B

SUNSET POINTE PLANNED UNIT DEVELOPMENT Planned Unit Development Control Guide

131.7 Acre PUD
122 Lots

8/4/2023

PURPOSE: The purpose of this Sunset Pointe PUD Control Guide is to serve as the governing regulations which will control the development of the Sunset Pointe PUD. The PUD Control Guide will serve as the "zone district regulations" for the PUD and is in conformance with Section 17.17.030 of the Fruita Municipal Code.

Development within Sunset Pointe PUD will be regulated and administered by the City of Fruita through the provisions of this PUD Control Guide. Building Construction within the PUD is governed by the applicable City of Fruita ordinances, rules, regulations and building codes.

The more restrictive/relaxed, specific provisions of this PUD Control Guide shall supersede those contained in Title 17 of the Fruita Municipal Code. However, where this PUD Control Guide does not address a particular issue or subject matter, the specific provisions of Title 17 of the Fruita Municipal Code, the City's Land Use Code, shall prevail. In case of a dispute or ambiguity, the City shall be responsible for interpreting the applicable regulations and resolving the dispute or ambiguity.

NOTES:

- * Rear Yard Setback: Most of the rear yards border onto open space and allowing building within 5' from open space will not have an adverse effect upon the open space. Any Lot which backs onto property other than open space will meet a minimum requirement of a 15' setback.
- ** Fences & Height: All fences and exterior walls will be no more than 42" in height and will be built out of metal, or a 3 rail wood variety. The fences will be allowed to be built to the property line. All fence styles will need to be approved by the Design Review Committee (DRC).
- *** Side Load Garage: In order to minimize the presence of garages from the street, side load garages, at the 25' setback location, shall be permitted. All homes must have a minimum of a two car garage and all driveways must be designed for the off-street parking of 2 additional vehicles.
- **** Accessory Structures (Casitas): The lots are large and will easily accommodate accessory structures. These structures must be built within the setbacks for each lot. The allowed uses for these "Casitas" is for separate living spaces for parents, siblings, for use as a studio or for use as storage, sauna/spa, pool cabana etc. Maximum height for Accessory Structures not to exceed 20 feet.
- ***** Exterior Lighting: All exterior lighting shall be low intensity, fully shielded fixtures, color of the light shall not exceed 3000 Kelvins.
- ***** Fire Sprinkler System Requirement: Homes are required to have Fire Sprinkler Systems in order to meet the Lower Grand Valley Fire Districts requirements.

Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
A-1	21,035	25	15	8	A	1,500	28	6	No	No	No	Squire Ct.
A-2	18,672	25	15	8	A	1,500	28	6	No	No	No	Squire Ct.
Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.) Along Bluff	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
B-1	49,819	25	20	8	B	2,500	28/20	3.5	Allowed	Allowed	Yes	Kingsview Road
B-2	39,548	25	20	8	B	2,500	28/20	3.5	Allowed	Allowed	Yes	Kingsview Road
B-3	53,158	25	20	8	B	2,500	28/20	3.5	Allowed	Allowed	Yes	Kingsview Road
B-4	40,070	25	20	8	B	2,500	28/20	3.5	Allowed	Allowed	Yes	Kingsview Road
Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
C-1	15,944	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-2	15,044	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way

Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
C-3	19,168	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-4	17,748	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-5	16,003	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-6	14,646	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-7	14,353	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-8	14,168	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-9	14,329	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-10	14,547	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-11	14,732	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-12	14,632	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-13	15,055	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-14	14,769	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-15	16,322	25	15	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-16	17,656	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-17	19,061	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-18	16,759	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-19	17,092	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-20	18,472	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-21	14,085	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-22	14,096	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-23	17,050	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-24	15,449	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-25	15,669	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-26	14,251	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-27	13,909	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-28	19,250	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-29	17,810	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-30	17,148	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-31	15,939	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-32	15,926	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-33	17,605	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-34	17,025	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-35	17,030	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-36	15,328	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-37	15,951	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-38	14,606	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-39	14,832	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-40	16,135	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-41	16,824	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-42	15,581	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-43	15,508	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-44	15,629	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-45	17,035	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-46	15,032	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-47	14,235	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-48	15,061	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-49	15,642	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-50	14,709	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-51	14,053	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-52	14,215	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-53	15,822	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.

Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
C-54	14,250	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-55	13,588	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-56	17,613	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-57	17,831	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-58	16,805	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-59	16,889	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-60	15,996	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-61	14,927	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-62	23,687	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-63	24,894	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-64	26,117	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-65	16,351	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-66	19,050	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-67	20,263	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-68	20,386	25	5	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-69	17,737	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-70	17,584	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-71	19,600	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-72	21,797	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-73	18,469	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Josephina Ct.
C-74	17,426	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Josephina Ct.
C-75	17,741	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Josephina Ct.
C-76	19,003	25	15	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Josephina Ct.
C-77	21,469	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-78	30,426	25	15	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-79	14,467	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-80	14,465	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-81	14,411	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-82	14,356	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-83	14,447	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-84	14,223	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-85	14,125	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-86	15,363	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-87	15,075	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-88	14,535	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-89	14,661	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-90	14,982	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-91	14,826	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-92	15,424	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-93	16,775	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-94	14,141	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-95	17,541	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-96	15,778	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-97	16,788	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-98	17,778	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-99	15,563	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-100	15,911	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.
C-101	16,086	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.
C-102	14,888	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.
C-103	14,039	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.
C-104	17,347	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.

Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
C-105	15,682	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-106	14,300	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-107	14,259	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-108	15,016	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-109	14,349	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-110	15,696	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
D-1	58,505	25	15	15	B	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-2	67,173	25	15	15	B	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-3	42,247	25	15	15	A	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-4	50,395	25	15	15	A	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-5	69,715	25	15	15	A	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-6	37,592	25	15	15	A	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.

54.04 Total Lot Acreage
122 Total Lot Count

SUNSHINE OF DELTA, INC.,
a Colorado corporation

By: _____

John T. Moir, Vice-President

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by John T. Moir as Vice-President of SUNSHINE OF Delta, INC., a Colorado corporation.

Witness my hand and official seal.

My commission expires: _____.

Notary Public



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
OCTOBER 10, 2023**

Application #: 2023-27
Project Name: Sunset Pointe
Application: Preliminary PUD Plan
Representative: Rolland Consulting Engineers
Location: South of Snooks Bottom and east of the Kings View Estates Subdivision
Zone: Planned Unit Development (PUD)
Request: This is a request for approval of a Preliminary PUD Plan application for the development of 122 single family lots over approximately 132 acres located in a Planned Unit Development (PUD) zone.

Description:

This is a request for approval of the overall Preliminary PUD Plan for the Sunset Pointe Subdivision. In the 1970’s, Mesa County approved an overall development plan known as the Kings View Estates Subdivision under their PD-1 zoning classification. The Preliminary Development Plan for Kings View included 260 total acres and proposed an overall density of 1 dwelling unit per acre with the majority lots being clustered to allow for maximum use and preservation of the site’s natural features and open space. Included in the approved development plan was the inclusion of a wastewater treatment facility to treat the wastewater produced with this development, however, in the early 1990’s the wastewater treatment facility began to fail, requiring the need for the City of Fruita to extend sanitary sewer services to the area. In 1995, the City of Fruita then annexed the area and the remaining undeveloped 234 acres. Upon annexation, the City of Fruita maintained the Planned Unit Development Zone (PUD) and inherited the Development Plan from the County. It should be noted that the property is already zoned PUD which occurred when the total area was annexed by the City. The primary purpose of this PUD request is to clarify the zoning standards for these 122 residential lots and discuss the subdivision as a whole.

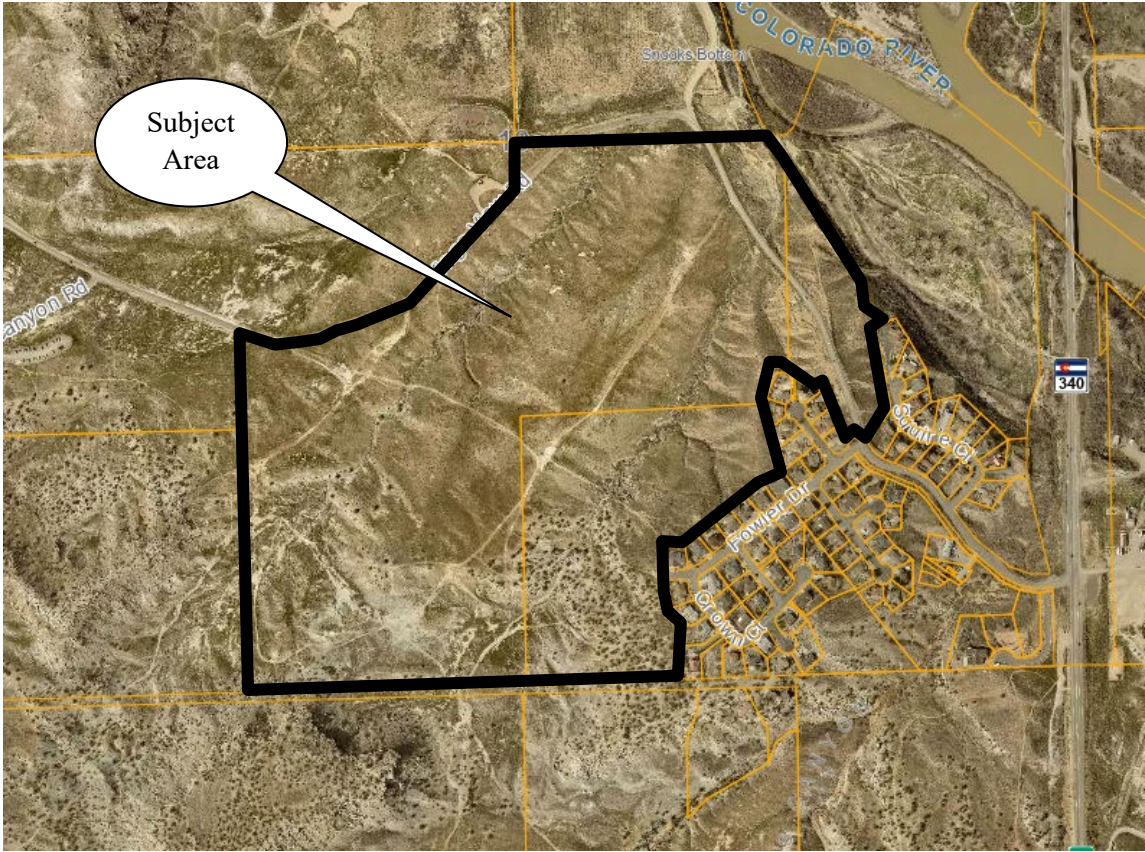
The Kings View Subdivision has 84 dwelling units and was developed in 3 total phases with the 4th and final phase being the Sunset Pointe area. The overall density approved for the entire development was 1 dwelling unit per acre over the 260 original acres. With the Sunset Pointe

development at 122 dwelling units, this puts the total developments combined at a density of roughly 1.26 dwelling units per acre (206 dwelling units over 260 acres).

The Sunset Pointe PUD Plan proposes 122 single-family residential lots over approximately 132 acres for a density of about 1 dwelling unit per acre, being completed over eight (8) total Filings. The dwelling units will be clustered over approximately 54 acres with approximately 64 acres being dedicated for open space and trails. The residential lots take up about 41% of the total site, while the open space and trails portion is about 48.8%, leaving the remaining acreage for stormwater detention and interior roads and access. The site is bordered on the east by the existing Kings View Subdivision, on the south and west by public lands and on the north by open space owned by the City of Fruita.

Access to the subdivision will be from Kings View Road and Highway 340 with two (2) additional platted access points known as Golondrina Way and utilizing a street-stub located at the end of Fowler Drive.

Sanitary sewer is proposed to be extended with this development to the existing lift station along Highway 340 near the south side of the bridge. Additionally, Ute Water lines will be looped and extended to provide adequate water to the proposed development as well as storm water detention improvements and discharge to the Colorado River.



APPROVAL CRITERIA:

PLANNED UNIT DEVELOPMENTS (PUD’S)

Section 17.19.010 explains the purpose of a Planned Unit Development and states, “The purpose of this Chapter is to encourage flexibility and innovation in developments in exchange for a community benefit that could not otherwise be realized through the strict adherence to the Code.”

The Planned Unit Development request must be reviewed in accordance with Section 17.19.030 (A)(1) (a-d) and Section 17.21.040 (A) (1-5) of the Land Use Code which are addressed within this Staff Report.

17.19.030 (A)(1) (a-d)

- a) Conformance to the City of Fruita’s Comprehensive Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;***

The proposed development plan is consistent with Fruita’s Comprehensive Plan. Although the property has a Planned Unit Development (PUD) zone, the Monument Preservation (MP) zone is considered the underlying zone when analyzing a PUD subdivision application in the early stages. Using the underlying zone in accordance with the Master Plan allows consistent review and analysis of the PUD review. The Future Land Use Map (FLUM) recommends an MP zone for this area. The MP zone, as explained on page 35 of the Comprehensive Plan states, “The Monument Preservation category is intended to be a low-density area that is compatible with the surrounding lands of the Colorado National Monument and Bureau of Land Management (BLM) parcels. The intent is to preserve open space and for recreational uses to be integrated with low-density residential development.” The development is proposing one (1) dwelling unit per acre as the overall density, with a large emphasis on open space (approx. 48.8%- or 64-acres total) and preservation of the site’s natural features. Furthermore, the Land Use Code also states that low intensity uses that preserve open space quality are recommended in the MP zone district.

It should be noted that the property is already zoned PUD which occurred when the total area was annexed by the City. The primary purpose of this PUD request is to clarify the zoning standards for these 122 residential lots.

As for the Land Use Code, the application is proposing a development using the PUD standards which allows for deviations to encourage flexibility and innovation in exchange for a community benefit that could not otherwise be realized through the strict adherence to the code. The deviations to allow for zoning flexibility are based on the underlying MP zone and the proposed development application. According to the project narrative provided and an analysis of the PUD Guide, the application is proposing deviations from the following:

1. The application proposes a six-foot detached sidewalk only along the major roads (Golondrina Way and Lucia Circle). Other roads will only have curbs and gutters.
 - a. The city requires sidewalks on both sides of the street for all rights-of-ways.
 - b. These road ways should include sidewalks on both sides of the street.
2. The application proposes a 5' rear yard setbacks on lots that back up to Open Space and the proposes a 15' rear yard setback for all other lots.
 - a. MP Zone has a 20' rear yard setback requirement.
3. The application is proposing an 8-foot side yard setback.
 - a. MP Zone has a 50' side yard setback requirement.
4. The application proposes 1 dwelling unit per acre.
 - a. The MP Zone requires 1 dwelling unit per 2 acres.

Staff is supportive of these deviations, and it should allow the development to occur with limited impact on surrounding areas while keeping with the primary intent of the MP zone as a low-intensity development as a buffer between the Monument and urban development nearby. It is also important to consider the existing Kings View Subdivision, this subdivision was approved and constructed in accordance with Mesa County development standards in the 1970's. Sunset Pointe is a continuation of the original development entitlements that were granted. The development proposal is a mix of city standards and county standards, while utilizing the PUD standards in the Land Use Code.

When the City of Fruita annexed the remaining undeveloped property in 1995, an annexation agreement between the property owners and the City of Fruita was made in accordance with State Statutes. This agreement set forth terms of the annexation and the development of the property for the remainder of the 234 acres, which remained undeveloped. The acreage included an additional Filing in Kings View Estates as well as acknowledging the Official Development Plan for Kings View Estates. The agreement stated that such development plan shall continue to govern future development of the Property until a revised development plan is submitted and approved by the City Planning Commission and City Council. This agreement also states that future filings would be allowed to adhere to the existing development plan with regards to construction of the interior roads. This agreement stated that Filing 3, which was completed through the City of Fruita's process, would be allowed to construct the streets in accordance with the County's policies, which had already been completed. The agreement also allowed the City of Fruita to determine whether stricter provisions would be enforced/required or if the remaining Filings would be allowed to construct streets similar to what had already been allowed. With that said, Staff is supportive of the current development plan proposed for Sunset Pointe.

Wastewater:

Currently, wastewater from this area is treated through the City of Fruita's system and sent to the Wastewater Treatment Plant near 15 Road. There is currently a lift station located on the south side of the Colorado River that is used to get the wastewater across the river, this lift station was built and designed to accommodate additional wastewater impacts for future development and is currently operating at about 10%-15% capacity. Regardless of this development, the lift station is slated to be replaced in the next couple of years.

Transportation:

The project will take primary access from the Highway 340 and Kings View Road intersection with an additional emergency access point proposed near the sewer lift station across the disc golf course area known as the Fruita Riverfront Park. Not only will this be an emergency access point, but it will also serve as a utility easement and pedestrian trail. Back in 2011, the City of Fruita granted a 25' easement for the installation of infrastructure necessary for future development primarily for sewer and emergency access. The project is also proposing a realignment of the Kings View Road and Highway 340 intersection in Filing 4. These improvements will consist of raising the road and improving the curvature of the road to increase safety and visibility. Additionally, safety and visibility improvements are proposed at the intersection of Kings View Road and the Snooks Bottom entrance. The application was submitted with a traffic study completed in 2008 with recommendations for improvements at the Kings View Road and Highway 340 intersection, since then these recommended improvements have been completed with the construction of a southbound right turn lane and a northbound left turn lane. A revised traffic study is being requested by CDOT at this time. The project proposes the improvements at Highway 340 and Kings View Road with the 4th Filing, this is when there would be 48 additional dwelling units created.

Filing Plan

<i>Filing</i>	<i>Dwelling Units</i>
<i>1-A</i>	<i>2</i>
<i>1-B</i>	<i>4</i>
<i>2</i>	<i>13</i>
<i>3</i>	<i>15</i>
<i>4</i>	<i>14</i>
<i>5</i>	<i>11</i>
<i>6</i>	<i>23</i>
<i>7</i>	<i>22</i>
<i>8</i>	<i>18</i>

- b) Consistency with one or more of the following general goals for a PUD justifying a deviation from the requirements of the Code, including but not limited to:***
 - i. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services; or***

ii. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design; or

iii. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics; or

The proposed layout of the subdivision takes into consideration the natural vegetation and physiographic features of the property with the dwelling units and streets strategically placed to preserve as much as possible. Given the unique characteristics of the property, the application meets this criterion.

iv. To conserve and make available open space; or

Open Space is provided throughout the proposed subdivision with a majority of it open to the public. According to the project narrative, the project sets aside approximately 65 acres of the total 132 acres as Open Space dedicated to either the City of Fruita or an HOA. The proposed layout of the subdivision takes into consideration the natural vegetation and physiographic features of the property with the dwelling units and streets strategically placed to preserve as much as possible. Given the unique characteristics of the property, the application meets this criterion.

v. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions; or

Given the assumption that the property would be zoned Monument Preservation (MP) as shown in the Comprehensive Plan, the application is proposing some deference to conventional zoning restrictions that would typically apply. The MP zone is meant to provide a recreational and environmental buffer between the Colorado National Monument and the Bureau of Land Management lands, and urban development with low intensity uses that preserve open space quality. The zone district allows low density and strongly encourages the preservation of open space areas where appropriate, both of which are being accomplished with this proposed development plan.

This development proposes a modification of the rear and side yard setbacks from what the MP zone requires. The side yard setbacks proposed are 8 feet on both sides. There are a mix of different distances for the rear yard setbacks, with the smallest being 5 and the largest being 15. Given the overall known site constraints, Staff is supportive of this request. Additionally, the application proposes more restrictive building heights, fencing regulations, and building characteristics. The maximum building height is limited to 30 feet as otherwise allowed in the MP zone of 35 feet, however, very rarely are buildings built to the maximum height allowance. The fencing regulations in this subdivision are limited to a maximum height of 3.5 feet, whereas, the fencing regulations in the Land Use Code allow up to 6 feet. As for the building character, side loaded garages will be designed to minimize the appearance of street facing garage doors.

Furthermore, all exterior lighting will be low intensity, fully shielded fixtures, with light not to exceed 3,000 Kelvins.

vi. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes; or

vii. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics.

As previously explained, the site layout for the development takes into consideration the site’s natural characteristics and aims to preserve much of the land for open space. This criterion has been met.

c) Conformance to the approval criteria for Subdivisions (Chapter 17.21) and/or Site Design Review (Chapter 17.09), as applicable; except where Adjustments to the standards of this Title are allowed, and;

This criterion is outlined below with Section 17.21.040 (A).

d) Conformance with applicable Design Standards and Guidelines as outlined in Chapter 17.13, unless approved as an Adjustment pursuant to the Adjustment criteria set forth in Section 17.13.020(B).

This criterion is not applicable as this is a subdivision application, not a site plan application where building design standards are required.

PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN

17.19.030 (B)(1) (a-e)

a) Adequate resolution of all review comments; and

Review comments have been received by Ute Water, Lower Valley Fire, CDOT, Xcel Energy, and the City Engineer. All review comments received by the City are included with the Staff Report.

Although a Traffic Study was submitted, CDOT is requesting a new study to be submitted. In recent years improvements at the intersection of Kings View Road and Highway 340 have been completed with left and right turn lane installation for northbound and southbound traffic.

Based on the comments received it is the opinion of Staff that all review comments and recommendations can be adequately resolved without a significant redesign of the entire

subdivision. It should also be noted that the application was sent to representatives of the Colorado National Monument and the BLM, but no comments have been received to date. This criterion can be met.

- b) Proposed zoning and adjustments are generally consistent with the character in the immediate area, or are necessary to address an important community purpose, as determined by City Council.***

The proposed PUD Guide, which contains the zoning related elements of the development, are consistent with the character in the immediate area and are written to ensure preservation of open space and maintain neighborhood character. The adjustments proposed will not cause undue hardships to the City of Fruita, the citizens of Fruita, or visitors/guests. The area proposed to be developed has some challenging natural features that could make it difficult to develop, however, the proposal appears to take the site challenges into consideration.

- c) Conformance to the approval criteria for Subdivisions (Chapter 17.21) and/or Site Design Review (Chapter 17.09), as applicable; except where Adjustments to the standards of this Title are allowed, and;***

See below for Section 17.21 criteria.

- d) Conformance with applicable Design Standards and Guidelines as outlined in Chapter 17.13, unless approved as an Adjustment pursuant to the Adjustment criteria set forth in Section 17.13.020(B).***

This criterion is not applicable as this is a subdivision application, not a site plan application where building design standards are required.

- e) Compliance with conditions of approval on the Concept Plan, if any.***

No Concept Plan was submitted nor reviewed. This criterion is not applicable.

PRELIMINARY PLAN (MAJOR SUBDIVISION)

Section 17.21.040 (A) states, Major Subdivisions are reviewed based on the following criteria:

- 1. Conformance to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;***

This criterion was described earlier in the Staff Report. See Section 17.19.030 (A)(1)(a).

2. Compatibility with the area around the subject property in accordance with Section 17.05.080 (C);

The City seeks to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Comprehensive Plan, existing adjacent land uses, applicable zoning district requirements, and other city codes and regulations. Nothing in this Section shall prevent the City of Fruita from denying a land use application based on relevant Code requirements or taking enforcement action against a property owner where a nuisance or other Code violation occurs.

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

As explained throughout the Staff Report, there is clear evidence that this application is compatible with the surrounding area. The application takes into consideration the existing Kings View Estates Subdivision as well as the public lands nearby. The proposed development attempts to conserve large amounts of open space as well.

3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc.);

Based on the submittal, all required services and facilities are adequate to serve the development. The parcels proposed to be developed currently have existing road access on Kings View Road. The project is proposing many trails throughout, with two (2) major areas dedicated to the City of Fruita. Additionally, the city has the capacity to serve the development with sanitary sewer service and Ute Water can serve the development with treated water. Furthermore, the dwelling units will be required to install fire sprinkler systems for added fire protection.

It appears that the open space proposed will be preserved in its natural form as it is right now and as much as possible. The development does not have any irrigation water, and like Kings View Estates, will have primarily desert and drought tolerated landscaping throughout. Something to consider is the inclusion of graywater systems for irrigation purposes. The State of Colorado allows for graywater systems in accordance with the definitions provided in C.R.S. 25-8-103. The inclusion of graywater systems will decrease the amount of wastewater treatment. In order to implement a graywater program, the City of Fruita will need to adopt the graywater control program.

4. Preservation of natural features and adequate environmental protection; and

As discussed previously, the application has been designed in a way to preserve much of the existing acreage for open space and aims to decrease disturbance of the proposed open space.

Any stormwater management issues must be addressed and sedimentation, weed, and dust controls will be required as part of the construction process.

This criterion can be met.

5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

This comment was addressed above. Section 17.19.030 (B)(1)(a).

Because the application meets the criteria needed to consider a Preliminary PUD Plan, Staff recommends approval of the proposed Sunset Pointe Preliminary PUD Plan.

Review Comments:

All review comments received by Staff are included with the Staff Report and review materials for the Planning Commission and City Council.

Public Comments:

Written public comments have been received by Staff and all have been included with the Staff Report.

The applicant held an in-person neighborhood meeting on August 8, 2023. Meeting minutes and attendance sign in sheet are included with the application materials.

Legal Notice:

Legal Notice (minimum of 15 days prior to Planning Commission)	
September 15, 2023 (25 days prior)	Post Cards [17.07.040 (E)(1)(d)]
September 15, 2023 (25 days prior)	Sign Posting [17.07.040 (E)(1)(c)]
September 21, 2023 (19 days prior)	Legal Ad [17.07.040 (E)(1)(a)]

*Supplemental legal notice information attached with the Staff Report

Public Hearing Dates:

Planning Commission - October 10, 2023

City Council - November 7, 2023

Staff Recommendation:

Because the application meets the requirements of Section 17.19.030 (A)(1) (a-d) and Section 17.21.040 (A) (1-5) of the Fruita Land Use Code, **Staff recommends approval** of the proposed Sunset Pointe Preliminary PUD Plan with the condition that the application adequately resolve outstanding review agency concerns with the Final PUD application.

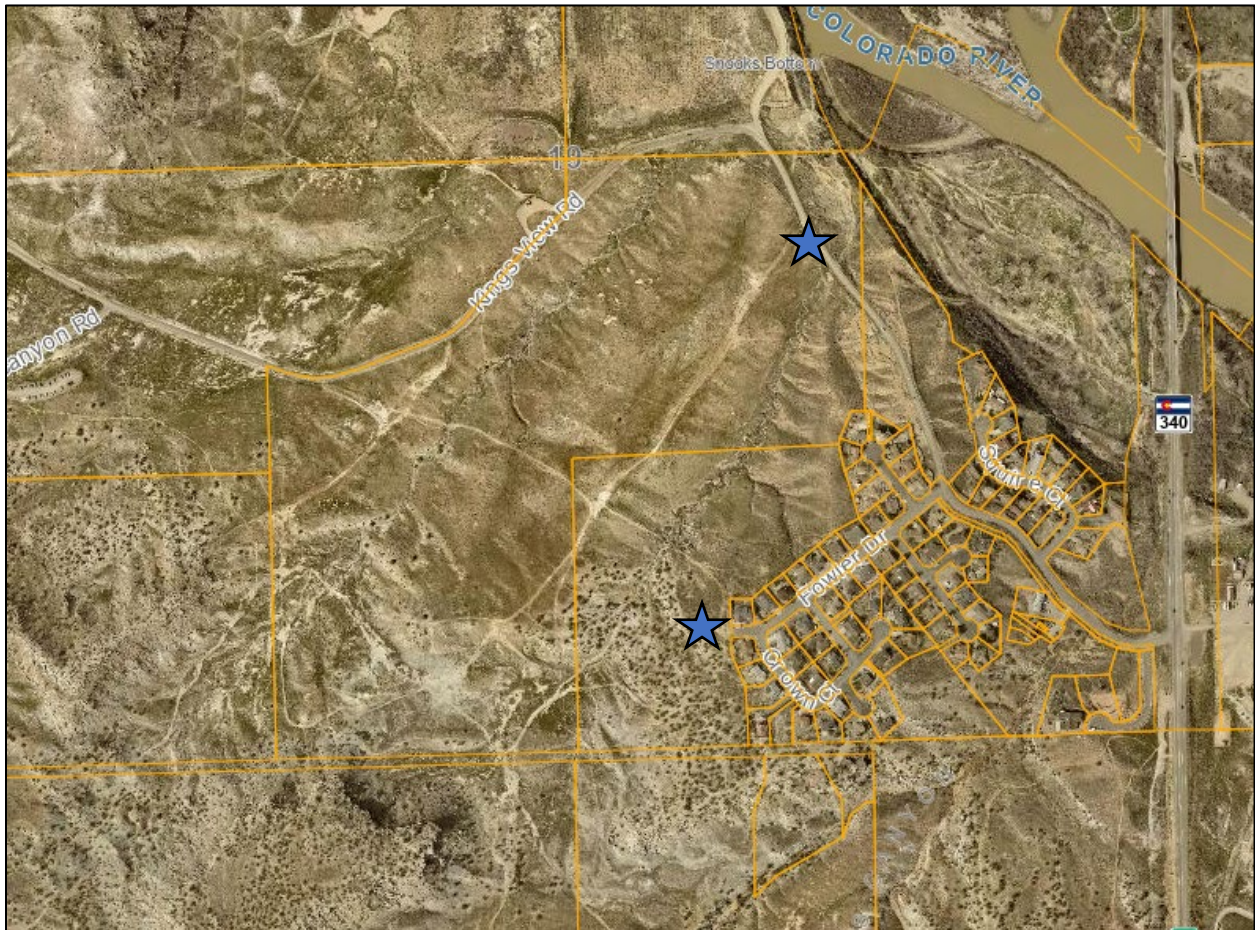
Planning Commission - Suggested Motion:

Mr. Chair, because the application meets or can meet all applicable approval criteria for a Preliminary PUD Plan in accordance with the Fruita Land Use Code, I move to recommend approval of the Sunset Pointe Preliminary PUD Plan application to the Fruita City Council with the condition that all review comments are adequately resolved with the Final PUD Plan application.

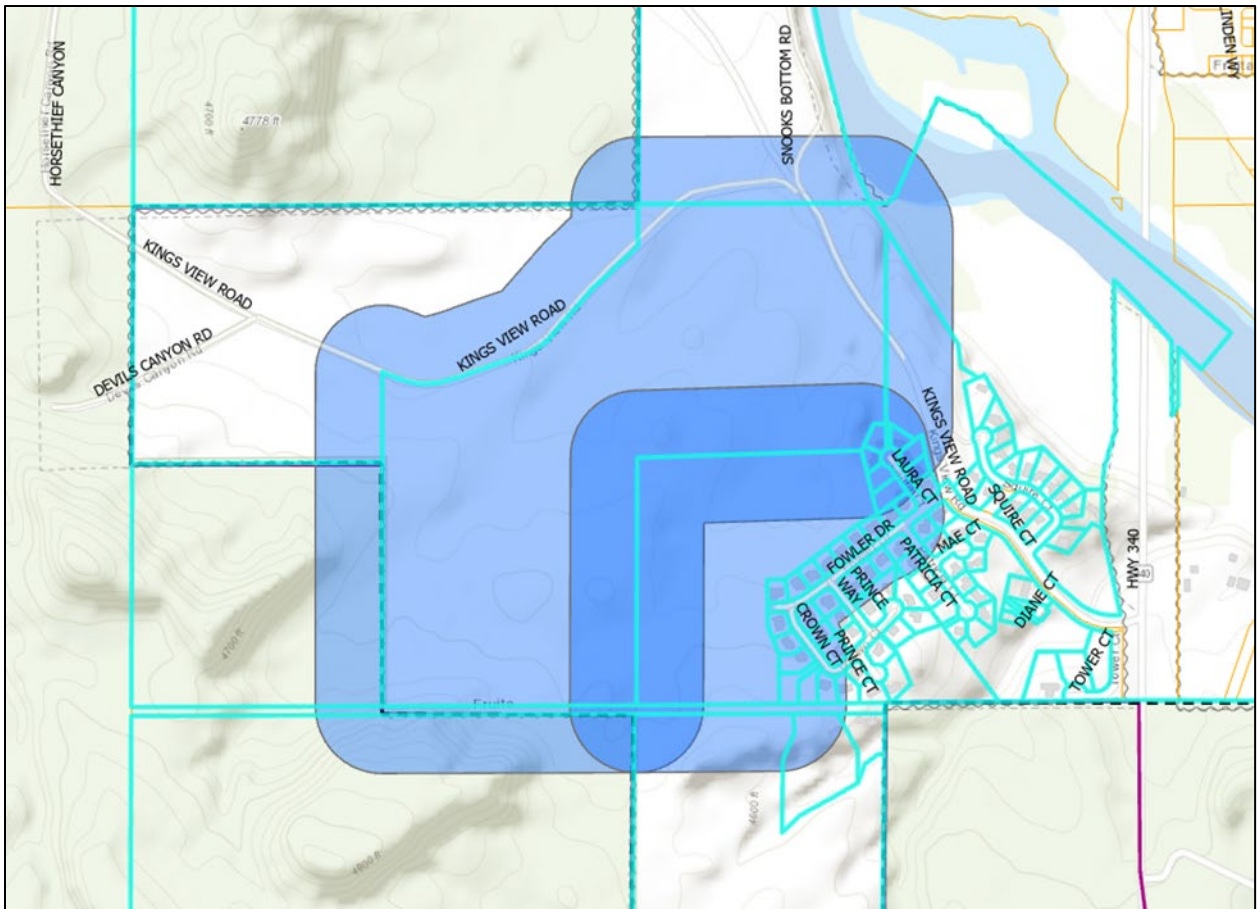
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Sign Posting Locations



Legal Notice Postcard Buffer



2023-27 Sunset Pointe Preliminary PUD Plan
Consolidated Review Comments

City of Fruita Parks

Please verify the phasing plan for the pedestrian trail as well as that all trails meet ADA accessibility prior to construction.

Xcel

Xcel has no objections; however the Developer needs to be aware that at the time of submitting an application with Xcel the following will be required and could happen:

1. Accurate BTU loads for the new homes will be required.
2. If determined by area engineer that reinforcement is needed to Xcel's gas main to support added loads from subdivision, said reinforcement will be at Developers expense.
3. Reinforcement costs are required to be paid prior to installation.
4. Tariff changes have taken effect as of 10/1/2019 affecting the cost of subdivision lots averaging less than 60'. They will have a standard cost per lot.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement

GVP

GVP Comments

1. The project is in the Grand Valley Power (GVP) service area.
2. This review does not start the design process with GVP. Please make an application for service by calling 242-0040 to start the design process, a cost estimate will be prepared. An engineering deposit may be required.
3. 3-phase power is available for this project, along Highway 330. Off-site improvements will be required.

- 4. Need GVP electric layout on FINAL Utility Composite Plan. Showing the locations of streetlights, transformers, junction boxes, road crossings (number of conduits, type, size, depth & length), and any other needed equipment.
- 5. For new projects, some electrical equipment (transformers, metering, etc.) may have an ordering lead time exceeding twelve months. Please plan accordingly.
- 6. Need 14' Multi-Purpose Easement along all Roads and streets.
- 7. No trees are to be planted over the utility portion of the Multi-Purpose Easement.
- 8. Any Utility / Multi-Purpose Easement that is also used for landscaping will need to have underground power lines buried in a duct system.
- 9. Irrigation and drainage lines should not be in the utility portion of the Multi-Purpose Easement.
- 10. Any relocation of existing overhead power lines, poles, guy/anchors, underground lines, transformers, or any other Grand Valley Power equipment is at the developer's expense.

LVFD

LVFD would like to see fire flow that meets 1000gpm at 20 psi residual pressure. Hydrants shall be placed every 500' or alternative fire suppression that meets NFPA 13D be installed. Emergency access roads shall meet IFC 2018 Section 503 along with Appendix D. Roadways and turn arounds shall meet IFC 2018 Section 503 and Appendix D. Addressing will correspond with CAD for 911.

City of Fruita Engineering

REVIEW COMMENTS

1. General:

This application is for a Preliminary Plan (Filing IV of the Kings View Estates PUD and is comprised of 122 Lots on 132 acres with lots sizes averaging 15,000 sf.

2. Utilities:

- a. Verify the capacity of the Kingsview lift station with respect to the addition of this subdivision.
- b. Delineate the 100-year floodplain with respect to the manholes at the base of the hill. The manholes in the floodplain will have to be installed with bolt down lids.
- c. Where does the runoff go from the detention basins? If it is not contained within the right of way, there would need to be drainage easements on the lots on the opposite side of Kingsview.
- d. Drop manholes are to be called out where they meet the City requirements for a drop manhole (24" or greater drop). They are not currently shown on the sewer profiles.
- e. Sewer services should have a callout either with stationing or other means to identify their locations. Services that are not perpendicular to the main should have 2 ties to their end

location.

f. Crossings of water lines and other utilities are not shown in the profile view for the sewer line profiles.

g. The overhead transmission power lines are being relocated, Has there been coordination with Xcel on where the new poles are being placed to make sure there are no conflicts with this proposed project?

h. Sheet 12. Fix leader on the “existing access easement.”

3. Site:

a. The emergency access should be paved if it is to be used for a pedestrian connection. There needs to be an accommodation to meet the requirements of ADA.

b. Suggestion is to construct a sidewalk from the north end of Golondrina along Kings View Road to highway 340, or pave the emergency access.

c. Sidewalk on Golondrina Way and Lucia Circle should be on both sides with a standard residential street section.

d. A pedestrian connection from Squire Court to Kings View Road near the alignment of Fowler Drive is recommended. This appears to be possible in Tract A.

e. What is the use for Tract A?

f. What kind of connection is being proposed from the end of the cul-de-sacs to the 6-ft pedestrian trail?

g. Access to the adjoining property to the south should be provided. There is an apparent 50’ ingress-egress easement recorded at Book 2248, Page 239.

4. Grading and Drainage:

a. The detention basins should be sized such that if there were future improvements to Kings View Road, the right of way could be filled to accommodate the widening.

b. The applicant is requesting that detention be waived for the project since it is so close to the river. In cases where detention is not provided, a fee is assessed based on the calculation:

$$\text{Drainage Fee} = \text{Base Value} * (\text{C100d} - \text{C100h}) * \text{A} * 0.7$$

The base value for 2023 is \$20,348;

C100d = 100-year developed runoff coefficient

C100h = 100-year historic runoff coefficient

A = Area in acres

c. Where drainage is directed from a street through an easement on a lot, the drainage should be contained within a pipe and not an open ditch until it reaches a tract.

d. There are no contour labels on the grading plan.

e. Upstream and downstream elevation callouts should be shown on the plan.

f. An evaluation will be required of the existing culverts at the lift station and at Kingview entrance to determine the condition prior to extending the ends.

RECOMMENDATION:

The Engineering Department recommends approval of the Preliminary Plan submittal with satisfactory addressing the above review comments.

Planning & Development Department

General:

1. The Transmission Lines owned by Xcel are slated to be relocated in 2024.
2. How many acres is Tract F?
3. With the proposed improvements to the Kings View Road and Highway 340 area, the current section is only 30' paved. There is adequate space to accommodate more usable right-of-way. This should be explored prior to Filing 4.

PUD Guide:

1. Remove the code reference of 17.17.030. This is currently the annexation chapter.
2. In the Purpose area, please clarify the meaning of restrictive/relaxed provisions? Seems like these terms contradict each other.
3. Call out an underlying zone district of Monument Preservation (MP). This will serve as the zoning district when elements in the PUD Guide are silent.
4. Remove the 3rd sentence in the description related to Casitas.
5. Change the reference under Fire Sprinkler System Requirements to read Lower Valley Fire Protection District.
6. Remove the 3rd sentence in the Fences & Height section making reference to the Design Review Committee (DRC).
7. The PUD Guide could include provisions for greywater systems.

Phasing Plan:

1. When will the trail be constructed in the larger centrally located open space area?
2. Will Filing 1-A be completed separately from Filing 1-B?

Ute Water

There are two feasible alternatives to providing adequate & reliable water service (domestic and fire) to the proposed development. One alternative is a modification of the District's existing pressure zone system with other upgrades as proposed by the development. The other

alternative does not change existing pressure zones and eliminates the proposed improvements in the private emergency access road but replaces existing water main along SH340 and Kings View Rd; and replaces mechanical equipment within an existing pressure regulating station.

The District would like to discuss these concepts in detail and agree on an alternative to develop in design. The District will then make comments to the remaining development.

CDOT

This development will need to coordinate with CDOT and submit an access permit application and traffic study for this development. The traffic study will need to be redone to reflect current traffic volumes. A permit was requested for this development in 2008, but it was never completed. Feel free to give the developer my contact information.

Preliminary Plan Narrative

For

SUNSET POINTE PLANNED UNIT DEVELOPMENT

Owner: Sunshine of Delta, Inc

Representative: John Moir

Ph: 858-1226

Em: moir28@gmail.com

Engineer: Rolland Consulting Engineers (Eric Slivon) Ph: 243-2242

Em: eric@rcej.com

Submitted to the City of Fruita on August 11, 2023

Sunset Pointe Planned Unit Development

Petitioner & Owner: Sunshine of Delta, John Moir
278 N. Mesa Street
Fruita CO 81521
Ph. (970) 858-1226

Project Introduction

Sunset Pointe is the last parcel of a larger Planned Unit Development (PUD) known as Kingsview Estates. The concept that drives the Sunset Pointe plan is one of homes sitting within large areas of open space and adjacent to the BLM lands and the City of Fruita’s Snooks Bottom Park. The concept provides for walking trails that will connect through these open spaces providing views of the Colorado National Monument as well as the valley floor, the Bookcliffs, the Grand Mesa and the Colorado River. The curvilinear streets are designed with the topography in mind in order that lots sit above the drainages and offer excellent view opportunities.

History

Sunset Pointe is Phase 4 of a larger PUD that was approved by Mesa County in 1977 with an overall density, according to the Outline Development Plan (ODP), of one dwelling unit (DU) per acre. The property, consisting of 234 acres, was later annexed by the City of Fruita in September of 1995, following a request to extend sewer out to the existing subdivision. To date there have been three Phases built in Kingsview, Phase 1 with 19 DU, Phase 2 with 33 DU and Phase 3 with 32 DU for a total of 84 DUs. A previous PUD Plan with the City of Fruita was approved for Sunset Pointe on October 3rd, 2006 and an application for Preliminary Plan approval was later withdrawn on March 25, 2008 as a result of the economic slowdown in real estate throughout western Colorado. In 2018, another application was submitted and later withdrawn based on review comments that were considered difficult to meet.

Property Description

The project presented herein contains approximately 132 acres within 3 different tax parcels. The site is bordered on the east by the existing Kingsview Subdivision, on the south and west by public lands and on the north by open space owned by the City of Fruita. The property slopes gently to the north with hilly terrain in the northern area and more rugged terrain to the south. The site is vacant and sparsely vegetated with dirt roads and paths crisscrossing throughout.

Planned Unit Development Zoning

As a result of the PUD zoning on this property the plan provided herein takes into consideration open space needs, wildlife corridors, drainage characteristics, pedestrian trail locations and home placement flexibility. While for the most part Sunset Pointe utilizes the residential requirements of the Fruita Land Use Code, it does differ in the following areas:

- Provide a six-foot detached sidewalk only along the major roads. Other roads will only have curbs and gutters.
- Allows for 5' Rear Yard Setbacks on lots that back up to Open Space.
- Side Loaded Garages at the 25' Front Yard Setback.
- Detached accessory buildings (Casitas) allowed within the setbacks on most Lots.
- Shared 20' wide Driveways to serve two separate units.
- Type "B" Drainage for lots bordering Open Space.
- Strict limits on fences no taller than 42" and of a split rail type construction.
- All exterior lighting to be low intensity and fully shielded.
- Xeriscaping is a requirement as there is no irrigation water for the property.
- Gray water use for irrigation as per State Regulation No. 86.
- Most homes will be required to provide fire sprinkler systems.
- For other differences see the Planned Unit Control Guide.

Sunset Pointe Planned Unit Development Elements

The development as currently designed includes the following:

- It will remain a unique entity separate from the present Kingsview Homeowner's Association.
- 122 lots averaging 15,000 sq ft. This will occupy approximately 54 acres of the total area or 41%.
- Access from HWY 340 onto Kingsview Drive and into Sunset Pointe.
- Drainage into existing draws and held in water quality ponds before being released into the Colorado River.
- Open space dedicated to the Home Owners Association of approximately 65 acres or 49% of the total area, far greater than the PUD requirement. This open space will maintain the existing trees, native vegetation and wildlife habitat.
- Construction and dedication of trails to the city of Fruita from HWY 340 to Kingsview Road and then up to the existing BLM Trailhead at the southern part of the property.
- Construction of a newly aligned intersection for the primary entrance to Sunset Pointe PUD and Snooks Bottom Park off of Kingsview Road.
- A system of standard residential sub-collector streets (44' ROW), all with curb and gutter and detached sidewalks on one side of the primary streets. Total ROW of approximately 13.2 acres or 10% of the total land area.
- Connection to the City of Fruita sewer at the current lift station along HWY 340.
- A new connection point to the Ute water line along HWY 340 provides for a looped system with increased capacities.

Access to Sunset Pointe PUD will be provided primarily from Kingsview Road. There will be three access points, two off of Golondrina Way and a third, emergency access, off of Fowler Drive/Court. Secondary emergency access for the entire area west of HWY 340 will be provided to Kingsview Drive from HWY 340 following the sewer line alignment to the lift station for the Kingsview Subdivision. This new corridor should provide emergency relief in the face of blockage at the Kingsview Dr. and HWY 340 intersection. This secondary access will also provide a pedestrian/bicycle access to Kingsview Road intersecting at a point near to the snooks bottom intersection.

This area is served by the city of Fruita Police Department, Lower Valley Fire District, Ute Water District, Grand Valley Power, Xcel Energy (Gas), CenturyLink, Charter Communication/Spectrum and the Mesa County School District. While growth has an impact on all of these services, this piece of ground has been annexed and zoned for many years and the density is within the range of the original PUD. It is easily served by all of these providers as they already serve the existing Kingsview Subdivision.

There are two easements that will need to be addressed at the plat stage. The first is a temporary easement to a 36 acre tract to the south of existing Kingsview referred to here as the Ask property. Presently the Ask property has a temporary easement through Sunset Pointe in order to access the 36 acre tract. That easement would be redefined to a permanent location off of Catarina Court. Presently the Ask piece has access at the BLM trailhead through an agreement with the BLM. Access to the Ask piece would remain available through the Sunset Pointe property and once all the roads have been built would become limited to the Catarina Court area. The second is an easement to Xcel for a transmission line which will be relocated. This easement and the newly proposed alignment are shown on the plan, with the new location running through open spaces on both the City of Fruita property as well as Sunset Pointe. The final easements have yet to be determined.

In order to clean up property lines it is suggested that the Owner and the City of Fruita consider properties that are separated by Kingsview Road. The Owner would deed to the City a parcel known as Tract D (17,061 Sq Ft) on the North side of Kingsview Road and the City would allow the Owner to use property on the south side of Kingsview Road (9,104 Sq Ft) as part of the water quality basin in that area. This would clean up property lines and allow for the consolidation and further use of areas without having the separation of Kingsview Road.

The plan for Sunset Pointe fits in well with the existing ground. It provides ample open space and buffering against the existing Kingsview neighborhood. The plan stands as a low-density transition to the Public lands to the south and west, while providing access to existing trailheads. Most of the improvements will be well away from the drainage channels and allow for large areas of open space and wildlife corridors. The plan also provides for a pedestrian friendly atmosphere with sidewalks and trails connecting to open spaces and public lands.

The subdivision has been designed into 122 single family lots with the plan of placing homes of approximately 2,000 sq. ft. on most lots. We are proposing to keep the majority of the garages with side entrances off the street with the aim of creating visually appealing streetscapes. Separate structures or casitas will be permitted within the setbacks in order to accommodate in-laws, extended families and friends.

This property has no water rights to provide irrigation to the open space areas or to the individual home sites. As a result, there is no irrigation plan provided and the resulting landscape will be minimized.

Design criteria will be provided for landscaped areas at the entrance areas to Sunset Pointe as well as the areas between the detached sidewalk and the streets. This will include the use of low water-need plant material and rock mulch. This will also be the design criteria for home sites, where front and side yards will be required to use xeriscape materials. The xeriscaping will provide for aesthetically pleasing environments where well adapted plant materials will be mixed with ground covers, minimizing water use.

All areas that are disturbed during the construction of infrastructure as well as by the construction of homes, will be revegetated to provide control of erosion as well as to stabilize slopes and bare areas.

All streets are designed to Fruita City standards. The street system allows for efficient and safe traffic circulation while providing easy access for emergency vehicles. All streets within the subdivision shall meet the sub-collector street standards of a 44' ROW, with 28' of mat, and a drive over curb and gutter. We are proposing to use a 6' detached sidewalk along Golondrina Way and Lucia Circle. The smaller cul-de-sacs would not have sidewalks on either side. Access from Kingsview Road to HWY 340, between lots B1 and B2, will provide emergency access. The plan also provides a connection from Fowler Court to Catarina Court in order to offer an emergency ingress/egress as well as a utility connection, providing secondary access onto Kingsview Road.

This subdivision is located in close proximity to Snooks Bottom Park and is designed without a pocket park. Without irrigation water available to water a park it would not be a meaningful amenity to the community. Lastly, being in proximity to many open spaces and trails as well as Snooks Bottom, the need for a pocket park for recreational purposes is minimized. The narrow open spaces that lead from the Cul-de-Sacs to the overall open spaces will be used as access to the major trail system leading from the parking area to the Devils Canyon trailhead. These trails will most probably be soft surfaced and be used primarily by the residents living nearby who would want convenient access to the main trail.

The total open space dedication requirement for this subdivision, based on 122 single-family units, is approximately 5.12 acres. The current assigned open space is more than 64 acres (or approximately 49%), exceeding the PUD requirements and adding to the aesthetics of the subdivision. Most of the open space will be dedicated to the Sunset Pointe Community Association (SSPCA). Nearly one-half mile trail will be constructed from Kingsview Road through the dedicated open space to the BLM trail head that accesses the Devils Canyon area. The proposed trailhead would provide for a parking area, trailhead information and signage and would provide hikers to access the BLM property without parking within the subdivision. The trail through Sunset Pointe and the parking area would be dedicated to the City of Fruita. This trail system along with the trail along the emergency access from HWY 340 would provide for a nearly seamless, off-road trail connection from HWY 340 to the Devils Canyon area. This parking area, trail and open space dedication is to be used to offset open space fees.

No Storm Water Management plan has been provided at this time. These plans will be done based on the submittal of each particular Phase.

No Subdivision Improvements Agreement (SIA) has been provided with this preliminary plan. An SIA will be provided with each Final Plat request as prices will vary and each filing will have a specific scope of work.

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Meeting Performance Standards

NEIGHBORHOOD IMPACT

The land uses in the surrounding area are transitional urban to rural, with homes on moderate sized lots within the existing Kingsview Subdivision, open space and the Colorado River to the north and National Conservation Area and BLM Lands to the south. According to the land use plan developed by the City of Fruita, through the public process a few years ago, the future use of this parcel is to be Planned Unit Development (1 unit/acre). This development complies with the existing zoning parameters. The design for Sunset Pointe takes into consideration the existing homes within Kingsview by providing a large buffer area of open space between the two phases.

Each lot will accommodate one home of approximately 2,000 sq ft each, minimum garage space for 2 vehicles as well as sufficient driveway space to accommodate off-street parking for 2 additional vehicles. Lots overlooking the river will be restricted to a height of 28 feet while other homes will be allowed to build to the City of Fruita standards of 35 feet in height or less (see PUD Guide for more specifics). Exterior porches and covered patios will be encouraged in order to take advantage of the moderate climate and provide outdoor living. Small casitas will be options that will allow for additional space to accommodate separate living quarters for extended family members. The target price for these units will be in the \$650,000 plus range.

TRANSPORTATION AND TRAFFIC

The principal entry to the subdivision is located off of Kingsview Road. The intersection of Golondrina Way and Kingsview Road provides adequate sight distances and intersection spacing. This intersection will also provide improved access to the Snooks Bottom Park, realigning the current road and redesigning that portion of Kingsview Road. All internal street cross-sections and pedestrian paths are consistent with City of Fruita standards. An emergency access/trail is proposed from the private drive off of Kingsview Road to the lift station area along HWY 340. A trailhead is provided, with off-street parking on Kingsview Road, to a gravel trail which meanders along a small drainage until reaching the BLM trailhead. Once on BLM property there are numerous trails traversing throughout the Devil’s Canyon area.

Improvements to the area of Kingsview Road west of the HWY 340 intersection have been submitted for review. The design provides for a straightening of the curvature as

well as raising the road to lessen the grade. Once a design has been agreed upon and incorporated into the SIA, a credit will be requested against the offsite improvement fees.

PHASING PLAN

This project will be built out over many filings, ranging from 2 homes off of Squire Court and up in the future construction phases. A phasing plan is being submitted with the application.

LIGHTING PLAN / POSTAL PEDESTALS

The proximity of this project to the Colorado National Monument provides grounds to limit the amount of street lighting. The lighting plan would ideally provide for no street lights within the proposed project. An alternative to this would be to provide a limited number of street lights to 3, corresponding to the location of the primary Cluster Box Units for mail delivery. This would provide light only to the area that would need it the most.

SEWER

All homes will connect to the City of Fruita sewer system. There is an existing sewer lift station along HWY 340 that can accommodate the added flow generated from this subdivision. A connection would be made along the emergency access from Lorena Court to the HWY 340 lift station.

WATER

Ute Water has an existing main distribution line along HWY 340 and an 8" water line in Kingsview Road. A connection could be made at HWY 340 and carried up the alignment of the emergency/trail access to Lorena Court, along the internal streets and back out to Fowler Drive and Kingsview Road to the east. Conversations with Ute Water personnel have verified that there is sufficient water and pressure to meet fire flow standards.

DRAINAGE

The drainage on the site flows on a gentle grade from south to north. All drainage would flow into existing drainages, which flow into the Colorado River, immediately to the north of the site. There are no major drainage basins that flow through Sunset Pointe as most drainage in the area is directed through the Devils Canyon and the Kodels Canyon basins. Water quality ponds would be located on the south side of Kingsview Rd and would then drain into the Colorado River. There are no drainage or irrigation districts associated with this property.

FLOOD HAZARD

According to the FEMA maps, the 100 year flood plain is consistently well below any possible building envelope on this site.

IRRIGATION

No water rights run with this property. As a consequence, any minimal irrigation needs would be provided from the Ute Water domestic water source. If allowed by the City of Fruita and in accordance with State Regulation 86, gray water would be allowed for irrigation purposes. Landscape standards would encourage the use of xeriscape and low water usage landscaping.

FIRE PROTECTION

This project will be designed to meet the standards necessary to provide fire flow for the Lower Valley Fire Department. Fire flows will be provided through appropriately spaced hydrants within the subdivision. According to Ute Water personnel, there is both enough capacity and pressure to accommodate appropriate fire flow standards for Sunset Pointe. Most of the homes in the project will be required to provide Fire Sprinkler Systems in order to provide additional fire protection.

HISTORIC PRESERVATION

Since there are no structures or historic sites on the property, this standard is not applicable.

NOISE, DUST AND ODOR

This residential development project will be constructed in phases and ground disturbance will be of a major consequence. Ground disturbance to natural ground covers, such as along the two natural drainages, will be minimized by delineating these areas with silt fencing or other erosion controls. Temporary construction fences will also be used to keep construction traffic off of the open space areas. Upon completion of infrastructure construction, re-vegetation will be completed to help hold down the thin layer of sandy soil. The project will also comply with all appropriate local, state and federal air emission and noise statutes. Erosion and sedimentation controls will be used during and after construction.

NATURAL FEATURES/ENVIRONMENTAL PROTECTION

Natural features will be preserved to the largest extent possible. The most important natural features of the site are the areas along the two natural drainages. These areas will remain undisturbed except for the construction of a walking path. The path will be placed to take advantage of the natural topography and native vegetation of the drainage, enhancing and preserving the natural features of the area.

Regarding the area along the Colorado River, according to the geological report prepared by Huddleston-Berry, the bluff along the river is very stable. Homes along this bluff will be setback from the edge a minimum of 30 to 40 feet.

**SUNSET POINTE PLANNED UNIT DEVELOPMENT
Planned Unit Development Control Guide**

131.7 Acre PUD
122 Lots

8/4/2023

PURPOSE: The purpose of this Sunset Pointe PUD Control Guide is to serve as the governing regulations which will control the development of the Sunset Pointe PUD. The PUD Control Guide will serve as the "zone district regulations" for the PUD and is in conformance with Section 17.17.030 of the Fruita Municipal Code.

Development within Sunset Pointe PUD will be regulated and administered by the City of Fruita through the provisions of this PUD Control Guide. Building Construction within the PUD is governed by the applicable City of Fruita ordinances, rules, regulations and building codes.

The more restrictive/relaxed, specific provisions of this PUD Control Guide shall supersede those contained in Title 17 of the Fruita Municipal Code. However, where this PUD Control Guide does not address a particular issue or subject matter, the specific provisions of Title 17 of the Fruita Municipal Code, the City's Land Use Code, shall prevail. In case of a dispute or ambiguity, the City shall be responsible for interpreting the applicable regulations and resolving the dispute or ambiguity.

NOTES:

- * Rear Yard Setback: Most of the rear yards border onto open space and allowing building within 5' from open space will not have an adverse effect upon the open space. Any Lot which backs onto property other than open space will meet a minimum requirement of a 15' setback.
- ** Fences & Height: All fences and exterior walls will be no more than 42" in height and will be built out of metal, or a 3 rail wood variety. The fences will be allowed to be built to the property line. All fence styles will need to be approved by the Design Review Committee (DRC).
- *** Side Load Garage: In order to minimize the presence of garages from the street, side load garages, at the 25' setback location, shall be permitted. All homes must have a minimum of a two car garage and all driveways must be designed for the off-street parking of 2 additional vehicles.
- **** Accessory Structures (Casitas): The lots are large and will easily accommodate accessory structures. These structures must be built within the setbacks for each lot. The allowed uses for these "Casitas" is for separate living spaces for parents, siblings, for use as a studio or for use as storage, sauna/spa, pool cabana etc. Maximum height for Accessory Structures not to exceed 20 feet.
- ***** Exterior Lighting: All exterior lighting shall be low intensity, fully shielded fixtures, color of the light shall not exceed 3000 Kelvins.
- ***** Fire Sprinkler System Requirement: Homes are required to have Fire Sprinkler Systems in order to meet the Lower Grand Valley Fire Districts requirements.

Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
A-1	21,035	25	15	8	A	1,500	28	6	No	No	No	Squire Ct.
A-2	18,672	25	15	8	A	1,500	28	6	No	No	No	Squire Ct.
Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.) Along Bluff	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
B-1	49,819	25	20	8	B	2,500	28/20	3.5	Allowed	Allowed	Yes	Kingsview Road
B-2	39,548	25	20	8	B	2,500	28/20	3.5	Allowed	Allowed	Yes	Kingsview Road
B-3	53,158	25	20	8	B	2,500	28/20	3.5	Allowed	Allowed	Yes	Kingsview Road
B-4	40,070	25	20	8	B	2,500	28/20	3.5	Allowed	Allowed	Yes	Kingsview Road
Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
C-1	15,944	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-2	15,044	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way

Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
C-3	19,168	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-4	17,748	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-5	16,003	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-6	14,646	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-7	14,353	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-8	14,168	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-9	14,329	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-10	14,547	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-11	14,732	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-12	14,632	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-13	15,055	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-14	14,769	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
C-15	16,322	25	15	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-16	17,656	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-17	19,061	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-18	16,759	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-19	17,092	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-20	18,472	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-21	14,085	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-22	14,096	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-23	17,050	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Isabella Ct.
C-24	15,449	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-25	15,669	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-26	14,251	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-27	13,909	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-28	19,250	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-29	17,810	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-30	17,148	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-31	15,939	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-32	15,926	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-33	17,605	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-34	17,025	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-35	17,030	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Sophia Ct.
C-36	15,328	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-37	15,951	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-38	14,606	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-39	14,832	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-40	16,135	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-41	16,824	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-42	15,581	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-43	15,508	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-44	15,629	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-45	17,035	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-46	15,032	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-47	14,235	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-48	15,061	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Cristina Ct.
C-49	15,642	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-50	14,709	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-51	14,053	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-52	14,215	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-53	15,822	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.

Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
C-54	14,250	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-55	13,588	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-56	17,613	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-57	17,831	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-58	16,805	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-59	16,889	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-60	15,996	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Marianna Ct.
C-61	14,927	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-62	23,687	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-63	24,894	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-64	26,117	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-65	16,351	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-66	19,050	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-67	20,263	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Catarina Ct.
C-68	20,386	25	5	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-69	17,737	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-70	17,584	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-71	19,600	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-72	21,797	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-73	18,469	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Josephina Ct.
C-74	17,426	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Josephina Ct.
C-75	17,741	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Josephina Ct.
C-76	19,003	25	15	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Josephina Ct.
C-77	21,469	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-78	30,426	25	15	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-79	14,467	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-80	14,465	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-81	14,411	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-82	14,356	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-83	14,447	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-84	14,223	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-85	14,125	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-86	15,363	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-87	15,075	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-88	14,535	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-89	14,661	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-90	14,982	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-91	14,826	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-92	15,424	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-93	16,775	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-94	14,141	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-95	17,541	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-96	15,778	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-97	16,788	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-98	17,778	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-99	15,563	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-100	15,911	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.
C-101	16,086	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.
C-102	14,888	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.
C-103	14,039	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.
C-104	17,347	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Emilia Ct.

Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
C-105	15,682	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-106	14,300	25	15	8	A	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-107	14,259	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-108	15,016	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-109	14,349	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Lucia Ct.
C-110	15,696	25	5	8	B	2,100	30/20	3.5	Allowed	Allowed	Yes	Golondrina Way
Lot #	Lot Size (Sq. Ft.)	Front Setback (Ft.)	* Rear Setback (Ft.)	Side Yard Setback (Ft.)	Drainage Type	Min Size Structure (Sq. Ft.)	Height Restriction (Ft.) Home/Acc Stru	** Max Fence Height (Ft.)	*** Side Load Garage	**** Accessory Structure "Casita"	***** Fire Sprinkler System Required	Street Location
D-1	58,505	25	15	15	B	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-2	67,173	25	15	15	B	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-3	42,247	25	15	15	A	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-4	50,395	25	15	15	A	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-5	69,715	25	15	15	A	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.
D-6	37,592	25	15	15	A	2,500	30/20	3.5	Allowed	Allowed	Yes	Fowler Ct.

54.04 Total Lot Acreage
122 Total Lot Count

SUNSHINE OF DELTA, INC.,
a Colorado corporation

By: _____

John T. Moir, Vice-President

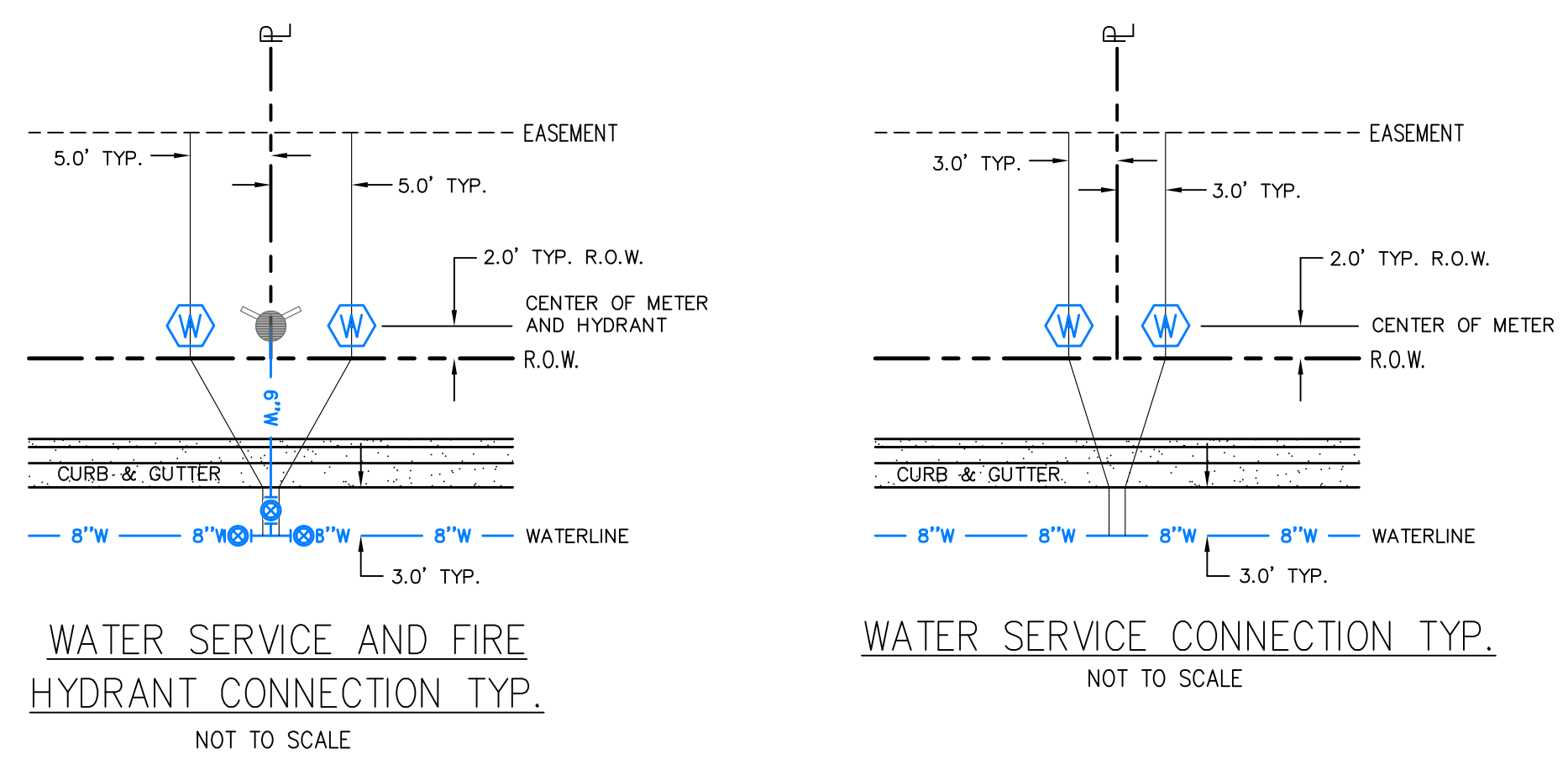
STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by John T. Moir as Vice-President of SUNSHINE OF Delta, INC., a Colorado corporation.

Witness my hand and official seal.

My commission expires: _____.

Notary Public



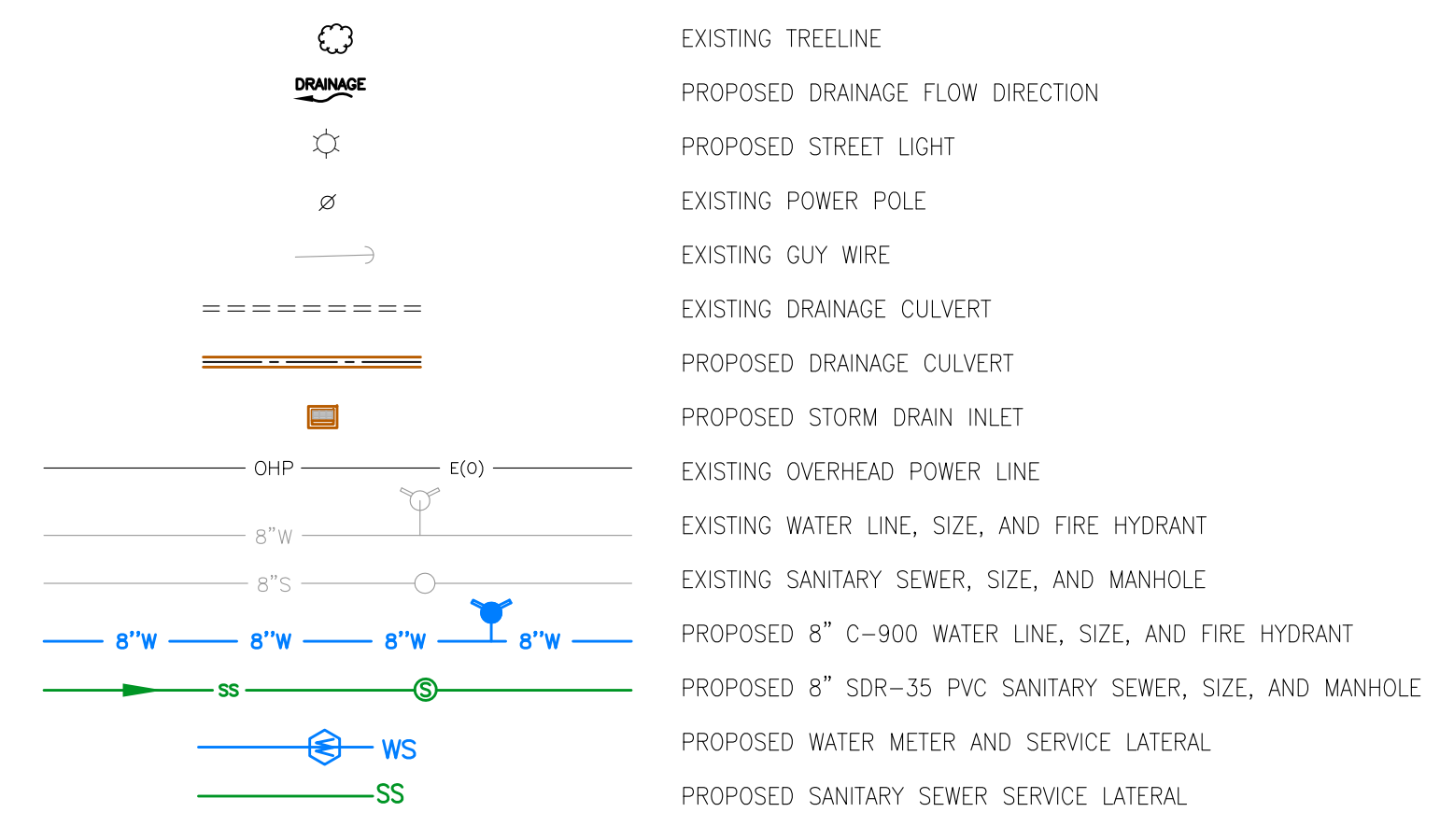
CURVE INFORMATION

(A)	Δ = 41°58'35"	R = 450.00'	L = 329.68'	T = 172.63'	C = 322.36'	CB = S 87°22'39" E
(B)	Δ = 30°59'19"	R = 445.00'	L = 240.68'	T = 123.36'	C = 237.76'	CB = N 56°08'25" E
(C)	Δ = 07°25'07"	R = 1480.00'	L = 191.63'	T = 95.95'	C = 191.49'	CB = S 44°21'19" W
(D)	Δ = 65°43'11"	R = 50.00'	L = 57.35'	T = 32.30'	C = 54.26'	CB = S 10°32'59" E
(E)	Δ = 25°42'00"	R = 350.00'	L = 156.99'	T = 79.84'	C = 155.68'	CB = S 23°58'29" E

LINE INFORMATION

NO.	BEARING	DISTANCE
1.	S 66°23'21" E	28.92'
2.	S 66°06'26" W	65.56'
3.	S 10°32'59" E	89.19'
4.	S 36°47'59" E	45.00'
5.	S 53°12'01" W	60.00'
6.	N 53°02'21" E	42.19'

LEGEND



ABBREVIATIONS

AASHTO	AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS
ABC	AGGREGATE BASE COURSE
ADA	AMERICANS WITH DISABILITIES ACT
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
AVE.	AVENUE
B.O.W.	BACK-OF-WALK
BLDG	BUILDING
C.D.O.T.	COLORADO DEPARTMENT OF TRANSPORTATION
C.G.	CURB AND GUTTER
C.	CENTERLINE
CMP	CORRUGATED METAL PIPE
CONC.	CONCRETE
CONST.	CONSTRUCTION
C.Y.	CUBIC YARD
CU.YD.	CUBIC YARD
DEG.	DEGREE
DIA	DIAMETER
DIWY	DRIVEWAY
E	EAST
EA.	EACH
E.W.	EACH WAY
EL	ELEVATION
EX or EXIST.	EXISTING
PH	FIRE HYDRANT
FL or F.L.	FLOWLINE
FT.	FOOT
G	GROUND
HP	HOT BITUMINOUS PAVEMENT
HWY	HIGHWAY
I.D.	INSIDE DIAMETER
INVT.	INVERT
IR or IRR.	IRRIGATION
IRM/H	IRRIGATION MANHOLE
IRWV	IRRIGATION WATER VALVE
L.F.	LINEAL FEET
LF	LINEAL FEET
LP	LIGHT POLE
L.S.	LUMP SUM
LT	LEFT
MAX.	MAXIMUM
MCSM	MESA COUNTY SURVEY MONUMENT
MIN	MINIMUM
N	NORTH
NO.	NUMBER
NTS	NOT TO SCALE
O.C.	ON CENTER
O.D.	OUTSIDE DIAMETER
OSHA	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
P.C.	POINT OF CURVATURE
PSCO	PUBLIC SERVICE OF COLORADO
PT	POINT OF TANGENCY
PVC	POLYVINYL CHLORIDE PIPE
PM	POINT VERTICAL INTERSECT
PWMT	PAVEMENT
PVT	POINT VERTICAL TANGENCY
R	RADIUS
R.O.W.	RIGHT-OF-WAY
RCP	REINFORCED CONCRETE PIPE
RT	RIGHT
S	SOUTH
SS	SANITARY SEWER SERVICE
S.Y.	SQUARE YARD
STA.	STATION
STD	STANDARD
SW	SIDEWALK
TC	TOP OF CURB
TEMP	TEMPORARY
TYP	TYPICAL
U.S.	UNITED STATES
UTIL.	UTILITY
VC	VERTICAL CURVE
W	WEST
WM	WATER METER
WS	WATER SERVICE

LOCAL UTILITY PROVIDERS

UTE WATER CONSERVANCY DISTRICT (WATER SERVICES)
 2190 H I ROAD
 GRAND JUNCTION, CO 81505
 PHONE #970-242-7491

CITY OF FRUITA PUBLIC WORKS (SANITARY SEWER)
 900 KIEFER AVE.
 FRUITA, CO 81521
 PHONE #970-858-9558

XCEL ENERGY (GAS)
 2538 BLICHMANN AVE.
 GRAND JUNCTION, CO 81505
 PHONE #970-245-2693

CENTURY LINK (PHONE/COMMUNICATIONS)
 2524 BLICHMANN AVE.
 GRAND JUNCTION, CO 81505
 PHONE #970-244-4311

CHARTER/SPECTRUM COMMUNICATIONS (TV/COMMUNICATIONS)
 2502 FORESIGHT CIR
 GRAND JUNCTION, CO 81505
 PHONE #970-245-8750

GRAND VALLEY POWER (ELECTRIC POWER)
 845 22 ROAD
 GRAND JUNCTION, CO 81505
 PHONE #970-242-0040

LOWER VALLEY FIRE DISTRICT
 168 N MESA STREET
 FRUITA, CO 81521
 PHONE #970-858-3133

AREA BREAKDOWN

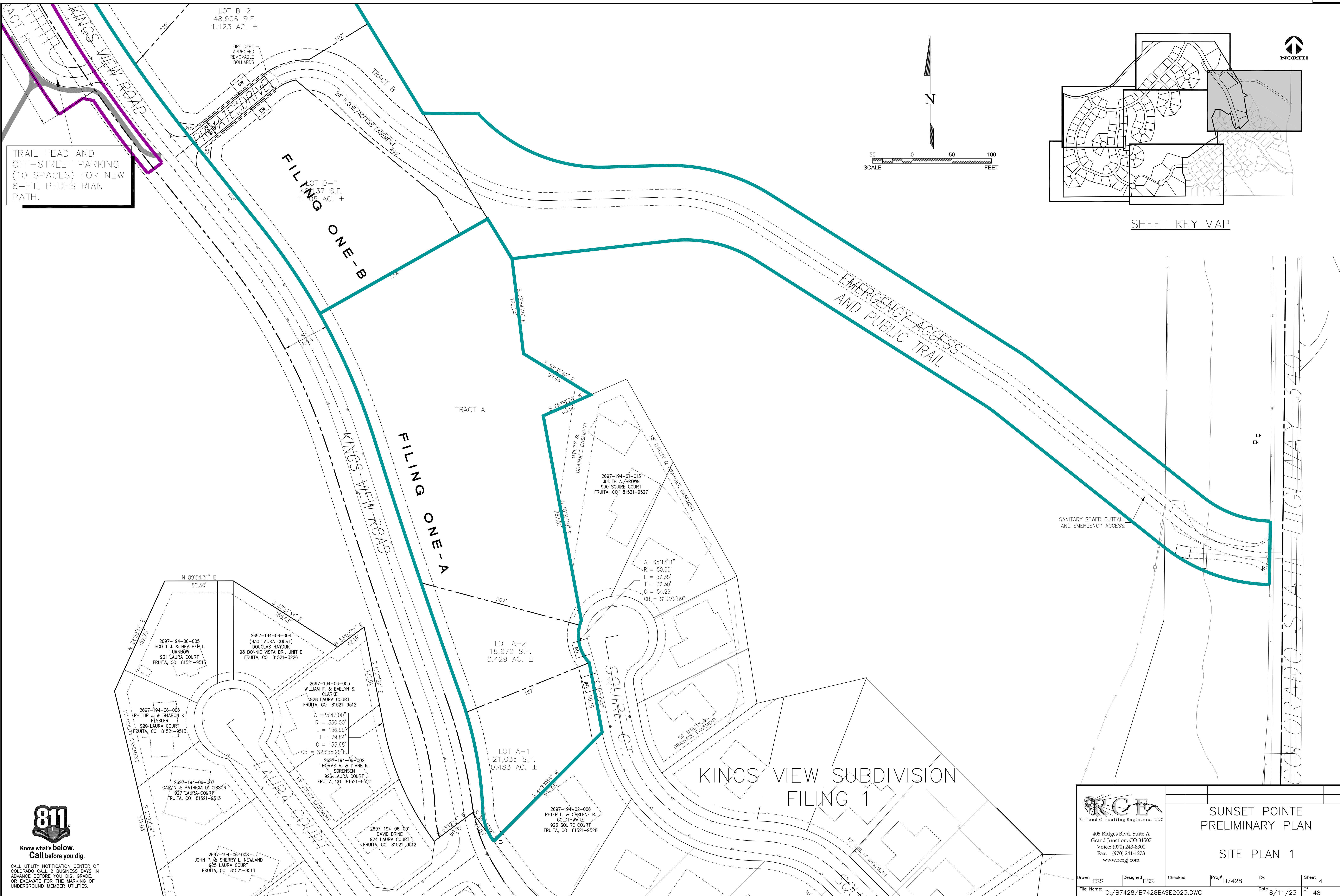
RESIDENTIAL LOTS (122)	54.0 ACRES±	41.0%
INTERIOR ROADS	13.2 ACRES±	10.0%
ACCESS TRACT	0.2 ACRES±	0.2%
OPEN SPACE	64.3 ACRES±	48.8%
TOTAL	131.7 ACRES±	100.0%



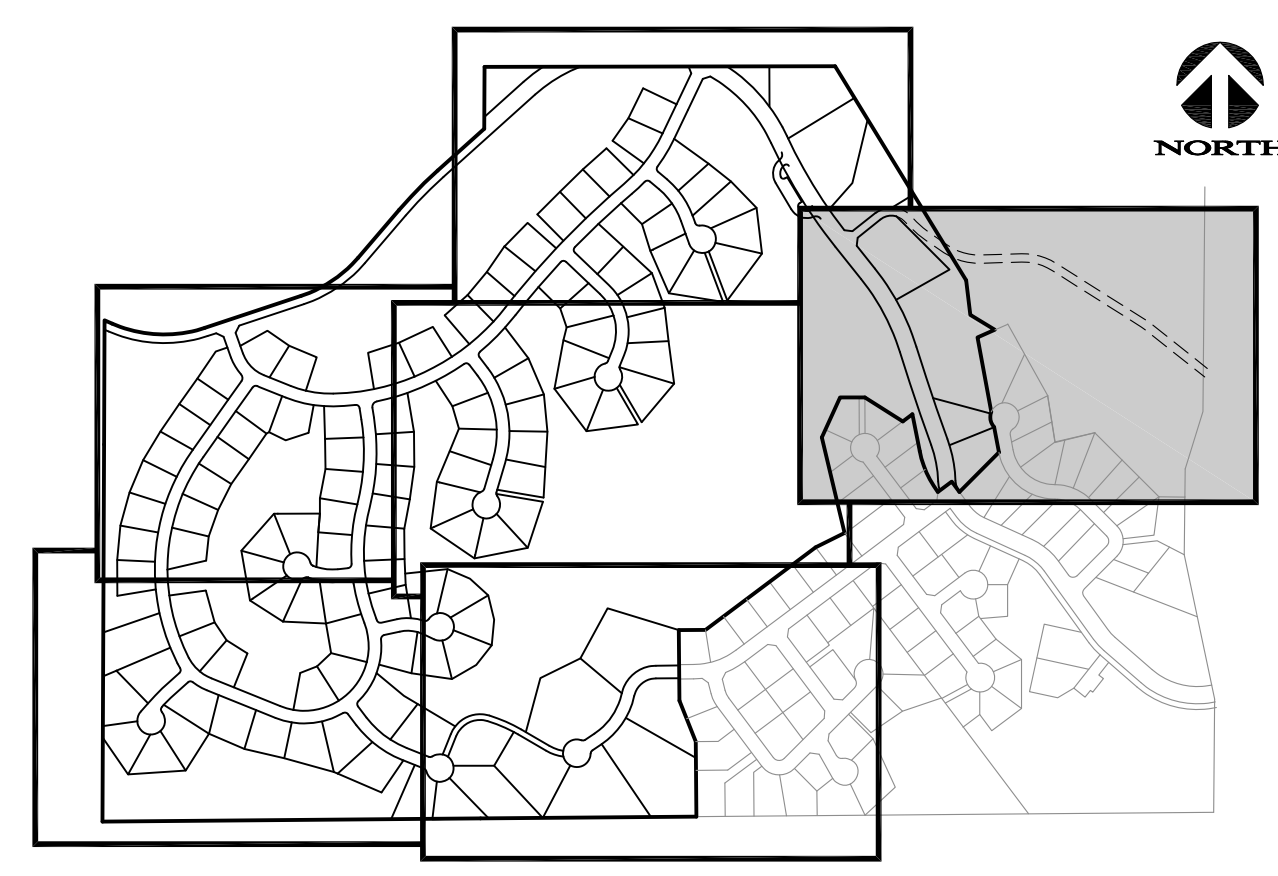
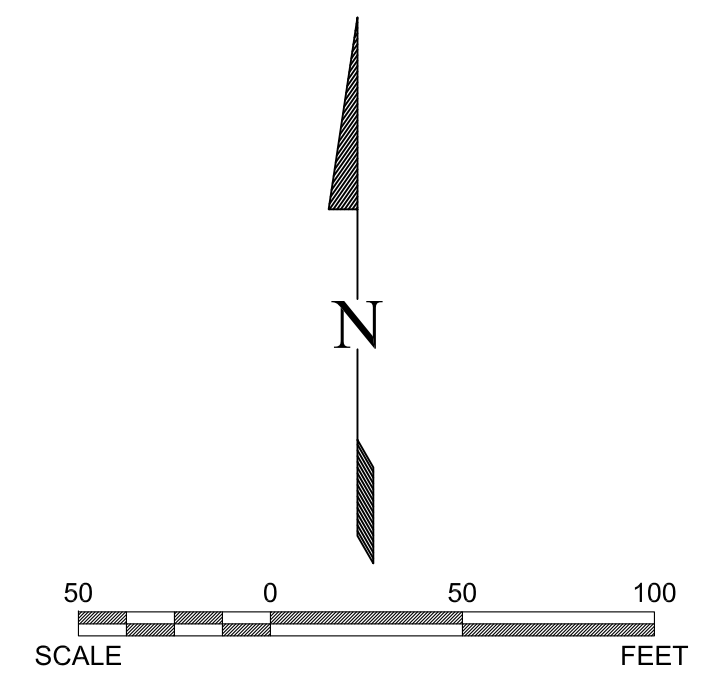
**SUNSET POINTE
 PRELIMINARY PLAN**

OVERVIEW PLAN

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File Name:	C:\B7428\B7428BASE2023.DWG						Date	8/11/23	Of	48		



TRAIL HEAD AND OFF-STREET PARKING (10 SPACES) FOR NEW 6-FT. PEDESTRIAN PATH.



SHEET KEY MAP

KINGS VIEW SUBDIVISION
FILING 1



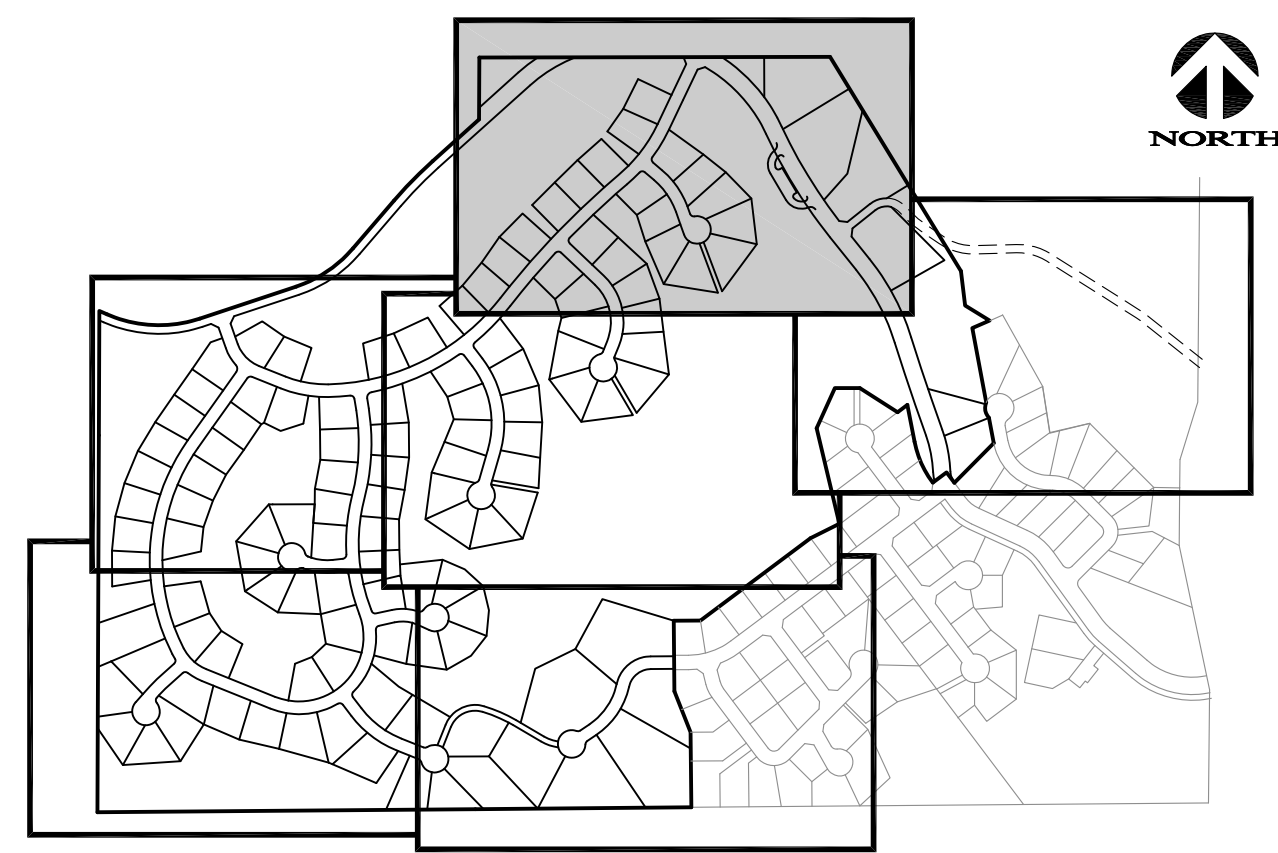
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CALL UTILITY NOTIFICATION CENTER OF COLORADO CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

RCEB
Rolland Consulting Engineers, LLC
405 Ridges Blvd, Suite A
Grand Junction, CO 81507
Voice: (970) 243-8300
Fax: (970) 241-1273
www.rceb.com

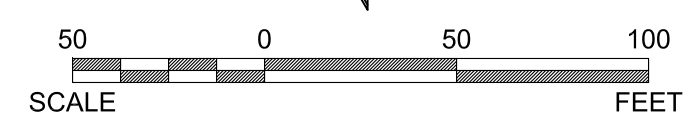
SUNSET POINTE
PRELIMINARY PLAN

SITE PLAN 1

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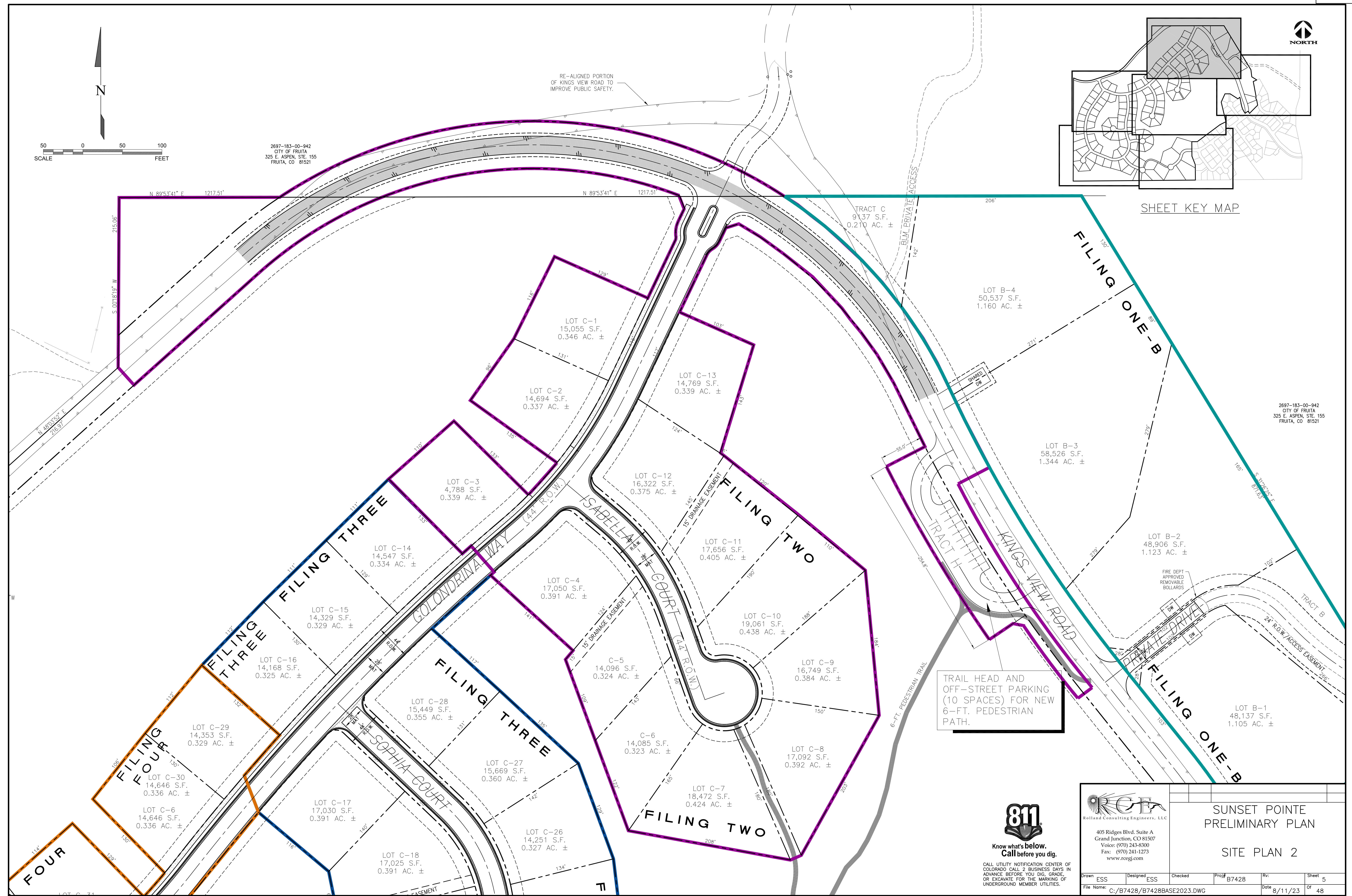


SHEET KEY MAP



2697-183-00-942
CITY OF FRUITA
325 E. ASPEN, STE. 155
FRUITA, CO 81521

RE-ALIGNED PORTION
OF KINGS VIEW ROAD TO
IMPROVE PUBLIC SAFETY.



TRAIL HEAD AND
OFF-STREET PARKING
(10 SPACES) FOR NEW
6-FT. PEDESTRIAN
PATH.

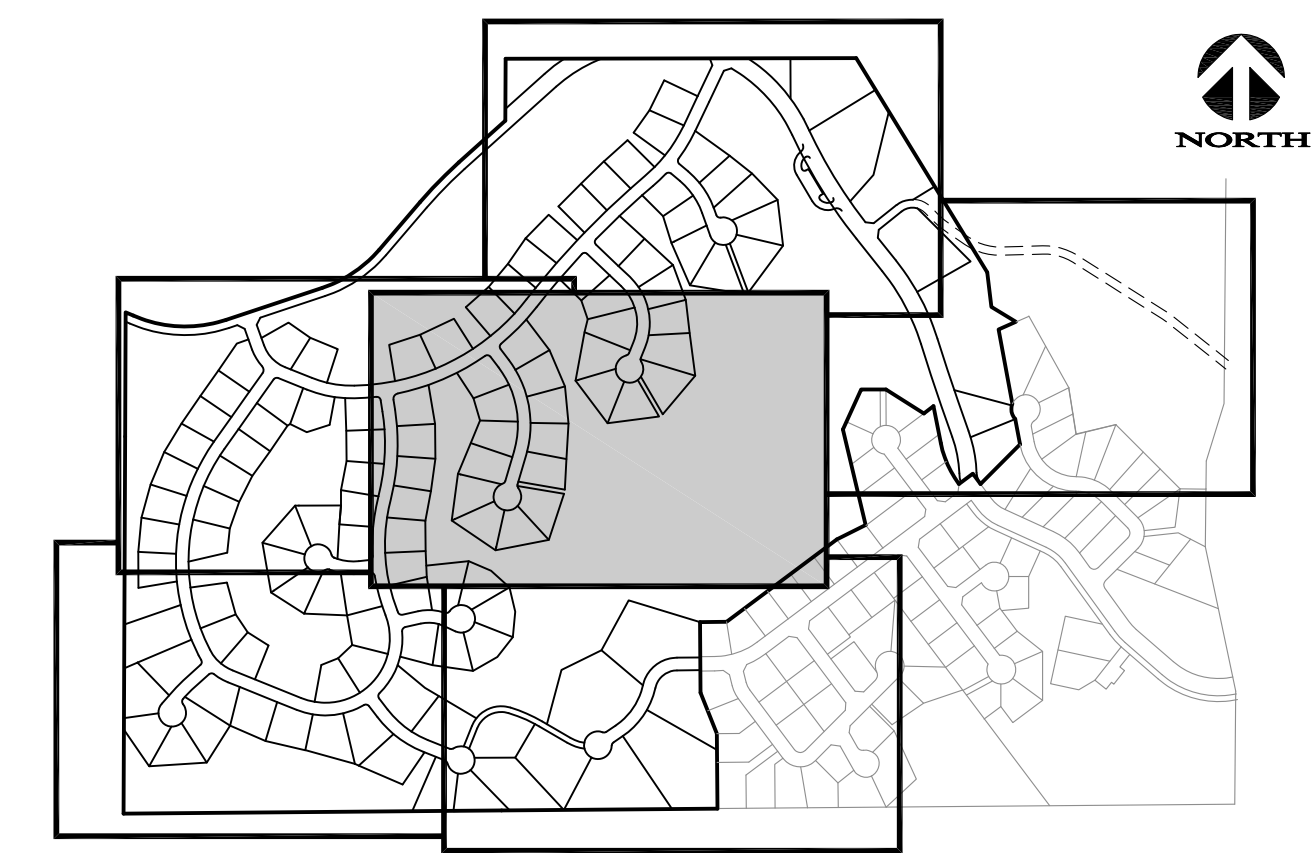
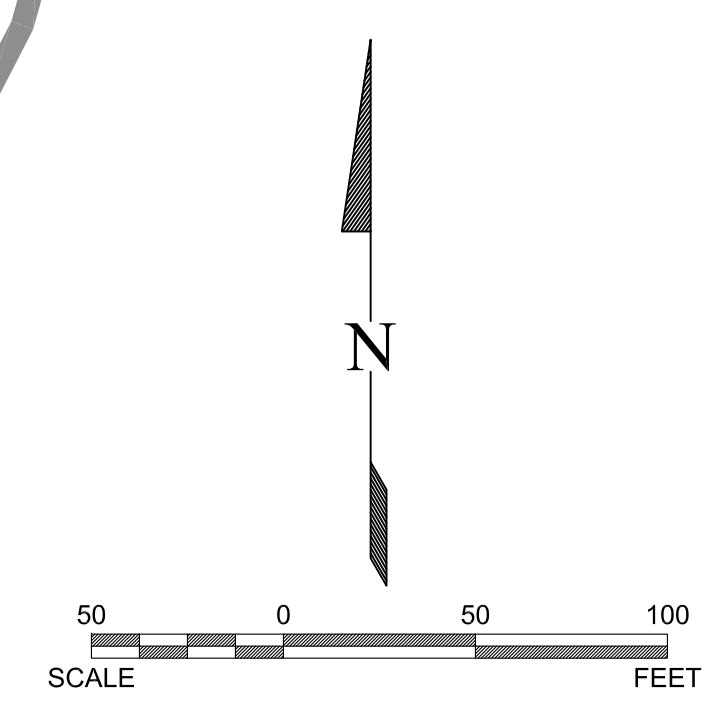
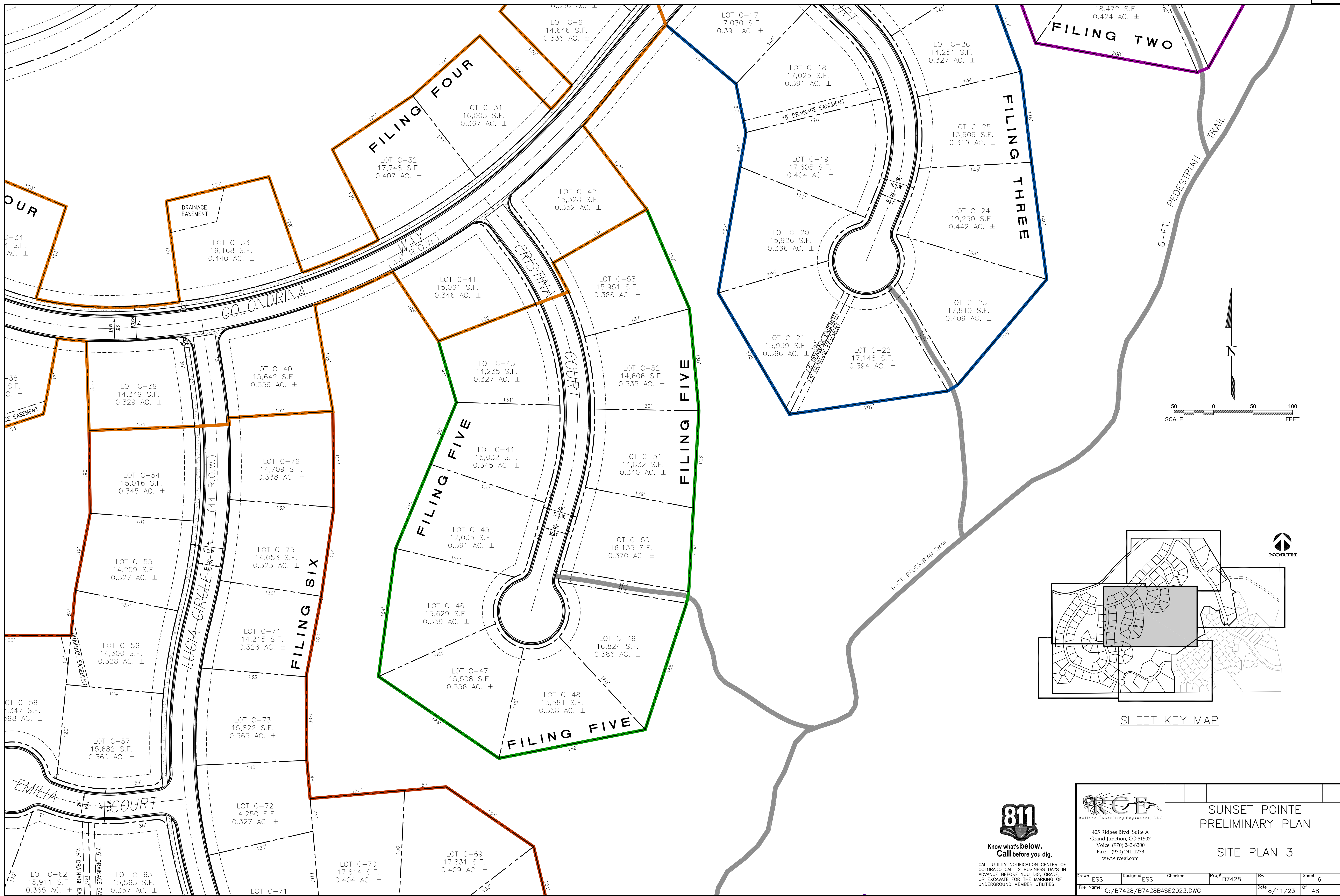


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SUNSET POINTE
PRELIMINARY PLAN
SITE PLAN 2

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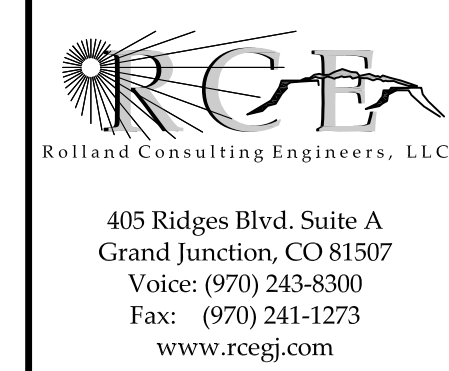


SHEET KEY MAP



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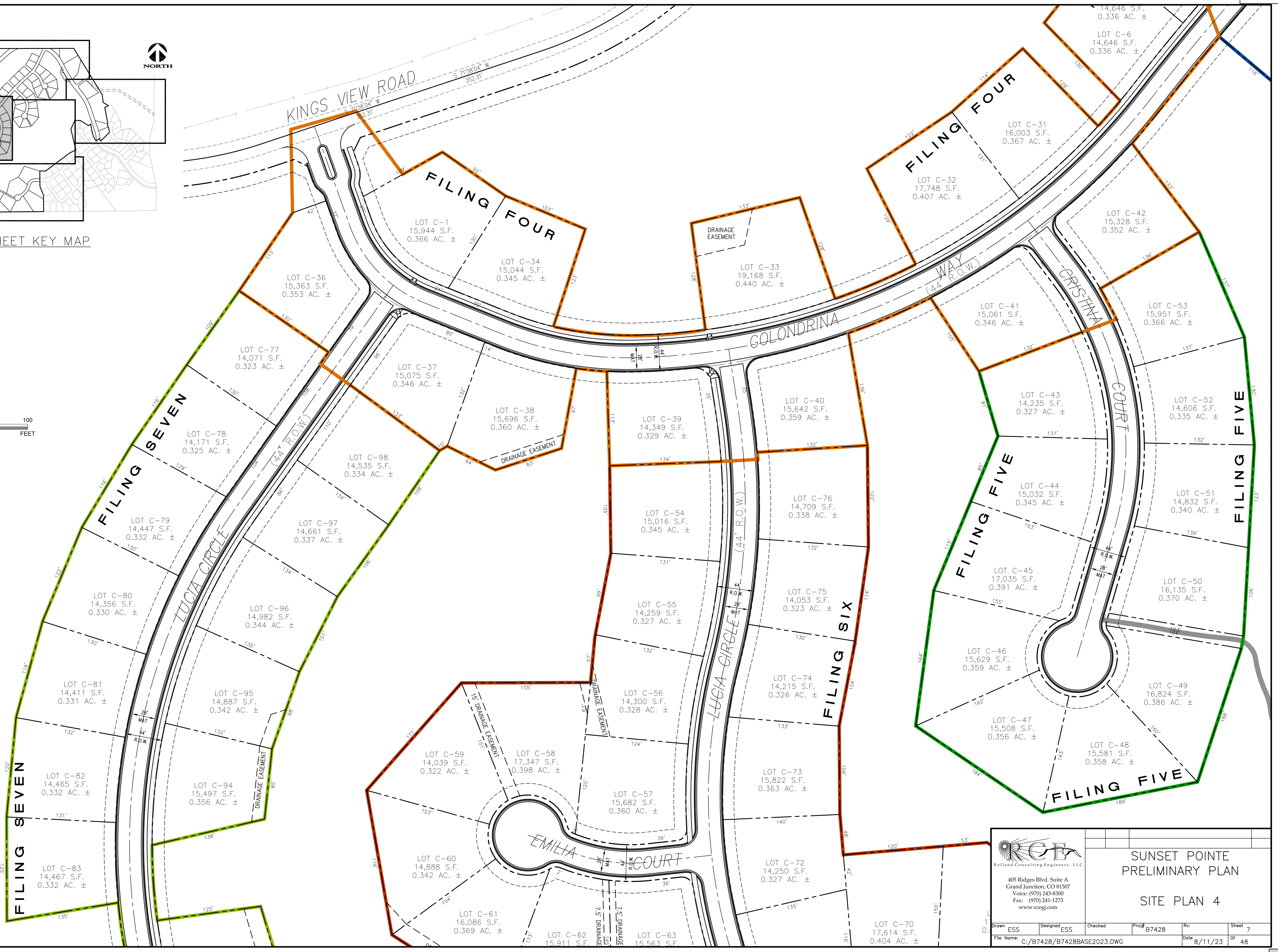
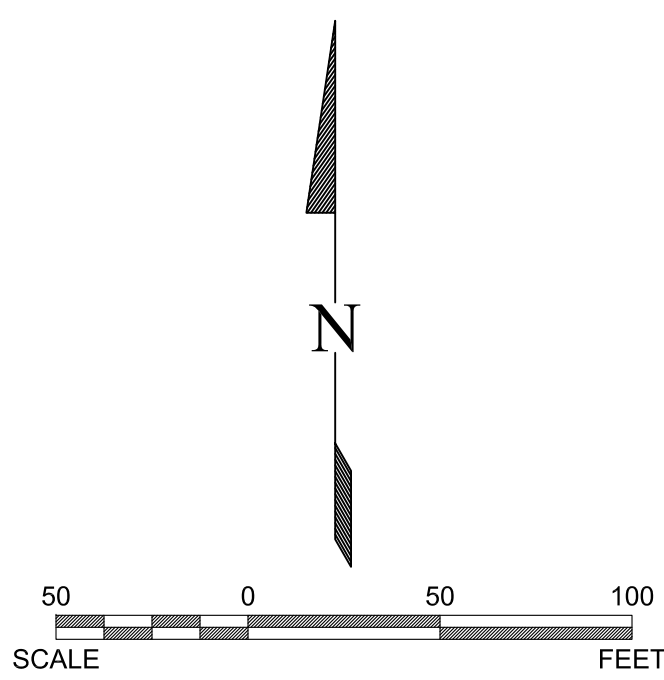
**SUNSET POINTE
PRELIMINARY PLAN**

SITE PLAN 3

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SHEET KEY MAP



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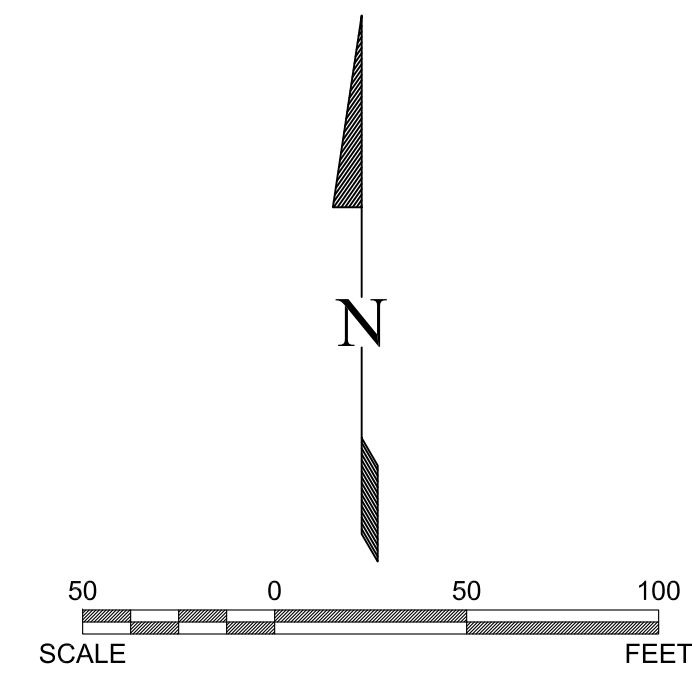
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SUNSET POINTE
PRELIMINARY PLAN

SITE PLAN 4

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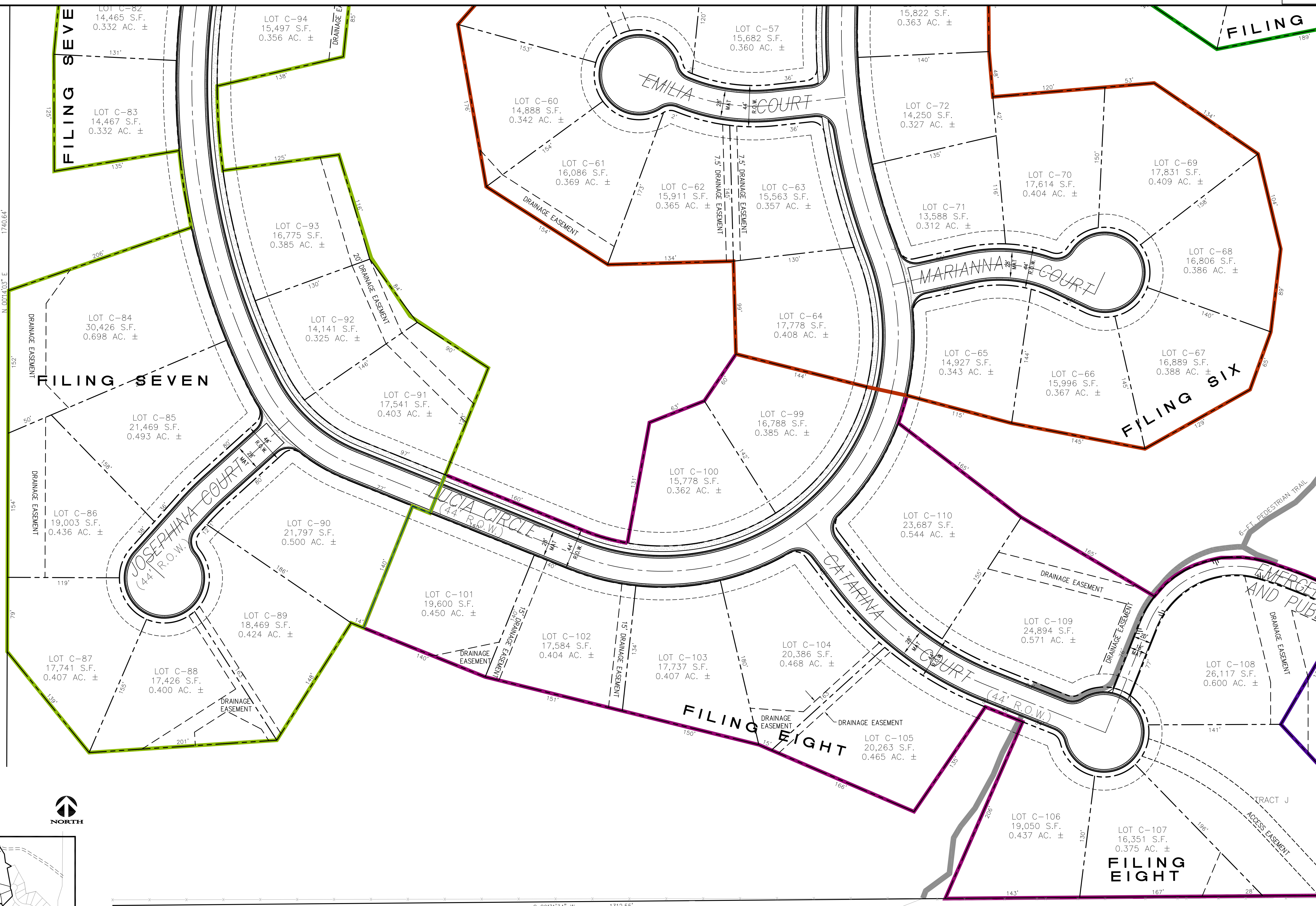
2697-193-00-911
BUREAU OF LAND MANAGEMENT
2815 H ROAD
GRAND JUNCTION, CO 81506



SHEET KEY MAP



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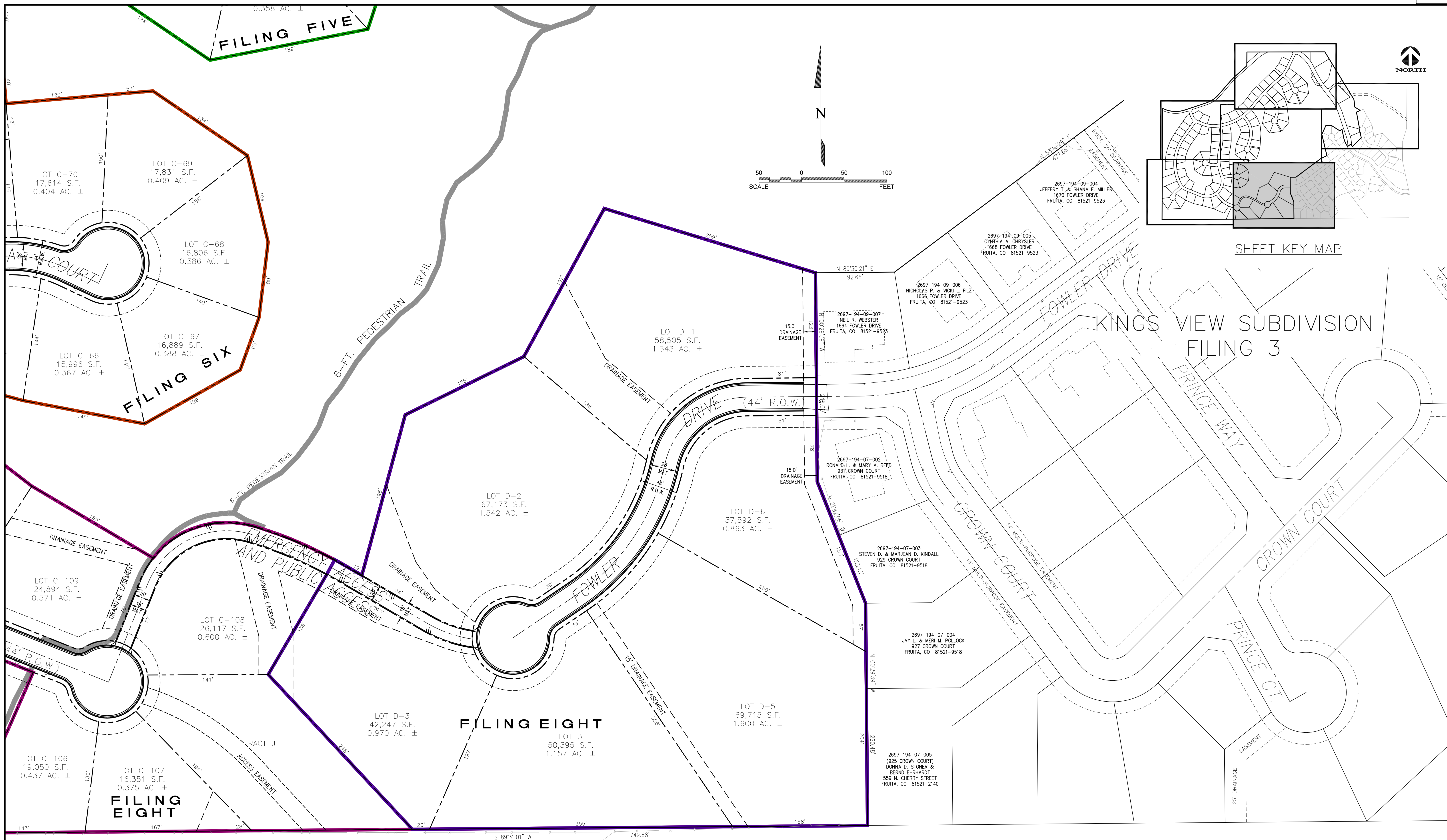
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BUREAU OF LAND MANAGEMENT
2815 H ROAD
GRAND JUNCTION, CO 81506

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Grand Junction, CO 81507
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www.rcegi.com

SUNSET POINTE
PRELIMINARY PLAN

SITE PLAN 5

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SHEET KEY MAP

KINGS VIEW SUBDIVISION FILING 3

FILING EIGHT

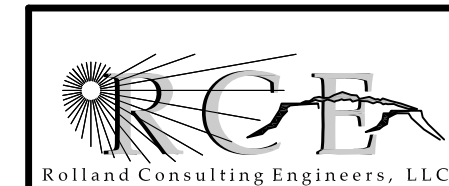
LOT 3
50,395 S.F.
1.157 AC. ±

2697-301-08-005
STEVE J & GLENNA M VIGIL
946 PRINCE CT
FRUITA, CO 81521-9530
35.710754 Acres



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SUNSET POINTE PRELIMINARY PLAN

SITE PLAN 6

Drawn	ESS	Designed	ESS	Checked		Proj#	B7428	Rv:		Sheet	9	
File Name:	C:/B7428/B7428BASE2023.DWG						Date	8/11/23	Of	48		

**LEVEL 3
TRANSPORTATION IMPACT STUDY**

**For
Sunset Pointe Subdivision**

Fruita, Colorado

July 2, 2007

Revised April 30, 2008

PREPARED FOR:
Vista Engineering Corp.
David Chase
605 28 ¼ Road, Suite B
Grand Junction, CO 81506
970.243.2242

PREPARED BY:
Drexel, Barrell & Co.
123 North 7th Street, Suite 300
Grand Junction, CO 80151
970.257.1350
Contact: Brad Jones, PE

Drexel Barrell Project Number: J1005



Statement of Engineering Qualifications

William C. Fox, P.E. has over twenty years of extensive traffic and transportation engineering experience. He has completed numerous transportation studies throughout the State of Colorado. Mr. Fox is a licensed Professional Engineer in the State of Colorado.

TRANSPORTATION IMPACT STUDY

Sunset Pointe Subdivision

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Appendices

- Reference Documents
- Traffic Counts
- Synchro Calculations, Version 5

1.0 Project Description

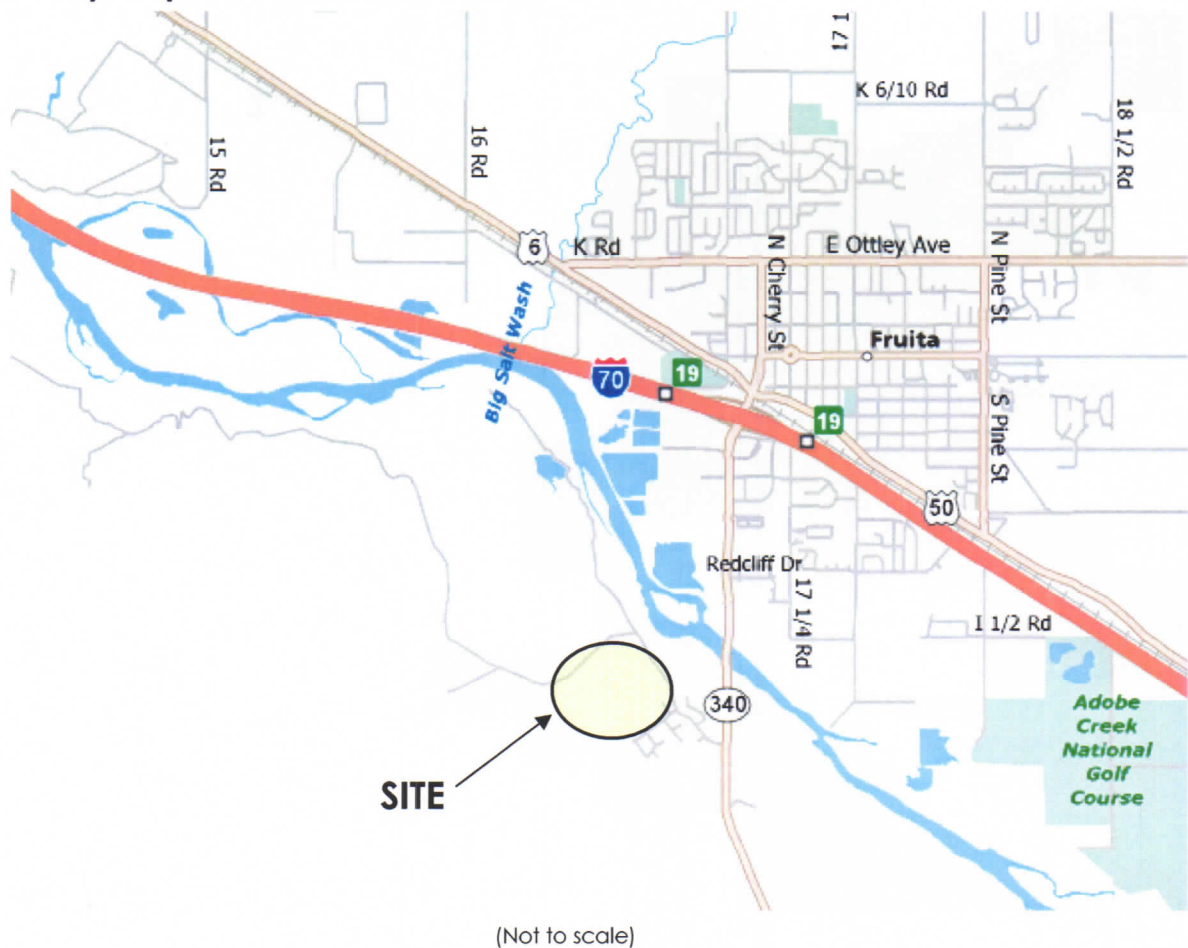
This traffic study examines the effects of project-generated traffic on the existing and proposed roadway system in the vicinity of the proposed Sunset Pointe Subdivision. This analysis includes impacts for the projected buildout Year 2008 and long-range planning Year 2030.

Sunset Pointe is a proposed 131.7-acre development located within the City of Fruita. The site is located on the west side of State Highway 340, 1.2 miles to the south of I-70.

The proposed development is anticipated to be subdivided into 122 single-family lots.

A map of the surrounding area is shown below:

Vicinity map for Sunset Pointe Subdivision.



A detailed site plan is illustrated in **Figure 1**.

2.0 Existing Transportation System

State Highway 340: State Highway 340 runs from the center of Fruita, south across the Colorado River and then east towards Grand Junction. It is classified by the Colorado Department of Transportation (CDOT) as an R-A, Rural Regional Highway. There is one lane in each direction in this area. The speed limit in the vicinity of this project is 55 mph. Paved shoulder width in this area varies from between four and six feet.



Kings View Road: Kings View Road is a City street in the vicinity of the proposed Sunset Pointe Subdivision, and provides access to SH 340 for the development. The posted speed limit is 25 mph. Kings View Road also provides access to City of Fruita and Bureau of Land Management (BLM) recreational areas to the north and west of the development. Kings View Road is approximately 1.25 miles to the south of I-70 via SH 340.



Snooks Bottom: Snooks Bottom is a 110-acre riverfront open space project, currently under development by the City of Fruita, adjacent to Kings View Road. It has yet to be opened to the public. The access to this property is anticipated to share an intersection with the proposed northern site access of the development.



Adjacent land uses consist primarily of open space owned by either the City of Fruita or the Bureau of Land Management. The City controlled land consists of the previously mentioned Snooks Bottom property. Immediately to the south of the proposed development are both existing single-family homes and BLM owned public lands. The northern boundary of Colorado National Monument, controlled by the National Parks Service, is approximately one mile to the south of the proposed development. West of the development, the McInnis Canyons National Conservation Area, which includes the Black Ridge Canyons Wilderness, is also controlled by the BLM. To the east across SH 340 is an adventure outfitter providing horseback and rafting tours. A map showing the location of the nearby federally owned land can be seen in the **Appendix**.

Grand Valley Transit operates one bus line in the vicinity of Sunset Pointe. Route 8 stops at the intersection of Jurassic Avenue and SH 340, 1.1 miles north of the intersection of Kings View Road and SH 340. No other transit facilities exist in the area. A display of the route can be seen in the **Appendix**.

No off-street pedestrian or bicycle facilities appear to exist along SH 340 in the vicinity of the proposed development. SH 340 has four-foot paved shoulders south of the Kings View intersection, and 6 paved shoulders north of this area. Kings View Road does not have paved shoulders.

3.0 Project-Generated Traffic

3.1 Trip Generation

Per the Institute of Transportation Engineers' *Trip Generation Manual, 7th Edition*, the proposed single-family homes are classified as Single-Family Detached Housing (Land Use Code 210). The site is anticipated to generate 1168 trips on an average weekday and 1232 trips on an average Saturday. 22 inbound trips and 68 outbound trips are expected in the weekday morning peak hour. The site is anticipated to generate 77 inbound trips and 46 outbound trips in the evening peak hour. The Saturday peak hour is expected to generate 63 inbound and 53 outbound trips. Please refer to **Table 1**, at the end of this report, for the trip generation estimate of the subject property.

3.2 Trip Distribution

Based upon the project location and discussion with the City Engineer, it is anticipated that twenty-five percent of project-generated traffic will exit the site via the west site access. Of this, twenty-four percent is anticipated to turn right on Kings View Road towards SH 340. The remaining one percent using this access is expected to turn left at Kings View Road, headed towards BLM recreational land adjacent to the property.

Sixty-six percent of traffic is expected to use the northern site access. Of this sixty-five percent is expected to leave the site by making a right turn onto Kings View Road towards SH 340, the remaining one percent turning left on Kings View Road, headed towards BLM recreational land adjacent to the property .

Four percent of traffic is expected to be generated via the east cul-de-sac and the two additional lots on Squire Court, all of which are expected to make the left turn towards SH 340.

Five percent of traffic is anticipated to be generated by the lots adjoining the extension of Fowler Drive to the west. All of this traffic is anticipated to turn right towards SH 340.

A total of ninety-eight percent of traffic leaving the site is expected to use the intersection of Kings View Road and SH 340. Of this ninety-three percent is expected to turn north on SH 340, towards I-70 and the City of Fruita. The remaining five percent is expected to turn right towards Colorado National Monument and Grand Junction.

Please refer to **Figure 2** for a detailed distribution.

3.2 Traffic Assignment

The assignment of project-generated traffic onto the existing roadway network is illustrated in **Figure 3**. The volumes were derived by applying the trip distribution percentages in **Figures 2** to the trip generation estimates in **Table 1**.

4.0 Projected Background Traffic Growth

Per direction from the City of Fruita, peak hour turning movement data were analyzed for the intersection of State Highway 340 and Kings View Road.

Turning Movements counts were conducted by Vista Engineering on Wednesday, January 31, 2007, and Saturday, February 3, 2007 for the intersections of Kings View Road/SH 340 and Kings View Road/Snooks Bottom, the results of which are illustrated in **Figure 4**. Complete printouts of all traffic counts can be found in the **Appendix** of this report.

A 2.26 percent growth rate was calculated for the traffic on State Highway 340 using growth projections obtained from CDOT. This growth rate was also applied to the movements associated with the west leg of the Kings View Road intersection, to account for potential increases in the recreational land accessible via Kings View Road. The movements to which this growth rate was applied can be seen in **Figure 5**. The resulting Year 2008 background traffic volumes are depicted in **Figure 6**. Projected Year 2030 background traffic volumes are illustrated in **Figure 8**.

The area surrounding the Sunset Pointe Subdivision is primarily public lands, and is used frequently during the summer months as a recreational area. Consequentially, Kings View Road and State Highway 340 are expected to have higher traffic volumes during the summer than what was observed during the counts taken this winter. This difference was not factored into the analysis.

5.0 Projected Total Traffic Conditions

When the assigned project-generated traffic is added to the projected background traffic growth, the total expected traffic on the road facilities can be determined. The total expected traffic on the road system in the vicinity of Sunset Pointe in Year 2008 can be seen in **Figure 7**. Correspondingly, Year 2030 Total traffic can be seen in **Figure 9**.

6.0 Site Design and Traffic Circulation Evaluation

A detailed site plan of the proposed Sunset Pointe Subdivision is illustrated in **Figure 1**. Three new access points are proposed for this subdivision on Kings View Road. The western access point and northern access point provide connection for 110 of the 122 proposed lots. Four of the lots are accessed via a cul-de-sac near the eastern edge of the property. The remainder of the

proposed housing will be accessible via existing roads, Squire Court and Fowler Drive. Fowler Drive will be extended to the west to accommodate five of the lots. Each of the three proposed access points is anticipated to be two-way stop controlled.

Sidewalks are proposed for one side of the two roadways within the development which do not dead-end, allowing for pedestrian circulation within the subdivision. No bicycle specific facilities are proposed within the development. Several pedestrian paths and trailheads exist in the area, allowing for recreational pedestrian access. There are no dedicated bicycle or pedestrian facilities along Kings View Road, however, the low speeds and vehicular volumes make it conducive to bicycle use. The paved shoulders along SH 340 provide for bicycle connectivity with the commercial and retail districts within the City of Fruita.

7.0 Transportation Impact Analysis

The impacts of the proposed Sunset Pointe Subdivision were determined by performing peak-hour analyses utilizing SYNCHRO 5 software. SYNCHRO is traffic analysis software that utilizes the Highway Capacity Manual methodology.

The results are reported as Levels of Service (LOS) and can range from free-flow conditions (LOS A) to congested conditions (LOS F).

2000 Highway Capacity Manual LOS Definitions for unsignalized intersections:

STOP-CONTROLLED INTERSECTION		
LOS	Expected Delay to Minor Street Traffic	Average Control Delay (s/veh)
A	Little or no delay.	0-10
B	Short traffic delays.	>10-15
C	Average traffic delays.	>15-25
D	Long traffic delays.	>25-35
E	Very long traffic delays.	>35-50
F	When volume exceeds the capacity of the lane, extreme delays will be encountered with queuing that may cause severe congestion affecting other traffic movements in the intersection. This condition usually warrants improving the intersection.	>50

Levels of Service calculations were performed for the State Highway 340/Kings View Road intersection, Kings View Road/West Site Access intersection and Kings View Road/Snooks Bottom Access intersection. Level

of Service analyses included morning, evening and Saturday peak-hour periods for Years 2008 and Year 2030 background and total traffic.

7.1 Levels of Service

State Highway 340 and Kings View Road: This unsignalized, east-west stop-controlled intersection is anticipated to operate at an overall level of service B or higher with or without the addition of project-generated traffic through Year 2030.

Kings View Road and West Site Access: This unsignalized, northbound stop-controlled intersection is anticipated to operate at an overall level of service A with or without the addition of project-generated traffic through Year 2030.

Kings View Road and Snooks Bottom Access: This unsignalized, northeast-southwest stop-controlled intersection is anticipated to operate at an overall level of service A with or without the addition of project-generated traffic through Year 2030.

A summary of the Level of Service anticipated under both the Year 2007 and Year 2030 can be seen in **Table 2**. The complete analysis of the intersections can be seen in the **Appendix**.

7.2 State Highway 340 Auxiliary Turn Lanes

State Highway 340 is classified as an R-A, Regional Highway. According to Section 3.8 of the State *Highway Access Code*, auxiliary left turn lanes on State Highway 340 are required if peak hour turning movements exceed 10 vehicles per hour. Existing counts taken in January, 2007 show that there are currently 9 northbound left turns during the Saturday peak hour. Due to the recreational opportunities available along Kings View Road, it can be assumed that a northbound left turn lane would be warranted during summer months due to background traffic.

In addition, an auxiliary right deceleration lane on State Highway 340 is required if peak hour turning volumes exceed 25 vehicles per hour. This threshold has been met by existing traffic in both the evening and Saturday peak hours.

The sunset Pointe subdivision will add traffic to both the northbound left and southbound right movements which have exceeded the thresholds for turn lanes. The following table illustrates the percent contribution of anticipated project generated traffic to the northbound left and southbound right turning movements of the State Highway 340 / Kings View Rd intersection in Year 2008:

Year 2008 Project Generated Contribution to Turning Movements

	BACKGROUND TRAFFIC			P-GEN TRAFFIC			AM CONTRIBUTION	PM CONTRIBUTION	SAT CONTRIBUTION	TOTAL PEAK HOUR CONTRIBUTION
	AM	PM	SAT	AM	PM	SAT				
Northbound Left	0	4	9	1	4	3	100%	50%	25%	38%
Southbound Right	12	31	26	20	72	59	63%	70%	69%	69%

7.3 State Highway 340 Access Permit

The Sunset Pointe subdivision is estimated to add a total of 121 inbound and outbound trips in the evening peak hour to the western leg of the State Highway 340 / Kings View Road intersection. The intersection currently has 66 inbound and outbound trips on the western leg of this intersection during the evening peak hour. Therefore, Sunset Pointe is adding approximately 180 percent more traffic to the western leg of the intersection. A revised State Highway Access Permit will be required per Section 2.6(3) of the *State Highway Access Code*. The addition of the project-generated traffic from Sunset Pointe is not anticipated to require any additional turn lanes other than those assumed as part of this study.

8.0 Recommendations

It is recommended that a northbound left turn lane and a southbound right turn lane be constructed at the intersection of King's View Road and State Highway 340. The southbound auxiliary right turn lane is justified by existing traffic. It is expected that the northbound auxiliary left turn would be presently justified during the summer months, but project-generated traffic is anticipated to justify this lane during winter.

Site distances at the three intersections evaluated appear to be acceptable.

A State Highway Access Permit from the Colorado Department of Transportation will likely be necessary due to the additional traffic that Sunset Pointe is adding to the Kings View access to State Highway 340.

9.0 Conclusions

The roadway system serving the Sunset Pointe Development will be easily able to accommodate the projected traffic through the long-range planning horizon, assuming that the recommendations made as part of this report are followed.

SUNSET POINTE PLANNED UNIT DEVELOPMENT

Minutes from Neighborhood Meeting on August 8, 2023, 6:00 PM

Presenting: Sunshine of Delta, John Moir
 278 N. Mesa Street
 Fruita CO 81521
 Ph. (970) 858-1226

Rolland Consulting Engineers, Eric Slivon
 405 Ridges Blvd
 Grand Junction, CO 81507
 Ph. (970) 243-8300

In Attendance:

Approximately 40 in attendance, 32 Signed in. All attendees were residents or representatives from the Kingsview Subdivision. The meeting was held in the Cherry room at the Fruita Recreational Center.

6:00-6:30 PM

There was an informal open house where John and Eric answered questions. There were 2 presentation Boards showing the site plan as well as the existing Kingsview neighborhood and HWY 340.

6:30-7:35 PM

There was a presentation to the attendees as follows:

Sunset Pointe is the last parcel of a larger Planned Unit Development (PUD) known as Kingsview Estates. The concept that drives the Sunset Pointe plan is one of homes sitting within large areas of open space and adjacent to the BLM lands and the City of Fruita’s Snooks Bottom Park. The concept provides for walking trails that will connect through these open spaces providing views of the Colorado National Monument as well as the valley floor, the Bookcliffs, the Grand Mesa and the Colorado River. The curvilinear streets are designed with the topography in mind in order that lots sit above the drainages and offer excellent view opportunities.

Sunset Pointe is Phase 4 of a larger PUD that was approved by Mesa County in 1977 with an overall density, according to the Outline Development Plan (ODP), of one dwelling unit (DU) per acre. The property, consisting of 234 acres, was later annexed by the City of Fruita in September of 1995, following a request to extend sewer out to the existing subdivision. To date there have been three Phases built in Kingsview, for a total of 84 DUs. A previous PUD Plan with the City of Fruita was approved for Sunset Pointe on October 3rd, 2006 and an application for Preliminary Plan approval was later withdrawn on March 25, 2008 as a result of the economic slowdown in real estate throughout western Colorado.

The project presented herein contains approximately 132 acres within 3 different tax parcels. The site is bordered on the east by the existing Kingsview Subdivision, on the south and west by public lands and on the north by open space owned by the City of Fruita. The property slopes gently to the north with hilly terrain in the northern area and more rugged terrain to the south. The site is vacant and sparsely vegetated with dirt roads and paths crisscrossing throughout.

It was also pointed out that there was a proposal for an emergency access route along a portion of the disk golf course that would be used for pedestrian and bicycle use as well as for emergency vehicles.

There was discussion regarding the following:

- Is there the possibility of a second major access off of Hwy 340?
 - It would be difficult because BLM owns any adjoining property.
- Has a traffic study been performed and what improvements does it suggest?
 - Yes there has been a traffic study that went with the 2006 submittal. Since then there has been a widening of the intersection with turn lanes added etc.
- What improvements would be made to the HWY 340 intersection?
 - Working with the City, but presently proposing to improve alignment of the road, taking out some of the curvature and elevation change.
- Can an additional trail be considered for those who follow a path that has been established along Kingsview (KV) Road so pedestrians are out of harms way?
 - There is room off of the shoulder where a path from Squire Court up and along KV road could be put in.
- Will there be a separate Association for the project?
 - Yes we will form Sunset Pointe Home Owner's Association.
- Will there be any design standards?
 - Yes, there will be a set of Design Guidelines
- How will dust be mitigated?
 - As part of the Storm Water Management Plan there will be a section that addresses dust mitigation. Developer and contractor will be held responsible to provide for adequate dust control.
- Will we have an opportunity to have further comments with regard to the plans prior to approval?
 - Yes, there will be a public hearing process that is advertised by sending out similar post cards to what was used for this meeting. All of the information associated with the application will be posted on the City of Fruita's website.

7:35 PM

The meeting was concluded and a few people mulled around and further, more personal questions were answered.

Comment Cards

Everyone had an opportunity to fill out a comment card and here is a summary of those comments: Generally the main theme from reading the cards was that of traffic on Kingsview Road and the HWY 340 intersection. Most comments were pleased that they have been given a chance to see the layout of the project and to speak with the development team.

Sunset Pointe Neighborhood Meeting
August 8, 2023
Attendee List

Name	Email Address
Marilyn Scarborough	marilynsca@gmail.com
Jon Lockert	jon4paz@gmail.com
Mary Hertert	colorcreek49@gmail.com
Dr. Judy Chmielewski	judy@chmielewski.com
HANK & JUDY SCHOCH	HANKSCHOCH@YAHOO.COM
STEVE J. VIGIL	945 PRINCE CRT, FRUITA
Bruce Ricks	1675 Fowler Drive
Susan Ricks	1675 Fowler Drive
WAYNE GREEN	903 CROWN CT
GAY GREEN	" " "
Mary & Gerard Clauson	926 LAURA CT
Anthony & SARA Molina	paradise247@gmail.com. 921 Squir.
Cherie Benson	cherie326@me.com
Becky Hobart	bhobart@arielcpa.org
Greg Irwin	capt.lettucehead@gmail.com
Mike George	mtg@george5@yahoo.com
Fran Reed Patty Reed	pattyreed520@gmail
Heather Brown	h.johnsonbrown@gmail
Eric Brown	akebrown@yahoo.
Dave Karispy	fruitaexit@gmail.com

Sunset Pointe Neighborhood Meeting
August 8, 2023
Attendee List

Name	Email Address
Chris Forene	christfromfruta@yahoo.com
Ron Reed	Rreedcol@gmail.com
Pat + Karie O'Connor	pat@odginc.net
Kathleen Morrison	Kathleen.Kd@gmail.com
MIKE & KATHY CLIFFORD	kmatkycabin@outlook.com
Doug Donato	doug.donato@gmail.com
Rolf Larsen	Rolfdog@msd.com
ANTHONY FARNACCI	anthonyfarnacci@gmail.com
Galvin Gibson	gibsongarvin@bresnan.net
Colleen Nyam	Colleenture@yahoo.com

Kelli McLean

From: Dan Caris
Sent: Monday, July 24, 2023 12:23 PM
To: Henry Hemphill; Kelli McLean
Subject: Fwd: Kingsview Subdivision Public Comment

Sent from my iPhone

Begin forwarded message:

From: Mike Bennett <mbennett@fruita.org>
Date: July 24, 2023 at 11:58:43 AM MDT
To: Joel Kincaid <jkincaid@fruita.org>, Dan Caris <dcaris@fruita.org>
Subject: RE: Kingsview Subdivision Public Comment

Will do, thank you.



Mike Bennett

City Manager, ICMA-CM

City of Fruita

Phone: 970-858-3663

Email: mbennett@fruita.org

Fruita.org | GoFruita.com



Stay Connected

From: Joel Kincaid <jkincaid@fruita.org>
Sent: Monday, July 24, 2023 11:55 AM
To: Mike Bennett <mbennett@fruita.org>; Dan Caris <Dcaris@fruita.org>
Subject: Kingsview Subdivision Public Comment

Hi Mike & Dan,

I had John Bauman at 928 Squire Ct. in Kingsview call me (970-858-4140) and chat about the neighborhood going in beside him. He has some concerns on access and also the amount of traffic that currently is on Kingsview road and the amount of traffic that will be added with this new neighborhood. He wanted this to be added to the public comment.

Thanks,

Joel

Joel Kincaid
City of Fruita
Mayor
jkincaid@fruita.org
970-250-9557

October 2, 2023

Fruita City Planning and Development Department

Henry Hemphill, Planner

325 E. Aspen Ave.

Fruita, CO 81521

hhemphill@fruita.org

970.858.0786

Subject: Sunset Pointe Planning Unit Development (PUD)

Dear Members of the Planning Commission,

We are writing to ask for careful decision-making regarding the proposed Sunset Pointe development. As residents of the Kingsview Estates neighborhood and stakeholders in our community, we believe it is crucial to address several critical issues prior to approval:

1. **Outdated Traffic Study:** The existing traffic study is outdated and may not accurately represent current conditions related to access to the area. An updated study is needed to assess the impact of how 122 new units will have on traffic congestion and safety.
 - a. **Limited Access Points:** The proposed limited entry and exit points will lead to congestion, difficulty in accessing the various recreation areas, and most importantly safety concerns. We must ensure a plan that addresses these issues effectively and ensures safe access to all parties involved.
 - b. **Safe Access to Recreation:** Access to recreational areas must be prioritized with safe paths specifically on Kingsview Rd. There is currently a path to safely walk off the road, however, with this development, this path will be removed and no alternatives have been identified. This development should enhance, not hinder, our access to these spaces.
 - c. **Traffic Patterns:** The increased traffic from the new units will disrupt existing traffic patterns, affecting the safety and convenience of both new and existing residents not to mention recreation users.
 - d. **Emergency Access:** Limited access points in and out of the area raise particular concerns about emergency response times and evacuation out of the area. An effective plan for emergency access (in and out of neighborhood/recreational areas) is crucial to ensure the safety of the community.
2. **Waste Lift Station Capacity:** The current waste lift station must be evaluated for its capacity and longevity to handle the increased waste generated by an additional 122 units to prevent future logistical, financial, and environment problems. The fiscal responsibility should not fall on the current Kingsview Estates residents in updating the lift station if it fails within a handful of years after the Sunset Pointe community is completed.
3. **Environmental Impact:** The development's impact on the environment, particularly soil conservation and wildlife habitats, need to be thoroughly evaluated. Preserving these ecosystems is vital to our community's well-being in regards to sustaining recreational access/tourism, safety, and erosion among other concerns.
4. **Zoning and Density:** The proposed development's zoning with the inclusion of allowing accessory dwelling units raise additional concerns. The increase in density potentially reaching 244 dwellings, may fundamentally alter the community to include impacts related to noise, light pollution, parking, traffic patterns, water/waste issues, access to recreation, impact on recreational areas/ecosystems, and again safety in and out of the neighborhood.

In conclusion, we urge the Planning Commission to complete a comprehensive and transparent review process that includes an updated traffic study, thorough evaluations of access points, waste lift station assessment, environmental impact, current zoning implications, plans for safe recreation access, increased traffic patterns, and emergency response/evacuation capabilities. Addressing these concerns is paramount to making informed decisions that prioritize the future of our growing community. Thank you for your time and consideration to these critical issues. We trust that you will evaluate the broader impact on our community when making decisions about the Sunset Pointe development.

Respectfully,
Heather and Eric Brown

Fruita Planning Commission,

I'd like to give you a little history of my time here in Kingsview Estates. I moved here in October of 1992. From the beginning I was surrounded by neighbors who looked out for each other. Our HOA unites all 88 homes in a common goal of family, friendship and community.

On an objective standpoint, the proposed 122 home subdivision on a 54 acres would be too impactful. The density would dwarf our existing 3 phases and its location would decimate the beauty of the surrounding area. This area has been a pristine recreational area for many years. The POD is out dated in the effect that this area is now used more and more by families and visitors. Increasing the volume of homes by 75% is far to excessive, particularly due to there being only one road in and out. One road for the existing 88 homes and the proposed 122, what effects will this have upon the wildlife, the serenity and beauty of this area. What are message are conveying to visitors? Fruita is for sale, for the right price you can have our treasures? I ask you to search your hearts while making the final decision regarding the denisty and amount of homes allowed. Would you want 122 homes built in this area? Would you want an additional 122 homes built in your neighborhood?

Sincerely,

Rob Frandsen



918 1/2 Squire Ct.

Fruita, CO 81521

970-858-0478

SEPTEMBER 30, 2023

PLANNING AND ZONING BOARD
FRUITA COLORADO

TO WHOM IT MAY CONCERN:

MY NAME IS JOHN POPHAM AND I LIVE AT 913 SQUIRE COURT IN FRUITA COLORADO IN KINGS VIEW ESTATES. I AM WRITING THIS LETTER IN OPPOSITION TO THE 120 HOUSE PROJECT BEING PROPOSED FOR THE SMOOKS BOTTOM AREA. THE REASONS FOR MY OPPOSITION ARE SPELLED OUT BELOW.

MY FIRST OPPOSITION IS DUE TO THE TRAFFIC THAT THIS PROPOSAL WOULD CAUSE. CURRENTLY OUR NEIGHBORHOOD IS VERY PRIVATE WITH ONE ROAD INTO AND OUT OF THE NEIGHBORHOOD. THE RESIDENTS VALUE THAT PRIVACY AS DOES THE CITY OF FRUITA. SO MUCH SO THAT KINGS VIEW DRIVE IS BLOCKED OFF BY THE POLICE FOR THE JULY 3RD FIREWORKS. IF THIS PROJECT GOES THROUGH, A NEIGHBORHOOD WITH ONE ROAD IN AND OUT WOULD HAVE A LOT MORE TRAFFIC. WITH THIS TRAFFIC WOULD COME NOISE. POLLUTION WOULD FOLLOW.

THE NOISE AND POLLUTION WOULD ELIMINATE THE TRANQUILITY THAT THE RESIDENTS VALUE. CURRENTLY, THERE ARE TWO NEW HOUSES AT THE END OF THE BLOCK THAT LOOK NOTHING LIKE THE ESTABLISHED HOUSES. THESE HOUSES COME WITH NEW "COOKIE CUTTER" HOUSES WOULD DAMAGE THE PROPERTY VALUE.

THE SECOND OBJECTION IS DUE TO SAFETY, AGAIN, I REFERENCE THE ONE ROAD IN AND OUT. BECAUSE OF THE LIMITED ACCESS, WE ARE NOT EQUIPPED TO HAVE MORE FAMILIES. JUST THIS SUMMER, WE HAD A FIRE AT THE CORNER OF HIGHWAY 340 AND KINGS VIEW DR. OUR ENTIRE SUBDIVISION NEEDED TO BE EVACUATED WITH ONLY A COUPLE OF MINUTES NOTICE. THERE IS NO WAY TO EVACUATE THIS NEIGHBORHOOD WITH ONLY ONE ACCESS POINT SAFELY. THE NEIGHBORHOOD ENDS CURRENTLY AT A CUL-DE-SAC. MANY PEOPLE RECREATE IN THIS AREA OUTSIDE. THIS WOULD NOT BE POSSIBLE WITH MORE PEOPLE.

LASTLY, WHEN MY FAMILY MOVED INTO THE NEIGHBORHOOD, WE WERE TOLD THERE WOULD BE NO CONSTRUCTION THAT WOULD BE IN THE NEIGHBORHOOD. THE VIEW IS VERY IMPORTANT TO THE PEOPLE HERE AND IS A MAJOR ASSET. IF SMOOKS BOTTOM IS DEVELOPED, OUR NEIGHBORHOOD WOULD BE BLIGHTED.

IT IS FOR THESE REASONS THAT I OPPOSE THE 120 UNIT HOUSING PROJECT IN FRUITA AT SMOOKS BOTTOM

SINCERELY



JOHN POPLHAM

October 2, 2023

Fruita Planning Committee
Attn: Dan Caris & Kelli McLean

I am writing in regards to the proposed Sunset Pointe subdivision. I have lived in Fruita, within Kingsview since 2001. In this time the city of Fruita has changed greatly. We have seen the development of many new neighborhoods, new commercial properties and of course, our tourism market. I have seen what an amazing job has been done, with representation of Fruita on CNN, within the pages of The National Geographic and a host of other sources. This has driven a great number of people to visit here. They come to experience "our" way of life. To ride or hike our trails, to raft our river and of course, to visit The Colorado National Monument. I have personally been in Moab and overheard people tell others that "Fruita is where you need to go, it's not destroyed or overcrowded". When these visitors finish riding the bike trails, taking the drive through the Monument, or have finished shopping in our historic downtown, where do they go? They come to "our" backyard. I don't use, "our" backyard to designate myself or my neighbors, but all of Fruita's citizens. This is where we ALL go to recreate. Tourists as well as residents of Mesa County go to Devils Canyon, Snooks Bottom, Pollock Canyon and the Paleontologist area. This is one of the reasons to live in this area. This PUD was accepted so many years ago, long before this area realized the growth and development it has achieved. Long before we became a recreational hub. When I moved here in 2001, I would go back behind the house and there was no one. Seldom would there ever be more than a few people within the entire area. Now, they come all days, all hours, they overflow the parking areas. This is good, people are enjoying what we of Kingsview have had for so long virtually to ourselves. I would like you to consider these things, the traffic we experience already then adding to it 122 new homes. The added pollution to the environment. The displacement and impact on wildlife.

I would also like you to consider that there is only one, permanent, designated, viable exit in and out of our 3 neighborhoods and this proposed neighborhood.

Myself, as well as every house along Kingsview Dr will be effected negatively due to the increased traffic. An emergency exit in a flood plain, as proposed, is unacceptable to the majority of residents, by in large, and seems insulting for the developer to even have suggested as a solution to our concerns. Consider that we already have 88 homes with only 1 exit in the event of an emergency. Consider the land use code that states there must be 2 permanent ways in and out of a neighborhood consisting of 76 homes or more.

Please keep in mind this was a PUD for over forty years. That there is additional land that will surely be developed by another owner once he has access which this proposal will create. Please consider that you, in your positions, should be stewards and conservationists of Fruita's national resources. You are called to protect these areas. Once they are gone, they are gone forever.

Understanding this may go forward regardless of my concerns and the concerns of others. I would propose that this development be limited to the addition of 25-52 homes. In this way we can preserve the beauty of this environment and it's surroundings. It is imperative to have two viable permanent entrance and exits to the four land filings this proposes.

Sincerely

Michael George



915 Squire Ct.
Fruita, CO 81521
970-778-7030

October 2, 2023

Fruita Planning Commission
City of Fruita
325 East Aspen Avenue
Fruita, CO 81521

RE: Sunset Pointe Subdivision

Dear Commissioners:

This is to express my concerns regarding the proposed Sunset Pointe Preliminary Plan intended to be heard at the October 10 meeting. In particular, concerns for the impacts on Kings View Road and Highway 340 and for the impacts on the existing sewage lift station. These concerns are based on my experience as a professional engineer providing land development consulting on many dozens of similar projects for the last 45 years (since 1978).

Regarding the impacts to Kings View Road – This roadway is the only means of ingress and egress for the entire Kings View Subdivision (88 existing lots), the riverfront development by the City of Fruita at Snooks Bottom Park, several trail heads and parking areas for access to McGinnis Canyon facilities and BLM trails, and another housing development farther down river near Horsethief Canyon.

The traffic study contained in the project documents is dated 2007 with an update in 2008. A 15 year-old study is not relevant for the current conditions. It mentions that Snooks Bottom is “currently being developed by the City of Fruita” and “has yet to be opened to the public”. My family and I have lived at 901 Crown Court in Kings View since we built our home in 1999. Since that time, and especially since the “Covid Era”, we have witnessed a tremendous increase in use for the Snooks Bottom Park and for the trail heads further west. Many of the parking facilities for these trailheads, which used to have only a few cars on weekends, now are often filled to capacity even on weekdays with users parking on the entry roads. This is obviously traffic unaccounted for in the existing study.

Even this outdated study recommends independent right and left turn lanes for Kings View Road at the intersection with Highway 340. I do not see those improvements proposed in the project pan set.

Regarding the impacts to the existing sewage lift station – this lift station is currently being used by the homeowners in Kings View and will be subject to an increase of 139%

O'Connor Design Group, Inc.

with the addition of 122 more single family homes (this means it will be pumping 239% of the current flows). It is hard to imagine that the current facility will be capable of that increase without significant improvement or complete replacement. That is something the current residents should not be called upon to participate in, now or at any time in the near future.

Thank you for your careful consideration of these and the many other concerns I have heard from my neighbors over the last few weeks since learning of the proposed development. We look forward to discussing these with you at the upcoming hearing.

Sincerely,



Patrick M. O'Connor, P.E.

Dave Karisny
 917 Squire Ct.
 Fruita Colorado, 81521

October 10, 2023

City of Fruita Planning Commission,

Thank you for the opportunity to comment on the Sunset Point PUD plan. The site of the development is unique to Fruita with features including rugged terrain, views of the Colorado National Monument, BLM/NCA Canyons, steep slopes, washes and drainages (which carry flash floods and provide wildlife habitat), river bluffs, and flood plain all adding to the natural beauty of the area. Jon Moir is a respected developer. We are hopeful the final PUD plan will keep the uniqueness of this special area of Fruita and enhance, rather than deter from its natural beauty.

This project is also unique, as it proposes to share a single access to Hwy 340 with the current Kingsview Estates, Filing 1, 2, and 3, Dolan replat, people using Snooks Bottom, the Disk Golf Course, BLM/NCA, McInnis Canyons, Devils/Kode! Canyon, Pollack Canyon, Pollack Canyon Subdivision, Horsethief Canyon State Wildlife Area, the Fruita Paleo Trail, Horse trailer parking to access the BLM, and the State of Colorado Hatchery. Current residents have continued to see an increase in the use of Kingsview Road consistent with the increased access to recreational and other uses of the City of Fruita, State, and BLM/NCA, areas that are accessed using Kingsview Road.

KINGSVIEW ROAD IMPROVEMENTS

Fundamental to any development is adequate infrastructure to support the needs of the development without a degradation of existing conditions. The 1996 annexation and approval of Kingsview Filing 3 of Kingsview Estates required George Pavlakis the developer to:

1. Bear the cost of the engineering and surveying required for the design and cost estimates relative to the improvements to be made to Kingsview Road. (King's View Estates Road Redesign prepared by James Lanford in 1996)
2. As a condition of approval of the subdivision by the City of Fruita, agree to participate in certain off-site improvements required to upgrade Kingsview Road from Colorado Highway 340 to Fowler Drive.
3. Agree to participate in the construction of Kingsview Road either financially or in kind by June 4, 1997. (Escrow Agreement for Improvements to Kingsview Road, recorded Book 2248, Page 227)
4. The Council indicated that no additional development after filing #3 would be approved until a second Kingsview entrance was provided.

Extractions:

1. Dedication of open space within the floodplain of the Colorado River to the City of Fruita
2. \$50,000 towards Kingsview Road improvements (escrow agreement recorded July 10, 1996).

The Lanford engineering study identifies road improvements to widen and address safety issues from Highway 340 to Fowler Drive and adds pedestrian sidewalks from Kingsview Drive to Fowler Drive. Over the years road impact fees and escrow funds from other users of Kingsview Drive had been pursued by the city, but the road improvements identified in the Lanford study never occurred. In 2003, the City of Fruita used some of the escrowed funds to do a complete overlay of Kingsview Drive from Hwy 340 to Fowler to "extend" the life of the road. In 2016, Colorado Department of Transportation, CDOT, added a de-excel lane to southbound Hwy 340 at Kingsview Drive and a left turn lane to northbound Hwy 340 at Kingsview Drive.

The Sunset Point development proposes to do partial improvements to Kingsview Road from Hwy 340 to Diana Ct. and identifies a gravel walking path that will be installed with the sewer line through the Fruita River Park (flood plain) as a secondary emergency entrance to Hwy 340. The improvements to Kingsview Road proposed, do address a single, obvious, safety issue of Kingsview Road; the negative curve near Hwy 340. It does not address other areas with curves, grades, and elevation changes that were never designed to handle the type and volume of traffic, (current and projected), that compromise the safety especially at intersections using Kingsview Drive. These areas only become more compromised with the combinations of winter conditions and poor drainage.

The developer proposed Kingsview Road improvements only consists of a portion of the road. A more complete and comprehensive improvement of Kingsview Road should be required from Hwy 340 through the existing development and beyond to address the safety issues with curves, grades, and elevation changes. Kingsview Road should be widened to 36' of pavement, with concrete pedestrian paths from Hwy 340 to Fowler Drive and continue to extend to the Sunset Point development.

It is great that the City of Fruita will get the opportunity to expand its trail system, adding a gravel trail through the flood plain and up the river bluff connecting from Hwy 340 ultimately to Devil's Canyon. However, this trail emergency entrance does nothing to address the day-to-day transportation needs of motorists using Kingsview Drive. The proposal should also include a comprehensive study addressing the feasibility of a second permanent entrance to Sunset Point.

The Kingsview area is surrounded by high arid desert topography, and in recent years we have become more concerned about the potential of wild fires due to the hotter and dryer summers, typically accompanied by high winds. In 2018, considering how close we are to the Disk Golf Course and Snooks Bottom, Kingsview submitted a petition asking to ban smoking in those areas. The Fruita City Council later voted to ban smoking in all parks and city owned public places. As a subdivision, our HOA has become more aware of controlling and removing potential fuel for fires. In June of this year, Kingsview Filing 1 was evacuated due to a fast-moving grass fire off Hwy 340. Lower Valley Fire positioned a tanker on Squire Ct. to knock down the fire and protect property. Again, considering our proximity to vast open spaces of potential fuels for fire, it seems prudent to plan for the possible evacuation of current and future developments, potentially all at the same time. This should be an additional factor when considering road improvements to Kingsview Road such as widening the road or constructing the pedestrian walk to act as second lane of traffic exiting the area if needed.

Kingsview Road has a 60 foot right away easement, providing a lot of room for potential improvements. Without comprehensive road improvements, more traffic will make an already unsafe road more unsafe. Without such improvements and addressing the feasibility of a usable second entrance, it is difficult to support this plan, certainly at the proposed density. Thanks again for the opportunity to comment on the Sunset Point land use proposal.

Dave Karisny

Karen N Katsos
936 E Grand Ave
Fruita, CO 81521

October 3, 2023

TO: Fruita Planning Commission

RE: Sunset Pointe Subdivision #202327

Dear Commission members

I have reviewed the documents posted on the Fruita Community Development Department's website regarding the proposed Sunset Pointe Subdivision. The first thing I noticed is that all of the data submitted was originally created and submitted between 2007 and 2008. Some of this data is now out of date. The traffic study was done in January and February of 2007. First these would be the slowest months for traffic all year long. Second, these traffic numbers will have increased enough since the traffic study was done to take another look at the number of trips along Kings View Road that pass the proposed development.

The lack of irrigation water and the plan to do all irrigation, even if they plan of low water using landscapes, with Fruita's potable water could be problematic. This will require a lot of additional water usage that must be supplied by the City of Fruita. Lawns should NOT be permitted, as they use a tremendous amount of water. We have been experiencing drought conditions on the Western Slope. As Fruita and the rest of the Western Slope develops and grows, the supply of potable (and non-potable) water must be monitored to ensure we can continue to supply water to any new developments. We also must keep in mind the requirement to come up with plans to reduce our water usage as the western states find themselves faced with the reality that the Colorado River Compact was based on numbers of acre feet that were never normal flows, and between drought conditions and climate change, we must continue to look ahead and plan for the future with our water usage.

How will 122 new homes in this development, and all of the other new residences being proposed in Fruita, affect the amount of sewage that must be treated without dumping partially treated water into the Colorado River. Will the new development requests require us to increase our sewage treatment capacity and how much will that cost. Are impact fees something to consider to help pay for the increased services that might be required?

A storm water management plan has not been done and there are 2 major drainages that pass through the proposed development. It looks like many lots would be in these drainages. If we have significantly more intense rain storms (as predicted with climate change) we should make sure all buildable lots are out of harms way.

I noticed that there will be some building lots on the north side of Kings View Road. This land drops off quite quickly right over a large flood plain. The Geologic study seemed to show (to my untrained eye...but with some understanding of geology) that the land there is composed of sand and silt, with some sandstone over 25 feet below the surface. (If I read the study correctly) I have witnessed multiple homes slide into the Pacific Ocean, homes slide down hills, and know that there have been many issues with homes perched on bluffs, cliffs and along rivers, creeks and adjacent to flood plains, sliding to their total destruction. We must be sure we approve only buildable lots.

With the proposed development being so close to the Colorado National Monument, fully shielded lighting should be required of all exterior lighting in the development. I think requiring all future developments to use fully shielded lighting is something to seriously consider. (Grand County, Utah including Moab, has adopted Ordinance 630, that requires all "exterior lighting to be designed, directed and shielded in such a manner that the light source is not visible beyond the

property boundaries”... See: moabdarks skies.com/outdoor-lighting-standards/) Their purpose is to “encourage lighting that protects our health and safety, and brings the beauty of the night skies closer to home and accessible to visitors.”

The proposed plan includes deeding the trails within and outside of the subdivision to the City of Fruita. What will be the costs for Fruita to maintain these trails?

The Project Narrative was written in 2007. The proposed cost of the homes in this subdivision was \$650,000 plus, in 2007. I am guessing that would make all of these homes close to or exceeding \$1,000,000. We have a housing crisis due to a lack of affordable housing. Where are the people who will provide services to these million-dollar homes live? Should the subdivision provide for housing that will be affordable for these service providers? If not, where will they live? Who will build them homes and how will they get to these million-dollar homes when they may not be able to afford their own personal transportation? Are we to become the next Telluride? Ouray? (Their service workers must be bussed in from Montrose daily). Does Fruita want to become an exclusive community for the wealthy? Providing housing that is affordable to service workers is a national issue and crisis (homeless???) We must think about the community as a whole. Most “affordable housing” would not be affordable for me and more than half of the residents in Colorado. We need to ensure that the low-income essential workers have places to live that are not miles away from where they work.

September 27, 2023

City of Fruita
Planning & Development
325 E Aspen Avenue
Fruita, CO 81521

To: Fruita Planning Commission
Re: Sunset Pointe PUD

I live in Kings View Subdivision and have for 12 years. The specter of John Moir actually building on the land he has had for many years, has been easy to ignore. While not ecstatic over the idea, I would rather he build the development than someone else less thoughtful.

That said, there are some things I would like to speak to since I cannot attend the scheduled meetings.

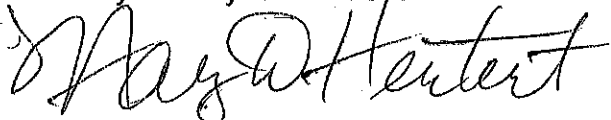
The first is the concept of single family homes vs diverse style housing. Ever since WWII, the people of America have held the sacred myth of owning a home on some land. It is apparent that myth bubble is breaking; there are more people than single family homes to house them. The whole of the Grand Valley is experiencing this same phenomenon. I personally want to see diverse housing with smaller, more compact houses or apartments replacing a percentage of the planned houses.

I'm talking from a selfish point of view. If I choose in the future to downsize from the 3-bedroom house I am currently in, I will have to move away from the place I've come to love. Having diverse housing styles allows those of us who don't want full-sized homes with lots, the opportunity to be in places so far only reserved for houses. It is also a way to open up more land in places where open space is precious. This is true not only for this project but in answer to whether agriculture land should be developed. Why not compress people so that more land can breathe?

The second concern I have are questions regarding the open space and walking path. In the Kings View Estates where I live, we have common land that isn't easily accessible by the public. Our HOA is responsible for maintaining insurance in case someone gets hurt, conducting some fire mitigation and weed control, and cleaning up trash left behind.

Since the path is a public path through the new subdivision, what controls are likely to be around the open space? Is the whole space open to the public or just the path? Will the city have jurisdiction? What happens if it gets trashed – will the Sunset Pointe HOA have determining power to close the path? How ultimately is that public path to be managed? I fully appreciate the extent John Moir's plan provides incredible public access to a good portion of this special land. To that end, I have vested interest in seeing that it is protected and treasured. I have whole art pieces devoted to the trash I've picked up from Snooks after parties.

Thank you for your attention



Mary Hertert
929 Crown Ct
Fruita, CO
Kings View Subdivision

From: [Henry Hemphill](#)
To: [Amanda Byers](#); [Kelli McLean](#); [Dan Caris](#); [Matt Carson](#)
Subject: RE: Urgent Appeal: Protecting Our Beloved Community and Natural Habitat (Application#2023-27)
Date: Monday, October 2, 2023 8:10:00 AM
Attachments: [image001.png](#)

Amanda,

Thank you for reaching out and providing written public comments on this application. Your comments will be entered into the record, given to the applicant, and provided to the Planning Commission and City Council.

Thanks,

Henry Hemphill
City Planner
970-858-0786



From: Amanda Byers <agwbyers@gmail.com>
Sent: Sunday, October 1, 2023 1:10 PM
To: Henry Hemphill <hhemphill@fruita.org>; Kelli McLean <kmclean@fruita.org>; Dan Caris <Dcaris@fruita.org>; Matt Carson <mcarson@fruita.org>
Subject: Urgent Appeal: Protecting Our Beloved Community and Natural Habitat (Application#2023-27)

Dear Planning Commission,

I trust this message finds you well, and I write to you today with a deep sense of concern and urgency regarding the proposed development off of Kingview Rd, Sunset Pointe, Application #2023-27. As a relatively recent member of this community, I have become acutely aware of the profound significance of the 54 acres of open space in question, which is currently accessible to the public. This land holds a special place in my heart and that of my neighbors.

It is my heartfelt belief that any development on this pristine land will inevitably disrupt the delicate ecosystem that exists within its boundaries. The thought of encroaching upon the habitat of the local wildlife fills me with a profound sense of sadness. Equally troubling is the potential reduction in public access to the picturesque trails and natural wonders that we currently cherish.

While I understand the necessity of housing developments in our modern society, I implore you to consider the larger context of our economic and environmental situation. It strikes me as profoundly irresponsible to approve a proposal for additional non-affordable, single-family housing in the face of pressing economic and environmental challenges. This proposal appears to prioritize short-term profit over the long-term well-being of our community and natural environment.

I beseech the Planning Commission to exhibit boldness and courage by either rejecting this proposal

outright or, at the very least, imposing limitations on the number of houses to be constructed, promoting the inclusion of affordable housing options, and instituting rigorous safeguards to protect the existing trails within this area. It is my fervent hope that we can transcend the conventional pursuit of profit and take a stand for the preservation of this environment, not only for the wildlife that currently calls it home but also for the benefit of future generations who deserve the opportunity to revel in the splendor of this magnificent land.

This land possesses the potential to serve as a haven for outdoor activities such as biking, hiking, and conservation, enriching the lives of our community members and enhancing our shared sense of place. I implore you to join us in safeguarding this cherished resource for the betterment of all.

I kindly request your thoughtful consideration of this matter, and I earnestly hope that the Planning Commission will rise to the occasion, demonstrating visionary leadership by protecting our environment and community for generations to come.

Thank you for your time and consideration.

Sincerely,

Amanda Byers
912 Patricia Ct, Fruita, CO, 81521
(503)290-9585

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Kelli McLean

From: Paula Miller <paula.p2_500@yahoo.com>
Sent: Sunday, October 8, 2023 6:37 PM
To: Kelli McLean
Subject: Kings View development

To the Planning Commission City of Fruita CO:

I would like to address the current possibility of developing more residential homes on East King View's area. It is my understanding that the developer has not had a current traffic study done because one was done in 2005. I live in the Kings View west and since moving in 2017 I can attest to an uptake in traffic in this amount of time. Snooks Bottom and the Devil's Canyon trail head bring in a steady stream of traffic especially during the summer time. It is definitely a popular tourist attraction and current residents enjoy the trails as well. I would like to request that another traffic study be done that reflects the current population increase in the city of Fruita and the outlying areas in addition to what an average of traffic flow could be if all 122 homes are built and the impact it could have to current residents. I may add here that when schools take up in the fall, the traffic increases from Hiway 340 into the city of Fruita which in some time frames bottle neck before the round-a-bouts that are currently in place.

In addition to this traffic study has a geological assessment and water assessment been analyzed and figured into the current landscape for land conservation purposes?

I am confident the planning commission has combed through the necessary zoning and specifics that qualify a developer to build. Speaking for myself and my husband, we are saddened to know that more building would degrade the landscape of the Colorado National Monument. We are dreading the thought of earth movers and other building machines that will impact the quality of the air we breathe, the congestion of the county road and other inconveniences we have obviously taken for granted.

Thank you for your time in reading my email and for making the best decisions for everyone that truly adores the great area of Fruita, CO.

Paula Miller

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10-8-23

Dear Planning Commissioners

I AM writing concerning the proposed subdivision adjacent to and West of the Kings View Subdivision off of Kings View Road.

I have lived in the Kings View Subdivision for the last 19 years. I AM very active and aware of the neighborhood and the nearby Swooke Bottom, Pollack Beach, Trailhead, Opal Hill Trailhead and Devil's Canyon Trailhead. The subdivisions on both side of Kings View Road and the trailheads only have Kings View Road as access & exit routes.

There are approximately 83 homes in the Kings View Subdivision. Adding 122 additional homes on 54 acres as proposed or 132 acres owned would be unwise and would cause significant negative impact to the current residents as well as future residents.

I understand the owner would like to make as much money as possible from the development of his property, but he will not be impacted by the ensuing consequences. I also understand that the City of Fruta would like to collect as much property tax and sales tax. But at what cost to the quality of life we have come to expect in Fruta?

This many additional homes in the location proposed would be both unwise and dangerous.

1. All 122 homes + 83 existing homes have only one entry and exit road, Kings View Road.

-2-

This road is also be the only entry and exit road to Devil's Canyon Trailhead, Opal Hill Trailhead, Pollack Bench Trailhead and Smoaks Bottom. These trails include special events at Smoaks Bottom that may involved up to 30 cars & busses. The trails can have up to 30 cars in the morning.

School busses and cars come down highway 340 and intersect with Kings View Road. The posted speed limit is 55mph on a downhill.

With the increased traffic going to work in the morning of 122 homes + 83 homes already present this will be a very dangerous for all involved including those at Red Rock Rodeo & Adventure. Accelerating from 0-60 to merge onto Highway 340 will likely result in 1 or more serious or fatal accidents in that location in the next 3 years.

In the winter with snow or ice on the road with cars lined up on an uphill slope will lead to more accidents.

Your approval of 122 homes in the proposed location with Kings View being the only entrance and exit will be a disaster & feel like a ghetto.

We want to live in Fruta, not Clifton

Forty homes on 4 acre lots might work

The development as proposed would be dangerous and unwise & appear as though no planning occurred

Respectfully Submitted Bruce Ricks 1675 F

970-999-2629

Drive

October 10, 2023

Re City of Fruita Planning Commission

Application #2023-27 / Sunset Pointe

Preliminary PUD Plan

Dear Planning Commissioners,

I am writing to ask you to be careful in your decision-making regarding Sunset Pointe PUD. I believe that further impact studies are warranted so an educated decision can be made.

Regarding Sunset Pointe's PUD, please consider:

- 1) The transportation impact study for Sunset Pointe was last revised 4/2008 prior to the completion of Snook Bottom! With an average of two vehicles per household (per datausa.io) this will likely put an additional 244 vehicles on Kingsview Rd (in my backyard). It is my understanding that Kingsview Rd. will be the only planned non-emergency access road to Hwy 340 at this time. Will there be another impact study or is the planning commission satisfied by the findings from over 15 years ago?
- 2) I am not a cartographer. Where exactly is the planned pedestrian/bike emergency access road going to intersect with Kingsview Rd? It appears to be either where the only natural drain and wildlife path is, or will it be where disc golf hole #3 is? This is directly west of a fantastically distinct turtle rock that hangs on to the cliff side.
- 3) How will the houses in filing 1A and 1B impact the wildlife in the river bifurcation near the pump house? Did you know there have been beaver there, and a river otter on the large island for at least the last two years?
- 4) How will the views from James M Robb state park and driving south on Hwy 340 towards the west entrance to the Colorado National Monument be impacted?
- 5) I appreciate that the limited "low density, fully shielded lighting" has been addresses but that along with the house lights will greatly impact the light pollution. Would it be possible to recommend motion sensors for the streetlights to help reduce this?
- 6) The PUD states "it will remain a unique entity separate from Kingsview HOA". However, lot A1 and lot A2 will only have access to their homes from Squire Ct. They will nearly completely block the street view of the river. Shouldn't they have to align with our existing HOA policies?
- 7) Filing 1A and 1B appears to eliminate "trail use" from Squire Ct to Snooks Bottom. The PUD states "the concept provides for walk through trails that will connect through these opens spaces." How will this blockade be addressed? Do these homes allow for the "5

feet rear yard setbacks” and if so, will there still be a Squire Ct. to Snooks Bottom trail available?

If this is not possible, I would like to request a bike/pedestrian path be built on the shoulder of Kingsview Rd from Hwy 340 to the entrance of Snooks Bottom. The suggested bike/pedestrian/emergency access road will be inaccessible to us. To access the planned pathway from our neighborhood we would have to walk on the side of Kingsview Rd with nearly no shoulder and significantly busier traffic.

- 8) My understanding is that Sunshine of Delta intends to develop the land, utilities, and roads only and will then sell the lots to individuals to develop at their leisure. This sounds like the land could be plowed and cleared without development, there could be many years of construction activity, noise, and dust in the neighborhood. Will a phase need to be complete prior to the next phase being cleared?
- 9) The PUD indicates that the proposed 122 single family homes will be “in the target price range of \$650,000 plus range.” I understand that Fruita is a desirable place to live but who will these homes be attracting? If a buyer was able to put 30% down on \$650k it would be a \$195k downpayment leaving \$455k to be financed. On a 30-year loan at 8.586% the estimated mortgage payment would be \$3,488/mo. not including the homeowner’s insurance or property taxes. That would require a minimum annual household income of \$126,000. The average income in Mesa County in 2020 was \$57,157. Is it possible that beautiful, pristine landscape adjoining the McInnis National Conservation Area, BLM land, recreation areas, the west entrance of the Colorado National Monument and my neighborhood will be plowed for no immediate purpose?

Please consider updating the impact study for traffic and transportation study at minimum. *Please walk this area*, especially filing 1A and 1B and consider the impact it has on the existing neighbors. We are blessed in Fruita to live in a beautiful small town that draws in visitors from near and far! Please consider the size of the PUD near our beautiful open spaces and consider, is this how we want to grow?

Sincerely,


Sara Ogdon and Anthony Molina

707-849-4372 & 707-490-7514

921 Squire Ct

Fruita, CO 81521

s.ogdon@yahoo.com

papatony247@gmail.com

Kelli McLean

From: Chris <chrisfromfruita@yahoo.com>
Sent: Wednesday, October 18, 2023 4:03 PM
To: Kelli McLean
Subject: Sunset Point

Follow Up Flag: Follow up
Flag Status: Flagged

This is the current alignment of the trail that goes from squire Court up to the Horsethief Road
I talked to the engineer at the public meeting and he thought that that might work but I just wanted to make sure that I
got into that to the record
Please get a hold of me if this doesn't make sense

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.



From: [Dan Caris](#)
To: [Kimberly Bullen](#); [Kelli McLean](#)
Cc: [Henry Hemphill](#)
Subject: Re: NO to Sunset Pointe PUD
Date: Thursday, November 2, 2023 7:03:19 AM

Thanks. We will put it in the packet.

Sent from my iPhone

On Nov 2, 2023, at 5:21 AM, Kimberly Bullen <kbullen@fruita.org> wrote:

Good morning Dan and Henry,

This email came to me but probably should have been sent to you or Henry as it pertains to Sunset Pointe PUD.

Kimberly Bullen

Begin forwarded message:

From: andrea surface <alsurf57@yahoo.com>
Date: November 1, 2023 at 9:31:14 PM MDT
To: Kimberly Bullen <kbullen@fruita.org>
Subject: NO to Sunset Pointe PUD

I'm a concerned resident of Kingsview Estates. We are losing the 'wonderful wildness' of the Fruita area. This intern raises safety concerns for not having the infrastructure in place prior to continued growth into the higher fire danger areas. The increased density of houses and visitors to this unique canyon area with only one road is of great concern.

I am all for the growth of Fruita as long as it is done with respect for the area and current residents. Increased fire risk, trash, noise, and light pollution in the shadow of a National Monument is sad and not appealing to visitors.

Enough said. Respectively

Andrea L Surface

918 Squire Ct

Fruita CO. 81521

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

A. CALL TO ORDER

Seven Planning Commissioners were in attendance. (Jessica Hearn, Michael Handley, Mel Mulder, Derek Biddle, Amy Miller, Josh McGuire and Patrick Hummel were present.)

B. PLEDGE OF ALLEGIANCE

Commissioner Biddle led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None

D. APPROVAL OF THE AGENDA

COMMISSIONER MULDER MOVED TO APPROVE THE AGENDA

COMMISSIONER HEARNS SECONDED THE MOTION

MOTION PASSED 7-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

June 13, 2023, Planning Commission meeting

September 12, 2023, Planning Commission workshop.

COMMISSIONER HEARNS MOVED TO APPROVE THE MINUTES

COMMISSIONER HANDLEY SECONDED THE MOTION

MOTION PASSED 7-0

H. HEARING ITEMS

Application #: 2023-27
 Project Name: Sunset Pointe
 Application: Preliminary PUD Plan
 Representative: Sunshine of Delta, Inc.
 Location: Parcel #2697-193-00-037
 Description: This is a request for approval of a Preliminary PUD Plan of a 122-lot subdivision on approximately 54 acres.

Commissioner Biddle introduced the application. He welcomed everyone to the meeting and went over the order of operations.

Mr. Henry Hemphill went up to the podium and gave the staff presentation.

Slide 1- Introduction

Slide 2- PUD Process

Concept Plan (Optional Step) – 17.19.030 (A)

- This step is optional.
- The Planning Commission and City Council both review the application in a workshop setting.
- Decisions and discussions are non-binding.

Preliminary PUD Plan – 17.19.030 (B)

- This step is required.
- The Planning Commission will make its recommendation to the City Council.
- As part of the Preliminary PUD Plan, the City Council shall enact an ordinance zoning the property to PUD.

Final PUD Plan – 17.19.030 (C)

- This step is required after the Preliminary PUD Plan.
- This application is reviewed administratively in accordance with review agencies and City Councils’ decision on the Preliminary PUD Plan.

Slide 3 – Planned Unit Developments

- “The purpose of this Chapter is to encourage flexibility and innovation in developments in exchange for a community benefit that could not otherwise be realized through the strict adherence to the Code.”
 - Section 17.19.010

Slide 4 – Application

- Application#: #2023-27
- Representative: Rolland Consulting Engineers
- Property Owner: Sunshine of Delta
- Location: Multiple parcels near Snooks Bottom & the Kings View Estates Subdivision

Slide 5 – Aerial View

Slide 6 – Application Description / History

- Preliminary Development Plan for Kings View Estates in the late 1970’s.
- Fruita annexed all the property in the 1990’s.
 - Failing wastewater treatment facility.
- Property already zoned for development at 1 dwelling unit per acre.
 - Zoning Ordinance is meant to refine land use elements.

Slide 7 – Development Plan

- 122 total acres.
 - Residential development clustered over 54 acres. (41% of site)
 - 64 acres preserved as open space. (48.8% of site)
- Primary access from Kings View Road
- Secondary emergency access provided to Highway 340.
 - Utilities, Pedestrian, Emergency access.

Slide 8 – PUD Deviations

- Proposes a six-foot detached sidewalk only along the major roads (Golondrina Way and Lucia Circle). Other roads will only have curbs and gutters.
 - The city requires sidewalks on both sides of the street for all rights-of-ways.
 - These roadways should include sidewalks on both sides of the street.
- 5’ rear yard setbacks on lots that back up to Open Space and a 15’ rear yard setback for all other lots.
 - MP Zone has a 20’ rear yard setback requirement.
- 8’ side yard setback.
 - MP Zone has a 50’ side yard setback requirement.
- The application proposes 1 dwelling unit per acre.
 - The MP Zone requires 1 dwelling unit per 2 acres.

Slide 9 – Code Requirements

Planned Unit Developments

- Section 17.19.030 (A)(1) (a-d)
- Comprehensive Plan
- Open Space preservation
- Flexibility
- Surrounding character

Subdivisions

- Section 17.21.040 (A) (1-5)
- Comprehensive Plan
- Compatibility
- Preservation of natural features
- Ability to resolve recommendations from reviewers.

Slide 10 – Code Requirements

- Review agency comments can be adequately resolved.
- No major concerns from:
 - Ute Water
 - Lower Valley Fire Department
 - CDOT
 - Xcel Energy

Slide 11 – Review Comments & Public Comments

- **REVIEW COMMENTS:**

- All review comments received are included with this Staff Report. All review comments must be adequately resolved with the Final Plat application.
- **PUBLIC COMMENTS:**
- Public Comments have been received.
- All comments received have been entered into the record.

Slide 12 – Staff Recommendation

- Because the application meets the requirements of Section 17.19.030 (A)(1) (a-d) and Section 17.21.040 (A) (1-5) of the Fruita Land Use Code, Staff **recommends approval** of the proposed Sunset Pointe Preliminary PUD Plan with the condition that the application adequately resolve outstanding review agency concerns with the Final PUD application.

Slide 13 – Suggested Motion

- Mr. Chair, because the application meets or can meet all applicable approval criteria for a Preliminary PUD Plan in accordance with the Fruita Land Use Code, I move to **recommend approval** of the Sunset Pointe Preliminary PUD Plan application to the Fruita City Council with the condition that all review comments are adequately resolved with the Final PUD Plan application in addition to the following conditions.
 - New Traffic Study recommendations be met.
 - Access Road to be built out of the floodplain area.
 - Sidewalk from Highway 340 to Snooks Bottom intersection
 - Allow the Kings View Estates HOA access to the emergency access area.

Slide 14 – Next Steps

Following Planning Commission

- City Council 1st Reading of the Zoning Ordinance – October 3, 2023
- City Council 2nd Reading of the Zoning Ordinance – November 7, 2023 (public hearing) – adoption of the PUD Guide.

If approved by City Council.

- Applicant has 180 days to submit the Final PUD Plan.
- Final PUD Plan sent out for review to ensure compliance with review comments.
- Decision is made administratively.

Mr. Hemphill concluded his presentation.

Commissioner Biddle thanked him and asked the applicant to speak.

Mr. John Moir, the applicant, introduced himself. He resides at 278 N. Mesa Street. He stated that he has owned the property since 2004 and saw potential with the PUD. He attempted his first application in 2006/2007 but withdrew it in 2008 due to the economy. He spoke about the importance of maximizing the utility and lay of the land, the need for sewer and an extension to the lift station, the idea of a second emergency access to the proposed subdivision, and the trail system. He stated that safety was his primary concern for the public. He added that working with the BLM was difficult. He spoke about the access from Highway 340 and the improvements, that there was a significant dip that they would be lifting and curvature that they

would be straightening. He added that this would most likely mean less speed control with a better alignment and that this would happen with filing 4. He then asked if Eric Slivon would speak about the engineering aspects of the proposal.

Mr. Eric Slivon from Rolland Engineering whose business address is 405 Ridges Boulevard went up to speak. He stated that he has been involved with the project since 2018. He stated that there were two lots off Squire Court and six lots off Fowler Drive. There would be one tap with Ute Water. He said that they were proposing a second water line. He spoke about the storm drainage and that they were planning on having water quality ponds close to the river. He added that the improvements at the entrance on Kingsview Drive would happen at the fourth filing.

Commissioner Biddle thanked him. He opened the meeting to public comment.

Mr. John Popham Jr., who lives at 913 Squire Court went up to speak. He stated that he had lived in Kingsview since 1995. He said that he bought a view and threw a house in and added that he could see the Monument on one end and Snooks bottom on the other. He was concerned about losing his view, the added noise and traffic movement. He spoke about the fire near Kingsview and that they had to be evacuated. With the addition of 122 new homes and one access point he wanted to know how they would be able to get out. He spoke about the Fourth of July fireworks and the PD setting up roadblocks. He wondered how they would all get out.

Mr. Andy Wheeler, who lives at 928 Laura Court went up to speak. He reiterated the concern about traffic and the emergency access. He stated that he sees horse trailers, bikers and a lot of traffic on Kingsview Road. He said that this area is a gateway to the Monument and recreation which adds to the traffic. He spoke about Fruita being a biking capital and felt it was encroaching on Kingsview Estates. He mentioned cutting the development in half.

Ms. Kathleen Morrison who lives at 909 Prince Court went up to speak. She stated that the map of Sunset Pointe gave her chills. She spoke about Paradise California where 80 people died from a fire because there was only one way out. She said that this frightened her. She said that she thought that first responders would have to unlock the secondary emergency access which could slow them down. She said that the traffic study was done years ago. She thought that the proposed subdivision had too many homes. She thanked the Commission.

Ms. Vicki Filz, who lives at 1666 Fowler Drive went up to speak. She stated that she had been a resident of Kingsview Estates for 22 years and loved it. She said that she cherished the environment and noted that Fruita was a smart growth community. She brought up the traffic study and said that she has seen traffic grow. She added that their area was a gateway to McGinnis Canyon and Snooks Bottom. She felt that traffic needed another access point. She also brought up rock blasting and was worried that this could affect their foundations.

Mr. Dave Karisny, who lives at 917 Squire Court went up to speak. He said that he lived in Kingsview Estates since 1990. He spoke about the history of Kingsview Estates and in 1996 the required road improvements scheduled for filing 3. He added that some of those improvements had been made and others had not. He spoke about the residents of Kingsview adding to the escrow account for improvements. He spoke about CDOT and their plan and about site distance

issues and drainage issues. He stated that the road improvements were only going up to Diane Court and should go to Fowler Drive and include detached sidewalk improvements. He had concerns about fires. He stated that they had to be evacuated due to a fire last June. He spoke about their 2018 petition to ban smoking at the disc golf course and Snooks Bottom because of the fire conditions. With the infrastructure he wondered if they would be able to get out. He spoke about the emergency access being in a flood plain and stated that it floods every year and said their ability to use it was questionable and asked for a second entrance. He mentioned the proposal of Accessory Dwelling Units for Sunset Pointe and wondered how many there would be, would there be restrictions, and how this affected the traffic study.

Ms. Judy Chmielewski, who lives at 919 Patricia Court went up to speak. She had concerns about the traffic study that was done in 2005 and felt that it was not fair to look at this. That this didn't affect just their neighborhood.

Ms. Connie Hale, who lives at 921 Prince Way went up to speak. She said that she felt they needed a new traffic study. She stated that she raised her family in their house and had 3 teens. She wondered how many more drivers there would be to add to the traffic.

Mr. Bruce Ricks, who lives at 1675 Fowler Drive went up to speak. He stated that he lived in his house for 19 years. He spoke about trailheads, parks, and wildlife. He said that Kingsview had 83 homes and that the applicant was proposing an additional 122 homes which he felt would have a significant impact on Kingsview. He understood that the owner wanted to make money and that the City of Fruita wanted the tax dollars but felt this subdivision was unwise and dangerous. He pointed out the entrance to Kingsview as a problem. He talked about traffic and the special events that took place at Snooks Bottom like a cross country race. He said it added school buses and additional cars onto the road. He said that Highway 340 was dangerous and talked about merging onto 340 from Kingsview and going from 0-60 mph would result in accidents. He spoke about the winter ice on Kingsview and the slope and felt it would lead to accidents. He thought that 40 homes would work better.

Mr. Jeffrey T. Miller, who lives at 918 Crown Court, went up to speak. He wondered if there had been any geology studies. He spoke about the rocks, additional dust and potential radioactivity in the soil. He also spoke about the bridges that were under repair and Redlands Parkway.

Ms. Mary Clawson, who lives at 926 Laura Court, went up to speak. She stated that Kingsview had a lot of traffic with Snooks Bottom and the trails. She said that there were a lot of recreational activity during the summer. She said that she was terrified of a potential fire and that more accidents would happen. She spoke about the Fourth of July fireworks and that it took hours for people to get out of the area through Kingsview. She stated that the fireworks display ended at 9:30 pm and that it took until 11:00 pm for people to get out.

Ms. Sarah Ogden, who lives at 921 Squire Court went up to speak. She brought a letter for the Planning Commission. She brought up the traffic study and felt that further impact studies were necessary. She wasn't sure where the emergency access was. She suggested that the subdivision lights have motion sensors to help with light pollution. She wanted trail access to allow current

neighbors access to open space. She asked about bicycle paths on Kingsview and mentioned that she would not allow her kids to walk along this road. She asked about the phasing of Sunset Pointe. She wondered if it was going to be one phase at a time or multiple phases going at the same time and talked about the construction, noise and dust. She wanted the Commission to consider a new traffic study and walkways.

Mr. Anthony Molina, who lives at 921 Squire Court, went up to speak. He spoke about the phases of the subdivision and connected it to the need for funds to pay for the project. He said that he looked at Google Earth and talked about the cliffs. He spoke about the wildlife with beavers a stones throw from the lots. He strongly opposed the subdivision. He wanted sewer and an access road. He spoke about the area flooding with the monsoon season. He also talked about the fires close by and was worried that they could be stuck. He said that the access road was in the flood plain and that this was not a good thing when the area was flooding. There were several filings he was against and suggested that they donate filing 1B to the City. He questioned the road improvements in filing 4 and stated that this needed to be done for everyone. He brought up that this subdivision would have a different HOA and that they could have a conflict.

Mr. Joe Chmielewski, who lives at 919 Patricia Court went up to speak. He talked about not having power with the state for a second access. He spoke about the covert dip at the bottom of Kingsview and added that it gets flooded. He added that the City of Fruita came out and had to clean there after a flash flood came through. If the covert was doubled it could further flood the road. He talked about tract E and F and wanted to know if this was going to be open land forever? Would this be documented? Would this be open to more homes in the future? He spoke about more traffic and thought this the subdivision would add another 300 more vehicles. He added that they love where they live. He had concerns about safety.

Mr. Patrick O'Connor, who lives at 901 Crown Court went up to speak. He reiterated the same concerns as the other residents in Kingsview. He mentioned specifically traffic impacts and sewage. He felt that the traffic study was old, and it did not reflect Snooks Bottom or the events there. He also said that the traffic study didn't talk about McGinnis Canyon or the trail heads in the paleo area. He mentioned an increase in recreational activity in these areas since COVID and with it an exponential increase in traffic. He said that the parking lots are always full, and the traffic study was not adequate. He also mentioned the emergency access being in a flood plain. He challenged the idea that the sewage lift station was running at 10% capacity and said that he had designed them but never at this capacity. He said that an additional 122 homes would increase the capacity by 3 times.

Ms. Rebecca Hobart, who lives at 920 Prince Way went up to speak. She said that she had lived in Kingsview for 16 years. She said that recreation was very important and that Kingsview was a entryway to it. She was proud that there is free access to the wilderness and that they had an obligation to protect that access and area. She asked them to be mindful. She felt that too many homes would detract from the quality of living in Fruita.

Mr. Eric Brown, who lives at 910 Crown Court went up to speak. He said that he has been living in Kingsview for almost 3 years. He spoke about the emergency access and wondered if there

was a parking lot for a staging area. He had concerns about families and how kids would get to school or the bike park safely. He added that Kingsview was still far from town, and he was concerned about the safety aspects of moving around, traffic and access to safety.

Commissioner Biddle asked if there were any other members of the public that wanted to speak? There were none. He closed the public comment portion of the meeting and asked the applicant to give rebuttal.

Mr. John Moir went up for rebuttal. He stated that he knew that traffic was a concern and that although the traffic study was 15 years old, he did not feel it was out of date. He spoke about ADUs and said that his vision was for the allowance of mother-in-law suites not as rentals. He also didn't feel ADUs would generate a lot of traffic and that their purpose would be to care of parents. He talked about the second emergency access being in the flood plain and that its purpose was to add an alternative to a second access. He addressed sidewalks and proposed pedestrian traffic potential go through the frisbee golf course alignment. As far as an alternative permanent access point, he said that no one has come up with any possibilities, that there were no feasible alternatives. He called up Eric Slivon to respond to the engineering questions.

Mr. Eric Slivon went up to speak. He spoke about the traffic study and that the study was conducted in 2007 and updated in 2008. He added that traffic studies do future projections with growth rates. He talked about how traffic studies are conducted, that they start with traffic counts and would include predictions. He said that they were willing to do a traffic study. He spoke about the emergency access and said that they could put in bollards or a gate that would have a lock, that the HOA could have a key. He stated that there would be very limited on the lights with a total of five being proposed at the intersections.

Commissioner Biddle thanked him.

Mr. Caris passed out some late public comments.

Commissioner Hearn requested a five-minute recess to look over the comments. The Commission recessed.

The Commission reconvened at 7:37 pm.

Commissioner Miller asked if the fire department reviewed the application?

Mr. Caris said that they did and did not have concerns.

Commissioner Miller brought up the locking emergency access.

Mr. Caris stated that Sunshine would retain ownership up to 50% and then the HOA would take it over. He suggested that something be put in the CC&R's,

Commissioner Miller asked Mr. Moir if he would be the exclusive builder and if it was a build to suit the situation.

Mr. Moir responded that he would not be the exclusive builder.

Commissioner Miller asked if it would be done one filing at a time or open?

Mr. Moir said that he would not wait until a filing was complete before selling or building on lots.

Commissioner Miller said that this was standard practice.

Commissioner Biddle wanted to know if it would be open to multiple builders and asked about an Architectural Control Committee (ACC).

Mr. Moir stated yes to both.

Commissioner Mulder asked about a max building height and asked if it was 25'.

Mr. Moir said it was. He said that they were going to primarily build southwestern type homes which are 20' tall or less.

Commissioner Mulder talked about the proposed emergency exit. He mentioned that at times about 2/3 of the golf course was under water. He talked about the trail being cut off on Squire Court.

Mr. Moir stated that they were going for connectivity with the pedestrian trail.

Commissioner Mulder asked about this being above the flood plain?

Mr. Moir said that it would not be totally out of the flood plain.

Commissioner Mulder asked about a parking lot.

Mr. Moir stated that for the trail from Kingsview to the south to access trailheads. They were proposing a parking lot to BLM property.

Commissioner Mulder wanted clarification if this was by Dolan's property.

Mr. Moir said no, he then showed the Commission where it was on the overhead map.

Commissioner Mulder stated that he had seen all of Mr. Moir's proposals and that he didn't see that he was taking responsibility for Kingsview Road. He asked if he was going to straighten out Kingsview by the bus stop?

Mr. Moir said that he was, all the way through the vertical curvature and horizontal.

Commissioner Mulder wondered why there wasn't a Concept plan. He stated that this had been a mess a long time and he was not going to make it work. He reiterated the emergency exit in

the flood plain. He said that he had seen it flood in the spring. He added that flashfloods fill up the road. He added that 122 homes would not help us get a City Market upgrade. He brought up the price of the homes at \$600,000 - \$700,000 and that those people would send their kids to charter schools. He wanted the project to be cut in half with more expensive homes. He spoke about needing an upgrade to the lift station. He said that he thought the plans for Kingsview Road were inadequate.

Commissioner Handley said that in 2008 they he felt that they did not anticipate this area as a destination for recreation to the degree in which it has become. He said that the parking lots have been filling up and that the traffic on the main road was not adequate for the traffic load. He thanked the public for coming out to speak at the meeting. He recommended a new traffic study be done which took into account the recreation and a need for a second access road.

Mr. Moir agreed to do a new traffic study with additional counts.

Commissioner Hearn spoke about a three-stage process and asked if the traffic study was part of this?

Mr. Sam Atkins, City of Fruita Engineering Department Director, responded. He said that they typically require a traffic study and that CDOT would need one for a new permit. He stated that it would establish new improvements that need to be made. He spoke about the sewer lift station and that Public Works said it was running at 10% capacity. The lift station was built with growth in mind. He talked about erosion and added that this would take place at the bridge area. He said that CDOT would not allow a connection off Highway 340. Only an emergency exit would be allowed.

Commissioner Handley wondered if there was any opportunity along 340 to provide access, maybe widen Kingsview Road.

Mr. Atkins said that there was no opportunity for this, only emergency access. He reiterated that the new traffic study would establish capacity and project a 20-year design with a growth rate.

Commissioner Handley asked if the traffic study showed that Kingsview Road needed to be widened if they had the right of way to do it?

Sam said that they did have the room.

Commissioner Hearn said it was not required to have a traffic study at the Preliminary Plan stage.

Mr. Atkins stated that some of this comes in at the Final Plan stage where they hold the applicant accountable for their design.

Commissioner Hearn asked if they needed to table for the study.

Mr. Atkins said that they could make a motion to approve with conditions.

Commissioner Hummel asked what a new road section would look like?

Mr. Atkins said that PUDs are negotiable. Kingsview would be 36 'with curb, gutter, and sidewalk.

Commissioner Hearn asked the City if 48% open space was an amenity and pointed out the topography. She wanted to know if the open space was developable.

Mr. Moir said that it was developable.

Commissioner Hearn asked if the City agreed?

Mr. Caris said he did think it was developable.

Commissioner Biddle asked about the traffic study and if they would be locked in?

Mr. Atkins gave details about density and traffic. He thought the traffic study would generate improvements to the intersection. He said that would not know until the study is performed.

Commissioner Hearn spoke about the underlying zoning district of Monument Preservation and felt that a PUD was already an improvement. She wanted clarity about what the MP zone meant.

Mr. Hemphill addressed the MP zone and gave details about it being the underlying zone district in the Land Use Code. He spoke about the history of the property. That it was originally a Mesa County project with 260 acres total. He added that there was a density of one dwelling unit per acre. He wanted the PUD to be clear with building heights and setbacks. The MP zone gave them a basis for analyzing the application.

Mr. Caris said that the City was opposed to using another entity's zoning and the shift was to what is currently in the Code.

Commissioner Hearn spoke about the original annexation of the property and said that they agreed that development would occur here.

Mr. Caris agreed with that. He then spoke about the filing plan stating that filings 1, 2 and 3 were lower in density and then with filing 4 they would be doing the improvements on 340 and Kingsview.

Commissioner Miller stated that if it were straight zoned it would be not nearly appealing and asked what that would look like?

Mr. Caris responded that it would have a prescriptive design.

Commissioner Miller asked if it would be sprawled out?

Mr. Caris said it would.

Commissioner Hummel asked about a height limit.

Mr. Caris said it was 35' max height.

Commissioner Miller asked if the open space was going to be HOA or City?

Mr. Hemphill stated that tracts E and F would be City.

Mr. Caris stated that the threat of redevelopment in those areas was not there.

Commissioner Hearn asked about the calculations and added that almost all the lots could have ADUs.

Mr. Caris said that ADUs were not part of the calculation.

Mr. Hemphill gave them the density calculations.

Commissioner Handley brought up the geology comment and asked if a study was done.

Mr. Moir stated that a soils study had been done.

Commissioner Handley asked if there was any radiation issue?

Mr. Moir stated that there was no pinpoint to radiation.

Mr. Caris said that they will have to supply a Gamma Radiation study.

Commissioner Handley brought up blasting.

Mr. Moir was unsure if they would have to blast and if they did it would be controlled. He brought up the example of Redlands Mesa and said that there were alternatives to blasting.

Commissioner Hummel thought that this was a well thought out development. He said he would like to see a new traffic study and that it would be nice to have sidewalks for connectivity to Snooks Bottom. He said he approved contingent to comments.

Commissioner Handley brought up the idea of raising the emergency road above the flood plain.

Commissioner Hearn talked about removing some lots to get closer to the one dwelling unit per acre.

Mr. Hemphill explained gross density versus net density. He added that the lots were clustered for a purpose. He brought up the filing plan and the purpose of making improvements at filing 4.

Commissioner Hearn thanked him for the explanation. She spoke more about the history of the project.

Mr. Moir explained that in 2018 burying the transmission lines was going to cost 2 million and since Excel was rerouting the transmission lines it made the project feasible.

Commissioner Hearn understood that the City approved it but the cost would have been untenable.

Mr. Moir said that it was approved in 2007 also.

Commissioner Hearn did not think that it was a good idea to build up the emergency access.

Mr. Atkins spoke about the idea of building up the emergency access.

Commissioner Mulder talked about CDOT and asked what a 20% increase would mean to the traffic study?

Mr. Atkins gave the example of the CO-OP and said a 21% increase would trigger turn lane improvements.

Commissioner Mulder thought that filings 1,2, and 3 would put it right at 20%.

Mr. Atkins said that a 20% increase wouldn't automatically generate improvements. It would require a traffic study.

Commissioner Mulder brought up construction traffic and that construction equipment would be going along Kingsview Road.

Commissioner Hearn broke the application down. She brought up 122 dwelling units and 48% open space. She talked about Fruita in Motion and the goals in the Comprehensive Plan. She stated that this development would be supported by goal #2.

Mr. Hemphill brought up that it was important to note that the Comp Plan identified this area as Monument Preservation zone. He then read the description of what the MP zone was.

Commissioner Hummel thought that bringing the 35' max height down to 25' would be beneficial.

Commissioner Miller thought that this would help the affordability and attainability of the properties.

Commissioner Hearn agreed. She thanked Mr. Hemphill for reading the description of the MP zone. She stated that she would be using the guide to help her with her decision. She added that she felt that the developer went through great lengths and that it was well suited to the area.

Commissioner Biddle stated that traffic was an issue and would be considered. He liked the overall design.

Commissioner Mulder brought up the need for a traffic study and improvements on Kingsview Road.

Commissioner Biddle added that sidewalks were critical.

Mr. Moir thought there was little value in sidewalks from Highway 340, he felt the value was in sidewalks from Squire Court and Fowler Drive to Snooks Bottom.

Commissioner Hummel stated that there was a bus stop and that a sidewalk should be extended there.

Commissioner Biddle thought the additional traffic would warrant sidewalks.

Mr. Moir stated that he heard them loud and clear and that it can be worked out.

Commissioner Biddle wanted to have restrictions and guidance.

Mr. Moir said that he understood.

Commissioner Miller asked if they had easements?

Mr. Caris said they did.

Commissioner Hummel thought that sidewalks on one side were fine for connectivity.

Commissioner Biddle stated that his concern was for the children.

Commissioner Hearn said that she liked the idea of southwestern style homes.

Mr. Caris asked her if it was the style or the height.

She said it was the idea of a lower profile home and asked if this was in the design standards?

Mr. Caris explained that they would regulate dimensional standards and density.

Commissioner Handley asked about the HOA.

Mr. Moir said that they would have design and architectural guidelines and it would be reviewed by a committee. They would establish design guidelines, review sets of plans, and give approvals. He added that they were leaning toward southwestern and California design with stone.

Commissioner Handley thought it would fit in.

Commissioner Hearn asked Staff if tax revenue was the City's desire with the project.

Mr. Caris said no.

Commissioner McGuire wanted to know if the traffic study came back with conditions for the intersection and roads and to whom is that addressed to?

Mr. Atkins said that the study could recommend intersection improvements because that is where the capacity hits.

Commissioner McGuire brought up Kingsview Drive funneling 220 homes, he wanted to know if there was potential for a turn lane to Fowler Drive?

Mr. Atkins Spoke about right of ways, collector roads, and gave examples of Pine and Ottley and their capacity for turn lanes.

Commissioner McGuire thanked him.

Mr. Atkins said that a traffic study for CDOT was for CDOT itself and not internal to the subdivision. He said that they could make a motion and approve with conditions.

Commissioner Biddle thanked the crowd for coming. He said that they would take their rights into account.

Commissioner Handley asked the Staff for help in formulating a motion.

Mr. Hemphill put the suggested motion on the screen.

Commissioner Hearn brought up the raising of the emergency address road for flood buffering.

Commissioner Mulder talked about developer responsibility versus City responsibility.

Mr. Caris said that he would not parse out responsibilities, that this would take place for the filings and that they will need to see those designs.

Commissioner Mulder asked what the developer's responsibilities were.

Mr. Caris talked about the Transportation Impact fees. He brought up CDOT recommendations and filing 4 in relation to the improvements.

Commissioner Mulder asked if improvements to Kingsview Road were part of the development?

Mr. Caris said it was.

Commissioner Hearn addressed the meeting attendees. She said that she was leaning on the Community Plan and Code for the decision and that she had to trust the experts. She stated that the development far exceeded the Monument Preservation standards with goals in mind. She let

them know that she had heard them, that she has been to their area and that they gave her a lot of good information.

Commissioner Biddle said that he spent an hour up in their area.

COMMISSIONER HEARNS MOVED TO RECOMMEND APPROVAL OF THE SUNSET POINTE PRELIMINARY PUD PLAN APPLICATION:

MR. CHAIR, BECAUSE THE APPLICATION MEETS OR CAN MEET ALL APPLICABLE APPROVAL CRITERIA FOR A PRELIMINARY PUD PLAN IN ACCORDANCE WITH THE FRUITA LAND USE CODE, I MOVE TO RECOMMEND APPROVAL OF THE SUNSET POINTE PRELIMINARY PUD PLAN APPLICATION TO THE FRUITA CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS ARE ADEQUATELY RESOLVED WITH THE FINAL PUD PLAN APPLICATION IN ADDITION TO THE FOLLOWING CONDITIONS

- NEW TRAFFIC STUDY RECOMMENDATIONS BE MET
- ACCESS ROAD TO BE BUILT OUT OF THE FLOODPLAIN AREA
- SIDEWALK FROM HIGHWAY 340 TO SNOOKS BOTTOM INTERSECTION
- ALLOW KINGS VIEW ESTATES HOA ACCESS TO THE EMERGENCY ACCESS AREA

COMMISSIONER HUMMEL SECONDED THE MOTION

MOTION PASSED 6-1

I. OTHER BUSINESS

1. Community Development Updates

Mr. Caris invited the Planning Commissioners on a tour to the Beach property next week on October 17, 2023. He also let them know about a joint workshop with City Council next month on November 14.

2. Visitors and Guests
None

3. Other Business

Adjournment 9:18 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita

DRAFT



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER

DATE: NOVEMBER 7, 2023

AGENDA TEXT: 2024 BUDGET PRESENTATIONS – Quality of Place and Community Wellness, and Personnel and Employee Retention – *Assistant City Manager Shannon Vassen*

BACKGROUND

A draft copy of the City Manager’s 2024 Recommended Budget was presented to the City Council at the workshop on September 26, 2023, and has been discussed at the last two City Council meetings. An updated copy of the budget (updated in October) has been added to the City of Fruita’s website here: [Fruita Municipal Budgets](#). Over the next several meetings, including this meeting, budget presentations will be made on the components of the 2024 Budget. For this meeting, staff will be covering highlights from the following chapters:

- Quality of Place and Community Wellness
 - Parks and Recreation General Fund – Pages 196 – 231
 - Fruita Community Center Fund – Pages 266 – 317
 - Public Safety General Fund – Pages 142 – 166
- Employee Retention and Personnel
 - All Funds Summary – Pages 22 – 36
 - Transmittal Letter – Pages 3 -8
 - All Funds

FISCAL IMPACT

The 2024 City Manager’s Recommended Budget is intended to provide resources for and to support the Fruita Strategic Plan. The Budget is the primary fiscal document for allocation of resources for the provision of services to the community and has significant fiscal impact.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Annual Budget provides the work program and fiscal plan for the City of Fruita for the 2024 fiscal year, and supports the goals and priorities identified in the strategic plan by the Fruita City Council. Efforts have been made in preparation of the budget to provide the necessary financial resources to accomplish these goals and objectives of the City, as they have been defined through input from the City Council and the public.

OPTIONS AVAILABLE TO THE COUNCIL

This item is for information purposes and to obtain feedback and comments on the proposed budget. No additional action is needed.



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: Mayor & City Council

FROM: Ciara DePinto, Communications & Engagement Specialist

DATE: November 7, 2023

AGENDA TEXT: Establishing a Committee to Review Possible “Localism” Board

BACKGROUND

At the October 3, 2023, City Council meeting, the City Council determined they would seek out individuals with a vested interest in Fruita, business owners and residents—specifically those people who have put forth effort engaging in the community over the years to help residents realize the amenities and activities occurring in the City—to be part of a committee to evaluate the creation of a possible “Localism” Board to replace the Downtown Advisory Board. This item is for Council to discuss any applications received and invitations extended for continued steps in forming this committee.

As of November 7, 2023, the City of Fruita has received seven applicants from interested community members to serve on the Localism Committee. Each applicant’s submission can be found attached.

Current Localism Committee Applicants:

- Sammie T
- Shanachie Carroll
- Tori Miner
- Denise Hight
- Joan Robinson
- Terri Potente
- Elizabeth Nunn

At the September 26, 2023, City Council Workshop, City Council directed staff to schedule a discussion for the Council at this meeting regarding establishing a committee to review the possible creation of a new City Board, the “Localism” Board. This Board, if created, would replace the Downtown Advisory Board (DAB). City Council discussed inviting the current members of the DAB and a mixture of past DAB members, past Council members, or others who have strived to increase residential involvement in the community to participate in a working committee, appointed by City Council, to review the purpose and creation of a new Localism Board. This item is for City Council to discuss the steps to appoint the committee.

During 2023, City Council has met with each Board and Commission, both receiving updates from each Board and discussing the priorities and efforts of each Board. At the September Workshop, City Council

debriefed the action items from each discussion and determined the next step with the DAB is that it has fulfilled its purpose and the need to explore the transition of that Board to one that focuses more broadly on “localism” to be an extension of the City’s communication efforts and further reach residents and increase the number of residents engaging with the community.

Shanachie Carroll

Shanachiecarroll@gmail.com

Submission Date Oct 13, 2023 1:21 PM

Name Shanachie Carroll

Address 1199 Wolf Creek Ct
FRUITA, CO, 81521

Phone Number (970) 201-8823

Email Shanachiecarroll@gmail.com

Why are you interested in the Localism Committee? I am a local and highly involved and invested in the community. I grew up in Fruita and have lived here for around 23 years. I went to all the local schools. I am currently employed as the regional branch manager for Mesa County Libraries and I oversee the operations of the Fruita branch library. I also own a small business in the community and I serve on the Parks and Rec advisory board.

Are you presently on a board or commission? If so, which one? Parks and Rec advisory board

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying. I'm a community builder, trained in using Design Thinking to build things that the community wants and will use. I have professional research skills and I'm very tech savvy. I have an interest in Fruita and a desire to represent the community, particularly locals.

Additional information or references you believe may be helpful in considering your application. I was recruited by Councilor Ken Kreie. Former Councilors Kyle Harvey and Karen Leonhart can speak to my character.

Denise Hight

hightswrite@gmail.com

Submission Date Oct 16, 2023 1:53 PM

Name Denise Hight

Address 724 Galena Drive
Fruita, CO, 81521

Phone Number (970) 858-6375

Email hightswrite@gmail.com

Why are you interested in the Localism Committee? I love Fruita, and I want to spread the word to our local residents about all the amenities there are in our wonderful town.

Are you presently on a board or commission? If so, which one? Fruita Historic Preservation Board

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying. I have written many articles and co-written three books about Fruita.

Joan Robinson

pedalsup@gmail.com

Submission Date Oct 24, 2023 5:28 PM

Name Joan Robinson

Address 826 Jasper Drive
Fruita, Colorado, 81521

Phone Number (414) 975-5109

Email pedalsup@gmail.com

Why are you interested in the Localism Committee? Ever since I moved to Fruita 9 years ago, I have been interested in the City of Fruita and the surrounding community. I would encourage cautious growth by attracting the right kind of business to the community.

Are you presently on a board or commission? If so, which one? Comstock HOA board

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying. I am a very friendly and outgoing person and I listen to what people have to say. I am very positive, and I believe you can work hard but still have fun. I am a team supporter and builder. I love and am very interested in the City of Fruita.

Additional information or references you believe may be helpful in considering your application. My neighbor Becky Chesnut (801) 554-8770 knows how I operate on a daily basis. We became friends when she and her husband moved to Fruita 6 years ago. If you would like more references, please ask. I enjoy working with and meeting people.

Elizabeth Nunn

elizabeth21641@gmail.com

Submission Date Oct 29, 2023 9:20 PM

Name Elizabeth Nunn

Address 1136 Sunflower Ave
Fruita, Colorado, 81521

Phone Number (970) 639-2245

Email elizabeth21641@gmail.com

Why are you interested in the Localism Committee? One of the reasons is that I am committed to building community in Fruita. In order to do so, the art of inclusivity and and the ability to reach out to all residents need to be developed and practiced. Focus groups are developed from needs and interests assessments and determine areas of involvement of the community. To me, these areas of interest arise from residents and are then addressed and implemented by the City.

Are you presently on a board or commission? If so, which one? No.

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying. As a crisis intervention specialist for over 40 years, I've developed an interesting skill set. Focus was domestic violence, suicide prevention, and child abuse. Some of those skills and more I now teach to volunteers at HopeWest. My skills include empathy, diplomacy, crisis resolution, listening, honesty, and respect for others. I received an M.Ed. from North Texas U. in 1977. But as earlier stated, my focus is building community.

Additional information or references you believe may be helpful in considering your application. Lisa Ortner, Director, Volunteer Services, HopeWest 970-257-2376 ext. 2376
Shanachie Carroll, Dir. Fruita Library Services shanachiecarroll@gmail.com
Kyle Harvey, Lithic Bookstore kharvey@fruita.org
Kristine Hicks, Vol. Services coordinator, HopeWest volunteerservicesgjstaff@hopewestco.org.

Terri Potente

tpotente_2000@yahoo.com

Submission Date Oct 28, 2023 6:16 PM

Name Terri Potente

Address 1330 Monument Court
Fruita, CO, 81521

Phone Number (970) 201-1865

Email tpotente_2000@yahoo.com

Why are you interested in the Localism Committee? I love living in the City of Fruita. I have been here for 24 years. I have a vested interest in keeping the culture of Fruita the same friendly, warm, welcoming place that I was introduced to 24 years ago, and I believe this can be accomplished by involved new residents in the future of the town.

Are you presently on a board or commission? If so, which one? Livability Commission

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying. Love of Fruita; former President of AARP and somewhat responsible for introducing AARP Colorado to the beauty, importance, and positive impact of our town on people aged 55 and older. Former Recruitment Manager of Mesa County RSVP and served on that Board for 15 years. Connected to numerous nonprofits in Mesa County.

Sammie T

niphadopsis@icloud.com

Submission Date Oct 6, 2023 6:06 PM

Name Sammie T

Address 1063 Adobe View Way
Fruita, CO, 81521

Phone Number (801) 330-4656

Email niphadopsis@icloud.com

Why are you interested in the Localism Committee? I moved to Fruita in May of 2019. I immediately fell in love with the city and started trying to learn about it. I'm still a novice at knowing the city but take every chance I have to learn more. This is now my home and whatever I can do to help count me in.

Are you presently on a board or commission? If so, which one? I am not on any Fruita boards but I am on the Board of the Grand River Mosquito Control District.

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying. I spent my entire working career as an entomologist. I managed the Salt Lake City Mosquito Abatement District for 38 years. As a retiree now calling Fruita his home, my best qualification is a Desire to keep Fruita as great a place as when I arrived 4 years ago and maybe help keep things vibrant with a new set of eyes.

Additional information or references you believe may be helpful in considering your application. I recently completed the first 'Fruita Academy'. I learned a lot about the city and learned that the city uses a number of boards and commissions to help the city council and staff receive input from Fruita's citizens. I love the smaller town structure where individuals can be heard and contribute. I believe I have the time and interest in contributing.

Tori Miner

torielizabethminer@gmail.com

Submission Date Oct 14, 2023 9:09 AM

Name Tori Miner

Address 151 S Orchard St
Fruita, CO, 81521

Phone Number (219) 241-5449

Email torielizabethminer@gmail.com

Why are you interested in the Localism Committee? I am interested in the Localism Committee because I really care about Fruita. I have worked downtown Fruita for the last 7 years and have lived here for the last 5. This town is my home, and I want to be involved in where it's going.

Are you presently on a board or commission? If so, which one? No

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying. I work at Bestslope Coffee and have for the past 7 years, and I feel like through this job I see so much of the downtown and local life of Fruita. Being a coffee shop, we draw in locals as much as we draw in tourists, so I have a wide view of the Fruita experience. I hear from all sides about what they like, what they don't, and what they hope to experience here.

I also am involved with Cavalcade and help promote, book, and run events at the venue.

Additional information or references you believe may be helpful in considering your application. References:
Jeannine Purser (970-260-6413) - I assist her in Cavalcade operations. I believe strongly in what Cavalcade does for this community, and I want to help it thrive as much as I can!

Tom Griffith (970-773-0443) - Owner of Bestslope Coffee. I have worked with Tom since the business opened, and I have worked closely with him over the years to develop the coffee shop into what it is today.



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: NOVEMBER 7, 2023

AGENDA TEXT: EXECUTIVE SESSION – To convene in Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. Sec. 24-6-402(4)(a) for the possible sale or lease thereof with regard to the redevelopment of 169 N. Mulberry Street

BACKGROUND

The City Council has reason to convene in Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. Sec. 24-6-402(4)(a) for the possible sale or lease thereof with regard to the redevelopment of 169 N. Mulberry Street. To convene in executive session, state law requires that a motion with specific language requesting the executive session be passed with 2/3 of the governing body voting in the affirmative for said motion.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

N/A

OPTIONS AVAILABLE TO THE COUNCIL

N/A

RECOMMENDATION

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

- **MOVE TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS AND PURSUANT TO C.R.S. SEC. 24-6-402(4)(A) FOR THE POSSIBLE SALE OR LEASE THEREOF WITH REGARD TO THE REDEVELOPMENT OF 169 N. MULBERRY STREET**

ANNOUNCEMENT NO. 1

**ANNOUNCEMENT TO BE MADE BY MAYOR
AT THE BEGINNING OF THE EXECUTIVE SESSION
(MAKE SURE THE TAPE RECORDER IS TURNED ON;
DO NOT TURN IT OFF DURING THE EXECUTIVE SESSION
UNLESS SO ADVISED BY LEGAL COUNSEL.)**

It's November 7, 2023 and the time is _____. For the record, I am the Mayor, Joel Kincaid. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

_____.

This is an executive session for the following purposes:

To convene in Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. Sec. 24-6-402(4)(a) for the possible sale or lease thereof with regard to the redevelopment of 169 N. Mulberry Street

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

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

ANNOUNCEMENT NO. 2

***ANNOUNCEMENT TO BE MADE BY THE MAYOR
BEFORE CONCLUDING THE EXECUTIVE SESSION
(WHILE THE SESSION IS STILL BEING RECORDED)***

I hereby attest that this recording reflects the actual contents of the discussion at the executive session and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings Law.

_____ I will have the Deputy City Clerk retain the recording for a 90-day period.

***OR
(if City personnel was the
subject of the session and
was not present at the session)***

_____ I will retain the tape in my possession for a 90-day period.

The time is now _____, and we now conclude the executive session and return to the open meeting.

(stop recording and return to open meeting)