AGENDA

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

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS
   A. PRESENTATION – Fruita Teachers/Students of the Month for May 2023: Fruita Monument High School
   B. PROCLAMATION - Proclaiming May 6 - 12, 2023 as "Teacher Appreciation Week" in the City of Fruita to be accepted by School District #51 Executive Director Angela Christensen, PhD
   C. PROCLAMATION - Proclaiming May 15, 2023 as "Peace Officers Memorial Day" and the week of May 15 through May 21, 2023 as "National Police Week" in the City of Fruita to be accepted by Fruita Chief of Police David Krouse
   D. PRESENTATION - United Way of Mesa County Award to the City of Fruita
   E. PROCLAMATION - Proclaiming May 2023 as "Grand Valley Bike Month" and May 3, 2023 as "Bike to Work Day" in the City of Fruita to be accepted by Parks and Recreation Director Marc Mancuso
   F. PRESENTATION – Fruita Tourism Advisory Council

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 Joint Fruita Housing Authority and Fruita City Council meeting of April 4, 2023

B. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant Liquor License – Malt, Vinous and Spirituous for Fiesta Guadalajara located at 103 Highway 6 & 50

C. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Beer and Wine Liquor License for Camilla’s Kaffe located at 206 E. Aspen Ave.

D. RESOLUTION 2023 – 12 - A Request to Approve a Resolution Amending the 2023 Budget and Transferring Funds from the General Fund Contingency Account for Building Department Expenses and Mountain Water Expenses.

E. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Mark Hamlin to the Fruita Tourism Advisory Council (FTAC) for a three-year term to expire in May of 2026

7. ACKNOWLEDGEMENTS OF APPOINTMENTS OF 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) SPECIAL EVENT LIQUOR PERMIT APPLICATION - A request to approve a Special Event Liquor Permit application for the Colorado Riverfront Foundation, Inc. to sell alcohol beverages at the James M. Robb - Colorado River State Park 2023 Summer Concert Series on Friday, June 2, 2023 and Saturday, August 12, 2023 from 5:00 to 10:00 pm on both nights - Deputy City Clerk Deb Woods

2) SPECIAL EVENT LIQUOR PERMITS APPLICATION – A request to approve an application from the Colorado Plateau Mountain Bike Trail Association (COPMOBA) to provide a beer garden at the combined 2023 events of Fruita Tire Festival and CO2UT Gravel Bike Race at Civic Center Memorial Park located at 325 E. Aspen Ave – Deputy City Clerk Deb Woods

B. LEGISLATIVE HEARINGS

1) RESOLUTION 2023-11 - Public Hearing – Amending the 2023 Budget with Supplemental Appropriations of Funds for Capital Projects, Repairs at the Fruita Community Center, Parks Repair and Maintenance, Youth Activities, and Special Events and Projects; and a Supplemental Appropriation of Funds for Completion of a Capital Project Initially Included in the 2022 Annual Budget - Assistant City Manager Shannon Vassen

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER'S REPORT

10. COUNCIL REPORTS AND ACTIONS

A. Council Reports and Actions

B. EXECUTIVE SESSION – To convene in Executive Session to discuss the consideration of an offer to purchase and the process for sale of real property owned by the City, specifically Enoch’s Lake real property and its water rights pursuant to C.R.S. 24-6-402(4)(a), to develop a strategy for negotiations and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) and to receive legal advice from the City Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding the same and an to discuss the consideration of a possible sale of real property owned by the City,
specifically property to smaller parcels located near Enoch’s Lake, as a separate transaction pursuant to C.R.S. 24-6-402(4)(a), to develop a strategy for negotiations and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) and to receive legal advice from the City Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding the same.

C. EXECUTIVE SESSION – To convene in Executive Session to receive legal advice from the City Attorney regarding specific legal questions concerning City Boards and Commissions pursuant to C.R.S. Section 24-6-402(4)(b)

11. ADJOURN

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

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact the City Clerk’s Office at 970-858-3663 within 48 hours prior to the meeting in order to request such assistance.
TO: Fruita City Council and Mayor
FROM: Debra Woods, Deputy City Clerk
DATE: May 2, 2023
AGENDA TEXT: Presentation – Fruita Teachers/Students of the Month for May 2023: Fruita Monument High 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 typically 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 May 2023, FMHS School Principal Todd McClaskey selected one student to be recognized and the FMHS Class of 2023 selected one teacher:

- Student: Anna Paul, Senior
- Teacher: Chris Harvey, AP Modern World and American Government

Mayor Kincaid will present the Student and Teacher of the Month with a certificate and day pass to the Fruita Community Center.
Outstanding Student for the Month of May, 2023

Anna Paul

Anna is graduating ranked #1 in the FMHS Class of 2023 with a 4.451 GPA. She will have taken 14 Advanced Placement courses when she graduates. Anna is the Captain of our nationally-ranked POMS team and is a member of our Fruita Medical Missions Abroad Club, Key Club and National Honor Society.

Anna has been accepted to Colorado College and is waiting to hear from Princeton and Northwestern before making a decision on where to pursue a degree in Neuroscience and Pre-Med.

Anna is being recognized by The Fruita City Council for outstanding academic achievement and excellence. Thank you for making us proud!

May 2, 2023

Joel Kincaid, Mayor
Outstanding Teacher for the Month of May, 2023

Chris Harvey

Chris Harvey has been selected by the Class of 2023 as the senior class teacher of the year. Mr. Harvey teaches AP Modern World and American Government. Mr. Harvey was also selected by his colleagues to serve on the FMHS shared decision team and sponsors the Wildcat Hiking Club. He has been a social studies teacher at FMHS for the past six years and has been in public education for eleven. He will speak at this year's commencement ceremony on behalf of the Class of 2023.

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

May 2, 2023

Joel Kincaid, Mayor
WHEREAS, Mesa County Valley School District 51 employs 2,780 teachers and staff currently serving 20,851 students in 47 schools throughout the Grand Valley; and

WHEREAS, teachers work hard in schools throughout the nation every day to provide a safe, high quality, and stable learning environment for children; and

WHEREAS, the education teachers provide has the power to strengthen our economy and our society as a whole by growing students who graduate prepared to become successful members of society and the workplace; and

WHEREAS, our future is written in schools across our country, and teachers should be held in high public esteem, reflecting the value placed on their skills and abilities, and the importance of public education.

NOW, THEREFORE, BE IT RESOLVED THAT THE FRUITA CITY COUNCIL PROCLAIMS MAY 8 – 12, 2023, AS:

Teacher Appreciation Week

throughout this community and calls upon all members of our community to express their appreciation for the educators who engage, equip, and empower our learning community today for a limitless tomorrow.

IN WITNESS WHEREOF, I hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 2nd day of May, 2023.

________________________
Joel Kincaid, Mayor
Proclamation for National Police Week 2023

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of our local law enforcement agencies, to include the Mesa County Sheriff’s Office, the Grand Junction Police Department, the Palisade Police Department, the Fruita Police Department, Collbran Marshal’s Office, De Beque Marshal’s Office, and the Colorado State Patrol; and

WHEREAS, approximately 55,000 assaults against law enforcement officers are reported on average each year, resulting in more than 16,000 injuries; and

WHEREAS, since the first recorded death in 1786, more than 23,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including five from local law enforcement agencies: Mesa County Sheriff Deputy Edward Innes was killed on September 27, 1906, during an inmate jail escape, Colorado State Patrol Sergeant Wesley Rosette was killed in a crash on January 31, 1951, Fruita Police Department Acting Chief Dan Dalley was killed in a motorcycle crash in June 2001, Deputy Derek Geer, of the Mesa County Sheriff’s Office, died after being shot by an armed suspect in February of 2016, and Sergeant Wayne Weyler lost his battle to COVID-19 in December of 2021; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 224 officers were killed in the line of duty in 2023, seven of whom were fallen Colorado heroes: Officer Dillon Michael Vakoff of the Arvada Police Department, Officer James Miller Campbell of the Colorado Game and Fish Department, Officer Robert Eugene Sandoval of the Denver Police Department, Officer Peter A Walsh of the Denver Police Department, Officer Frank Sam Potestio of the Denver Police Department, Deputy Andrew Steven Perry of the El Paso County Sheriff’s Office, and Undersheriff Marion Ernest Sanders of the El Paso County Sheriff’s Office. Their names will be added to the National Law Enforcement Officers Memorial located in Washington, D.C., this year; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day and the week of May 15 through May 21, 2023, is National Police Week.

THEREFORE, BE IT RESOLVED, that the Fruita City Council formally designates May 15 through May 21, 2023, as National Police Week in the City of Fruita; and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Fruita this 2nd day of May, 2023.

Joel Kincaid, Mayor of the City of Fruita
TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER AND MAYOR PRO TEM/COUNCILOR BREMAN

DATE: MAY 2, 2023

AGENDA TEXT: PRESENTATION - United Way of Mesa County Award to the City of Fruita

BACKGROUND

Either Mayor Pro Tem/Councilor Breman or Executive Director of United Way of Mesa County Zebulon Miracle will present an award to the City of Fruita.
PROCLAMATION

Month of May 2023 as “Grand Valley Bike Month” and
Wednesday, May 3, 2023 as “Bike to Work Day”

WHEREAS, Colorado is a premiere bicycling state and the City of Fruita offers some of the best bicycling opportunities in the country; and

WHEREAS, Mesa County has designated May as Bike Month to celebrate bicycling for transportation, fun and health; and

WHEREAS, Bicycling truly adds to Fruita’s small town atmosphere by enjoying the experience of fun and freedom of safety riding a bike to work, school, on errands and for recreation; and

WHEREAS, the City of Fruita has gained a world-wide reputation as a mecca for mountain biking and outstanding road riding; and

WHEREAS, the City of Fruita proudly aspires to hold the title of “Trails Capital of the World” for its celebrated mountain biking trails on 18 Road, the Kokopelli Area, and the expansion of the Colorado Riverfront Trail; and

WHEREAS, bicycling activities and attractions have a positive impact on the City of Fruita’s economy and tourism industry and stimulates economic development by making the area attractive to businesses and citizens who enjoy the outdoors and healthy lifestyles; and

WHEREAS, creating bicycle-friendly communities has been shown to improve citizens’ health, well-being, and quality of life, to boost community spirit, to improve traffic safety, and to reduce pollution and congestion; and

WHEREAS, the City of Fruita will be promoting the following bicycling activities in May:

Wednesday, May 3 Kick-off “Bike to Work Day” with a free breakfast in Fruita, followed with a bike ride along the new wayfinding routes. Breakfast is provided by Einstein Bagels and Coffee from Bestslope from 7:00 – 8:00 am at the Fruita Civic Center. Enjoy a group ride after breakfast led by Fruita City staff and the Mayor, pick from three different routes, meet by the stage.

Friday, May 19 Mesa County Library Fruita Branch Pedal Party 3:00 – 5:00 pm at the Fruita Community Center backyard. Ride into reading! Celebrate with us as we get ready for summer reading in a bicycle-themed family friendly pedal party. There will be fun, games, and other activities for families with children of all ages!

Sunday, May 21 Yoga for Bikes 9:00 – 11:00 am on Fruita Civic Center lawn. Enjoy a morning yoga session on the lawn and raise funds for Grand Valley Youth Cycling (GVYC). Part of the proceeds raised will help to provide positive youth development from the seat of a mountain bike. GVYC utilizes funds to help provide scholarships to participants and provide training for volunteer coaches. Tickets: $15 available online at www.anywhereyogi.com.

NOW, THEREFORE, WE, the Fruita City Council hereby proclaim the month of May, 2023 as “GRAND VALLEY BIKE MONTH” and Wednesday, May 3, 2023 as “BIKE TO WORK DAY” in the City of Fruita and call upon all citizens to participate in bicycling activities for improved health and community wellbeing.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Fruita this 2nd day of May 2023.

Joel Kincaid, Mayor
AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER
DATE: MAY 2, 2023

AGENDA TEXT: PRESENTATION – Fruita Tourism Advisory Council

BACKGROUND

Members of the Fruita Tourism Advisory Council (“FTAC”) will provide a presentation to the City Council on their purpose, accomplishments, and goals and highlights for this year. Additional information on these items can also be found in the Marketing and Promotion Fund in the 2023 Budget.
<table>
<thead>
<tr>
<th>Description</th>
<th>Summary</th>
<th>2023 New Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Event Entertainment and Supplies for Mike the Headless Chicken Festival – General Fund</td>
<td>This is a request to appropriate $10,500 in sponsorship revenues received for the 2023 Mike the Headless Chicken Festival. These funds will be used for entertainment, and supplies and equipment expenses. The sponsorship funds come from local businesses.</td>
<td>$10,500</td>
</tr>
<tr>
<td>Parks Repair and - Vietnam War Memorial Maintenance – General Fund</td>
<td>This is a request to appropriate $5,000 in General Fund – Fund Balance designated for the Vietnam War Memorial, for the purposes of concrete/sidewalk repair and maintenance.</td>
<td>$5,000</td>
</tr>
<tr>
<td>Youth Activities Supplies and Equipment – Fruita Community Center Fund</td>
<td>This is a request to appropriate $30,100 received from the Colorado Department of Human Services Child Care Stabilization Grant for expenses related to Dinomites. This grant revenue will fund supplies and equipment, and part-time staff for the Dinomites program.</td>
<td>$31,400</td>
</tr>
<tr>
<td>Building Repair and Maintenance – Fruita Community Center Fund.</td>
<td>This is a request to appropriate $135,000 in Insurance Payments for expenses incurred due to the gym floor flooding. The $135,000 includes $132,500 for construction of the replacement of the gym floor, and $2,500 for a portable volleyball net that was purchased (a reimbursable expense, purchased to accommodate volleyball season while the gym floor was closed). This will also reduce the amount of use of fund balance for the Fruita Community Center fund in 2023, since the gym resurfacing project will not be needed.</td>
<td>$135,000</td>
</tr>
<tr>
<td>Reed Park Construction – Capital Projects Fund</td>
<td>This is a request to appropriate $600,000 in grant revenue received from Great Outdoors Colorado (“GOCO”) for improvements to Reed Park.</td>
<td>$600,000</td>
</tr>
<tr>
<td>Reed Park Improvements – Engineering and Design – Capital Projects Fund</td>
<td>This is a request to reappropriate unspent funds for Engineering/Design for the Reed Park improvements project. During the budget process last year, staff estimated that $152,300 would be used for Engineering and Design in 2022. Only $50,500 was used in 2022, leaving a rollover amount of $101,800 needed for 2023.</td>
<td>$101,800</td>
</tr>
</tbody>
</table>
Section 4, Item F.
FRUITA HOUSING AUTHORITY AND FRUITA CITY COUNCIL
JOINT MEETING
APRIL 4, 2023
5:30 P.M.

Present:
Chairman/Mayor Joel Kincaid
Vice-Chairman/Mayor Pro Tem Matthew Breman
Commissioner/Councilor Jeannine Purser
Commissioner/Councilor James Williams
Commissioner/Councilor Ken Kreie
Commissioner/Councilor Amy Miller
Commissioner/Councilor Aaron Hancey

Excused Absent
(None)

Housing Authority and City staff present:
Executive Director/City Manager Mike Bennett
Executive Director Designee/Assistant City Manager Shannon Vassen
Treasurer/City Clerk/Finance Director Margaret Sell
Secretary/Deputy City Clerk Deb Woods
Communications and Engagement Specialist Ciara DePinto
Housing Authority/City Council Attorney Mary Elizabeth Geiger

Also present:
Special Counsel to the Housing Authority and City Dee Wisor with Butler Snow
Kim Pardoe, Principal of IndiBuild, LLC
Paul Glasgow, Partner in IndiBuild, LLC
Sam Betters, Housing Authority and Development Specialist (virtually)
Alex Gano, Attorney for Indibuild, LLC with Bryan Cave Leighton Paisner LLP (virtually)
Members of the public (in person and virtually)

Note from Secretary/Deputy City Clerk: This meeting begins with a Fruita Housing Authority meeting. The opening of the Joint Fruita Housing Authority and Fruita City Council occurs after the Fruita Housing Authority Public Hearing Agenda item (Resolution FHA 2023-01).

CALL TO ORDER AND ROLL CALL

The third meeting of the Fruita Housing Authority was called to order by Chairman Joel Kincaid at 5:33 p.m. The meeting was held in person and virtually.

AGENDA – ADOPT/AMEND
COMMISSIONER KREIE MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

CONSENT AGENDA

1. APPROVAL OF THE MINUTES OF MARCH 7, 2023

Chairman Kincaid asked if there were any requests from the public to remove any item(s) from the Consent agenda for further discussion. There were no such requests. He referred the matter to the Fruita Housing Authority.

COMMISSIONER HANCEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COMMISSIONER MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

PUBLIC HEARINGS

2. RESOLUTION FHA 2023-01 – A RESOLUTION ADOPTING A BUDGET AND APPROPRIATING SUMS OF MONEY FOR THE FRUITA HOUSING AUTHORITY FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2023 AND ENDING ON THE LAST DAY OF DECEMBER 2023

Executive Director designee Shannon Vassen presented the proposed draft 2023 Fruita Housing Authority Budget. He explained that as is required by government budget law, staff did present the proposed 2023 Budget to the Housing Authority at their last meeting of March 7, 2023. Since then, the Fruita City Council has appropriated $15,100 to the Housing Authority and in order for the Authority to legally spend those dollars, it needs to adopt a Budget and appropriate the funds.

Mr. Vassen stated that there had been no changes to the Budget since it was first presented on March 7, 2023. That concluded his presentation.

Chairman Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and referred the matter to the Housing Authority.

COMMISSIONER PURSER MOVED TO ADOPT RESOLUTION FHA 2023-01 – ADOPTING A BUDGET AND APPROPRIATING SUMS OF MONEY FOR THE FRUITA HOUSING AUTHORITY BUDGET FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2023 AND ENDING ON THE LAST DAY OF DECEMBER 2023. COMMISSIONER MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

OPEN JOINT MEETING OF THE FRUITA HOUSING AUTHORITY AND FRUITA CITY COUNCIL

Chairman/Mayor Joel Kincaid opened the Joint Meeting of the Fruita Housing Authority and Fruita City Council at 5:45 p.m.
JOINT MEETING AGENDA ITEMS

3. PRESENTATION – INDIBUILD PRESENTATION TO FRUITA CITY COUNCIL AND FRUITA HOUSING AUTHORITY ON PROPOSALS REGARDING FRUITA MEWS

Founder of IndiBuild, LLC, Kim Pardoe gave a PowerPoint presentation concerning proposals for a partnership opportunity for the Fruita Housing Authority (“FHA”) with IndiBuild and its Fruita Mews team to create, own and operate 50 workforce, affordable housing units in Fruita. Accompanying Ms. Pardoe in person was Paul Glasgo, partner in IndiBuild. Present virtually were another IndiBuild partner, Sam Betters, IndiBuild’s attorney Alex Gano with Bryan Cave Leighton Paisner LLP and IndiBuild’s tax credit consultant, Adam Morgan with Morgan & Associates.

Ms. Pardoe stated that the Fruita Mews will consist of 50 one-, two and three-bedroom units located within ten residential buildings and a 1,300 square foot clubhouse. She said the development will serve Fruita residents earning between $17,000 and $106,000 per year, which based on her prior estimates from last year is about 86% of the Fruita population.

In her presentation, Ms. Pardoe also stated the following:

- The project will be highly sustainable with the current rating that exceeds National Green Building Silver Standards.

- The property design is “pocket neighborhood” in nature and community oriented in an attempt to generate community interaction with front porches and tree lined streets.

- Community amenities include a community building with an expansive back porch overlooking a play structure, community gardens and a grassy outdoor amphitheater. She said there will also be a nature trail and a mountain bike skills loop that will eventually tie into the Grand Valley multi-modal trail as well as numerous outdoor gathering spaces.

- In the spirit of IndiBuild and Fruita’s “Live, Work and Play” mission and Safe Routes to School, the Mews will be located next to the brand-new Monument Ridge Elementary School.

- The timeline for making the Mews a reality started in late 2020 when IndiBuild identified the need for attainable housing in Fruita after reading Fruita’s brand new Comprehensive Plan, Fruita in Motion. IndiBuild then started the journey in full force when they honed in on Fruita’s housing needs specifically and presented to the Livability Commission in March of 2021. Ms. Pardoe said that John Rodwick, the then Chairman of the Livability Commission was eager to learn about IndiBuild’s plans and that they were met with a warm welcome by others on the Commission and even urged by Karen Leonhardt to get in front of City Council.
• After an exhaustive search for a piece of land desirable for families, IndiBuild connected with their seller, the Burnheide’s through a budding relationship they had created with the Mesa County School District #51.

• After creating their Concept Plan and throughout 2021 and 2022, IndiBuild held a neighborhood meeting, went to Planning Commission and then City Council requesting a Planned Unit Development (PUD) amendment.

• In June of 2022, IndiBuild was awarded tax credit funding from the Colorado Housing and Finance Authority (CHFA) and in December of 2022, they successfully subdivided and purchased the property.

• IndiBuild has created partnerships with Family Health West and the D51 School District, the largest employers in Fruita and the county, respectively. She said both have struggled to hire and retain employees and that the partnerships provide these institutions with affirmative marketing to help them with local housing, thereby assisting them to retain employees and strengthen local economy.

• IndiBuild also has a partnership with Eureka! to provide after-school stem programming and summer recreational camps.

• IndiBuild has a new partnership with Housing Resources of Western Colorado to provide home ownership workshops and financial counseling to help residents of the Mews and the general public develop into future homeowners.

• IndiBuild’s timeline for moving forward anticipates a June 1\textsuperscript{st} closing date on all of its financing and an August 2024 construction completion date. They anticipate full occupancy by the end of 2024.

• IndiBuild was present to request the Fruita Housing Authority become a special limited partner in the Fruita Mews project, which will benefit IndiBuild, the new Housing Authority and the community at large.

• Their goal is to preserve and construct the Mews as originally designed while facing rampant inflationary pressure on their construction costs and rising interest rates.

• The proposed partnership will provide project sales use and property tax exemptions for IndiBuild.

• IndiBuild is also requesting from City Council a waiver or deferral of City impact fees to help finance the upfront construction costs.

• Sales and use tax savings will reduce IndiBuild’s construction costs by an estimated $400,000.
• The real estate tax abatement will save IndiBuild between $25,000 and possibly $50,000 per year in operating expense budget.

• In return for the above savings, IndiBuild has offered the Housing Authority an annual administrative fee of $5,000 over their initial period of 15 years ($92,000 for 15 years) as well as an upfront $50,000 participation fee.

• IndiBuild is also offering the right-of-first refusal on the property and a purchase option.

• Lastly, IndiBuild has a commitment from CHFA to provide the Housing Authority with a $150,000 Capital Magnet Fund Grant that would then be loaned into the partnership and paid back to the Housing Authority through available cash flow.

Commissioner/Councilor Kreie asked if the property tax abatement would stay with the property if it were to change hands in the future or if the property would just go to the Housing Authority. Attorney Dee Wisor with Butler Snow, the Fruita Housing Authority’s Special Counsel, responded that as long as the Authority is a Special Limited Partner in the partnership and it continues to be the owner, the exemption will continue. IndiBuild attorney Alex Gano responded that if IndiBuild Fruita, LLLP continues to own the property, the property tax exemption would continue and if Ms. Pardoe sold her partnership interest or IndiBuild’s investor sold its partnership interest but the property remained titled to IndiBuild, LLLP, the property tax exemption would continue. Attorney Gano explained that if IndiBuild, LLLP were to sell the property to an entirely different owner, the property tax exemption would not apply to the new title owner.

Commissioner/Councilor Kreie asked if there was a potential for the investors to be making more money off of what the Fruita Housing would be providing in terms of helping to fund the project or if the amount that they will be making is a specific amount that doesn’t change. Ms. Pardoe said she kind of knows what the investors will make on the property because she was an investor for 25 years and knows how to run their model. She added that the return for investors in tax credits is on the tax credit itself and losses that are generated over 15 years, but someone would have to see their model to know what they are making.

Ms. Pardoe continued to explain that there are two levels of investors; there’s a syndicator (which is what she used to be and is like a management team of investment banker-type people who structure deals) and then they usually sell it off to an investor, bank, insurance company or multi-investor fund. She said in Fruita’s case, it is a bank.

Chairman/Mayor Kincaid asked what the funding gap is that IndiBuild needs to close on the loan and what other funding opportunities IndiBuild may have after partnering with the Fruita Housing Authority. Ms. Pardoe said she didn’t have the numbers in front of her and that IndiBuild is still working out their financing, although they have most of it in place with four tranches from CHFA. She added that in the presentation material that she sent to the Housing Authority/City Council, there is a CHFA first mortgage, CHFA Capital Magnets second mortgage, CHFA Housing Opportunity Fund (HOF) and if the Housing Authority isn’t willing to partner with IndiBuild, CHFA is willing to grant some funding to the Housing Authority. She added that on top of that, IndiBuild is currently negotiating $5.3 million with the Colorado Division of Housing, who might
make a portion of that a loan to IndiBuild, who is working through the tax implications of that. Ms. Pardoe also said that in the numbers that were sent to the Housing Authority/City Council, the column with the Housing Authority assumes a $200,000 gap, and that is where IndiBuild was going asking for some fee waivers (unintelligible).

Commissioner/Councilor Purser asked if IndiBuild would be able to maintain the original goal of affordable housing on their own if the Housing Authority decides not to partner with them. Ms. Pardoe responded that honestly, IndiBuild didn’t know that they would need to cobble together more financing until January when they got their costs back and they were $3.5 million over budget.

She continued that one of things that IndiBuild has always wanted to do is partner with the Fruita Housing Authority because they are really building an asset for the community and that her long-term goal is not to wait for the affordability period to burn off and make a bazillion dollars; she is here to try and create affordable housing for the community. Ms. Pardoe concluded her answer by saying that if the Housing Authority does not partner with IndiBuild, then the easiest and most likely answer would be that they would delay their closing and cobble together the $750,000 that they would benefit by partnering with the Housing Authority.

Commissioner/Councilor Purser asked if the $3.5 million is actually what IndiBuild needs overall to make the project go forward and Ms. Pardoe said it was and that some of it was through a design-build process where value engineering would be implemented through working with subcontractors. She noted that it was important to IndiBuild to use local subcontractors to keep the money in Mesa County.

Ms. Pardoe noted that she forgot to mention earlier that if IndiBuild doesn’t partner with the Fruita Housing Authority, they found some new financing sources that have come together through all the different legislative packages, which takes a while for the state to roll out. Just most recently, IndiBuild figured out that they can apply on May 1st for a High Efficiency Electric Heating and Appliances (HEEHA) Grant with the Colorado Energy Office, who is looking to fund ten properties at $1 million each. She added that IndiBuild will be their first applicant and that the Colorado Energy Office is very excited for them. IndiBuild said Mews will be all electric and will have heat pumps versus resistant heat, which is what the state is reaching for.

Commissioner/Councilor Miller asked who the General Contractor and Property Manager for the project would be. Ms. Pardoe said the General Contractor would be Bryan Construction and the Property Management Company would be Syringa out of Wyoming.

Commissioner/Councilor Miller asked if it would be possible for the City Council/Housing Authority to receive periodic reports about occupancy and how the compliance for that is going. Ms. Pardoe said that in a Standard Operating Procedures (SOP) Agreement, there is usually an annual or quarterly reporting requirement that goes to the partners. Attorney Gano added that usually, the owner will send all of the required reports to send to the Department of Local Affairs (DOLA) and to CHFA, so, throughout the 15-year period, IndiBuild is sending annual compliance reports to these other government entities and then the SOP basically gets copied on all of those compliance reports.

Vice-Chairman/Mayor Pro Tem Breman inquired how it would decrease construction costs but at the same time increase ongoing fixed costs if IndiBuild was asking Fruita for the dedication of
public streets. Ms. Pardoe said it decreases IndiBuild’s upfront cost because it reduces Ute Water’s requirement for an extra loop (unintelligible). She added that the extra cost is the difference between $100 per month for fire monitoring versus $450 per month. She said with just the one loop, monthly fees have to be paid per building, which would mean ten lines that have to get monitored versus one line to a private road.

Vice-Chairman/Mayor Pro Tem Breman noted that at the Council’s first meeting with IndiBuild, it was presented that IndiBuild didn’t think they would need anything additional from the Housing Authority, but then later there’s an ask plus something else IndiBuild may ask for. He asked if there was anything else that’s out there that IndiBuild may ask for that the Housing Authority/City Council should know about before giving any consideration. Ms. Pardoe said she didn’t know what else she could possibly ask for and that she knew she was kind of asking for a lot right now. She reiterated how the Division of Housing is really behind the Mews project and really wants to see affordable housing in Fruita.

Commissioner/Councilor Kreie asked who will coordinate with the partnerships IndiBuild has built with local agencies such as Eureka! after the buildings are built. Ms. Pardoe said it would be herself (as she will still be the owner for 15 years) and that she also knows it’s also necessary to stay on top of property managers.

Commissioner/Councilor Hancey asked Special Counsel Dee Wisor to speak more about the Special Limited Partnership such as what the pros and cons are, what the risks are and also what value there is in establishing such a partnership whether the Housing Authority does the tax abatements or not. Attorney Wisor stated that the reason IndiBuild is making the request for the partnership is because there is a state statute that says that if a Housing Authority has an ownership interest in an entity that owns one of these projects, the property is exempt from all property taxes and, during construction, is exempt from sales and use tax. This helps the owner’s cash flow and borrowing capacity. Attorney Wisor advised that regardless of the reason for a Special Limited Partnership, a Special Limited Partner is really protected from liability and financial responsibility.

Commissioner/Councilor Hancey asked if there was zero value, then, in partnering with IndiBuild if Fruita does not allow the abatement. Attorney Wisor said he would say the only reason for the Fruita Housing Authority to become a partner is to provide for the tax abatement.

Commissioner/Councilor Kreie asked again if there were any entities who stood to make more money if the tax abatement is provided. Tax credit consultant, Adam Morgan with Morgan & Associates, responded that what the property tax abatement does is it allows more money to be borrowed to pay the costs; otherwise, additional funding must be sought to cover the shortfall.

Vice-Chairman/Mayor Pro Tem Breman asked what the deadline was the Fruita Housing Authority/City Council to make a decision. Ms. Pardoe responded that interest rates are going up every day and subcontractors need to lock in their contracts, so IndiBuild was feeling the pressure. She said the more important deadline to meet is what is called a “carry-over test” for CHFA to show that IndiBuild has spent 10% of its costs by June 30th. If that deadline is not met, CHFA will give an extension, but Ms. Pardoe said she really didn’t want to have to ask them for it. Mrs. Pardoe added that December 30th would be the latest date she could ever close the deal and not lose her tax credits.
Commissioner/Councilor Williams asked Ms. Pardoe to speak a little bit more about how CHFA would be willing to grant IndiBuild more funding if the Housing Authority chose not to partner. She said the fourth tranche of funding was a $150,000 Capital Magnet loan, but if IndiBuild did partner with the Housing Authority, that would become a grant to the Housing Authority, who would loan it to the partnership. The Authority would then be paid back over the 15 years through cash flow.

Commissioner/Councilor Williams asked Mrs. Pardoe where she is from. She responded that she is from Boston and currently lives in Boulder, Colorado. She added that she has been coming to Fruita for 20 years.

Chairman/Mayor Kincaid asked how the appraisal would be done on the property at the end of the 15-year period if the Housing Authority has the first-right-of-refusal and IndiBuild wants to sell the property.

Attorney Alex Gano spoke about how in these deals, there are customarily two purchase rights that are granted to a Housing Authority. The first one is a right-of-first refusal, where at the end of the compliance period (15 years), if Ms. Pardoe decides to sell the property, the Housing Authority has a right to buy it at a below-market price. Secondly, at the end of the 15-year compliance period, the Housing Authority has a “purchase option,” so even if Ms. Pardoe doesn’t want to sell the property, the Housing Authority can come in and buy the property from her. The exact terms of those would need to be agreed to by IndiBuild’s investor partner, but the right-of-first refusal is usually at a below-market price while the purchase option is closer to market price.

Attorney Gano continued that the appraisal amount is usually a bit less than what is seen for a market-rate property because when it is appraised, considerations have to be made for the fact that the tenants are paying below-market rents, which somewhat depresses the value of the property.

Ms. Pardoe added that in year 15, IndiBuild will still have 25 years left on their affordability period that CHFA will record in a covenant against the property. She said when an appraisal is done, the rents are held at the level that they can be at with some kind of growth factor until the end of the Affordability Period. She continued that if it was a for-profit developer, they might jack up the rents, but if it’s a Housing Authority, you just continue to maintain lower rents.

Chairman/Mayor Kincaid asked if the market rate would be negotiated in the contract. Ms. Pardoe stated that it is an Income Capitalization and that there is literally a cap on the income. She theorized that if there were only five years left on the Affordability Period, an appraiser could look at that property and say, “for five years, your return is (blank) and then after that, the rents would double and the property value would be more because they are capping an operating income that’s twice as high.

Commissioner/Councilor Miller asked if the composition of floorplans and rents for the property would remain the same for the 15-year period. Ms. Pardoe responded that they would actually remain the same for 40 years. Attorney Gano representing IndiBuild said there’s a formulation that it seen a lot in these Rights-of-First Refusal Agreements, which is a “debt plus tax is purchased price.” He said basically, you look at what debit is remaining on the property at year 15 plus the exit taxes that have to be paid to the investor to get them out. Attorney Gano called it a complicated formulation.
Attorney Gano stated that the other alternative is a set percentage below fair market value. He added that the “debt plus taxes” formulation can be very beneficial for the Housing Authority.

Mayor Kincaid asked if that was going to be in the partnership agreement. Attorney Wisor confirmed that yes, it will be part of the Right-of-First Refusal and Purchase Option language. He asked Attorney Gano if he would have to negotiate a little bit with his equity investor on which approach to take. Attorney Gano responded that the investor is investing quite a bit of money in the project, so they are going to have to sign off on whatever IndiBuild comes up with, but those are just common formulations that his firms sees in Colorado Housing Authority deals.

Commissioner/Councilor Kreie asked if it was common for the developer to stay after the 15-year compliance period or not and Ms. Pardoe said that typically, when there is a non-profit or Housing Authority as a partner, it is customary to extend the Right-of-First-Refusal. She added that a lot of developers don’t have a non-profit or Housing Authority partnership because there’s no benefit to them and they will just hold onto the property and refinance it.

Commissioner/Councilor Kreie asked if it was likely that in 15 years, the Fruita Housing Authority would purchase the property. Ms. Pardoe responded that if the Fruita Housing Authority partners with IndiBuild, that would be her intent; to make sure that the Housing Authority has the access to that Right-of-First Refusal.

Commissioner/Councilor Hancey asked Attorney Wisor if the potential abatements from the Housing Authority, would be strictly property tax or if it would it include sales tax as well. Attorney Wisor advised that one limitation in the statute is that the abatements can only be available for units which are low income. He said that unfortunately, the statute doesn’t define what is meant by low income, but he thought that IndiBuild was going to have a couple of units that are at 120% of AMI (Area Median Income).

Ms. Pardoe interrupted Attorney Wisor and stated that 120% has not been a restriction that anybody has put on IndiBuild; it is a restriction that IndiBuild put on for themselves. She noted that the rents listed in the informational materials she brought to the Council are at 85% of AMI. Attorney Wisor said his point was that there a couple of units that are 120%, so the Fruita Housing Authority/City Council may decide (unintelligible), so maybe the exemption is only 90% of the units (unintelligible).

Attorney Wisor stated that he imagined that IndiBuild’s attorney Alex Gano will eventually have a certificate or agreement for the Fruita Housing Authority to sign that says, the Housing Authority will consent to the abatement up to 90% of the units (if that is the number the Housing Authority lands on).

Commissioner/Councilor Hancey asked for confirmation that state statute limits the Housing Authority to only forgive the sales tax and the property tax is on the units that are low income. Attorney Wisor confirmed that to be correct.

Vice-Chairman/Mayor Pro Tem Breman asked for clarification that if IndiBuild calls for a cap of all units being at 120% or less, the Housing Authority can define 120% as low-income housing. Attorney Wisor confirmed this to be true and added that the Housing Authority will define low income before IndiBuild closes on their financing.
City/Housing Authority attorney Mary Elizabeth Geiger asked if Commissioner/Councilor Hancey was asking if the Housing Authority could decide to abate only property tax or only sales and use tax. Commissioner/Councilor Hancey said that that was another one of his questions. Attorney Wisor said he didn’t think that is the case; the tax exemption is all of those things (sales tax and property tax). He continued that on the property tax side, it is the ability to borrow more money and on the sales and use tax side, it is a cash flow benefit to the developer, who may be able to spend the money on other construction costs.

Commissioner/Councilor Hancey asked if the CHEEHA Grant was currently considered in IndiBuild’s capital stack now of missing funds. Ms. Pardoe stated that in the numbers that were sent to the City Council/Housing Authority, she thought there was a $5.3 million line item for the State Division of Housing and the HEEHA would come out of that; it would reduce that and would be replaced by the HEEHA grant. Ms. Pardoe said she honestly doesn’t know what IndiBuild will qualify for or how much they are going to get because the grant application is still being written.

Commissioner/Councilor Hancey asked why the $5.3 million would decrease in the HEEHA instead of adding to it. Ms. Pardoe responded that the Division of Housing did not approve the $5.3 million as a loan; they said that IndiBuild had to make it better for them to say yes to the proposed numbers. She added that $5.23 million is actually $107,000 per unit and the Division of Housing has never funded a property for that much, so they asked the amount to be reduced.

Commissioner/Councilor Hancey asked for confirmation that the construction costs are $23 million and IndiBuild is saying everything else is looking pretty good except that the $5.3 million is not 100% secured. Ms. Pardoe said the application has gone through the “First Level” of staff and that they are going to give IndiBuild a loan and she is going to pay them back. She explained that IndiBuild still has to go to the State Housing Board.

Housing Authority/City Attorney Mary Elizabeth Geiger tried to clarify by saying that IndiBuild has applied for the funding and staff is recommending approval, but IndiBuild does not have final approval. She added that if IndiBuild was awarded the HEEHA Grant, that would reduce the amount to $4.3 million that IndiBuild would be asking for.

Ms. Pardoe stated that the $5.3 million is going to be approved with $4.3 million as their “EDG” gap funds and the remaining $1.3 million will be a conduit loan to IndiBuild that they will pay back.

Sam Betters, consultant to Ms. Pardoe, said he has been working on the project since the very beginning. He stated that the $5.3 million that is in the model that was emailed to the Housing Authority/City Council represents all of Department of Housing (DOH) funding at this point. That was the original ask and Mr. Betters said they pushed back pretty hard on that number, and that’s why Ms. Pardoe and her partner, Paul Glasgow have been out looking for other sources of funding; the HEEHA dollars being the most promising of those dollars.

Mr. Betters continued that IndiBuild’s was an enormous ask of the DOH and it is in IndiBuild’s best interest to be able to try and reduce that ask as much as they can.

Mr. Betters stated that quite honestly, he is concerned how the DOH will view the Fruita Mews project if Fruita doesn’t participate because IndiBuild has conditioned their ask on the notion that they have approached the City/Housing Authority and that IndiBuild is hoping that the Fruita...
Housing Authority will become a Special Limited Partner. He said these type of projects are getting increasingly difficult to do and without the participation of local housing authorities, they are nearly impossible to do, especially in areas like Mesa County where the AMI income levels are so low.

Mr. Betters continued that the HEEHA numbers are important in order to help the DOH reduce their participation in the project. However, if those dollars don’t come through, then IndiBuild is working on a plan where the Division will still be able to fund the project, but it will have to go through a more complicated system of actually providing a conduit loan to IndiBuild, who will be responsible for paying that loan back out of cash flow.

Mayor Kincaid noted that IndiBuild has an ask of the Fruita City Council concerning a waiver open space fees, transportation impact (TIF) fees, chip seal fees, etc. and asked how those are related to the partnership for funding with the Housing Authority. Mr. Better recalled how someone has asked what IndiBuild’s gap would be on the project and he said the gap is fairly significant; with the DOH funding it gets narrowed by $5 million plus and with the participation of the Fruita Housing Authority, it gets narrowed by approximately another $800,000. Mr. Betters said that leaves IndiBuild with a $200,000 gap, which is why IndiBuild conditioned the request to the City Council of about $200,000 in fee waivers; it would help IndiBuild cover the remaining gap if everything else comes together.

Commissioner/Councilor Purser said that part of a partnership on a personal level requires trust. She pointed out that she wasn’t on the City Council when IndiBuild presented to the City Council in the past but said she has noticed that there have been some “rocky roads” on the way here. She said she wanted to provide an opportunity for IndiBuild to speak about how trust between the Fruita Housing Authority/Council and IndiBuild could be established, what that would look like and what allows the Fruita Housing Authority/Council to trust IndiBuild with the project.

Ms. Pardoe said she has some hurt feelings, too, and that she didn’t try to be disingenuous or dishonest in her CHFA narrative, but thinks it was construed that way. She said she understood why it happened and noted that she has apologized for the misunderstanding.

Ms. Pardoe continued that with CHFA, if someone mentions “Housing Authority,” they say put it in; you don’t have to actually have anything in writing. She said she thinks this is something she should have cleared first, but that she is all about repair, as well.

Ms. Pardoe stated that she is a collaborator and a partnership person by nature and that she desperately needs for everybody in a room to feel good, so it is important to her too, to build that trust.

Commissioner/Councilor Purser asked Ms. Pardoe to explain why she loves Fruita. Ms. Pardoe responded that she has been coming to Fruita for 20 years. She remembers riding the trails at 18 Road when there were only two or three trails and no campground, as well as Mary’s and Horsethief since before she moved to Colorado. Ms. Pardoe continued that she lived in Utah for a couple of years and she and her partner found Fruita when they found Moab and have been coming to Fruita since before there was a lot going on here. Ms. Pardoe said the people in the audience could attest to her love for Fruita even though they haven’t known her for 20 years. She also stated that she thought about naming her property, “Farm,” but she saw that someone else has already taken it.
Commissioner/Councilor Kreie asked what the option of a loan from the Housing Authority to IndiBuild (in lieu of waiving impact fees) would look like; would the Housing Authority and IndiBuild settle in 15 years or would the Housing Authority utilize the right-of-first refusal to buy it less the amount of the loan? Ms. Pardoe responded that it would be existing debt, so when the 15-year cash flow that IndiBuild gives the Authority with the residual analysis, at the bottom, you can see the balances on those loans on assumptions such as (for example) 5% on vacancy, 3% growth on income and 3% growth on expenses. She estimated that the Mews will be fully occupied, but added that there are projections and in year 15, there’s only one loan that would need to be refinanced (the $825,000 Capital Magnet Fund loan) by the Housing Authority. Ms. Pardoe also noted that IndiBuild might still have a loan outstanding and the Authority would have to pay that off if she were to be taken out; otherwise, the Authority would just assume all the other debt with part of the assumption that it is the Housing Authority’s $150,000 loan.

Mayor Kincaid asked City Manager Mike Bennett how the waiver of the impact fees would impact the City of Fruita’s budget long-term. Mr. Bennett explained that the City collects transportation impact and other impact fees (some pursuant to state statute), which allows for the money to be spent on future impacts of new development, but not on things such as maintenance. He continued that the City is trying to find funding to widen 19 Road next year at a cost of $5 million and for which the Transportation Impact Fee alone is estimated at about $172,200. If waived, the same amount of money that would have otherwise gone towards some of the City’s street projects would be reduced in the budget.

Mr. Bennett explained that the only other road fee is a chip seal fee for road maintenance, which is estimated at a cost of approximately $5,000, depending on whether the roads are public or if there is a portion that is private. In the original plan, staff estimated that at $5,000, but it could be a little bit more with the dedication of public roads.

Commissioner/Councilor Miller asked if the City has ever waived impact fees in the past. Mr. Bennett explained that the City has not waived impact fees in the past, but has given credits to developers for impact fees for improvements that qualify. The amount of the credits is equivalent to the amount for which City would have spent the impact fees. Mr. Bennett added that based on state statute and Fruita’s own updated Land Use Code, the City allows for the ability to waive impact fees for one purpose only, which is affordable housing.

Commissioner/Councilor Hancey asked for confirmation that IndiBuild’s request of the Fruita Housing Authority/Fruita City Council is $700,000 from sales and property tax over the life of the project and then another $200,000-ish from the waiving of impact fees to help fill IndiBuild’s gap of $900,000. Ms. Pardoe confirmed this was the request, but noted that it was an estimate because some of the contractors might not be aware that they need to reduce their sales tax out of their bids.

Commissioner/Councilor Williams asked what happens to the partnership after the 15-year period and if the property tax kicks back in at that point or if the property tax is waived the lifetime of the property. Attorney Dee Wisor advised that as long as the Housing Authority is a Special Limited Partner, and as long as the partnership owns the building, the property tax exemption continues. He added that the only way it would change is if the partnership decided to sell the building to some other entity that neither is involved in.

Housing Authority/City Attorney Mary Elizabeth Geiger advised that if the Housing Authority exercises its right-of-first refusal or purchases the property at that time, the project would continue...
to be tax exempt. She added that as long as the Housing Authority is involved in any way, either as the owner or the limited partner, the tax exemption carries on.

Commissioner/Councilor Williams asked what happens if at the end of 15 years, the Housing Authority no longer wants to be a partner. Attorney Gano explained that it would depend on the deal; for example, the Denver Housing Authority (DHA) puts in their Special Limited Partner (SLP) Agreements that they are in it for the compliance period of 15 years, but once that period is over, they have a right to look at the project’s financials and if the project would do fine without the exemption, they can pull out. The DHA also reserves rights in its partnership agreements to terminate a portion of the exemption by going from 100% down to a 50% exemption. Attorney Gaino advised that those are the kind of terms that can be negotiated, but he thought IndiBuild’s investor is going to want to see that the property tax exemption will be in place for the whole compliance period.

Commissioner/Councilor Williams showed support for the agreement term of being able to reduce the property tax exemption if the project is generating plenty of revenue.

Attorney Gano continued with his example of the Denver Housing Authority (DHA). He said there is a little bit of a nuance in that the payment goes back to the DHA as a payment in lieu of taxes; so, they are still giving the DHA the exemption, but the money that would have been paid on property taxes instead goes as a cash payment to the DHA. Attorney Gano offered to send the Housing Authority/City Council an example of the DHA’s Addendum if they would like to see it, noting that it is about 50 to 60 pages long because it is so detailed. Attorney Hancey requested that Attorney Gaino send the example.

Vice-Chairman/Mayor Pro Tem Breman asked for confirmation that the payment would go to the Fruita Housing Authority and not the City of Fruita. Attorney Gano said that it would be the Housing Authority and not the City giving the property tax exemption, so it would be the Housing Authority that gets the payment in lieu of the taxes on the back end.

Commissioner/Councilor Hancey asked what the restrictions on the monies would be. Attorney Dee Wisor said the monies could be used for any affordable housing project the Housing Authority has in mind or the Housing Authority’s expenses for such projects. Commissioner/Councilor Hancey said that he wanted to know whether the Housing Authority could reimburse the City of Fruita for the taxes that were forgiven over 15 years. Ms. Pardoe said she thought the payment in lieu could be made to whomever. Attorney Wisor advised that the Fruita Housing Authority is not just dealing with the City of Fruita’s taxes; the exemption is for the city, county, school district, mosquito district, just to name a few and that if it all were to go back to the City of Fruita, those taxing partners would have some questions about that someday. Housing Authority/City Attorney Mary Elizabeth Geiger clarified that if, in 15 years from now, the Housing Authority has the taxes, those could be spent on other potential programs and projects that the Housing Authority has discussed. The taxes wouldn’t have to go towards a Low-Income Housing Tax Credit (LIHTC) project if the Housing Authority had a downpayment assistance or ADU (Accessory Dwelling Unit) program, for example. Ms. Geiger pointed out that if the Housing Authority/City Council were to make a decision at this meeting, the decision would be concerning whether or not to become a Special Limited Partner with IndiBuild and not about the details in the agreement that would later be negotiated with them.
Councilor/Commissioner Miller asked what the breakdown would be of the units by percentages of Area Median Income (AMI) and whether they were one, two or three-bedroom units. She also wanted to know if the vacancies would be filled on a first come, first served basis. Ms. Pardoe responded that the units had not yet been assigned and that there is a very lengthy handbook in which the property managers must be heavily trained to be able to remain in compliance. She added that the first-year files will be reviewed by another agency and then by IndiBuild’s Asset Management Group because it is so complicated.

Mayor Kincaid explained that the Fruita Housing Authority/City Council were going to leave the room for the upcoming Executive Session and then would return. He noted that the Fruita City Council has a regular Council meeting scheduled for 7:30 p.m.

Housing Authority/City Attorney Mary Elizabeth Geiger further explained that the Housing Authority/City Council would be returning to a public meeting after reconvening from the Executive Session.

4. **JOINT EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) WITH REGARD TO A REQUEST FROM INDIBUILD, LLC/FRUITA MEWS AND RECEIVING LEGAL ADVICE FROM ATTORNEYS PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) REGARDING THE SAME.**

- VICE-CHAIRMAN/MAYOR PRO TEM BREMAN MOVED TO CONVENE IN EXECUTIVE SESSION FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO C.R.S. SECTION 24-6-402(4)(E) WITH REGARD TO A REQUEST FROM INDIBUILD, LLC/FRUITA MEWS AND RECEIVING LEGAL ADVICE FROM ATTORNEYS PURSUANT TO C.R.S. SECTION 24-6-402(4)(B) REGARDING THE SAME. COMMISSIONER/COUNCILOR PURSER SECONDED THE MOTION. THERE WERE SIX YES VOTES.

The Fruita Housing Authority/Fruita City Council convened in Executive Session at 6:44 p.m.

**RECONVENE FROM EXECUTIVE SESSION TO JOINT MEETING**

The Joint meeting of the Fruita Housing Authority/Fruita City Council reconvened at 7:10 p.m.

5. **RESOLUTION FHA 2023-02 – A RESOLUTION OF THE BOARD OF THE FRUITA HOUSING AUTHORITY CONCERNING BECOMING A LIMITED PARTNER IN THE OWNERS OF THE FRUITA MEWS PROJECT**

Mayor Kincaid explained that although this agenda item was not a public hearing, the Housing Authority/City Council would be allowing comments from the public.
Bill Cummins, Associate Vice President of Business Development for Family Health West (FHW), reiterated FHW’s support of the Mews project. He stated that FHW currently employs approximately 600 people and about 20% of FHW staff live in the Clifton area specifically because of affordable housing. Mr. Cummins encouraged the Council to support affordable housing; noting that FHW has been working with Kim Pardoe over the last year and a half. He stated that as a personal reference, he has always found Ms. Pardoe to be extremely genuine.

Jason Calunga, Housing Resources of Western Colorado’s Director for Housing Counseling and Education, said that his organization cares a lot about affordable rental housing and knows that there is a big need for it in the community, especially Fruita. He expressed his support for the Mews project, saying that Housing Resources looks forward to partnering with them on educational and outreach programs at their site once it is completed.

Sue Ellen Rodwich, 220 Mica Court, said she is the Director for the Food Bank of the Rockies Western Slope Distribution Center and is also on the Executive Council for AARP Colorado. She continued that in looking at the livability of Fruita, a key part of it is accessible and affordable housing, which also affects food insecurity. Her organization partners with a lot of the supporting partners in the Mews project such as Eureka! to make sure that when families move in, they have a full pantry. She spoke about how the project will make a difference for the community because it impacts all finances.

Angela (no last name given), Sycamore Street in Fruita, said that affordable housing is very important to her, as are improvements and services. She asked the Council to really think things through and asked if there were alternatives to the $900,000 that IndiBuild needs to fill their funding gap. She asked if the developer had considered the option of making three-bedroom units into two- or one-bedroom units in order to increase the number of units. Angela also asked if the developer could reduce the number of affordable units. She suggested that the Council find the money and spend it now rather than kicking the can down the road.

Lou Mudd, Maple Street in Fruita, stated that the rent on one of the new downtown one-bedroom studio apartments is $1,450 per month. He said it is really tough for people who work in Fruita to live in Fruita because of the way the situation is now. Mr. Mudd said the Mews is not for welfare people to move in and trash the neighborhood; that it looks to be a very nice development. He added that there are plenty of people who want to live and work in Fruita and hopefully IndiBuild can move forward in helping that become a reality.

There were no more public comments. Chairman/Mayor Kincaid referred the matter to the Housing Authority/City Council, who had no further questions or comments.

- COMMISSIONER/COUNCILOR PURSER MOVED TO APPROVE RESOLUTION FHA 2023-02 – DIRECTING THE EXECUTIVE DIRECTOR TO EXECUTE A LIMITED LIABILITY PARTNERSHIP AGREEMENT WITH INDIBUILD AND MAKE A DETERMINATION AS TO THE PERCENTAGE OF THE DEVELOPMENT THAT WILL QUALIFY AS LOW INCOME AS REQUIRED BY C.R.S. SECTION 29-4-227.
Housing Authority/City Council Attorney Mary Elizabeth Geiger recommended that Commissioner/Councilor Purser’s motion be amended to reflect that the Housing Authority/City Council wishes to negotiate with IndiBuild on the terms of the agreement rather entering into the agreement right now.

- **COMMISSIONER/COUNCILOR PURSER MOVED TO APPROVE RESOLUTION FHA 2023-02 – DIRECTING THE EXECUTIVE DIRECTOR TO NEGOTIATE A LIMITED LIABILITY PARTNERSHIP AGREEMENT WITH INDIBUILD AND MAKE A DETERMINATION AS TO THE PERCENTAGE OF THE DEVELOPMENT THAT WILL QUALIFY AS LOW INCOME AS REQUIRED BY C.R.S. SECTION 29-4-227 AND WORK WITH THE FRUITA HOUSING AUTHORITY ATTORNEY. COMMISSIONER/COUNCILOR KREIE SECONDED THE MOTION. THERE WERE SIX YES VOTES.**

6. **INDIBUILD PROPOSAL – DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FOR WAIVER OF DEVELOPMENT IMPACT FEES AND ACCEPTANCE OF INTERNAL ROADWAY NETWORK AS PUBLIC IMPROVEMENTS**

Mayor Kincaid pointed out that at this point in the meeting, it would be the Fruita City Council (not the Housing Authority) that would be posing questions or making comments on any proposals by IndiBuild.

City Attorney Mary Elizabeth Geiger suggested that since there were two requests before City Council, they should discuss or take action on them as two separate items. The Council decided to proceed with the request concerning the road first.

**DISCUSSION/MOTION CONCERNING ROAD DEDICATION REQUEST**

Mayor Kincaid noted that IndiBuild was asking for the dedication to the City as a public road of the project’s interior loop road (instead of it being a private road) so that the City of Fruita would be responsible for the maintenance of it.

- **COUNCILOR WILLIAMS MOVED TO DIRECT CITY STAFF TO WORK WITH INDIBUILD TO ACCOMPLISH A DEDICATION OF AN INTERIOR ROAD AS A PUBLIC RIGHT-OF-WAY.**

City Attorney Geiger advised that the word “road” should be plural with an “s” on the end of it.

- **COUNCILOR WILLIAMS MOVED TO AMEND HIS PREVIOUS MOTION TO REPLACE THE WORD “ROAD” WITH THE WORD “ROADS.” COUNCILOR MILLER SECONDED THE AMENDED MOTION. THERE WERE SIX YES VOTES.**
DISCUSSION/MOTION CONCERNING FEE WAIVERS REQUEST

Mayor Kincaid listed IndiBuild’s requests of fee waivers as follows:

<table>
<thead>
<tr>
<th>Impact Fee Type</th>
<th>Amount of waiver requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Fee</td>
<td>$93,000</td>
</tr>
<tr>
<td>Transportation Impact Fee</td>
<td>$172,000</td>
</tr>
<tr>
<td>Chip Seal Fees</td>
<td>(between) $4,993 - $20,927</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>(approximately) <strong>$270,000</strong></td>
</tr>
</tbody>
</table>

Councilor Breman made the comment that right now, everyone knows the numbers are a moving target, which makes it a challenge, but that he would compel IndiBuild to complete their financing package without the waiver of the fees.

Mayor Kincaid clarified that what the City Council wanted to see was a tighter financial package before they were willing to make a decision on whether to waive the impact fees. He pointed out that the requests from IndiBuild were not something new; it was the same thing that was brought before the Council before, so at this time, the Council wanted to see a tighter financial package before they would be willing to release the funds.

Mayor Kincaid also pointed out that IndiBuild’s request for the waivers was something the Council has never done for any other developer in the past. He added that the Council still needs to have more discussion as a Council, with staff and with the City Attorney concerning how those decisions would impact Fruita’s citizens long-term. He asked that the request for waiver of impact fees be tabled until IndiBuild can give the Council a better look at what the financial package is going to look like and whether the waivers are actual necessary to make the project work.

Councilor Purser added that perhaps now because IndiBuild has a partnership with the Fruita Housing Authority, IndiBuild may be able to find the funding in other places by using the partnership as a negotiating power. She said if IndiBuild is able to come up with the funds without having the Council waive the impact fees, that would be fantastic, but if not, IndiBuild could come back to the City Council.

IndiBuild partner Sam Betters said it was gracious of the Council to provide the ability for IndiBuild to come back before them again, but added that timing is getting to be critical. He said they are trying not to lose any of their subcontractors and that the less moving parts they have to deal with, the easier it is for IndiBuild to get to a closing. Mr. Betters thanked the Council for everything they had done.

Ms. Pardoe asked what the process would be to move forward because IndiBuild has another level of staff approval at the Department of Housing (DOH) on April 11th and then it wouldn’t go to the Housing Board until April 25th. Mayor Kincaid pointed out that the decision wasn’t coming from the Housing Authority; it was an ask of the Fruita City Council.

City Manager Mike Bennett said the City Council was challenging IndiBuild to not have to ask for the waivers of impact fees considering the differences in estimates of the revenues such as property tax. He noted that the City’s Finance Director had spoken with the Mesa County Assessor’s Office (as had IndiBuild), but there are variables in the estimates that are greater than
$200,000, so it was possible that it could land to where IndiBuild doesn’t need $200,000 from the City.

Mr. Bennett stated that he thought the City Council was saying that with the Housing Authority moving forward with the Special Limited Partnership, and the City also accepting dedication of the internal roads to be public (which also saves in expenses) that hopefully, all that combined with IndiBuild’s other funding, may result in IndiBuild filling the gap of $200,000.

Mr. Bennett added that if that was not the case, the City Council was saying that the ask would still be there and they could consider it at that time.

Ms. Pardoe asked what the process would be to figure that out and if the Council thought that IndiBuild’s numbers were too high. Mr. Bennett clarified that the numbers are too low. Ms. Pardoe asked if he was referring to the real estate tax number and Mr. Bennett said he was. Ms. Pardoe said IndiBuild spent a fair bit of time on that.

Mr. Bennett stated that when IndiBuild has more finality of the numbers, they could request to go before City Council again.

Councilor Kreie requested that staff place it on an agenda.

Mr. Sam Betters stated that he didn’t know that IndiBuild would be able to get finality on the property tax number, which has been difficult for everyone to try to get. He said that the value of looking at the property tax is that whatever that amount is will go towards debt coverage. Mr. Betters stated that he thinks the other numbers are easier to reconcile and that IndiBuild is very close to those numbers right now. He reiterated that he didn’t think he could get more information on the property tax without going through a hearing with the Mesa County Assessor’s Office and he wasn’t even sure how long that would take. Ms. Pardoe said that one person at the Assessor’s Office told them that affordable housing in Mesa County has to go through appeal to get a real tax number, although the latest person she spoke to did not say that. Ms. Pardoe added that that person’s number came in around $29,000 but she was guessing. Mr. Betters asked if the City had a better number they could look at.

City Attorney Mary Elizabeth Geiger responded that the City’s Finance Director/City Clerk has those additional numbers and would share them with IndiBuild. She noted that the City Council’s regular meeting would be starting soon, so she suggested that Ms. Pardoe follow up with the City Manager and that she (Ms. Geiger) could later speak to IndiBuild’s attorney, Alex Gano.

With no further business to come before the Fruita City Council, the Joint meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Debra Woods
Secretary/Deputy City Clerk
Fruita Housing Authority/City of Fruita
AGENDA TEXT: LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant Liquor License – Malt, Vinous and Spirituous for Fiesta Guadalajara located at 103 Highway 6 & 50

BACKGROUND

The Hotel and Restaurant Liquor License for Fiesta Guadalajara located at 103 Highway 6 & 50 expires on June 15, 2023. The City Clerk’s office has not been advised of any issues or concerns related to the liquor license during the past year. The Police Department report indicates that there have not been any violations or incidents reported to them in the last year and there is nothing unusual or of concern that would hinder renewal of the license. There are no TIPS certificates on file at the City Clerk’s Office.

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

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

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

FISCAL IMPACT

None.

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Renew the 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 LIQUOR LICENSE – MALT, VINOUS AND SPIRITUOUS FOR FIESTA GUADALAJARA LOCATED AT 103 US HIGHWAY 6 & 50
Submit to Local Licensing Authority

FIESTA GUADALAJARA FRUITA
PO BOX 70
Ontario OR 97914-0070

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

<table>
<thead>
<tr>
<th>Licensee Name</th>
<th>ROME INC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor License #</td>
<td>12-09053-0000</td>
</tr>
<tr>
<td>License Type</td>
<td>Hotel &amp; Restaurant (city)</td>
</tr>
<tr>
<td>Sales Tax License Number</td>
<td>12690350000</td>
</tr>
<tr>
<td>Expiration Date</td>
<td>06/15/2023</td>
</tr>
<tr>
<td>Due Date</td>
<td>05/01/2023</td>
</tr>
<tr>
<td>Business Address</td>
<td>103 US HWY 6 &amp; 50 Fruita CO 61521</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>PO BOX 70 Ontario OR 97914-0070</td>
</tr>
<tr>
<td>Operating Manager</td>
<td>SAlvador SANCHEZ</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>12/18/1962</td>
</tr>
<tr>
<td>Home Address</td>
<td>2824 HARD LACE #4</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:derrick.drapre@questoffice.net">derrick.drapre@questoffice.net</a></td>
</tr>
<tr>
<td>Phone Number</td>
<td>9708581228</td>
</tr>
</tbody>
</table>

Return to city or county licensing authority by due date

| Doing Business As Name (DBA) | FIESTA GUADALAJARA FRUITA |

<table>
<thead>
<tr>
<th>Fees Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal Fee</td>
</tr>
<tr>
<td>Storage Permit</td>
</tr>
<tr>
<td>Sidewalk Service Area $75.00</td>
</tr>
<tr>
<td>Additional Optional Premises Hotel &amp; Restaurant</td>
</tr>
<tr>
<td>Related Facility - Campus Liquor Complex $180.00 per facility</td>
</tr>
<tr>
<td>Amount Due/Paid</td>
</tr>
</tbody>
</table>

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.

1. Do you have legal possession of the premises at the street address above? [ ] Yes [ ] No
   Are the premises owned or rented? [ ] Owned [ ] 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. [ ] Yes [ ] 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) [ ] Yes [ ] No

3b. If so, which are you renewing? [ ] Delivery [ ] Takeout [ ] 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? [ ] Yes [ ] 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.? [ ] Yes [ ] 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. [ ] Yes [ ] 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 Signature: DATE: INC.

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

Signature

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

Signature

Title

Attest

The City of Fruita

Date

Joel Lincaid, Mayor

Date
Tax Check Authorization, Waiver, and Request to Release Information

I,______________________________, am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of______________________________, (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 is 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):______________________________

Social Security Number/Tax Identification Number:______________________________

Address: ________________________________

City:______________________________; State:______________________________; Zip:______________________________

Home Phone Number: ________________________________; Business/Work Phone Number:______________________________

Printed name of person signing on behalf of the Applicant/Licensee: ________________________________

Applicant/Licensee’s Signature (Signature authorizing the disclosure of confidential tax information):______________________________

Date signed: ________________________________

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 – PAULA RAJEWICH
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: APRIL 17, 2022
RE: HOTEL/RESTAURANT LIQUOR LICENSE RENEWAL

License Information

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>Fiesta Guadalajara</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>103 US Hwy 6 &amp; 50</td>
</tr>
<tr>
<td>Type of License:</td>
<td>Hotel/Restaurant</td>
</tr>
<tr>
<td>Expiration Date of Current License:</td>
<td>June 15, 2023</td>
</tr>
<tr>
<td>City Council Hearing Date:</td>
<td>May 2, 2023</td>
</tr>
<tr>
<td>DUE DATE FOR POLICE REPORT:</td>
<td>April 28, 2023</td>
</tr>
</tbody>
</table>

TIPS CERTIFICATES ON FILE

<table>
<thead>
<tr>
<th>Employee:</th>
<th>(No current certificates on file)</th>
</tr>
</thead>
</table>

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 4-18-23

Please fax to: (970) 858-0210
Or e-mail: dwoods@fruitsa.org
AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: MAY 2, 2023

AGENDA TEXT: LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Beer and Wine Liquor License for Camilla’s Kaffe located at 206 E. Aspen Ave.

BACKGROUND

The Beer and Wine Liquor License for Camilla’s Kaffe located at 206 E. Aspen Ave. is up for renewal. Their current license expires on July 28, 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 Beer and Wine 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 BEER AND WINE LIQUOR LICENSE FOR CAMILLA’S KAFFE LOCATED AT 206 E. ASPEN AVE.
Submit to Local Licensing Authority

CAMILLA'S KAFFE
206 EAST ASPEN AVENUE
Fruita CO 81521

Colorado Beer and Wine License Renewal Application

<table>
<thead>
<tr>
<th>Please verify &amp; update all information below</th>
<th>Return to city or county licensing authority by due date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensee Name</td>
<td>CAMILLA'S KAFFE INC</td>
</tr>
<tr>
<td>Doing Business As Name (DBA)</td>
<td>CAMILLA'S KAFFE</td>
</tr>
<tr>
<td>Liquor License #</td>
<td>03-18367</td>
</tr>
<tr>
<td>License Type</td>
<td>Beer &amp; Wine (qty)</td>
</tr>
<tr>
<td>Sales Tax License Number</td>
<td>CAMILLA'S KAFFE</td>
</tr>
<tr>
<td>Expiration Date</td>
<td>07/28/2023</td>
</tr>
<tr>
<td>Due Date</td>
<td>06/13/2023</td>
</tr>
<tr>
<td>Business Address</td>
<td>206 EAST ASPEN AVENUE Fruita CO 81521</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>206 EAST ASPEN AVENUE Fruita CO 81521</td>
</tr>
<tr>
<td>Operating Manager</td>
<td>Camilla Nilsson-Smith</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>1/23/1974</td>
</tr>
<tr>
<td>Home Address</td>
<td>268 N. Mulberry St, Fruita, CO 81521</td>
</tr>
<tr>
<td>Phone Number</td>
<td>970-391-4677</td>
</tr>
</tbody>
</table>

1. Do you have legal possession of the premises at the street address above? □ Yes □ No
   Are the premises owned or rented? □ Owned □ 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. □ Yes □ 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) □ Yes □ No

3b. If so, which are you renewing? □ Delivery □ Takeout □ 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? □ Yes □ 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.? □ Yes □ 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. □ Yes □ 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.

<table>
<thead>
<tr>
<th>Type or Print Name of Applicant/Authorized Agent of Business</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camilla Nilsson-Smith</td>
<td>Owner</td>
</tr>
</tbody>
</table>

Signature: [Signature]
Date: 4/13/23

**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.

<table>
<thead>
<tr>
<th>Local Licensing Authority For</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City of Fruita</td>
<td></td>
</tr>
</tbody>
</table>

Signature: [Signature]
Title: JOEL KINCAID, MAYOR
Attest: [Attest]
# Tax Check Authorization, Waiver, and Request to Release Information

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

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

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

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant/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.

<table>
<thead>
<tr>
<th>Name (Individual/Business)</th>
<th>Social Security Number/Tax Identification Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camilla's Kaffe Inc</td>
<td>81-37123743</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>Home Phone Number</th>
<th>Business/Work Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010 E Aspen Ave</td>
<td>Fruita</td>
<td>CO</td>
<td>81521</td>
<td>970 349 4077</td>
<td>970 858 7950</td>
</tr>
</tbody>
</table>

Printed name of person signing on behalf of the Applicant/Licensee

\[\text{Camilla Nilsson-Smith}\]

Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information)

\[\text{Signature}\]

Date signed

\[\text{4/13/23}\]

---

**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
LIQUOR LICENSE RENEWAL MEMORANDUM

TO: FRUITA POLICE DEPARTMENT
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 2, 2023
RE: A & C INC. DBA CAMILLA’S KAFFE - BEER AND WINE LIQUOR LICENSE RENEWAL

<table>
<thead>
<tr>
<th>License Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensee:</td>
</tr>
<tr>
<td>Location:</td>
</tr>
<tr>
<td>Type of License:</td>
</tr>
<tr>
<td>Expiration Date of Current License:</td>
</tr>
<tr>
<td>City Council Hearing Date:</td>
</tr>
<tr>
<td>DUE DATE FOR POLICE REPORT:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tips certificates on File</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee:</td>
</tr>
<tr>
<td>(None on file)</td>
</tr>
</tbody>
</table>

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 [X]

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 [X]

C) Are there other concerns that need to be brought to the attention of the City Council? Yes [ ] No [X]

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

Signature: [Signature]

Date: 4-18-23

Fax: 858-0210 e-mail: dwoods@fruita.org
TO: FRUITA CITY COUNCIL AND MAYOR
FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER
DATE: MAY 2, 2023

AGENDA TEXT: RESOLUTION 2023 – 12 - A Request to Approve a Resolution Amending the 2023 Budget and Transferring Funds from the General Fund Contingency Account for Building Department Expenses and Mountain Water Expenses.

BACKGROUND

This budget amendment transfers $11,000 from the General Fund Contingency Account as follows:

- Community and Development Department – Building Inspections Historic Documents - $8,000
  - This budget amendment transfers $8,000 from the General Fund Contingency Account to the Community Development Department to acquire historical documents needed from Mesa County for the Building Inspections Department. These documents include historical building inspections reports, permits, and more.

- Public Works Mountain Water – Enoch Lake Appraisal
  - This budget amendment transfers $3,000 from the General Fund Contingency Account to the Public Works Mountain Water program for the appraisal of Enochs Lake.

FISCAL IMPACT

- The General Fund contingency account of $300,000 will be reduced by $11,000 to $389,000.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The contingency transfer includes necessary costs for the provision of core services and goals identified by the City Council.

OPTIONS AVAILABLE TO THE COUNCIL

- Approved the budget amendment as presented.
- Advise staff to amend the budget amendment.

RECOMMENDATION

It is the recommendation of staff that the Council by motion:
ADOPT RESOLUTION 2023-12 – AMENDING THE 2023 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR BUILDING DEPARTMENT EXPENSES AND MOUNTAIN WATER EXPENSES.
RESOLUTION 2023-12

A RESOLUTION TRANSFERRING BUDGETED AND APPROPRIATED FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR BUILDING DEPARTMENT EXPENSES AND MOUNTAIN WATER EXPENSES.

WHEREAS, the Fruita City Council finds it necessary to transfer funds from the General Fund Contingency Account to the Community Development Department for Historical Documents and Records for the Building Inspections Program, and

WHEREAS, the Fruita City Council finds it necessary to transfer funds from the General Fund Contingency Account to the Mountain Water program for the appraisal of Enoch Lake.

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

Section 1: The sum of $11,000 is hereby transferred from the General Fund Contingency Account as follows:

a. Building Inspections Historical Records ($8,000).
b. Mountain Water Program for Enoch Lake Appraisal ($3,000).

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS 2nd DAY OF MAY 2023

ATTEST: City of Fruita

______________________________
City Clerk

______________________________
Joel Kincaid, Mayor
AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR JOEL KINCAID AND COUNCILOR JAMES WILLIAMS

DATE: MAY 2, 2023

AGENDA TEXT: BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Mark Hamlin to the Fruita Tourism Advisory Council (FTAC) for a three-year term to expire in May of 2026

BACKGROUND

In June of 2022, Fruita Tourism Advisory Council (FTAC) member Eric Mello resigned from the board, thus creating a vacancy. The vacancy has been advertised the City’s website at fruita.org and on the City’s Facebook page since June 13, 2022 to the present.

On April 3, 2023, Mark Hamlin submitted his application for appointment to either the Parks and Recreation Advisory Board or the FTAC. Because there were (and continue to be) no vacancies on the Parks and Recreation Advisory Board, Mayor Kincaid and Council Liaison to the FTAC interviewed Mark Hamlin for the vacant seat on the FTAC.

Mayor Kincaid and Board Liaison Councilor Williams recommend Mark Hamlin’s appointment to the FTAC for a three-year term to expire in May of 2026.

If Mark Hamlin is appointed, there will be no remaining vacancies on the FTAC.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Appoint Mark Hamlin to the Fruita Tourism Advisory Council (FTAC) for a three-year term to
expire in May of 2026

2. Instruct staff to publish a notice of vacancy and repeat the interview process.

RECOMMENDATION

It is the recommendation of Mayor Kincaid and Councilor Williams that the following appointment be made:

- MARK HAMLIN TO THE FRUITA TOURISM ADVISORY COUNCIL (FTAC) FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2026
Debra Woods

From: akhamlins@gmail.com
Sent: Tuesday, April 4, 2023 5:22 PM
To: Debra Woods
Subject: Re: Your application for appointment to the Fruita Parks and Recreation Advisory Board

Good Afternoon Debra,

Thank you for all of the information regarding the Parks and Recreation Advisory Board. This is very helpful. If you can, please do keep my paperwork on hand if the position does become open this June.

I also had some potential interest in the Tourism Advisory Board as well. The Hospitality/Tourism industry in Alaska is where I have spent much of my career. So these two board opportunities are of great interest to me.

If you have any additional or would like more information please feel free to reach out anytime.

Thank you again and have a great evening!

Best regards,

Mark Hamlin
997-330-7836

Sent from my iPhone

On Apr 4, 2023, at 12:13 PM, Debra Woods <dwoods@fruita.org> wrote:

Hi, Mark,
The City of Fruita would like to thank you for submitting your application to the City Clerk’s Office for appointment to the Parks and Recreation Advisory Board. Unfortunately, the board does not currently have any vacant seats; however, we do have a board member whose term will expire this June. The board member does have the opportunity for apply for reappointment at that time should they wish to do, but I will be back in touch with you then to schedule an interview for you with Mayor Joel Kincaid and Council Liaison Aaron Hancey. By then, I will have advertised the vacancy for a minimum of 30 days beginning in May. In the event we have any other vacancies come up, I may be contacting you sooner to schedule an interview. Please let me know if you have any questions and thank you for your interest in serving on the City’s Boards and Commissions!

Deb Woods
Deputy City Clerk
City of Fruita
325 E. Aspen Ave.
Fruita, CO 81521
(970) 639-4210
dwoods@fruita.org
CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION

BOARD OR COMMISSION: Parks and Recreation Advisory Board - Tourism Advisory (ETAC)
NAME: Mark Hamlin
MAILING ADDRESS: 814 Golden Jubilee Dr

RESIDENCE ADDRESS: City State Zip
Fruita CO 81521

PHONE NUMBER: 907-330-7836
E-MAIL ADDRESS: akhamlins@gmail.com

How long have you been a resident of Fruita? October 31, 2022
Occupation/Employer: Sales - JL Hospitality Management

List any volunteer and/or work experience:
- Youth Comp Level Softball Coach - Anchorage, AK & Grand Junction, CO
- VP Board of Directors - Anchorage Glacier Pilots, Anchorage, AK
- General Volunteer - 2001 MLB All Star Game, Seattle, WA

Are you presently serving on a board or commission? If so, which one(s)?
Not at this time

Why do you want to be a member of this board or commission?
Becoming a member of the Fruita Parks and Recreation Advisory Board would allow for myself to introduce myself and give back to my new Community

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.
Being a Sales Manager in Anchorage, AK I have learned to effectively communicate with people from a wide variety of backgrounds and corporate professions. I am a big sports and athletics fan as well.
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)

There are no conflicts of interest.

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

None at this time.

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

My family and I are new to Fruita and we excited to become a part of this wonderful community!

References:
- Jon Dyson; Pres. Board of Directors Anchorage Glacier Pilots & GM Alaska Airlines Event Center; (907) 250-5263
- Rob Hanson; VP Sales & Marketing Alaska, JL Hospitality Mgmt; (907) 231-3535

Signature: [Signature]  Date March 31, 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.
AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 2, 2023
RE: SPECIAL EVENT LIQUOR PERMIT APPLICATION - A request to approve a Special Event Liquor Permit application for the Colorado Riverfront Foundation, Inc. to sell alcohol beverages at the James M. Robb - Colorado River State Park 2023 Summer Concert Series on:

- Friday, June 2, 2023 from 5:00 to 10:00 pm
- Saturday, August 12, 2023 from 5:00 to 10:00 pm

BACKGROUND

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

The Colorado Riverfront Foundation, Inc. is requesting to sell alcoholic beverages at the Summer Concert Series at the James M. Robb - Colorado River State Park on the dates listed above from 5:00 to 10:00 p.m. The Riverfront Foundation explained to staff that due to budget constraints, they will only have two concert dates this summer instead of three as they have typically done in the past.

A Beer and Wine Garden will be set up with fencing as illustrated on the diagram (highlighted in pink) that was submitted by the applicant and private security personnel will be on hand during the hours of alcohol sales.

The Fruita Police Department has reviewed the application and has no concerns or additional requirements for the Concert Series.

The Special Event Application, narrative of event, diagram of the Beer/Wine Garden, permission to use the property from Colorado Parks and Wildlife and the Fruita Police Department’s comments are attached hereto.

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES
OPTIONS AVAILABLE TO THE COUNCIL

- Approval of the Special Events Permit for the Colorado River Front Foundation to sell alcohol at the James M. Robb - Colorado River State Park during the 2023 Summer Concert Series subject to the following conditions:
  - Alcohol will be secured and no longer served after 9:45 p.m., allowing patrons 15 minutes to finish their beverages.
  - The Colorado Riverfront Foundation, Inc. will be solely responsible for enforcement of liquor laws.
  - All other procedures presented by the Colorado Riverfront Foundation, Inc. will be followed.
- Denial of the Special Events Permit
- Approve the permit with modified conditions

RECOMMENDATION

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

- APPROVE THE APPLICATION FOR A SPECIAL EVENTS LIQUOR PERMIT FOR THE COLORADO RIVERFRONT FOUNDATION, INC. TO SELL ALCOHOL BEVERAGES DURING THE SUMMER 2023 CONCERT SERIES AT THE JAMES M. ROBB - COLORADO RIVER STATE PARK SUBJECT TO THE CONDITIONS PRESENTED BY STAFF
APPLICATION FOR A SPECIAL EVENTS PERMIT

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
AND ONE OF THE FOLLOWING (See back for details.)

- Social
- Fraternal
- Patriotic
- Political
- Philanthropic Institution
- Chartered Branch, Lodge or Chapter
- National Organization or Society
- Municipality Owning Arts Facilities

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:

- 2110 ✓ Malt, Vinous and Spirituous Liquor $25.00 per day
- 2170 □ Fermented Malt Beverage (3.2% Beer) $10.00 per day

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE

Colorado Riverfront Foundation, Inc.

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE

PO Box 2477
Grand Junction, CO 81502

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT

James M. Robb Colorado River State Park - Fruita Section
595 Hwy 340
Fruita, CO 81521

4. PRES./SECEY OF ORG. OR POLITICAL CANDIDATE

NAME

DATE OF BIRTH

HOME ADDRESS (Street, City, State, ZIP)

PHONE NUMBER

5. EVENT MANAGER

Paul Nelson and Ron Wilson

03/07/52

07/28/57

697 Tillman Drive, GJ 81505

890 Ridge View Drive, GJ 81507

970-245-0853

970-243-8497

7. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN

ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?

✓ NO ☐ YES HOW MANY DAYS?

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? ✓ Yes ☐ No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

<table>
<thead>
<tr>
<th>Date</th>
<th>Hours From</th>
<th>Hours To</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/2/2023</td>
<td>5:00pm</td>
<td>10:00pm</td>
</tr>
<tr>
<td>8/12/23</td>
<td>5:00pm</td>
<td>10:00pm</td>
</tr>
</tbody>
</table>

OATH OF APPLICANT

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

SIGNATURE

TITLE Board Member/Manager

DATE 03/16/2023

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

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

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The City of Fruita

SIGNATURE

TITLE

DATE

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

LIABILITY INFORMATION

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

(Instructions on Reverse Side)
SPECIAL EVENT LIQUOR PERMIT NARRATIVE

Name of Event: Colorado Riverfront Concert Series

Brief Description: Popular series of two* low cost to the public outdoor concerts
Featuring nationally known music acts at the James M. Robb
Colorado River State Park – Fruita

This is a returning event that is now in its 25th year.

Date(s) of event: Still to be determined 6/21/23 7/21/23 8/21/23

Lead Agency: Colorado Riverfront Foundation, Inc.

Estimated Number of Participants: Approximately 1500 each concert

Applicant’s Name: Paul W. Nelson – Manager

Address: 687 Tilman Drive
Grand Junction, CO 81506

Phone Number: 970-245-0853
Cell Number: 970-270-1438

Email: pablonelsoni@yahoo.com

*Due to budget constraints, we will be doing two concerts in 2023 rather than three
Special Event Liquor Permit - Narrative

- **Security arrangements for monitoring and control of ingress and egress points to insure that alcoholic beverages do not come in or leave the licensed premises:**
The licensed beverage area may be accessed by the public via two clearly designated gates within the permanent wood three-rail fencing. Construction fencing will complete any openings in the fence structure. The two public gates will be staffed by private uniformed security with available backup by Park Rangers. Gates will be monitored when patrons enter and exit the venue.

- **Security/law enforcement arrangements to monitor crowd behavior and alcohol consumption:**
The audience is well supervised by adequate staffing provided by the event/promoter. In addition, private uniformed security is available, concert staff personnel and Park Rangers. Private security will be available and assigned to the park/event area for law enforcement presence, crowd control, or any law enforcement issues. Private security will be assigned to assist with traffic control with the event is over.

- **Type and height of fencing or barriers that will be erected or used to define the licensed area:**
Perimeter fencing will be a combination of 4’ rail fence and construction fencing. In addition, signage will be posted along the length of the fenced area advising ‘No alcoholic beverages to be brought in or out of the designated area.’

- **Location of restroom facilities/porta-johns within the licensed area:**
There are permanent and porta-johns within the area. Both are located and depicted on the attached map.

- **Location of signage to be posted concerning the consumption of alcoholic beverages outside the licensed area:**
Signs to be placed at both public entrances (coming and going) as well as at the vehicle entrance to the park. Each concert ticket reiterates our policy on both front and backsides. In addition, signage will be posted along the fenced area – as stated above.

- **Identification and age verification procedures for purchase and consumption of alcohol:**
It is worth noting that our events generally play to an older demographic with an average age of 45. The staff is experienced, many are TIPS trained and will be checking ID’s as needed much of the same as in a commercial establishment. The umbrella layer of security being provided by event staff, park staff, and private security. Last call is at 9:30pm.

- **Procedures for training staff/volunteers concerning the sale of alcoholic beverages:**
Servers are trained and experienced in beverage sales (Two Rivers Event staff).

- **Arrangements for food to be sold or provided:**
Armando Tacos, Fruita Mountain Berry Bowls and one TBD food vendor(s) will be selling food items. Water and soft drinks sales will be handled by bar staff and One Riverfront volunteer(s).

- **Clean up arrangements during alcohol sale:**
Whatever is left on the lawn after the concert will be collected and disposed of. Trash cans in circulation zones are emptied to dumpsters as needed. Staff will monitor trash during the event and collect as necessary.
BOATING / FISHING LAKE
BOATING RESTRICTIONS
Only carry on boats, non-motorized boats, or boats with electric motors are allowed on the lake.

Legend:
- Visitor Center
- Parking
- Picnic Sites
- Boat Ramp
- Playground
- Dump Station
- Restroom
- Fishing
- Group Camping
- Showers
- Group Picnic Area
- Swim Beach
- NO Boating
- Tent Camping

Park Boundary
Trail

Electric hook-ups are available at sites 13-24 and 26-35. Full hook-ups are available at sites 1-12, 25 and 36-44.

Second Beer/Wine Sales/Food Vendors

58
To: Debra Woods  
From: Dave Krouse, Chief of Police  
Date: March 23, 2023  
Re: 2023 Riverfront Concerts Special Event Liquor Permit

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

The licensee needs to be aware they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws.
March 7, 2023

Riverfront Foundation
544 Rood Ave
Grand Junction, CO. 81501

Sandstone Entertainment, Inc.
P.O. Box 4544
Grand Junction, CO. 81502

The Riverfront Foundation and Sandstone Entertainment, Inc. have my permission to apply for a special events liquor permit with the City of Fruita and the State of Colorado. The 2023 Concert series is scheduled to be held at the Fruita Section of James M. Robb-Colorado River State Park.

Under a separate special activity agreement issued by Colorado Parks and Wildlife, all parties agree to create a safe, clean and healthy environment for the concert series. The application for this liquor permit will assist in this effort. The special activity permit is contingent upon all parties securing required insurance and will be valid until October 31, 2023.

The Riverfront Foundation agrees to work with Sandstone Entertainment to provide all needed security and clean up for all events.

Sincerely,

Pete Firmin
Park Manager, James M. Robb-Colorado River State Park
BACKGROUND

The Colorado Plateau Mountain Bike Trail Association (COPMOBA) has filed an application to be granted Special Event Liquor Permits to provide a beer garden for the combined 2023 events of Fruita Tire Festival and CO2UT Gravel Bike Race at Civic Center Memorial Park. The proposed beer garden will remain in the same location on the dates and times below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday, May 12, 2023</td>
<td>4:00 – 10:00 pm</td>
<td>Fruita Fat Tire Festival</td>
</tr>
<tr>
<td>Saturday, May 13, 2023</td>
<td>2:00 – 10:00 pm</td>
<td>Fruita Fat Tire Festival</td>
</tr>
<tr>
<td>Sunday, May 14, 2023</td>
<td>12:00 – 6:00 pm</td>
<td>CO2UT Gravel Bike Race</td>
</tr>
</tbody>
</table>

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

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

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

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES
OPTIONS AVAILABLE TO THE COUNCIL

1. Approval of the special events permits for the combined 2023 events of Fruita Tire Festival and CO2UT Gravel Bike Race

2. Denial of the special events permits

RECOMMENDATION

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

- APPROVE THE APPLICATION FOR THE SPECIAL EVENTS PERMITS FOR THE COLORADO PLATEAU MOUNTAIN BIKE TRAIL ASSOCIATION (COPMOBA) TO PROVIDE A BEER GARDEN DURING THE COMBINED 2023 EVENTS OF FRUITA FAT TIRE FESTIVAL AND CO2UT AT CIVIC CENTER MEMORIAL PARK ON FRIDAY MAY 12, 2023 FROM 4:00 – 10:00 PM, SATURDAY, MAY 13, 2023 FROM 2:00 – 10:00 PM AND SUNDAY, MAY 14, 2023 FROM 12:00 – 6:00 PM SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

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

RECOMMENDED MOTION:

- APPROVE THE APPLICATION FOR THE SPECIAL EVENTS LIQUOR PERMITS FROM THE COLORADO PLATEAU MOUNTAIN BIKE TRAIL ASSOCIATION (COPMOBA) TO PROVIDE A BEER GARDEN DURING THE COMBINED 2023 EVENTS OF FRUITA FAT TIRE FESTIVAL AND CO2UT AT CIVIC CENTER MEMORIAL PARK ON THE DATES AND TIMES REQUESTED SUBJECT TO THE CONDITIONS STATED BY STAFF.
APPLICATION FOR A SPECIAL EVENTS PERMIT

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
AND ONE OF THE FOLLOWING (See back for details):

☐ SOCIAL ☐ ATHLETIC ☑ PHILANTHROPIC INSTITUTION
☐ FRATERNAL ☑ CHARTERED BRANCH, LODGE OR CHAPTER ☐ POLITICAL CANDIDATE
☐ PATRIOTIC ☑ OF A NATIONAL ORGANIZATION OR SOCIETY ☐ MUNICIPALITY OWNING ARTS
☐ POLITICAL ☑ RELIGIOUS INSTITUTION ☐ FACILITIES

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:

☐ 2110 ☑ MALT, VINOUS AND SPIRITUOUS LIQUOR $25.00 PER DAY
☐ 2170 ☐ FERMENTED MALT BEVERAGE (3.2 Beer) $10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

State Sales Tax Number (Required)
4148617000

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
Colorado Plateau Mountain Bike Trail Association, Inc.

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
(Post Office Box 40)
Grand Junction, Colorado 81502

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
(Post Office Box 40)
Fruita Civic Center Park
325 E. Aspen Avenue
Fruita, Colorado 81521

NAME DATE OF BIRTH HOME ADDRESS (Street, City, State, ZIP) PHONE NUMBER

4. PRES./SECY OF ORG. or POLITICAL CANDIDATE
John Howe
9/26/1961
339 Sierra Ct, Grand Jct, CO 81507
970-270-3738

5. EVENT MANAGER
John Howe
9/26/1961
339 Sierra Ct, Grand Jct CO 81507
970-270-3738

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
☑ NO ☐ YES HOW MANY DAYS?

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
☑ YES ☐ NO TO WHOM?

8. DOES APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? ☑ Yes ☐ No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

<table>
<thead>
<tr>
<th>Date</th>
<th>Hours From</th>
<th>Hours To</th>
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</thead>
<tbody>
<tr>
<td>May 12, 2023</td>
<td>4:00 p.m.</td>
<td>10:00 p.m.</td>
</tr>
<tr>
<td>May 13, 2023</td>
<td>2:00 p.m.</td>
<td>10:00 p.m.</td>
</tr>
<tr>
<td>May 14, 2023</td>
<td>12:00 p.m.</td>
<td>6:00 p.m.</td>
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</tbody>
</table>

OATH OF APPLICANT

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

SIGNATURE

[Signature]

TITLE

[Title]

DATE

[Date]

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

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

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)
[City or County]
[Telephone Number]

SIGNATURE

[Signature]

TITLE

[Title]

DATE

[Date]

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

LIABILITY INFORMATION

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

(Instructions on Reverse Size)
COPMOBA
Fruita Fat Tire Festival/Co2Ut – May 12, 13 and 14, 2023
Special Permit Application Narrative

1. Description. The Fruita Fat Tire Festival (FFTF) is an annual event that brings a number of mountain bike enthusiasts to Fruita. For 2023, Desert Gravel is organizing the Co2Ut gravel bike race in conjunction with FFTF. Colorado Plateau Mountain Bike Trail Association, Inc. (COPMOBA) is a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code. COPMOBA will provide a beer garden in the licensed area shown on the attached map for the 2023 FFTF in Fruita Civic Center Park, 325 E. Aspen Avenue. COPMOBA will sell and serve beer from kegs into plastic cups. Beer garden hours will be from 4:00 pm to 10:00 pm on Friday, May 12; 2:00 pm to 10:00 pm on Saturday, May 12; one 12:00 pm to 4:00 pm on Sunday, May 14. Last call will be no later than 9:30 pm on Friday and Saturday to allow patrons to finish any beer before closing at 10:00 pm.

2. Security and Crowd Control. COPMOBA volunteers will monitor the entrances to the licensed area and its perimeter in order to prevent alcohol being removed from or brought into the licensed area. Additional security within the licensed area will be provided by paid security and/or COPMOBA volunteers to monitor participant behavior and to prevent participants from becoming noticeably intoxicated. COPMOBA will refuse to serve any participant who is noticeably intoxicated. Fruita Police will be called if any illegal activity or behavior that cannot be controlled by security occurs.

3. Fencing. Metal fencing and adjacent building walls will enclose the licensed area as shown on the attached map.

4. Toilets. Portable toilets will be accessible in the licensed area.

5. Signage. Signs will be posted at the entrances, on perimeter fencing and building doors stating that identification will be checked and that no alcohol is allowed in or out of the licensed area.

6. Age Verification. Identification will be checked by COPMOBA volunteers at the token sales area and wristbands provided to persons over the age of 21. Persons under the age of 21 will not be provided wristbands or served alcohol. Wristbands will be checked at the beer service booth and persons without a wristband will not be served.

7. Responsible Alcohol Vendor. COPMOBA has Responsible Alcohol Vendor trained volunteers who will be monitoring the licensed area for identification verification and for participants who may become noticeably intoxicated.

8. Trash. Trash will be picked up periodically by volunteers and disposed of in receptacles provided by the event sponsor in order to keep the licensed area clean.

9. Food. Food trucks will be available and serving food in the licensed area.

***
To: Debra Woods  
From: Dave Krouse, Chief of Police  
Date: April 18, 2023  
Re: 2023 CO2UT/Fat Tire Special Event Liquor Permit

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

The licensee needs to be aware they are solely responsible for control of the licensed premises in regard to alcohol possession, consumption and adherence to state and municipal laws.
Event Name: Fat Tire and CO2UT

Date(s): May 10-14, 2023

Event Location: Civic Center Park

Event Coordinator: George Gatseos and Morgan Murri

Approved by: [Signature] City of Fruita Parks and Recreation Director
**CERTIFICATE OF LIABILITY INSURANCE**

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

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

**PRODUCER**
- **Name:** Nicholas Hill Group, Inc.
- **Address:** 1586 S 21st Street Suite 200
  - Colorado Springs, CO 80904

**INSURED**
- **Name:** Colorado Plateau Mountain Bike Trails Association
- **Address:** Grand Junction, CO 81502
- **Phone:** 243-5620
- **Fax:** 412-555-3033

**CONTACT**
- **Name:** Andrea Slate
- **Phone:** (719) 694-2595
- **Fax:** (719) 694-2595
- **Email:** andrea@nicholashillgroup.com

**INSURER(S) AFFORDING COVERAGE**
- **Name:** Everest National Insurance Company
- **NAIC #:** 10120

**COVERAGES**

<table>
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<tr>
<th>COVERAGES</th>
<th>CERTIFICATE NUMBER:</th>
<th>REVISION NUMBER:</th>
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<tr>
<td><strong>INSURER A:</strong></td>
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<td><strong>INSTR 1</strong></td>
<td>TYPE OF INSURANCE</td>
<td>ADJ.(SUB.) INS.</td>
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<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
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<td>CLAIMS-MADE</td>
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<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
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<td>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?</td>
<td>N/A</td>
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<td>(Mandatory in NH)</td>
<td>If yes, describe under DESCRIPTION OF OPERATIONS below</td>
<td>N/A</td>
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<td>DESCRIPTION OF OPERATIONS below</td>
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</tbody>
</table>

**POLICY NUMBER:** S18MB00133-231
- **Policy Effective (MM/DD/YYYY):** 03/25/2023
- **Policy Expiration (MM/DD/YYYY):** 03/25/2024
- **Limits:**
  - EACH OCCURRENCE $1,000,000
  - DAMAGE TO RENTED PREMISES (Ex. occurrence) $500,000
  - MED EXP (Any one person) $Excluded
  - PERSONAL & ADV INJURY $1,000,000
  - GENERAL AGGREGATE $2,000,000
  - PRODUCTS - COMP/OP AGG $300,000
  - Liquor Liability $1,000,000

**CERTIFICATE HOLDER**
- **Name:** City of Fruita, CO
  - 325 E. Aspen
  - Fruita, CO 81521

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

**AUTHORIZED REPRESENTATIVE**
- [Signature]

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AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER
DATE: MAY 2, 2023

AGENDA TEXT: RESOLUTION 2023-11 - Public Hearing – Amending the 2023 Budget with Supplemental Appropriations of Funds for Capital Projects, Repairs at the Fruita Community Center, Parks Repair and Maintenance, Youth Activities, and Special Events and Projects; and a Supplemental Appropriation of Funds for Completion of a Capital Project Initially Included in the 2022 Annual Budget.

BACKGROUND

This is a request to amend the 2023 Annual Budget, and to provide supplemental appropriations in the General Fund, Conservation Trust Fund, Fruita Community Center Fund, and Capital Projects Fund for Capital Projects, Repairs at the Fruita Community Center, Youth Activities, Parks Repair and Maintenance, and Special Events. This amendment also includes a re-appropriation for a capital project that was included in the 2022 Annual Budget but not completed and need to be rolled over to the new fiscal year.

The table below provides an overview of all appropriations and is broken down in to two categories: (1) new appropriations for 2023 and (2) reappropriations from the 2022 Budget.

FISCAL IMPACT

This budget amendment does not have a significant fiscal impact as revenues are available to offset the increased appropriations.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Budget is a financial plan developed for the purpose of allocating resources necessary to implement specific policies and strategies to achieve short- and long-term goals established by the City throughout the year. This budget amendment provides for completion of special projects and capital projects already identified for construction.

OPTIONS AVAILABLE TO THE COUNCIL

• Approve the budget amendment as presented or with amendments
• Advise staff to revise the budget amendment
RECOMMENDATION

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Summary</th>
<th>2023 New Appropriations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Event Entertainment and Supplies for Mike the Headless Chicken Festival – General Fund</td>
<td>This is a request to appropriate $10,500 in sponsorship revenues received for the 2023 Mike the Headless Chicken Festival. These funds will be used for entertainment, and supplies and equipment expenses. The sponsorship funds come from local businesses.</td>
<td>$10,500</td>
</tr>
<tr>
<td>Parks Repair and - Vietnam War Memorial Maintenance – General Fund</td>
<td>This is a request to appropriate $5,000 in General Fund – Fund Balance designated for the Vietnam War Memorial, for the purposes of concrete/sidewalk repair and maintenance.</td>
<td>$5,000</td>
</tr>
<tr>
<td>Youth Activities Supplies and Equipment – Fruita Community Center Fund</td>
<td>This is a request to appropriate $30,100 received from the Colorado Department of Human Services Child Care Stabilization Grant for expenses related to Dinomites. This grant revenue will fund supplies and equipment, and part-time staff for the Dinomites program.</td>
<td>$31,400</td>
</tr>
<tr>
<td>Building Repair and Maintenance – Fruita Community Center Fund</td>
<td>This is a request to appropriate $135,000 in Insurance Payments for expenses incurred due to the gym floor flooding. The $135,000 includes $132,500 for construction of the replacement of the gym floor, and $2,500 for a portable volleyball net that was purchased (a reimbursable expense, purchased to accommodate volleyball season while the gym floor was closed). This will also reduce the amount of use of fund balance for the Fruita Community Center fund in 2023, since the gym resurfacing project will not be needed.</td>
<td>$135,000</td>
</tr>
<tr>
<td>Reed Park Construction – Capital Projects Fund</td>
<td>This is a request to appropriate $600,000 in grant revenue received from Great Outdoors Colorado (“GOCO”) for improvements to Reed Park.</td>
<td>$600,000</td>
</tr>
<tr>
<td>Description</td>
<td>Summary</td>
<td>2023 Reappropriation</td>
</tr>
<tr>
<td>Reed Park Improvements – Engineering and Design – Capital Projects Fund</td>
<td>This is a request to reappropriate unspent funds for Engineering/Design for the Reed Park improvements project. During the budget process last year, staff estimated that $152,300 would be used for Engineering and Design in 2022. Only $50,500 was used in 2022, leaving a rollover amount of $101,800 needed for 2023.</td>
<td>$101,800</td>
</tr>
</tbody>
</table>
RESOLUTION 2023-11

A RESOLUTION AMENDING THE 2023 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS FOR CAPITAL PROJECTS, REPAIRS AT THE FRUITA COMMUNITY CENTER, PARKS REPAIR AND MAINTENANCE, YOUTH ACTIVITIES, AND SPECIAL EVENTS AND PROJECTS, AND A SUPPLEMENTAL APPROPRIATION FOR A CAPITAL PROJECT INCLUDED IN THE 2022 ANNUAL BUDGET

WHEREAS, the City of Fruita has received $10,500 in sponsorships for the Mike the Headless Chicken Festival that can be used for Entertainment and Supplies and Equipment, and

WHEREAS, the City has Fund Balance designated for the Vietnam War Memorial that can be used for repair and maintenance of the memorial, and

WHEREAS, the City has received funding from the Colorado Department of Human Services, Childcare Stabilization Grant program, that has to be used for the Dinomites program, and

WHEREAS, the Fruita Community Center has received an insurance payment of $135,000 for the replacement of the gym floor and to reimburse expenses for a portable volleyball net, and

WHEREAS, the City has received a $600,000 grant from Great Outdoors Colorado for improvements to Reed Park, and

WHEREAS, the Reed Park improvements project was initially budgeted for in the 2022 fiscal year was not completed as anticipated due to various reasons, and fund need to be re-appropriated for engineering and design in 2023 for the completion of the project, and

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

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

Section 1: That the 2023 appropriation for the General Fund is hereby increased by $15,500 from $15,974,785 to $15,990,285 from the following sources for the following uses:

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Event Sponsorships</td>
<td>$10,500</td>
</tr>
<tr>
<td>Assigned Fund Balance for Vietnam War Memorial</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,500</strong></td>
</tr>
</tbody>
</table>

Use of Funds

<table>
<thead>
<tr>
<th>Use of Funds</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Events Entertainment</td>
<td>$6,000</td>
</tr>
<tr>
<td>Special Events Supplies and Equipment</td>
<td>$4,500</td>
</tr>
<tr>
<td>Miscellaneous Contributions (Vietnam War Memorial)</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,500</strong></td>
</tr>
</tbody>
</table>
Section 2: That the 2022 appropriation for the Conservation Trust Fund is hereby increased by $101,800 from $352,200 to $454,000 from the following sources for the following uses:

Source of Funds
Conservation Trust Fund – Fund Balance .......................................................... $101,800

Use of Funds
Transfer to Capital Projects ................................................................. $101,800

Section 3: That the 2023 appropriation for the Fruita Community Center is hereby increased by $165,400 from $4,416,375 to $4,581,775 from the following sources for the following uses:

Source of Funds
CDHS Grant................................................................. $30,400
Insurance Payment .............................................................. $135,000

Use of Funds
Dinomites Part-Time Staff........................................................... $8,000
Dinomites Supplies and Equipment................................................... $22,400
Gym Floor Repairs and Maintenance .............................................. $132,500
Furniture/Equipment.............................................................. $2,500

Section 4: That the 2023 appropriation for the Capital Projects Fund is hereby increased by $701,800 from $8,067,700 to $8,769,500 the following sources for the following uses:

Source of Funds
Great Outdoors Colorado Grant .................................................. $600,000
Transfer from Conservation Trust Fund ....................................... $101,800

Use of Funds
Reed Park Engineering and Design ........................................ $101,800
Reed Park Construction ....................................................... $600,000

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2nd DAY OF MAY, 2023

ATTEST: City of Fruita

______________________________ __________________________
City Clerk Joel Kincaid, Mayor
AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 2, 2023

AGENDA TEXT: EXECUTIVE SESSION – To convene in Executive Session to discuss the consideration of an offer to purchase and the process for sale of real property owned by the City, specifically Enoch’s Lake real property and its water rights pursuant to C.R.S. 24-6-402(4)(a), to develop a strategy for negotiations and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) and to receive legal advice from the City Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding the same and an to discuss the consideration of a possible sale of real property owned by the City, specifically property to smaller parcels located near Enoch’s Lake, as a separate transaction pursuant to C.R.S. 24-6-402(4)(a), to develop a strategy for negotiations and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) and to receive legal advice from the City Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding the same.

BACKGROUND

The City Council has reason to convene in Executive Session to discuss the consideration of an offer to purchase and the process for sale of real property owned by the City, specifically Enoch’s Lake real property and its water rights pursuant to C.R.S. 24-6-402(4)(a), to develop a strategy for negotiations and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) and to receive legal advice from the City Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding the same and an to discuss the consideration of a possible sale of real property owned by the City, specifically property to smaller parcels located near Enoch’s Lake, as a separate transaction pursuant to C.R.S. 24-6-402(4)(a), to develop a strategy for negotiations and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) and to receive legal advice from the City Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding the same. 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
It is the recommendation of the Fruita City Staff that the Council:

- **TO DISCUSS THE CONSIDERATION OF AN OFFER TO PURCHASE AND THE PROCESS FOR SALE OF REAL PROPERTY OWNED BY THE CITY, SPECIFICALLY ENOCH’S LAKE REAL PROPERTY AND ITS WATER RIGHTS PURSUANT TO C.R.S. 24-6-402(4)(A), TO DEVELOP A STRATEGY FOR NEGOTIATIONS AND INSTRUCT NEGOTIATORS PURSUANT TO C.R.S. 24-6-402(4)(E) AND TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO C.R.S. 24-6-402(4)(B) REGARDING THE SAME AND AN TO DISCUSS THE CONSIDERATION OF A POSSIBLE SALE OF REAL PROPERTY OWNED BY THE CITY, SPECIFICALLY PROPERTY TO SMALLER PARCELS LOCATED NEAR ENOCH’S LAKE, AS A SEPARATE TRANSACTION PURSUANT TO C.R.S. 24-6-402(4)(A), TO DEVELOP A STRATEGY FOR NEGOTIATIONS AND INSTRUCT NEGOTIATORS PURSUANT TO C.R.S. 24-6-402(4)(E) AND TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO C.R.S. 24-6-402(4)(B) REGARDING THE SAME.
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 May 2, 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 discuss the consideration of an offer to purchase and the process for sale of real property owned by the City, specifically Enoch’s Lake real property and its water rights pursuant to C.R.S. 24-6-402(4)(a), to develop a strategy for negotiations and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) and to receive legal advice from the City Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding the same and an to discuss the consideration of a possible sale of real property owned by the City, specifically property to smaller parcels located near Enoch’s Lake, as a separate transaction pursuant to C.R.S. 24-6-402(4)(a), to develop a strategy for negotiations and instruct negotiators pursuant to C.R.S. 24-6-402(4)(e) and to receive legal advice from the City Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding the same

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)
AGENDA ITEM COVER SHEET

TO:       FRUITA CITY COUNCIL AND MAYOR
FROM:     DEBRA WOODS, DEPUTY CITY CLERK
DATE:     MAY 2, 2023
AGENDA TEXT: EXECUTIVE SESSION – To convene in Executive Session to receive legal advice from the City Attorney regarding specific legal questions concerning City Boards and Commissions pursuant to C.R.S. Section 24-6-402(4)(b)

BACKGROUND

The City Council has reason to convene in Executive Session to receive legal advice from the City Attorney regarding specific legal questions concerning City Boards and Commissions pursuant to C.R.S. Section 24-6-402(4)(b). 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:

- TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING SPECIFIC LEGAL QUESTIONS CONCERNING CITY BOARDS AND COMMISSIONS PURSUANT TO C.R.S. SECTION 24-6-402(4)(B)
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 May 2, 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 receive legal advice from the City Attorney regarding specific legal questions concerning City Boards and Commissions pursuant to C.R.S. Section 24-6-402(4)(b)

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.
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(stop recording and return to open meeting)