



# FRUITA COLORADO

## CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, November 21, 2023 at 7:00 PM

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### AGENDA

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

**1. CALL TO ORDER AND ROLL CALL**

**2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**3. AGENDA - ADOPT/AMEND**

**4. PROCLAMATIONS AND PRESENTATIONS**

- A. PRESENTATION - Presentation and Consideration of a Memorandum of Understanding (MOU) between the City of Fruita and the Western Colorado Business Development Corp. DBA Business Incubator Center (BIC) by *City Manager Mike Bennett and BIC Executive Director Dalida Bollig*

**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 October 3, 2023 Regular City Council meeting

- B. **BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Carlee Burnett to the Arts and Culture Board to fulfill an unexpired term plus an additional three-year term to expire in December of 2026
- C. **RESOLUTION 2023-33** – A request to approve Resolution 2023-33 authorizing the City Manager to sign a multiyear Professional Services Agreement between the City of Fruita and Rhema Music and Clothing (Councilor Williams) for Concert Production Services and provide public disclosure of the award
- D. **RESOLUTION 2023-36** - A request to approve a Resolution of the Fruita City Council setting a hearing date for January 16, 2024, to determine the eligibility of annexation of approximately 14.52 acres of property located at 1873 K Road to be annexed into the city limits and consider initiation of annexation procedures (*1873 K Road Annexation*)
- E. **ORDINANCE 2023-15** – First Reading - Introduction of an Ordinance amending Chapter 3.18 of the Fruita Municipal Code concerning exclusions for the sale or purchase of lodging and amending the definition of lodging for public hearing on December 19, 2023
- F. **ORDINANCE 2023-17** - First Reading - An introduction of an Ordinance authorizing the conveyance of water rights and real property of the City referred to as Enoch’s Lake located on Pinon Mesa for public hearing on December 19, 2023
- G. **FINANCIAL REPORTS** – A request to approve the October 2023 Financial Reports

## **7. PUBLIC HEARINGS**

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

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

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

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

1. Staff presentation - Staff will present the comments and reports received from review agencies and offer a recommendation.
2. Applicant Presentation - The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.

3. Public Input (limit of 3 minutes per person) Speakers must step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
4. The public hearing is closed to public comments.
5. Questions from the Council. After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
6. Make a motion. A member of the City Council will make a motion on the issue.
7. Discussion on the motion. The City Council may discuss the motion.
8. Vote. The City Council will then vote on the motion.

## **A. QUASI-JUDICIAL HEARINGS**

## **B. LEGISLATIVE HEARINGS**

- 1) RESOLUTION 2023-35 - Public Hearing – Amending the 2023 Budget with Supplemental Appropriations of Funds for Capital Projects, Equipment, Purchased Services, and Special Projects - *Assistant City Manager Shannon Vassen*
- 2) 2024 ANNUAL BUDGET – Public Hearing and Presentations - *Assistant City Manager Shannon Vassen*

## **8. ADMINISTRATIVE AGENDA**

## **9. CITY MANAGER’S REPORT**

## **10. COUNCIL REPORTS AND ACTIONS**

- A. Establishing a Committee to Review Possible “Localism” Board
- B. EXECUTIVE SESSION – Discussion and possible action to consider a motion to convene in Executive Session regarding personnel issues under C.R.S. Section 24-6-402(4)(f) for the Municipal Court Judge’s annual formal review
- C. EXECUTIVE SESSION – Discussion and possible action to consider a motion to convene in Executive Session regarding personnel issues under C.R.S. Section 24-6-402(4)(f) for the City Manager’s annual formal review (without the City Manager)

## **11. ADJOURN**

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



# FRUITA

## COLORADO

## AGENDA ITEM COVER SHEET

**TO:** Mayor & City Council

**FROM:** Mike Bennett, City Manager

**DATE:** November 21, 2023

**AGENDA TEXT:** PRESENTATION - Presentation and Consideration of a Memorandum of Understanding (MOU) between the City of Fruita and the Western Colorado Business Development Corp. DBA Business Incubator Center (BIC) by City Manager Mike Bennett and BIC Executive Director Dalida Bollig

### BACKGROUND

For many years the City has worked with the BIC to collaborate with business development, small business loan management, business training and economic development activity. In the City's Strategic Plan, a goal for 2023 is to clarify the relationship between the City and BIC in an MOU. City Manager Mike Bennett worked with BIC Executive Director Dalida Bollig to draft the MOU. The MOU is attached and Bollig and Bennett will present to Council during this agenda item and take any questions the Council has. Bollig will also present an update to City Council during this agenda item.

The purpose of the MOU is to define the roles of the relationship between the BIC and the City, and either party may terminate the MOU at any time upon 120 days' written prior notice. The MOU replaces the outdated MOU dated by both parties on June 18, 2013 for the purpose of the City providing satellite space in the Fruita Civic Center, which use has expanded and changed since that MOU into the FWorks Co-working space. This MOU also recognizes the Professional Services Agreement between both parties dated September 14, 2011 for the purpose of the BIC administering the Fruita Business Loan fund and other business loan programs. These two agreements are attached for reference.

The purpose of the MOU is defined to:

1. Establish a collaborative partnership between the City and BIC to foster economic development and provide essential resources for the growth of businesses within the City. The City recognizes the importance of fostering entrepreneurship and economic development within its boundaries. BIC has expertise in providing business support services, including co-working space management, business loan programs, assistance with specific federal and state programs, administration of Enterprise Zone, coaching, workshops, and other programs.
2. Replace the previous MOU dated June 18, 2013 regarding the development of a business incubator program satellite office in space provided by the City at the Fruita Civic Center to reflect changes and updates to the program and use of space that have occurred since the original MOU was executed.

The MOU defines the roles of the BIC and the City regarding this relationship in categories of economic development services, co-working space, and collaborating and reporting. These are listed in the attached MOU.

### **FISCAL IMPACT**

Currently the City, in lieu of an annual payment to BIC, provides in-kind office and meeting room space within the Frutia Civic Center as identified in Exhibit A of the MOU. Any future changes to this arrangement or consideration of a funding request of the City from the BIC would be subject to the City's annual budget adoption.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVE**

Economic development is a strategy of the City found in both the City's Comprehensive Plan and the Strategic Plan focused on business retention, business expansion, and new business development. Continuing a relationship with the BIC is specified in both plans.

### **OPTIONS AVAILABLE TO THE COUNCIL**

- 1. Approve the MOU with the BIC, directing the City Manager to sign the MOU.**
- 2. Approve the MOU, with amendments, and if approved by the BIC, direct the City Manager to sign the MOU.**

### **RECOMMENDATION**

- APPROVE THE MOU WITH THE BIC, DIRECTING THE CITY MANAGER TO SIGN THE MOU.**

## MEMORANDUM OF UNDERSTANDING

This Memo of Understanding formalizes agreements between the City of Fruita and Western Colorado Business Development Corporation, DBA the Business Incubator Center regarding operations, financial considerations and the scope of work necessary to develop a business incubator program satellite office in the City of Fruita Civic Center.

### RECITALS:

WHEREAS, The City and Business Incubator Center have developed a strong working relationship to create, foster and enhance entrepreneurial business activity in the City of Fruita; and

WHEREAS, the City and Business Incubator Center desire to continue with this relationship and improve the economic vitality of Fruita by locating a satellite incubator office in the Fruita Civic Center; and

WHEREAS, the City desires to obtain the services of the Business Incubator Center to administer and operate a satellite incubator office in Fruita; and

WHEREAS, the Business Incubator Center is a qualified, non-profit, small business development organization, capable of providing the professional services; and

WHEREAS, the Business Incubator Center is willing and able to provide the City with the services as outlined in this Memorandum of Understanding.

NOW, THEREFORE, in consideration of the terms and covenants of this Memorandum, the parties agree as follows:

SECTION 1: The City of Fruita will provide the Business Incubator Center approximately 1,600 square feet of space in the Fruita Civic Center. In the space provided, the Business Incubator will operate a satellite business incubator office.

SECTION 2: In the space provided, the Business Incubator Center will work to support the launch, growth, stabilization and long-term success of business enterprises. This satellite office will work with all types of industries including, but not limited to, manufacturing, technology, agriculture, construction and retail. The incubator satellite center will provide education and coaching to business owners and leaders and work to establish an entrepreneurial infrastructure for the community.

SECTION 3: It is understood that meaningful, quantitative measures of success are very difficult to develop for endeavors such as this. As such, the Business Incubator Center and the City will measure success by the creation of an environment to guide entrepreneurs through sound business decisions and having a positive influence on economic growth in the region. In order to create this environment, the satellite office will offer free or low cost counseling, workshops and classes, opportunities for approved businesses to use shared services and lease

space, provide small business financing through the Business Loan Fund of Mesa County and the Fruita Business Loan Fund, and administer the Enterprise Zone tax credit through the Mesa County Enterprise Zone among other types of assistance.

SECTION 4: The Business Incubator Center Plans to operate the Fruita satellite office indefinitely depending on the success of the endeavor. In order to make this endeavor as successful as possible in the beginning years, the Business Incubator will commit to operating the satellite office for a minimum of a three year period.

SECTION 5: In order to reduce the burden on the Business Incubator Center of starting this endeavor, and in an effort to help secure the success of the business incubator satellite office, the City of Fruita will provide the Business Incubator Center with a payment of \$13,200. In addition, the City will commit to improving the flooring prior to December 2013 in the satellite space to meet the needs of the facility. Finally, it is understood the City will provide wireless internet services and pay the utility costs for the space provided.


SECTION 6: The term of this Agreement shall commence on the day executed by both parties, and shall continue indefinitely. This Agreement may be terminated as follows:

- a. Immediately upon the dissolution of the entity known as Western Colorado Business Development Corporation dba Business Incubator Center, or
- b. By the City or Business Incubator Center at any time, upon 120 days written prior notice.

SECTION 7: Any modification of this Agreement shall be binding only if evidenced in writing and signed by each party. If modifications are jointly agreed to and will improve the efficiency and effectiveness of the agreement, the Fruita City Manager and Executive Director of the Business Incubator Center are authorized to jointly modify this agreement without action of their respective boards as long as the overall intent of the agreement is upheld.


BY THEIR SIGNATURES, the parties agree to the terms of this Memorandum of Understanding this 18th day of June, 2013.

City of Fruita

By:   
Clinton M. Kinney, City Manager

ATTEST:   
Margaret Steelman, City Clerk

Western Colorado Business Development Corporation

By:  Title Executive Director

ACKNOWLEDGEMENT

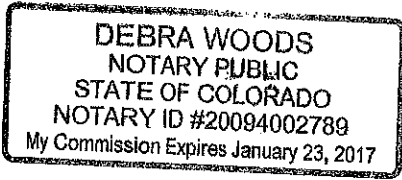
STATE OF COLORADO )  
 )ss  
COUNTY OF MESA )

CLINTON M. KINNEY AND

The above and foregoing signatures of MARGARET SELL were  
18<sup>th</sup> day of June, 2013. was subscribed and sworn to before me this

Witness my hand and official seal.

My commission expires on: 1/23/2017



Debra Woods  
Notary Public

325 E. Aspen Ave.  
Address

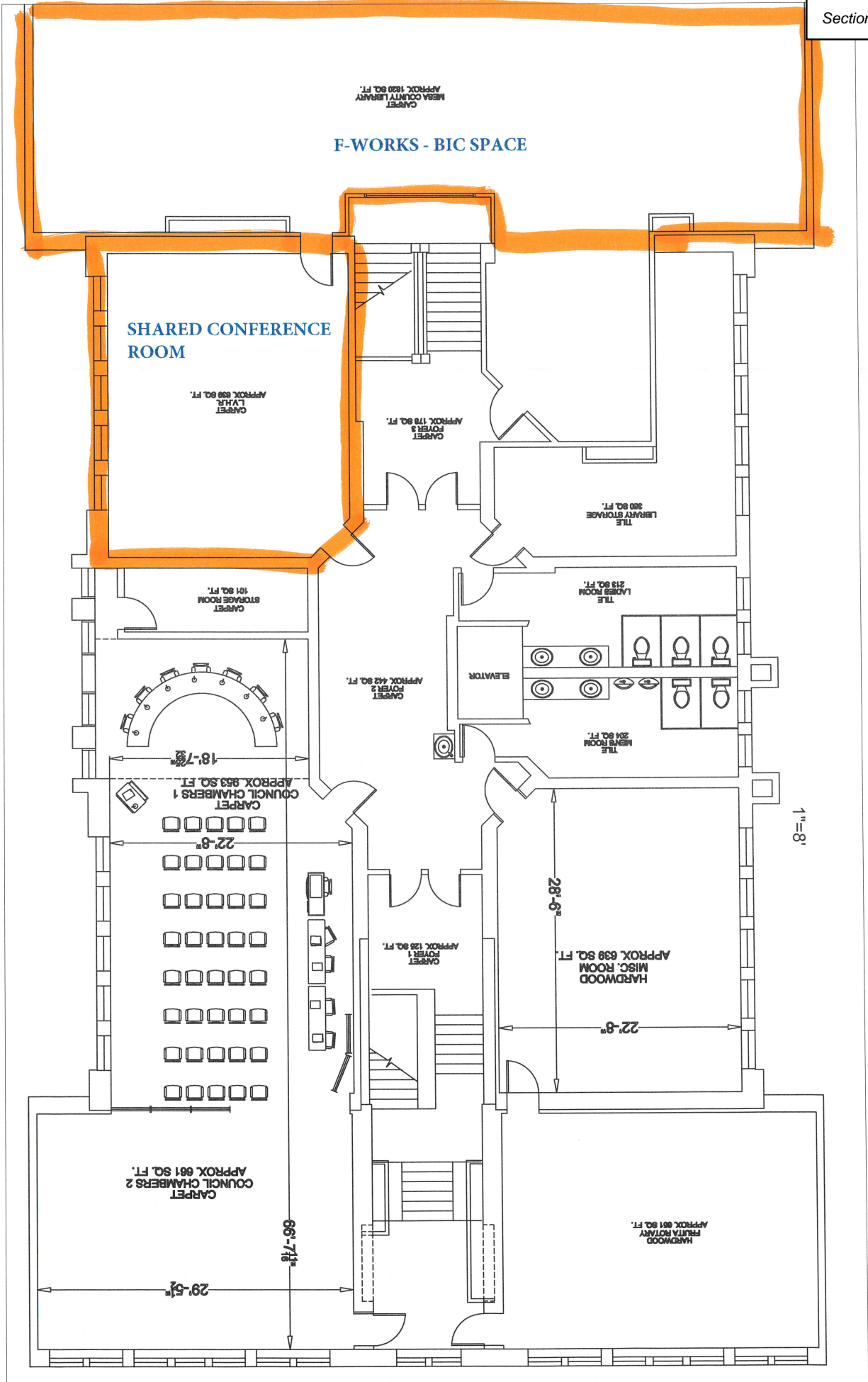
Fruita CO 81521

(SEAL)



EXHIBIT A

Section 4, Item A.



*Jickler*

City of Fruita

Fruita Business Loan Fund

**PROFESSIONAL SERVICES AGREEMENT**

Re: Fruita Business Loan Fund

THIS AGREEMENT is made and entered into this 14<sup>th</sup> day of September, 2011, by and between the City of Fruita, Colorado, 325 E. Aspen, Fruita, Colorado 81521 (herein after referred to as "City"); and Western Colorado Business Development Corporation dba *Business Incubator Center* (herein after referred to as "Business Incubator Center") – 2591 Legacy Way, Grand Junction, Colorado, 81503.

RECITALS:

WHEREAS, the City desires to obtain the services of the Business Incubator Center to administer a City provided fund for the purpose of providing micro-loans available to businesses located within the City of Fruita,

WHEREAS, the Business Incubator Center is a qualified, non-profit, small business development organization, capable of providing the professional services,

WHEREAS, the Business Incubator Center is willing and able to provide the City with the services as outlined in the Proposal,

NOW, THEREFORE, in consideration of the terms and covenants of this Agreement, the parties agree as follows:

SECTION 1  
SCOPE OF SERVICES

- 1.1 The Business Incubator Center will provide combination of training for Fruita area businesses in preparing business plans and the administration of the New Fruita Business Loan Fund (FBLF).
- 1.2 The Business Incubator Center's Business Loan Fund of Mesa County (BLF) will administer the FBLF.
- 1.3 The Business Incubator Center will identify qualified candidates through marketing initiatives and training programs. Fees will be charged for their workshops and classes.
- 1.4 One-on-one consulting will be provided at no charge.

SECTION 2  
PURPOSE OF FUND

- 2.1 To provide micro loan funds to businesses within the city limits of Fruita, Colorado. The objective of these funds will be able to :

City of Fruita

Fruita Business Loan Fund

- a. Have a positive influence on economic growth in Fruita,
- b. Maximize the impact of these dollars on local capital investment, revenue growth, job creation and retention,
- c. To use the micro loan nature of these dollars to maximize the number of small businesses impacted.

SECTION 3  
BUDGET

- 3.1 a. The Fund will be a stand-alone program. The Business Incubator Center will manage this program through their existing "Fund Accounting" software.
- b. The Fruita program funding will be \$30,000 in 2011.
- c. Administrative support for the Business Incubator Center will be 16% of the funding.

SECTION 4  
TERMS

- 4.1 a. The interest rate will be determined by the Loan Committee and range between the Prime Rate and Prime + 6%.
- b. The loan origination fee to be paid by the loan client will be 2% and this fee will be retained by Business Incubator Center.
- c. All interest income generated from the loans will be retained by the Business Incubator Center.
- d. Approved loan clients will be required to pay a \$50.00 application fee and other filing fees as needed.
- e. All loan application reviews and funding recommendations are to be made by the Business Incubator Center Loan Committee. Loan ratifications will be made by the Business Incubator Center Board of Directors.
- f. Collateral requirements on each loan will be determined by the Loan Committee.
- g. Loan amounts will start at a minimum of \$2,500.00.
- h. Loan term will range from 6 months to five years.
- i. Any loan collection efforts, in needed, will be determined by the Loan Committee.
- j. All other decisions related to loan applications and loan administration will be determined by the Loan Committee or designated staff of the Business Incubator Center.
- k. As loan principal amounts are repaid, the capital will replenish the FBLF.
  - l. The Business Incubator will provide adequate, periodic updates to the City of loan activity.

SECTION 5

City of Fruita

Fruita Business Loan Fund

REQUIREMENTS

- a. Loan Applicants will be required to complete a Business Loan Fund Application.
- b. Loan Applicants will be required to prepare a realistic and viable business plan.

SECTION 6  
REPRESENTATION, DURATION AND TERMINATION

- 6.1 The term of this Agreement shall commence on the day signed by the City Manager of the City of Fruita, and shall continue indefinitely. This Agreement may be terminated as follows:
  - a. Immediately upon the dissolution of the entity known as Western Colorado Business Development Corporation dba Business Incubator Center, or
  - b. By the City or Business Incubator Center at any time, upon thirty (30) days written prior notice, or
- 6.2 Upon termination of this Agreement, Business Incubator Center shall return to the City any available or unallocated dollars that remain in the fund. Any principal that is paid back to the fund will be returned to the City.

SECTION 7  
ASSIGNMENT

- 7.1 The Professional Services to be performed under this Agreement may not be assigned or transferred to any other person, firm, or corporation without the prior, express written consent of the City.

SECTION 8  
ENTIRE AGREEMENT

- 8.1 This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of execution of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

City of Fruita

Fruita Business Loan Fund

SECTION 9  
MODIFICATION OF AGREEMENT

- 9.1 Any modification of this Agreement shall be binding only if evidenced in writing and signed by each party. If modifications are jointly agreed to and will improve the efficiency and effectiveness of the agreement, the Fruita City Manager and Executive Director of the Business Incubator Center are authorized to jointly modify this agreement without action of their respective boards as long as the overall intent of the agreement is upheld.

SECTION 10  
NOTICES

- 10.1 Any notice provided for concerning this Agreement shall be in writing and shall be deemed sufficiently given when sent by certified mail if sent to the respective address of each party as set forth at the beginning of this Agreement.

SECTION 11  
GOVERNING LAW

- 11.1 The parties hereto agree this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Colorado.

SECTION 12  
EFFECTIVE PARTIAL INVALIDITY

- 12.1 The invalidity of any portion of this Agreement will not and shall not be deemed to affect the validity of any other provision. In the event any provision of this Agreement is held to be invalid, the parties agree the remaining provision shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement of the invalid provision.



City of Fruita

Fruita Business Loan Fund

Western Colorado Business Development Corporation

By: \_\_\_\_\_ Title \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF COLORADO        )  
  )ss  
COUNTY OF MESA         )

The above and foregoing signature of \_\_\_\_\_ was subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2011.

Witness my hand and official seal.

My commission expires on: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

(SEAL)

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN THE GRAND JUNCTION BUSINESS INCUBATOR CENTER AND**  
**THE CITY OF FRUITA**

This Memorandum of Understanding (MOU) entered into on November 21, 2023, is between the Western Colorado Business Development Corp., DBA Business Incubator Center (“BIC”) and the City of Fruita (“City”) for the provision of economic development services and operation and management of a co-working space. This MOU replaces the MOU between the parties dated June 18, 2013 for the development of an incubator satellite office at the Fruita Civic Center.

**A. BACKGROUND AND PURPOSE**

The purpose of this MOU is to:

1. Establish a collaborative partnership between the City and BIC to foster economic development and provide essential resources for the growth of businesses within the City. The City recognizes the importance of fostering entrepreneurship and economic development within its boundaries. BIC has expertise in providing business support services, including co-working space management, business loan programs, assistance with specific federal and state programs, administration of Enterprise Zone, coaching, workshops, and other programs.
2. Replace the previous MOU dated June 18, 2013 regarding the development of a business incubator program satellite office in space provided by the City at the Fruita Civic Center to reflect changes and updates to the program and use of space that have occurred since the original MOU was executed.

**B. ECONOMIC DEVELOPMENT SERVICES:**

1. BIC will provide economic development services, which may include, but are not limited to, the following:
  - a. Business loan program: BIC will administer business loan programs, including the Fruita Business Loan Fund pursuant to the Professional Services Agreement dated September 14, 2011 between City and BIC, providing financial assistance to eligible local businesses,
  - b. Administration of Enterprise Zone: BIC will assist businesses within the Enterprise Zone with access to tax incentives, grants, and other support.
  - c. Coaching and Mentoring: BIC will offer coaching and mentoring services to entrepreneurs, helping them with business development, strategy, and growth.
  - d. Workshops and Programs: BIC will organize workshops, training programs, and other events to enhance the skills and knowledge of local business owners and entrepreneurs.
  - e. Any additional services mutually agreed upon by both Parties, including but not limited to:



- Business Training
  - Loans, micro-loans, and incentives: State & Local Incentives, Tax Incentives Enterprise Zone, Job training incentives, manufacturing incentives, and technical assistance incentives.
  - Free and Confidential coaching and consulting and mentoring
  - Access to incentivized space at the Business Incubator Center
  - Connection to State, local and federal entities through our programs
  - Subject Matter Expertise on economic development training, business development, financial acumen, business acumen, laws and legal expertise, marketing, prototyping, intellectual property, tools, food innovation, circular economy and more.
  - Low Cost/Free classes and workshops
  - Trends, metrics & Economic Development data
  - Success stories
  - Ecosystem building strategies, training & implementation
  - Meeting with the city manager and presenting to city staff and/or city council on economic development initiatives, strategies, programs, incentives, and subject matter expertise.
2. City will take the lead in advancing economic development efforts within its jurisdiction and will work in conjunction with BIC to leverage the services and specialized knowledge offered by BIC.
- a. Fruita Economic Development Group: The City of Fruita will develop a Fruita Economic Development group to include the Chief Executive Officer of BIC that will meet on a quarterly basis to discuss the economic needs of the community.
  - b. The Fruita City Manager will keep an open line of communication with the Chief Executive Officer of BIC and may seek support and assistance from BIC for various economic development proposals when needed.

### **C. CO-WORKING SPACE:**

1. City provides BIC approximately 1,600 square feet of office space in the Fruita Civic Center located at 325 E Aspen as shown on the attached Exhibit A. BIC is granted a non-exclusive right, shared with other tenants and users, to utilize the existing off-street parking as well as common areas within the building, including the conference room adjoining the office space, restrooms and hallways. This space is intended for co-working purposes and various programs facilitated by BIC. This space is provided by City in lieu of any monetary contribution to BIC for their economic development services. Basic utilities, such as gas, electricity, water, sewer and trash, are covered by the City.
2. BIC will operate and manage the coworking space to provide affordable workspace, high speed internet, networking opportunities, small business workshops, classes and coaching, and easy access to other BIC programs. BIC will also be responsible for scheduling the

shared conference room adjoining their space for use by their clients as well as use by the City.

3. BIC shall provide and retain ownership of all furnishings and equipment in the space provided.
4. City retains all rights to any building or structural improvements made to the space. These improvements include, but are not limited to, the keyless entry system, carpeting, and any structural improvements. No alterations shall be made to the space without the specific written approval of the City.
5. BIC shall provide janitorial/cleaning services and routine repair and maintenance of the co-working space and conference room. BIC will provide phone, internet and any other services required and not provided by the City as noted above.

#### **D. COLLABORATION AND REPORTING**

1. The City and Business Incubator will collaborate closely to ensure the successful implementation of the co-working space and economic development services.
2. BIC will support the appointment of a Fruita nominee to their Board of Directors.
3. Annual Program Update: BIC will make an annual presentation to the Fruita City Council updating them on programs and other matters relevant to economic development.
4. BIC will collaborate with City in providing updates, data, and reports related to the additional services outlined in Section B, including any mutually agreed-upon services.
5. BIC may submit an Outside Agency Funding application to the City Council in October/November of each year for specific services or initiatives proposed by BIC, to be considered by the City Council for potential funding as part of their annual budget adoption process for the following year.

#### **E. GENERAL RESPONSIBILITIES:**

Both Parties agree that they shall conduct their activities under the auspices of this Memorandum of Understanding in accordance with local, state, and federal non-discrimination and other applicable laws.

#### **F. TERM AND TERMINATION:**

The City or BIC may terminate this MOU at any time upon 120 days written prior notice. It is understood by both parties that the space provided by the City to BIC under this MOU may, at some future time, be required by the City for functions vital to operations of the City. Both parties mutually understand and acknowledge the necessity of the termination of this agreement in that event, and agree to cooperate in the smooth and efficient transition of the space.

#### **G. GENERAL PROVISIONS:**

1. Amendments: This MOU may be reviewed and amended by the City and Business Incubator as necessary to accommodate changes in the economic development landscape or

as circumstances require. Any amendments must be made in writing and signed by both parties.

- 2. Notice: Any notice or other written communication required to be given pursuant to this Agreement shall be deemed given when personally delivered; sent via electronic mail with a read receipt; or three (3) days after it has been sent by United States registered or certified mail, postage pre-paid, properly addressed to the party to receive the notice at the following address or any other address given to the other party:

If to City:                   Mike Bennett  
                                       325 E. Aspen Ave.  
                                       Fruita, CO 81521  
                                       mbennett@fruita.org

If to BIC:                     Dalida Sassoon Bollig  
                                       2591 Legacy Way  
                                       Grand Junction, CO 81503  
                                       dbollig@gjincubator.org

- 3. Severability: If any provision of this MOU shall be held invalid or unenforceable, such invalidity or unenforceability shall not in any manner affect or render invalid or unenforceable any other provision of this Agreement and this Agreement shall be carried out as if any such invalid or unenforceable provision were not contained herein.
- 4. No Assignment: This Agreement may not be transferred or assigned by either party without the written consent of the other. This Agreement shall be binding upon and inured to the benefit of the parties and their respective successors and permitted assigns and is not intended to confer upon any other person or entity any rights or remedies hereunder.

IN WITNESS WHEREOF, the Parties hereto, through their authorized representatives have executed this Memorandum of Understand effective for the dates written above.

\_\_\_\_\_  
 Mike Bennett  
 City Manager, City of Fruita

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Dalida Sassoon Bollig  
 CEO, Western Colorado Business Development Center

\_\_\_\_\_  
 Date

**FRUITA CITY COUNCIL MEETING  
OCTOBER 3, 2023  
7:00 P.M.**

**1. CALL TO ORDER AND ROLL CALL**

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

**Present:** Mayor Joel Kincaid  
Mayor Pro Tem Matthew Breman  
City Councilor Jeannine Purser  
City Councilor Ken Kreie  
City Councilor Amy Miller (virtual)  
City Councilor Aaron Hancey

**Excused Absent:** City Councilor James Williams

**City staff present:** City Manager Mike Bennett  
Deputy City Clerk Deb Woods  
Communications and Engagement Specialist Ciara DePinto  
Planning and Development Director Dan Caris  
Public Works Director Kimberly Bullen

**Also present:** Staff and students from Rim Rock Elementary School and their families  
Members of the public (in-person and virtually)

**2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

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

**3. AGENDA – ADOPT/AMEND**

- **COUNCILOR KREIE MOVED TO ADOPT THE AGENDA AS PRESENTED. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

**A. PRESENTATION – FRUITA TEACHERS/STUDENTS OF THE MONTH FOR OCTOBER 2023: RIM ROCK ELEMENTARY SCHOOL**

Mayor Kincaid read the names of the students and teachers chosen by Principal Sally Huddle and her staff as the “Students of the Month” and “Teachers of the Month” along with remarks as to why they were chosen. There was one student for each grade and one teacher for each grade. Each student and

teacher received a Certificate of Recognition, an “I Heart Fruita” pin and a day pass to the Fruita Community Center. Photos were taken of the students and school staff with the City Council.

**B. PRESENTATION – CONSERVATION DIRECTOR ILANA MOIR OF THE COLORADO WEST LAND TRUST WILL GIVE THE CITY COUNCIL AN UPDATE**

Mrs. Ilana Moir, Director of Conservation at Colorado West Land Trust (CWLT), gave the Council a PowerPoint presentation, which consisted of slides containing information about the Land Trust and how its work relates to the City of Fruita.

Mrs. Moir explained that CWLT is a non-profit that does land conservation work. They were started 40 years ago but since then have expanded to now cover seven counties in Western Colorado. The CWLT focuses on partnerships with landowners and municipalities to protect wildlife habitat, agriculture and open space for us and future generations. Specifically, the CWLT works with the City of Fruita through the Community Separator Program, which was established in 2000 as an agreement between all the municipalities to not develop or annex into designated buffer areas to maintain distinctness of communities. The CWLT stewards and monitors the conserved properties every year and answers questions to make sure that the terms of the agreements are being followed.

The presentation also included the following information:

- CWLT’S Mission Statement
- Map of the region showing all the properties that CWLT has conserved (over 127,000 acres of land in western Colorado)
- Over 600 different agreements with families that want to conserve their land
- About 3,300 acres of total 127,000 is in the Grand Valley Floor.
- List of CWLT’S achievements 2000 – 2023
- Map of East Grand Valley Conservation Easements
- Photo of Ruckman Family Farm
- Map showing Fruita Buffer
- Photo of Dixie Williams (one of the first people in Fruita to conserve her farm)
- Photos of conserved areas near the Colorado River, Horsethief Ranch and Snooks Bottom
- Plans for 2024:
  - Pursue conservation easements on working farms
  - Increased CO state tax incentives
  - Partner with municipalities on public access projects as needed
  - 2023 request of the City of Fruita: \$9,000 (\$7,000 for operations and \$2,000 for project work) (same amount as has been requested the last few years)
- Quote by Bruce Talbott (Bruce’s Dad helped found the CWLT in 1980)

Mayor Kincaid asked how else the City Council could help CWLT. Mrs. Moir stated that the CWLT is currently working on a Comprehensive Conservation Plan for their whole service area. Her colleague (who is a GIS wizard) has also talked to a number of people about what it is that their community really loves and wants to see protected long-term and overlap that with drought resiliency data, where there is really wonderful habitat and viable agricultural land. She said the idea is to compile that all together to come up with a list of areas where the CWLT can really do some focus work. Mrs. Moir said she would be delighted to come back and share the finished Plan in whatever

way is most appropriate. At that time, the CWLT is going to try to figure out how to roll out programming in the different areas that pop up as part of the Plan and Mrs. Moir said that would be a great time to get more engaged with the City in reaching out to land owners or gaining public access in a partnership role.

Councilor Purser asked if CWLT could help a landowner of a farm in Fruita who would prefer to keep his land agricultural but is also looking to retire, so it might make monetary sense for them to sell to a developer. Mrs. Moir said it depends. Sometimes, CWLT can write grants to get funds to pay for conservation easements that enable a landowner to retire out of farming, get some equity out of their farm, still conserve the whole thing and be able to sell the farm as a whole piece that will stay the way it is. She said that's also helpful when a landowner may have a couple of kids that may or may not want to stay in farming and it's a way to give the kids some equity out of the property. In some instances, the CWLT will step in and purchase properties. The CWLT has six properties along Monument Road in Grand Junction that they've done that with so far and those were for public access.

Mrs. Moir added that the CWLT has been thinking a lot more about what their role as an organization is in young farmer access and new farmer access. She said there is a lot going on right now about CWLT stepping in to help purchase properties and get them into farmers' hands. They are waiting to hear back on a grant on whether they get funded to do some of that work a little more specifically and Mrs. Moir said that would definitely be a focus area for that kind of work Councilor Purser asked about.

City Manager Mike Bennett added that some of the long-term goals that came out of Fruita's Comprehensive Plan centered around having a hard edge of development or a definite separator, so the buffer helps with that. He said it gives the City of Fruita an opportunity to work closer with the CWLT, which is something that's been briefly talked about.

Mr. Bennett concluded by saying that Fruita is fortunate to have so many public lands nearby to access and recreate on, but it doesn't leave out opportunities that Fruita has for conservation in strategic areas around, outside of and even within the City of Fruita.

## **5. PUBLIC PARTICIPATION**

Pastor Travis Schroeder, 226 Narrowleaf Dr., said he is the Pastor at Bethel Assembly in Grand Junction, offered his prayers for the meeting and City Council.

Arlene Jackson, 411 Comstock Dr., said she wanted to publicly thank and commend City Manager Mike Bennett for regularly holding City engagement opportunities that feature special guests, interesting topics and for always leaving time at the end to answer questions from the group, regardless of how relevant they are to the topic.

Mrs. Jackson continued that in September, she and her husband attended the session that featured Dr. Klein from Family Health West. She said they were looking forward to the conversation, but unfortunately, two citizens rudely broke into Dr. Klein's time demanding answers to questions unrelated to the subject and made veiled threats to Mike. She said he professionally handled the situation, provided concise answers to questions, and stayed calm and collected. Mrs. Jackson thanked Mike for his cool demeanor and his professionalism. She added that she hopes he continues to hold his engagement series as they are a great way to understand things that are going on in the City.

Mayor Kincaid noted that there was a boy scout troop seated at the back of the room and asked one of the leaders to speak about why the troop was at the Council meeting. Andy Rosling said he is a resident of Grand Junction and Troops 353B and 353G stationed out of the Redlands United Methodist Church were present at the meeting to work on their Citizenship and Community Merit Badges. One of the final requirements for this badge is to attend a City Council meeting, take notes and go back to the Merit Badge Counselor and report on what happened at the meeting. Mr. Gosling thanked the Council and Mayor for the welcome. Mayor Kincaid thanked the Troops for coming.

There were no further comments from the public.

## 6. CONSENT AGENDA

- A. **MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE AUGUST 15, 2023 CITY COUNCIL MEETING**
- B. **ORDINANCE 2023-13 – 1<sup>ST</sup> READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 131 ACRES OF PROPERTY LOCATED SOUTH OF SNOOKS BOTTOM AND WEST OF THE INTERSECTION OF KINGS VIEW ROAD AND HIGHWAY 340 TO A PLANNED UNIT DEVELOPMENT ZONE FOR PUBLIC HEARING ON NOVEMBER 7, 2023 (SUNSET POINTE PUD)**

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

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

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

## 7. PUBLIC HEARINGS

### A. QUASI-JUDICIAL HEARINGS

- 1) **SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FROM THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SELL BEER FOR THE REXY, QUEEN OF THE DESERT GRAVEL BIKE RACE ON SATURDAY, OCTOBER 7, 2023 FROM 2:00 TO 10:00 PM AT THE LITTLE SALT WASH PARK LOCATED AT 651 N. PINE STREET – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave staff's presentation. She reviewed the application and aspects of the event, including the Fruita Chief of Police's statement that there was nothing that would prohibit the issuance of the license being requested.

Ms. Woods stated that it was staff's recommendation that the Council approve the Special Event Liquor Permit subject to the following conditions:

- 1) The applicant will discontinue serving alcohol at 9:30 p.m. to allow patrons 30 minutes to finish their beverages and leave the licensed area.
- 2) The licensee needs to be aware that they are solely responsible for control of the licensed premises.
- 3) All other procedures presented by the Greater Grand Junction Sports Commission will be followed.

Ms. Woods noted that the representative from the Greater Grand Junction Sports Commission was unable to attend the meeting, so in his place, the founder of Desert Gravel, Morgan Murri, was present virtually as the applicant's representative. City Manager Mike Bennett noted that there was an emergency Mr. Murri had to attend to, so he wasn't able to attend the meeting.

Mayor Kincaid opened the public hearing on the Special Event Liquor Permit application. Hearing no comments from the public, he referred the matter to the City Council.

Councilor Purser asked if there was a capacity limit for the area that was sectioned off for the beer garden at Little Salt Wash Park. Ms. Woods said she did not know and asked the City Manager if he knew. Mr. Bennett stated that he thought that typically for outdoor events, there are not capacity limits.

- **COUNCILOR BREMAN MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FROM THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SELL BEER FOR THE REXY, QUEEN OF THE DESERT GRAVEL BIKE RACE AT LITTLE SALT WASH PARK SUBJECT TO THE CONDITIONS STATED ABOVE. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**
- 2) **NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE AN APPLICATION FOR A NEW FERMENTED MALT BEVERAGE (FMB) AND WINE RETAIL LIQUOR LICENSE (OFF-PREMISES) FOR FAMILY DOLLAR STORES OF COLORADO, LLC DBA FAMILY DOLLAR #27356 LOCATED AT 1668 W. HIGHWAY 6 & 50 – DEPUTY CITY CLERK DEB WOODS**

Deputy City Clerk Deb Woods gave staff's presentation. She stated that the applicant filed the application, supporting documents and fees with the City Clerk's Office on August 14, 2023. A notice of public hearing poster was hung at the Family Dollar Store by the applicant on September 18, 2023 and a notice was published in the Daily Sentinel on September 13, 2023 for the public hearing to inform the citizens that the City Council would be considering the application for a new liquor license and provide them with an opportunity to participate in the hearing should they wish to do so.

Ms. Woods explained that pursuant to the Colorado Liquor Code in state statutes, when a local licensing authority is considering a new liquor license application, there are two factors that must be considered. One is the character of the applicant and the other is the needs of the neighborhood.

She also explained that Family Dollar has a "Master File" liquor license with the state Liquor Enforcement Division, which means that they have several locations in Colorado. Ms. Woods further



explained that for “Master File” applicants, it is the state licensing authority (and not the local licensing authority) who arranges for fingerprints of the individuals listed on the application to be taken and checked by the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) for any evidence of criminal history. Ms. Woods pointed out that the Liquor Enforcement Division provided its letter to the Fruita City Clerk’s Office that there were no records of criminal history found for any of the three individuals whose Individual History Records were submitted to the state by Family Dollar. This is the information Council needs to consider concerning the character of the applicant.

Ms. Woods stated that concerning the Needs of the Neighborhood and the Desires of the Adult Inhabitants, the Needs are supported by the survey that was circulated by Alcohol Petitioning Services and submitted to the City Clerk’s Office with the application for the liquor license. In summary of the signatures obtained in favor or against issuing the license, 39 residents and businesses were in favor of the license being issued and 29 residents and businesses were opposed. Statistically, 57.35% of residents and businesses were in favor while 42.65% were against.

Ms. Woods said that because staff feels that there is sufficient evidence that the applicants are of good moral character and that the Needs and Desires of the Neighborhood are in favor of granting the liquor license, it is staff’s recommendation that the City Council approve the application submitted by Family Dollar Stores of Colorado, LLC.

Ms. Woods introduced the applicant’s representative, Mr. Tommy Jackson of Decisions Consulting, who was present virtually. Mr. Jackson said that ultimately, what Family Dollar is looking to do is (by listening to the customer base) provide beer and wine to their customers. He stated that any Family Dollar employees who are involved in selling alcohol have to go through TIPS Training (Training for Intervention Procedures), which is recognized throughout the country. Mr. Jackson added that Family Dollar also has an internal training as well called, “BARS” Training, which allows individuals who work with the sale of alcohol to be trained in terms of knowing how to look out for false identification, among other things. He said there is now technology that allows employees to scan different identification cards to make sure that they are authentic.

Mayor Kincaid opened the public hearing on the liquor license application for Family Dollar Stores of Colorado, LLC. Hearing no comments from the public, he closed the public hearing and referred the matter to the City Council.

Councilor Breman said he didn’t ever recall seeing such a split on a Neighborhood Survey and asked if there was a standard or precedent that has been set concerning a minimum number of signatures in favor of issuing a liquor license. Ms. Woods stated that there are no such standards. Councilor Breman asked the other Council members what they thought about it.

Councilor Purser thought this was the first new liquor license application she has seen since she’s been on City Council; she recalled seeing only renewals.

Councilor Hancey asked Mr. Jackson how the roll out of adding the alcohol has gone at other Family Dollar stores. Mr. Jackson responded that so far, things have gone well. Councilor Hancey said that the Family Dollar store wasn’t too close to any schools, but it wasn’t too far away, either. Mr. Jackson noted that the applicant had made sure to be well within the distance requirements in the Colorado Liquor Code. He added that as far as the roll out, Family Dollar is just like any other store such as Kroger or Publix that offer their customers beer or wine. He stated that typically, each store has about

one cooler and the employees who are able to sell alcohol watch over it to make sure that nothing unlawful is happening.

Councilor Purser asked if the Needs of the Neighborhood Survey was just subjective or what it meant. Ms. Woods explained what the two questions are on the actual survey and pointed out that this was the first application she'd seen that used a petitioning service. Councilor Kreie thought that might be why the survey looked a little different. Ms. Woods noted that she has seen anywhere from 4 signatures up to 40 with other applications and that the Family Dollar Store survey had the most responses that she'd ever seen in her 15 years with the City.

- **COUNCILOR KREIE MOVED TO APPROVE THE APPLICATION FOR A FERMENTED MALT BEVERAGE (FMB) AND WINE LIQUOR LICENSE FOR FAMILY DOLLAR STORES OF COLORADO, LLC DBA FAMILY DOLLAR STORE #27356 LOCATED AT 1668 W. HIGHWAY 6 & 50. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

#### **B. LEGISLATIVE HEARINGS**

There were no Legislative Hearings on the agenda.

#### **8. ADMINISTRATIVE AGENDA**

There were no Administrative Agenda items on the agenda.

#### **9. CITY MANAGER'S REPORT**

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

- The previous day (October 2, 2023), the official listing for Enoch's Lake was posted live to the public through Chesnick Realty. It is posted to receive offers through 5:00 p.m. on Wednesday, November 8, 2023. Staff will put out a packet on Thursday, November 9<sup>th</sup> by 5:00 p.m. with any offers received for the Special Council Meeting on November 13, 2023 at 6:30 p.m. Mike said the City's realtor is already getting questions.
- City Attorney Mary Elizabeth Geiger asked Mike to ask the Council members to give their permission to go ahead and release the appraisal document for Enoch's Lake (only the appraisal amount has been released). At this point, staff would recommend having every bit of information the City has available to the public via links on the City's website. Staff is definitely going to provide it to the realtor, which then opens it up to the public. Councilor Miller said she was okay with releasing the appraisal document and Mike said staff would do it.
- Mike thanked the Council for providing him the ability to attend the International City/County Managers' Association Conference, adding that he had just flown in at 6:30 p.m. from it. He said it was an awesome conference and that he looked forward to either sharing some of the things at a Council workshop meeting or writing something up and sharing it with the Council.

## 10. COUNCIL REPORTS AND ACTIONS

### A. ESTABLISHING A COMMITTEE TO REVIEW POSSIBLE “LOCALISM” BOARD

Mr. Bennett noted that this was a continuation of a discussion from the one had by the City Council at the Council workshop meeting. That discussion was an overview of all of the City’s Boards and Commissions that resulted in the desire of the City Council to look into dissolving the DAB and creating a committee that includes the three members left on the DAB. The purpose of the committee would be to help with the DAB’s final Christmas lighting event in December and subsequently look into establishing a “Localism” Board of the City that would make recommendations to the Council. The goal would be to begin the process of establishing the new board at the beginning of next year.

Mr. Bennett continued that past and present City Councils, staff, the DAB, many members of other Boards and Commissions and other co-creators in the Fruita community have always aimed to find more ways to inform Fruita’s growing community of residents about what is happening in Fruita and about the businesses, events and activities that are in the City. He said he thinks a “localism” board would likely work with the City’s new Communications Department and also help the City’s marketing consultant on tourism social media for the City. Mr. Bennett said it would involve taking Fruita’s local communication efforts to the public, not in place of what City staff does, but to help take it further into the community. He added that it will be an opportunity to invite three or four more people to participate in addition to the three DAB members who will be a part of the effort moving forward.

Mr. Bennett explained it would be a committee, so it wouldn’t fall under the Boards and Commissions rules of the City and if the Council wanted to invite people from other Boards and Commissions, that would be fine. It would also be an opportunity for the Council to invite some people that they know have an understanding of where the City is trying to go and that have the ability and drive to put some time into it over the next few months before bringing back recommendations to the City Council.

Mayor Kincaid said the committee would then recommend the people who could make up an official “localism” board based on feedback received. He said he didn’t think the committee needed to be limited to seven people necessarily and Councilor Purser said it would kind of depend because it could end up that there are too many people with too many ideas spinning around, which could make it hard for the group to focus. She suggested a 7- to 9-member committee.

Councilor Hancey said he liked the idea of having an application process by invitation because that would give the Council more control over it and it wouldn’t be first come, first serve of who gets appointed.

Councilor Purser imagined that the current DAB members could have their regular meeting first (which starts at 6:30 p.m. on the third Wednesday of the month) and then they could move into a committee meeting at 7:00 p.m. if they still want to be on it. Councilor Breman said he wanted to make sure the Council gets geographically diverse candidates and Councilor Kreie agreed.

Mr. Bennett said having the Council invite people to apply works great because he didn’t want to just put the application on the City’s website and see what happens; he preferred that the Council actively recruit people and then, during Council Reports and Actions, Council members could definitely share which people they’ve reached out to or which areas the Council needs to reach out to.

Councilor Breman wondered whether committee members would need to be residents of Fruita or have a business in Fruita. Councilor Miller said she thought it might be nice if the Council could include non-citizens because “local” to her didn’t necessarily mean “within Fruita city limits.” She added that there are people living in the more rural areas that would be eager to participate and this would be a great opportunity for them to jump in.

Councilor Hancey asked at what point the “localism” Board would be adopting by-laws and Mr. Bennett said he thought the committee would look more into the purpose of the board and it would be the Council working with the City Clerk’s Office and City Attorney to create the by-laws. He said that didn’t mean the committee couldn’t recommend things for the by-laws such as the number of members on the board and other membership guidelines, but it would be the City Council that shapes the structure of the board.

There was some discussion about appropriating funding for the “Localism” Board after Councilor Hancey said he hoped that the Council would approve it in the 2024 Budget. Mayor Kincaid and Councilor Breman said that they didn’t want to do that until the board figures out what its purpose is exactly. Mr. Bennett suggested that staff and the Council review the amount for the general Boards and Commissions line item in the 2024 Budget for a potential increase since there have been discussions about funding during the fairly recent presentations from each of the boards at Council meetings. He explained that the line item has been traditionally used for an annual appreciation event and gift for Boards and Commissions members. He also explained that the funding for the Fruita Tourism Advisory Council is generated from a lodging tax increase that was approved by the voters.

Councilor Kreie asked when the Council wants to have its recruiting of the committee members done and Mayor Kincaid said he thought it should occur as soon as possible. Mr. Bennett noted that staff could modify the City’s existing Boards and Commissions application to be specific to the new committee and will email it to the Council members. The Council was in agreement that committee members should be business owners, residents and people that are active or vested in the community. Mr. Bennett clarified that there was no requirement that committee members be residents living inside Fruita city limits. Mayor Kincaid put forth the goals of the end of the month of October for people to get their applications in and around the first of November for the appointments to occur. Councilor Purser stated that she had already asked the three DAB members to be on the committee and would confirm with them that they do. She also agreed to be the Council Liaison to the committee.

## **B. COUNCIL REPORTS AND ACTIONS**

### **COUNCILOR AARON HANCEY**

Aaron reported that a candidate for the position of Executive Director for the Museums of Western Colorado (MWC) came out and took a tour of Fruita and Dinosaur Journey. He noted that the MWC has some events coming up and that their Education Director would be reaching out to the City’s Communications and Engagement Specialist, Ciara DePinto. At the end of October at Dinosaur Journey, the MWC will host an experience for individuals who have sensory challenges and the Mayor and Council should be receiving an invitation to the event. At the MWC Board meeting, they also discussed building repairs and maintenance at Dinosaur Journey that they are trying to accomplish and Aaron said he reminded them about the annual reporting responsibilities to the Council. He also told them to contact the City’s Finance Director and City Clerk, Margaret Sell to make sure they are in compliance. Mike added that he had Public Works Director Kimberly Bullen contact MWC staff to see if the City could help with the building repairs and maintenance. Aaron

said apparently there is one office at Dinosaur Journey whose temperature is very cold, so they are trying to fix that in addition to other general issues.

Aaron also reported that he attended a Parks and Recreation Advisory Board (PRAB) meeting the previous night at Reed Park, but the board is going to stop meeting there for the rest of the year until it gets a little warmer. The board will also start meeting at Snooks Bottom in late winter or early spring. The bid process is going out for different aspects of Reed Park and Parks and Recreation Director Marc Mancuso has heard that the skate park contractors are scheduled 18 months out to do the work. The PRAB also talked about the Request for Proposal (RFP) process for the merry-go-round artwork.

Aaron also reported that he would be attending the Religious Summit on Saturday morning, which focuses on religious freedom in the community.

Aaron mentioned Proposition HH that will be on the ballot in November and said he talked to someone who offered to come to a Council meeting to talk about how it will affect Colorado's citizens. Matthew stated that he was uncomfortable with that being part of a Council meeting. Mike noted that there was a lot of information on Proposition HH put out by the Colorado Municipal League (CML) and said he could forward CML's overview on it to the Council. He added that there are some cities that are starting to take some action and CML is working on a template Resolution concerning the measure. Joel pointed out that if the City Council starts inviting supporters of proposed legislation, it would be difficult to know when to say yes to some and no to others and he didn't think that was a role of the City Council.

Aaron stated that he appreciated Mrs. Jackson coming to the Council meeting to talk about the City Manager's engagements with the public and asked Mike if he cared to elaborate on the experience she spoke about and asked if it was the same group of people who had previously made negative comments. Mike explained that at the event that Mrs. Jackson spoke about, it was mentioned that there had been those kind of negative comments in the past and the reaction of someone there was that it was a good thing. Mike recalled an Open House in 2017 when a certain person rhetorically threatened him out loud, but none of the staff felt threatened in any way at it then. He said at the last engagement, the same person accused staff of rushing the process on the mountain properties, so he explained to the person that the City has been working on the issue for decades. Aaron said he thought it was just not acceptable behavior of a citizen and he thought there needed to be some kind of decisive action to make it stop because it was the third time he had heard something like that in the last couple of months. Joel said he would have a talk with the individual.

#### MAYOR PRO TEM MATTHEW BREMAN

Matthew thanked Mike and staff for putting the Riverfront Developments tour together; saying he learned a ton and was still thinking about it. Mike said that 2Fork Ventures would be sending the Council a link to the videos and photos from the tour as a way for the Council members to add their thoughts so that they are all in one place. He added that for those who weren't able to go on the tour, this would also be a way for them to review it in advance of future discussions.

Matthew noted that there has been some conversation about Colorado Open Records Act (CORA) requests and whether the requests themselves are public records and he wondered what the City of Fruita's policies are. Mike said he needed to look into it a little bit more because it had just recently come up. He explained that the City of Glenwood Springs came up with a policy that basically says

that when they receive a CORA request, they provide the records to the requestor and also make them public. Mike said staff did not have any concerns. Matthew said he just didn't know if the City already has a policy or if what he referenced was something that staff needed to follow up on from a regulatory standpoint. Mike explained that the City has a policy for responding to Open Records Requests; just not for automatically making them public somewhere and that staff plans on taking a look at Glenwood Springs' policy. He added that there was a very good chance that CML would start looking into it further as well.

#### COUNCILOR JEANNINE PURSER

Jeannine echoed Matthew's gratitude for the Riverfront Developments tour that the Council went on the previous week and said it was fantastic in every way.

#### COUNCILOR AMY MILLER

Amy reported that one of the displays in the lobby of the Civic Center has already been updated and that the Historic Preservation Board will be talking about the kind of timeline there should be for changing out displays going forward, whether that be every six months or annually. She said the board has a lot of exciting ideas for new displays and Amy said she would keep the Council updated.

Amy also echoed the comments concerning the Riverfront Developments tour; adding that she would love to set up a time to tour the City's property for "The Beach" development now that the Council had seen some possibilities. The Council scheduled the tour with staff for Tuesday, October 17<sup>th</sup> at 6:00 p.m. before the next regular Council meeting.

#### COUNCILOR KEN KREIE

Ken also agreed that the Riverfront Developments tour was great and that he, too, had been thinking about it ever since. He said he was glad that the Council was starting to create a new place where Fruita residents will make memories as they once did at Enoch's Lake.

#### MAYOR JOEL KINCAID

Joel said he thought the tour was great, too, and reminded the Council that he would be making a call to the citizen that was discussed previously during Aaron's Council report.

### **11. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 8:33 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita



**FRUITA**  
COLORADO

## AGENDA ITEM COVER SHEET

**TO:** FRUITA CITY COUNCIL

**FROM:** DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR KINCAID AND COUNCILOR PURSER

**DATE:** MARCH 7, 2023

**AGENDA TEXT:** BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Carlee Burnett to the Arts and Culture Board to fulfill an unexpired term plus an additional three-year term to expire in December of 2026

### BACKGROUND

Arts & Culture Board member Pavia Justinian resigned from the Arts and Culture Board on August 30, 2023, thus creating a vacancy. Her term was due to expire in December of 2023. The vacancy was advertised on the City's website at [fruita.org](http://fruita.org) and on Facebook beginning on September 11, 2023 through the present.

On September 20, 2023, Carlee Burnett submitted her application for appointment to the board. One additional application was received by staff for the vacant seat and on November 7, 2023, both applicants were interviewed by Mayor Kincaid and Council Liaison to the board, Councilor Purser.

Mayor Kincaid and Councilor Purser recommend the appointment of Carlee Burnett to the Arts and Culture Board to fulfill the unexpired term plus an additional three-year term to expire in December of 2026. If Ms. Burnett is appointed, there will be no remaining vacancies on the Arts and Culture Board.

### 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

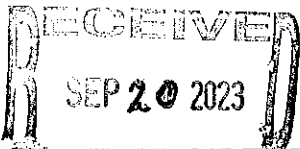
1. Appoint Carlee Burnett to the Arts and Culture Board to fulfill an unexpired term plus an additional three-year term to expire in December of 2026
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

**RECOMMENDATION**

It is the recommendation of Mayor Kincaid and Councilor Purser that the City Council by motion:

- **APPROVE THE APPOINTMENT OF CARLEE BURNETT TO THE ARTS AND CULTURE BOARD TO FULFILL AN UNEXPIRED TERM PLUS AN ADDITIONAL THREE-YEAR TERM TO EXPIRE IN DECEMBER OF 2026**





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

BOARD OR COMMISSION: Fruita Arts and Culture Board  
NAME: Carlee K Burnett  
MAILING ADDRESS: 1150 E Paradise Way

RESIDENCE ADDRESS: 

City	State	Zip
<u>Fruita</u>	<u>CO</u>	<u>81521</u>

PHONE NUMBER: 970-986-9112  
Home Work

E-MAIL ADDRESS: carlee918@yahoo.com

How long have you been a resident of Fruita? 11 years

Occupation/Employer: Art Teacher/ Artist

List any volunteer and/or work experience:

I currently teach art classes for the homeschool community in my private studio, and starting in October will be teaching art classes at the Fruita Rec Center. I served on the PTO board as the fundraising coordinator for RimRock Elementary for 4 years and as a member of the PTA board for Fruita Middle School for 2. I taught as a volunteer for the D51 Art Heritage program for 3 years at RimRock Elementary, and managed The Working Artists Gallery in Grand Junction for a year and a half. I currently serve as a volunteer for the Family Health West Legacy Foundation silent auction board and am a member of the Fruita Chamber.

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

Yes, the Family Health West Legacy Foundation silent auction board.

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

My heart is in teaching multiple forms of art to others, and encouraging them them to explore their creativity. The little bit of time I have spent with the FACB has been very encouraging and embodies the dynamic of a community that I not only desire to be part of and facilitate growth in, but I also feel that it would be an important tool in making connections that would benefit the community by bringing like-minded individuals together to grow programs and provide opportunities for a strong arts culture in Fruita.

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

Expansive array of communication and management skills  
Current artist and art teacher  
Community minded and driven  
Strong organizational and delegation skills  
Knowledge of current arts programs in Fruita and interest in future programs

**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)

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

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

Signature

*David Dumbolt*

Date

09-19-2023

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

**ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES**

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



# FRUITA

## COLORADO

## AGENDA ITEM COVER SHEET

**TO:** Fruita City Council and Mayor

**FROM:** Parks and Recreation Department

**DATE:** November 21, 2023

**AGENDA TEXT:** RESOLUTION 2023-33 – A request to approve Resolution 2023-33 authorizing the City Manager to sign a multiyear Professional Services Agreement between the City of Fruita and Rhema Music and Clothing (Councilor Williams) for Concert Production Services and provide public disclosure of the award

### BACKGROUND

The purpose of this agenda item is to provide is to authorize the City Manager to sign a multi-year Professional Services Agreement for Concert Production Services for Fruita events, and also provide public disclosure of an award for the services. In October through November, the City of Fruita’s Parks and Recreation Department issued a Request for Qualifications (“RFQ”) for concert production services. One submission was received, and that was from Rhema Music and Clothing, which is owned and operated by Councilor Williams. Public disclosure is hereby provided of the award as required by Section 2.70.070 of the Fruita Municipal Code (see below) and the term of this contract is for 2024 and 2025. These services provide a turn-key operation for music at the Mike the Headless Chicken Festival and Thursday Night Concerts. The selected company is to provide everything that is needed from lighting and sound, booking the bands, fulfilling the rider and providing lodging.

The final budget for concert production services is determined based on fund raising efforts and the approved budget. This amount has been approximately \$25,000 in the past. Pursuant to the proposal submitted by Rhema Music and Clothing, CO, allocation of the final approved amount is as follows:

- 50% - 65% for talent,
- 25% - 30% for production, equipment, hospitality
- 10% -15% for booking and administration costs

Councilor Williams is not allowed to participate in this discussion.

The agreement allows for up to two one-year renewal options, maintains the City owns all work product, allows for termination, and covers all other areas of insurance and other contract requirements of the City.

**2.70.070 VOLUNTARY DISCLOSURE.** A member of a board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses, a City official, or an employee may, prior to acting in a manner which may impinge on their fiduciary duty and the public trust, disclose the nature of their private interest. Such disclosure shall be

made in writing to the City Manager and City Attorney, listing the amount of their financial interest, if any, the purpose and duration of their services rendered, if any, and the compensation received for the services or such other information as is necessary to describe their interest. If the Board member, City official, or employee then performs the official act involved, they shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

**FISCAL IMPACT**

This fiscal impact of this agreement is limited to the approved budget by the City Council for both 2024 and 2025, and staff does not anticipate any additional fiscal impact by awarding this contract.

**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

This professional services agreement will assist in concert promotion in an effective and efficient manner and will have a direct impact on the Quality of Place, Economic Health, and Lifestyle of the community of Fruita.

**OPTIONS AVAILABLE TO THE COUNCIL**

1. Approve the attached professional services agreement with Rhema Music and Clothing, CO, and authorize the City Manager to sign the agreement.
2. Advise staff to amend or change the attached professional services agreement with Rhema Music and Clothing, CO.

**RECOMMENDATION**

Staff recommends:

- **APPROVE RESOLUTION 2023-33 AUTHORIZING THE CITY MANAGER TO SIGN A MULTIYEAR PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF FRUITA AND RHEMA MUSIC AND CLOTHING (COUNCILOR WILLIAMS) FOR CONCERT PRODUCTION SERVICES AND PROVIDE PUBLIC DISCLOSURE OF THE AWARD**

**RESOLUTION 2023-33**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MULTIYEAR PROFESSIONAL SERVICES AGREEMENT FOR CONCERT PRODUCTION SERVICES WITH RHEMA MUSIC AND CLOTHING COMPANY**

**WHEREAS**, the Fruita City Council finds it necessary for the City of Fruita to enter into a multiyear Professional Services Agreement for Concert Production Services, and

**WHEREAS**, after a Requests for Quotes process, the Fruita Parks and Recreation Department has recommended that the City of Fruita hire Rhema Music and Clothing, CO, to perform these services, and

**WHEREAS**, it is the intent of this resolution to authorize the City Manager to enter into a Professional Services Agreement with Rhema Music and Clothing, CO for Concert Production Services

**NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL THAT:**

**Section 1:** The City Manager is hereby authorized to executive and sign the attached Professional Services Agreement with Rhema Music and Clothing, CO.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS 21st DAY OF NOVEMBER 2023**

ATTEST:

CITY OF FRUITA

\_\_\_\_\_

\_\_\_\_\_

Margaret Sell, City Clerk

Joel Kincaid, Mayor



# FRUITA

## COLORADO

## AGENDA ITEM COVER SHEET

**TO:** Fruita City Council and Mayor

**FROM:** Planning & Development Department

**DATE:** November 21, 2023

**AGENDA TEXT:** RESOLUTION 2023-36 - A Resolution of the Fruita City Council setting a hearing date for January 16, 2024 to determine the eligibility of approximately 14.52 acres of property located at 1873 K Road to be annexed into the City of Fruita and consider initiation of annexation procedures (*1873 K Road Annexation*)

### BACKGROUND

The property owner of 1873 K Road has submitted an application to annex and zone the property. Staff has reviewed this annexation request and finds that the property meets the city and state laws that must be met to find a property eligible for annexation.

The property has at least 1/6<sup>th</sup> of its perimeter contiguous with existing city limits and it is within the city's Urban Growth Boundary. Urban development exists on the west side of the property and is identified for urban development by the city's Master Plan.

The Planning Commission will be considering this annexation application at their December 12, 2023, public hearing and will formulate their recommendation to the City Council for their January 16, 2024, public hearing.

### FISCAL IMPACT

Annexation of property requires that the city provide it with city services (such as police protection and sewer service). The cost of providing services varies with each annexation. This Resolution is to set a hearing date to find the property eligible for annexation which does not create a fiscal impact.

### APPLICABILITY TO CITY GOALS AND OBJECTIVES

The city's primary goal is to protect the health, safety and welfare of the city's residents. Annexation ensures that the city has some control over development which might otherwise occur outside the city limits and drain city resources and infrastructure. This step in the annexation process simply finds the property eligible or ineligible for annexation.

**OPTIONS AVAILABLE TO THE COUNCIL**

1. Approve Resolution 2023-36, A Resolution of the Fruita City Council setting a hearing date for January 16, 2024 to determine the eligibility of approximately 14.52 acres of property located at 1873 K Road to be annexed into the City of Fruita and consider initiation of annexation procedures
2. Deny the Resolution.

**RECOMMENDATION**

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

**APPROVE RESOLUTION 2023-36 - A RESOLUTION OF THE FRUITA CITY COUNCIL SETTING A HEARING DATE FOR JANUARY 16, 2024 TO DETERMINE THE ELIGIBILITY OF APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1873 K ROAD TO BE ANNEXED INTO THE CITY OF FRUITA AND CONSIDER INITIATION OF ANNEXATION PROCEDURES**

**RESOLUTION 2023-36**

**SETTING A HEARING DATE FOR JANUARY 16, 2024 TO DETERMINE THE ELIGIBILITY OF APPROXIMATELY 14.52 ACRES OF PROPERTY LOCATED AT 1837 K ROAD TO BE ANNEXED INTO THE CITY OF FRUITA AND TO CONSIDER INITIATION OF ANNEXATION PROCEDURES**

**WHEREAS**, the City of Fruita has received a petition for annexation of property into the city limits of Fruita which is signed by 100% of the property owners of the property requested to be annexed, and

**WHEREAS**, the property to be annexed is described and shown on attached Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL** to hold a public hearing on January 16, 2024, at 7:00 p.m., to determine if the real property described and shown on Exhibit A complies with Colorado Revised Statutes 31-12-104, 105 and 106 and is eligible for annexation and to consider the adoption of a Resolution to initiate procedures to annex said real property to the City of Fruita.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 21<sup>st</sup> DAY OF NOVEMBER 2023.**

ATTEST:

City of Fruita

\_\_\_\_\_  
Margaret Sell, City Clerk

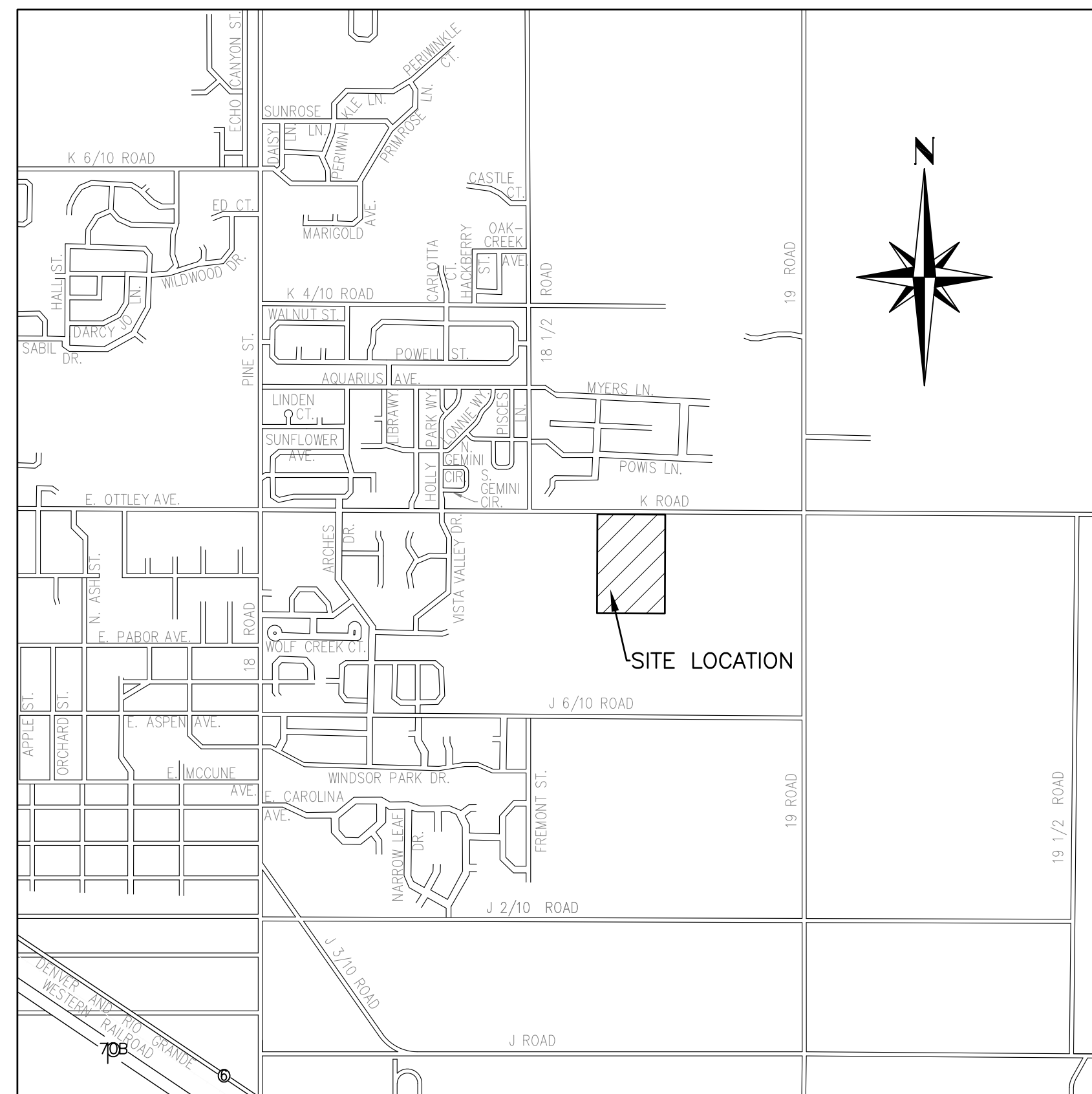
\_\_\_\_\_  
Joel Kincaid, Mayor



# EXHIBIT A

## ANNEXATION

SITUATED IN THE NW¼ NE¼ SECTION 16  
TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF COLORADO



VICINITY MAP : NOT TO SCALE

### ABBREVIATIONS:

- N NORTH
- S SOUTH
- E EAST
- W WEST
- T TOWNSHIP
- R RANGE
- MCSM MESA COUNTY SURVEY MARKER
- ROW RIGHT OF WAY
- SIMS SURVEY INFORMATION MANAGEMENT SYSTEM
- PLS PROFESSIONAL LAND SURVEYOR
- No. NUMBER
- GPS GLOBAL POSITIONING SYSTEM
- ID IDENTIFICATION
- SQ SQUARE
- FT FEET
- AVE. AVENUE
- ST. STREET
- CT. COURT
- LN. LANE
- DR. DRIVE
- U.S. UNITED STATES
- L.C.E. LIMITED COMMON ELEMENT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- W.C. WITNESS CORNER

### NOTES

1. BEARINGS ARE BASED ON THE NORTH LINE OF NW¼ NE¼ SECTION 16, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN. THE VALUE USED S89°54'52"E, WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. MESA COUNTY SURVEY MARKERS WERE FOUND AT THE EAST AND WEST ENDS OF SAID LINE AS SHOWN HEREON.

### TITLE CERTIFICATE

\_\_\_\_\_ does hereby certify that it has examined the title to all lands shown on this Map and that title to such lands is vested in \_\_\_\_\_ free and clear of all liens, taxes, and encumbrances, except as follows:

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Title Examiner \_\_\_\_\_

### LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, Hays Development llc, the owners of 100 percent of the following described property, excluding any public streets and alleys, to wit:

#### 1873 K ROAD

THE NE¼ OF THE NW¼ OF THE NE¼ AND THE N¼ OF THE SE¼ NW¼ OF THE NE¼ OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN; EXCEPT THE NORTH 30 FEET THEREOF AS CONVEYED TO THE COUNTY OF MESA, STATE OF COLORADO.

have by these presents laid out the same as shown hereon and designate the same as \_\_\_\_\_ Annexation to the City of Fruita, County of Mesa, State of Colorado.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Owner \_\_\_\_\_

STATE OF COLORADO )  
                                  ) ss.  
COUNTY OF MESA )

The foregoing certification was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

Notary Public \_\_\_\_\_

### CITY COUNCIL CERTIFICATE

The City Council of the City of Fruita, Colorado, by Resolution Number \_\_\_\_\_, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023,

found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita. The City Council of the City of Fruita, Colorado, by Ordinance Number \_\_\_\_\_, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, did annex the property herein described to the City of Fruita, Colorado.

ATTEST:

Mayor \_\_\_\_\_ City Clerk \_\_\_\_\_

### PLANNING COMMISSION CERTIFICATE

This plat approved by the City of Fruita Planning Commission the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairman \_\_\_\_\_

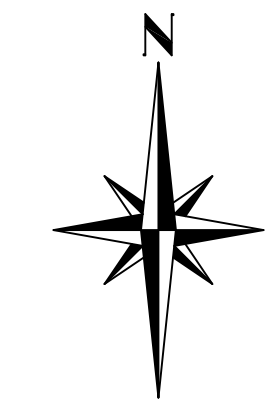
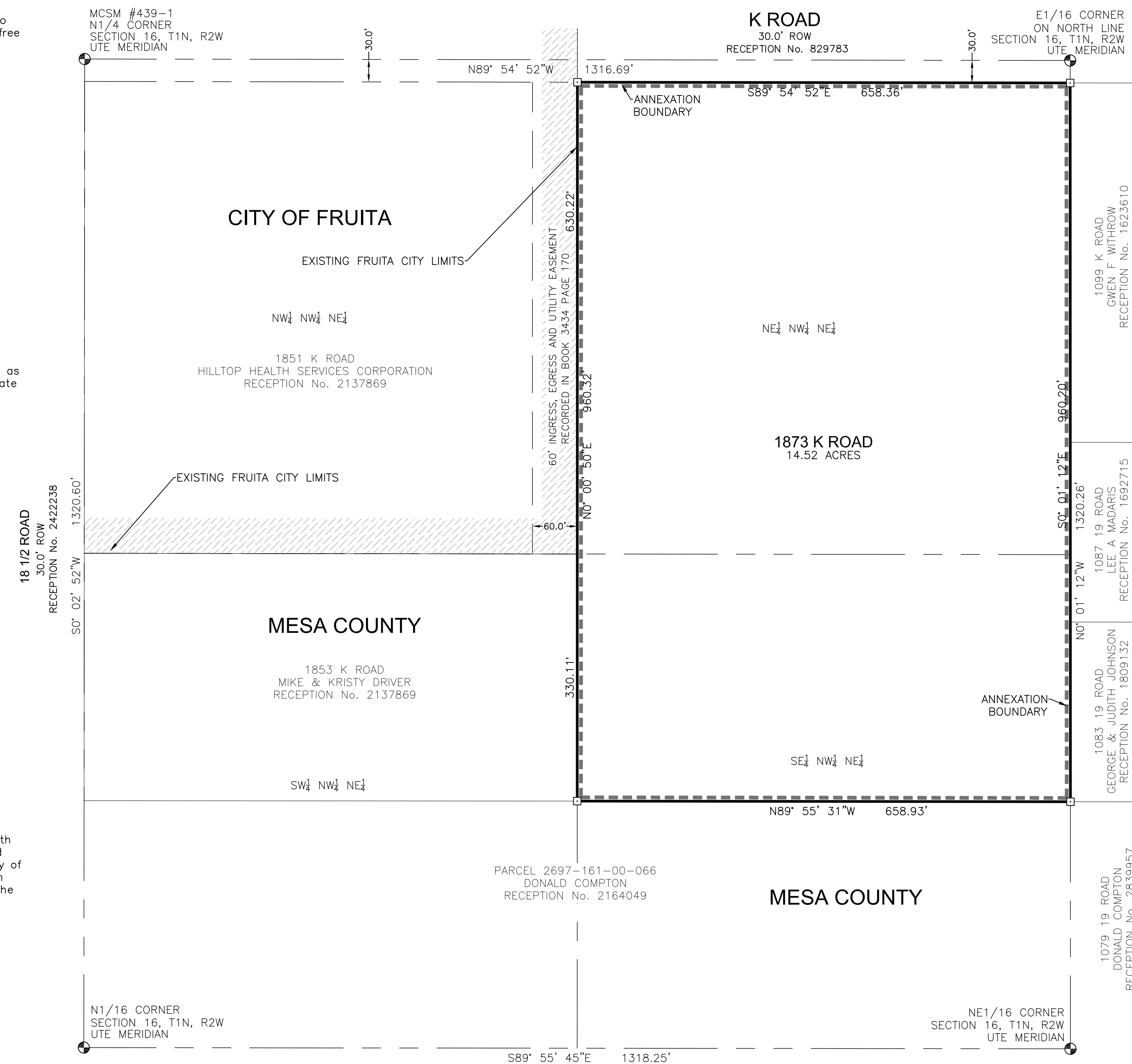
### SURVEYOR'S CERTIFICATE

I, Patrick W. Click, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the City of Fruita, Colorado. I further certify that the external boundaries of the property shown on this Map have been monumented on the ground.

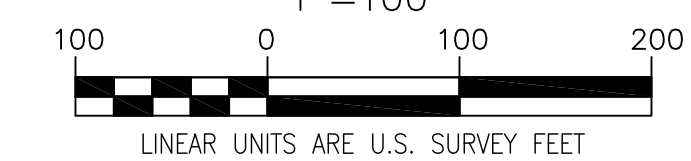
EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**FOR REVIEW**

Registered Land Surveyor \_\_\_\_\_



GRAPHIC SCALE:  
1"=100'



### LEGEND:

SET No. 5 REBAR WITH 2 INCH ALUMINUM CAP PLS 37904

**1873 K ROAD ANNEXATION**

SITUATED IN THE NW¼ NE¼ SECTION 16  
TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF COLORADO

JOB #: 2023-161 FIELD WORK: SL DRAWN BY: NB  
DATE: 10/26/23 DRAWING NAME: 1851 & 1873 K RD CHECKED BY: PC

**POLARIS SURVEYING**  
PATRICK W. CLICK P.L.S. 3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE (970)434-7038



# FRUITA

## COLORADO

## AGENDA ITEM COVER SHEET

**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** MARGARET SELL, FINANCE DIRECTOR/CITY CLERK

**DATE:** NOVEMBER 21, 2023

**AGENDA TEXT:** ORDINANCE 2023-15 – Introduction of an Ordinance amending Chapter 3.18 of the Fruita Municipal Code concerning exclusions for the sale or purchase of lodging and amending the definition of lodging for public hearing on December 19, 2023

### **BACKGROUND**

The City of Fruita implemented a lodger's tax in 1996 on the sale of lodging in the City of Fruita. In 1998 the ordinance was amended to exclude the collection of lodging tax on sales by the United States Government, State of Colorado or political subdivision of the State in order to facilitate the development of the James M. Robb Colorado River State Park by Colorado Parks and Wildlife. Effective July 1, 2023 rules were adopted by the Colorado Department of Revenue clarifying definitions of accommodations and negating the need for this exclusion. Both sales and lodger's taxes are currently being remitted to the City by Colorado State Parks and Wildlife.

In addition, the definition of lodging needs to be updated to include short-term rentals, auto camps and bed and breakfast establishments.

### **FISCAL IMPACT**

The applicability of lodger's tax on sales by the US Government, State and other political subdivisions will result in increased revenue to the City.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The removal of this exclusion will provide fair and equitable treatment of all establishments providing similar services in the City.

### **OPTIONS TO THE COUNCIL:**

- Publish notice of public hearing on the proposed ordinance as presented or with amendments
- No action (Deny the resolution and lease agreement)

### **RECOMMENDATION:**

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

**PUBLISH NOTICE OF PUBLIC HEARING ON ORDINANCE 2023-15 AMENDING CHAPTER 3.18 OF THE FRUITA MUNICIPAL CODE CONCERNING EXCLUSIONS FOR THE SALE OR PURCHASE OF LODGING AND AMENDING THE DEFINITION OF LODGING, TO BE HELD ON DECEMBER 19, 2023**

**ORDINANCE NO. 2023-15**

**AN ORDINANCE AMENDING CHAPTER 3.18 OF THE FRUITA MUNICIPAL CODE  
CONCERNING EXCLUSIONS FOR THE SALE OR PURCHASE OF LODGING**

**WHEREAS**, the lodger’s tax ordinance was amended in 1998 to exempt federal and state organizations from collecting lodging taxes in order to accommodate the State campground that was in the process of being developed, and

**WHEREAS**, effective July 1, 2023, Colorado Parks and Wildlife began collecting the lodger’s tax pursuant to a ruling from the Department of Revenue clarifying definitions of accommodations, and

**WHEREAS**, additional terminology has evolved with the growth in the rental of furnished residences for travelers for temporary lodging purposes (short-term rentals) which should be incorporated into the definition of lodging.

**NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:**

**Section 1:** Section 3.18.020 B of the Fruita Municipal Code and Ordinance 1996-12 are hereby amended as follows: ~~Strike-out~~ indicates language to be deleted, underline indicates language to be added:

**3.18.020 DEFINITIONS.** When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter shall have the following meanings:

- B. Lodging shall mean the providing of the right to use or possess, for consideration, any room or rooms for temporary occupancy such as, but not limited to: a hotel room, motel room, lodging room, motor hotel room, guest house room, bed and breakfast, short-term rental, auto camp, recreational vehicle park space, or other similar accommodations located in the City, but shall not include rentals under a written agreement for occupancy for a period of ~~twenty-eight (28)~~ thirty (30) consecutive days or more.

**Section 2:** Section 3.18.040, Exclusions, of the Fruita Municipal Code and Ordinances 1996-12 and 1998-25 are hereby amended as follows: ~~Strike-out~~ indicates language to be deleted, underline indicates language to be added:

**3.18.040 EXCLUSIONS.** Purchases shall include all revenues earned and received for the purchase or sale of lodging excluding the following:

- A. Charges for other services, such as food and/or telephone charges, furnished by a person providing lodging;
- B. Deposits placed by any purchaser with a request to hold a room for such purchaser for a future date until such time as said deposit has been credited against the purchase or sale;
- C. All sales to the United States Government, the State of Colorado, its departments and institutions, the political subdivisions of the State in their governmental capacities only;
- D. All sales to those charitable, religious and eleemosynary organizations have received from the Internal Revenue Service status under Section 501 (c) (3) of the Internal Revenue Code as a tax-exempt organization, while in the conduct of their regular charitable, religious or eleemosynary functions and activities.
- ~~E. All sales to any purchaser by the United States Government, the State of Colorado, its departments, divisions and institutions, or the political subdivisions of the State in their governmental capacities only.~~

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS  
\_\_\_\_\_ DAY OF DECEMBER, 2023.**

CITY OF FRUITA

\_\_\_\_\_  
Joel Kincaid, Mayor

ATTEST:

\_\_\_\_\_  
Margaret Sell, City Clerk



**FRUITA**  
COLORADO

## AGENDA ITEM COVER SHEET

**TO:** Fruita City Council and Mayor

**FROM:** Kimberly Bullen, Public Works Director  
Mary Elizabeth Geiger, City Attorney

**DATE:** November 21, 2023

**AGENDA TEXT:** ORDINANCE 2023-17, FIRST READING, An introduction of an Ordinance authorizing the conveyance of water rights and real property of the City referred to as Enoch’s Lake located on Pinon Mesa for publication of public hearing on December 19, 2023 – *Public Works Director Kimberly Bullen and City Attorney Mary Elizabeth Geiger*

### BACKGROUND

The history of Enoch’s Lake and the Fruita Mountain Properties has been presented and discussed at numerous City Council meetings and is available on the City’s website at <https://www.fruita.org/publicworks/page/fruita-mountain-water-properties>.

At the September 19, 2023 Regular City Council meeting, City Council discussed the sale process for Enoch’s Lake and directed staff to work with Lori Chesnick, the City’s realtor, to list the Enoch’s Lake property and water rights on the MLS until November 8, 2023 at the appraised value of \$425,000. The listing included information that the property is encumbered by the Ute Water Conservancy District Right of First Refusal (ROFR) and the 2013 Agreement with Tipping for repayment of the non-monetary obligation (which requires the release of water from the lake for use by Tipping) as well as an agreement with Stan Muhr for the delivery of water. It also included information that the dam is a jurisdictional dam, subject to State Dam inspector rules and regulations. Finally, it stated that ultimately any sale would have to be approved by City Council through the ordinance process as identified in the City Charter.

The MLS listing was posted on October 1, 2023 with all offers due at the close of business on November 8, 2023. The city received one offer that is included in the Council packet as well as the summary provided by the city’s realtor Lori Chesnick.

At the November 13, 2023 City Council Special Meeting, Staff presented to City Council only offer received. This offer was made by Stan Muhr, Rodney C. Power and Ronald E. Tipping for a purchase price of \$500,000 and forgiveness of \$145,393.36 of non-monetary obligation to Mr. Tipping per the 2013 Agreement between the City of Fruita and Mr. Tipping. The total offer amount is \$645,393.36. Council directed Staff to submit the offer to Ute Water Conservancy District for the District to

determine if it wanted to exercise its ROFR and directed Staff to go ahead and set Ordinance 23-17 for First Reading on November 21, 2023.

Staff has already heard back from the District that it does not want to exercise its ROFR; therefore the city can move forward with the Ordinance. Staff has confirmed that the balance on this debt is actually \$127,420.55. At the public hearing on the 2<sup>nd</sup> Reading of the Ordinance, if the Council is moving to adopt the ordinance, this change should be made.

**FISCAL IMPACT**

The conveyance of real property will result in a cash payment of \$500,000 and non-monetary obligation forgiveness of an additional \$145,393.36 the city owes to Mr. Ron Tipping for work he performed on several dams owned by the city. In addition, the City will no longer have operating or capital expenses associated with Enoch’s Lake.

**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The City of Fruita’s primary goal is to provide necessary core services to residents and businesses within the city limits. As an organization, the city is focused on aligning resources, time, and talent to provide high-quality services while impacting and increasing the quality of place, economic health, and lifestyle of the Fruita community. The Fruita Mountain Water Properties have provided necessary services to Fruita in the past but are no longer considered core services for the City of Fruita as they can no longer be used within the city limits.

**OPTIONS AVAILABLE TO THE COUNCIL**

1. Publish a synopsis of Ordinance 2023-17, FIRST READING, Introduction of an Ordinance authorizing the conveyance of real property of the City referred to as Enoch’s Lake located on Pinon Mesa for public hearing on December 19, 2023.
2. Take no action regarding Ordinance 2023-17.

**RECOMMENDATION**

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

- **PUBLISH A SYNOPSIS OF ORDINANCE 2023-17, FIRST READING, INTRODUCTION OF AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF FRUITA AND RONALD TIPPING, RODNEY POWER AND STAN MUHR FOR THEIR PURCHASE OF 51.41 ACRES KNOWN AS ENOCH LAKE AND THE WATER RIGHTS KNOWN AS MIRROR DITCH NO. 1, MIRROR LAKE RESERVOIR NO. 1 (aka Enoch’s Lake) and SPRINGS R AND N and AUTHORIZING THE CONVEYANCE THEREOF FOR PUBLIC HEARING ON DECEMBER 19, 2023.**



**ORDINANCE 2023-17**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF FRUITA AND RONALD TIPPING, RODNEY POWER AND STAN MUHR FOR THEIR PURCHASE OF 51.41 ACRES KNOWN AS ENOCH LAKE AND THE WATER RIGHTS KNOWN AS MIRROR DITCH NO. 1, MIRROR LAKE RESERVOIR NO. 1 (aka Enoch’s Lake) and SPRINGS R AND N and AUTHORIZING THE CONVEYANCE THEREOF**

**WHEREAS**, the City of Fruita is the owner of approximately 51.14 acres of land located on Pinon Mesa in the County of Mesa, State of Colorado, lying under and surrounding Mirror Lake Reservoir No. 1 (aka Enoch’s Lake) (“Enoch Lake Property”) as described in that deed from Irving C. Beard and Dorothy R. Beard to the City of Fruita in that deed recorded in Book 702 at Page 474 of the Mesa County real property records, less that real property conveyed to Ronald E. Tipping pursuant to that General Warranty Deed from the City of Fruita to Ronald E. Tipping recorded on August 28, 2014, at Reception No. 2700355 of the Mesa County real property records, also referred to as Mesa County Assessor Parcel No. 3223-053-00-003; and

**WHEREAS**, the City of Fruita is the owner of certain water rights located on Pinon Mesa, Mesa County, Colorado, associated with the Enoch Lake Property and described as Mirror Ditch NO. 1, Mirror Lake Reservoir No. 1 and Springs R and N (collectively “Enoch Lake Water Rights”), less those water rights conveyed pursuant to those Special Warranty Deeds from the City of Fruita to Ronald E. Tipping recorded on May 13, 2014 at Reception No. 268900 and 268901 of the Mesa County real property records; and

**WHEREAS**, Ronald E. Tipping, Stan Muhr and Rodney C. Power (collectively “Buyers”) desire to purchase the Enoch Lake Property and the Enoch Lake Water Rights from the City for \$500,000 in cash and termination of the Agreement between the City of Fruita and Ronald E. Tipping, Ronald C. Power and William R. Patterson dated January 3, 2014 (“2014 Agreement”) such that such is of no further force or effect and any amounts still due and owing by the City (approximately \$145,393.36) to Ronald Tipping shall be forgiven and no longer due and owing; and

**WHEREAS**, pursuant to Section 2.11 of the Fruita City Charter, the Fruita City Council must, by ordinance, authorize the lease or conveyance of real property of the City, and

**WHEREAS**, it is the intent of this ordinance to authorize the City Manager to execute a purchase and sale agreement pursuant to the Buyers’ offer and any deeds and other necessary documents to



terminate the 2014 Agreement and convey the Enoch Lake Property and Enoch Lake Water Rights owned by the City of Fruita to Buyers for the price and terms described herein above.

**NOW, THEREFORE, THE CITY OF FRUITA HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** The above Recitals are true and correct and incorporated herein.

**Section 2:** The City Manager is hereby authorized to finalize and execute a purchase and sale agreement, any documents necessary to terminate the 2014 Agreement and any documents and deeds necessary to convey the Enoch Lake Property and Enoch Lake Water Rights to Buyers for \$500,000.00 in cash paid to the City of Fruita and the termination, in full, of any terms and conditions of the 2014 Agreement, including the forgiveness of approximately \$145,393.36 still to be paid by the City to Ronald Tipping as a non-monetary obligation pursuant thereto.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL**

**ON THE \_\_ DAY OF \_\_\_\_\_, 2023.**

City of Fruita

\_\_\_\_\_  
Mayor Joel Kincaid

ATTEST:

\_\_\_\_\_  
City Clerk



# FRUITA

## COLORADO

## AGENDA ITEM COVER SHEET

**TO:** Fruita City Council and Mayor

**FROM:** Margaret Sell, Finance Director/City Clerk

**DATE:** November 21, 2023

**AGENDA TEXT:** FINANCIAL REPORTS – A request to approve the October 2023 Financial Reports

### BACKGROUND

Sales and use tax revenues. The following table provides a summary of sales and use tax revenues for September sales compared to sales in the same period in 2022. Reductions in sales and use tax revenues were anticipated in the 2023 Budget. Collectively, these revenues have surpassed the budget through September by \$523,031.

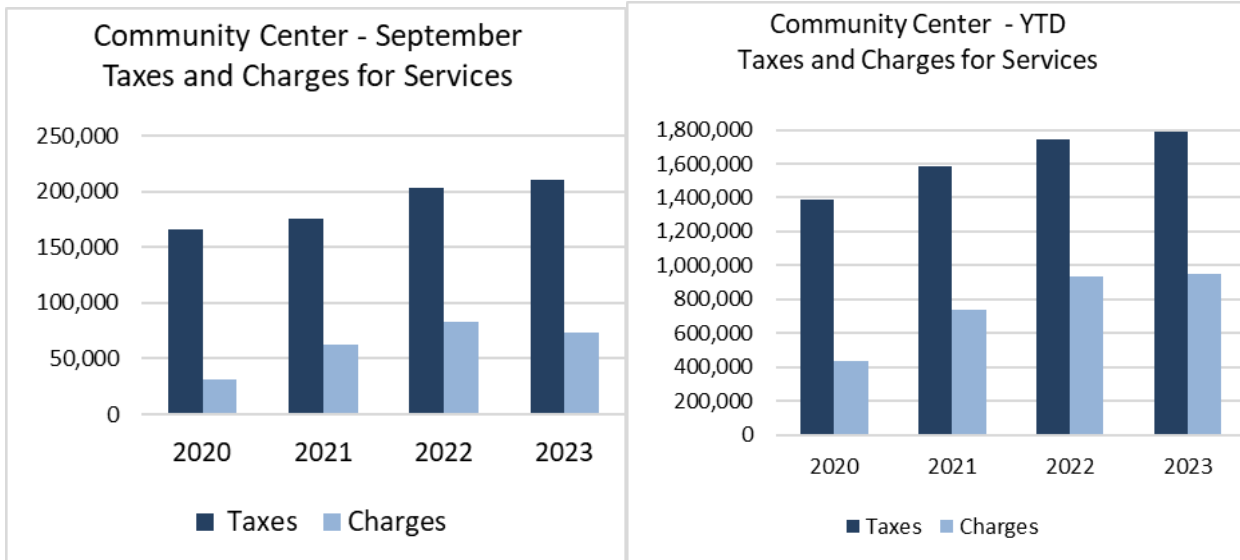
Summary of Sales and Use Tax Revenues - September 2023					
Type	Month	Percent (%) Change		Dollar (\$) Change	
		Month	Y-T-D	From prior year - YTD	Between actual and budget - YTD
City Sales Tax (2%)	Sep-23	10.3%	7%	\$ 189,576	\$ 302,165
Use tax on Motor Vehicles (2%)	Sep-23	-10.5%	-7%	\$ (42,634)	\$ 1,796
Use tax on Building Materials (2%)	Sep-23	-24.0%	-8%	\$ (25,202)	\$ 34,643
Lodging Tax (3%)	Sep-23	23.5%	11%	\$ 15,523	\$ 38,718
County Sales Tax	Sep-23	-1.4%	0%	\$ (10)	\$ 125,514
Public Safety Tax	Sep-23	-3.6%	0%	\$ 996	\$ 20,195
				<b>\$ 138,249</b>	<b>\$ 523,031</b>

The following table shows a monthly comparison between September 2022 and 2023 city sales tax collections by NAICS category. Sales tax revenues were up 10% compared to the prior year.

Sales Tax Revenues by Category (3%)					
Sep-23					
Description	2021	2022	2023	1 yr % Chg	1 yr \$ Chg
Retail Trade	218,168	225,288	231,855	3%	6,567
Food	74,449	79,924	81,805	2%	1,881
Other Miscellaneous	21,987	24,943	36,799	48%	11,856
Utilities	26,981	35,015	35,967	3%	952
Manufacturing	14,365	12,422	17,740	43%	5,318
Rental and Leasing	4,802	8,262	6,084	-26%	(2,178)
Other Services	10,100	6,528	11,454	75%	4,926
Lodging	23,348	22,770	24,612	8%	1,842
Wholesale Trade	13,678	24,108	33,170	38%	9,062
Communications	13,259	14,677	15,218	4%	541
Oil and Gas	816	1,808	7,831	333%	6,023
<b>Total</b>	<b>421,953</b>	<b>455,745</b>	<b>502,535</b>	<b>10%</b>	<b>46,790</b>
<b>Remote retailers</b>	<b>39,311</b>	<b>51,163</b>	<b>51,823</b>	<b>1%</b>	<b>660</b>

Community Center Fund Charges for Services –September 2023

September 2023 charges for services (pass fees and recreation programs) were down 12% from the prior year while sales and use tax revenues are up 3% from the prior year. Annual revenues are up 1% for user fees and 3% for tax revenues.



Actual vs Budget Report – October 2023. The attached Actual vs Budget report presents comparison information on budgeted vs actual revenues and expenses by fund and department for all funds. The following is a summary of the report by fund.

Revenues and Expenses as Percentage of Budget - October 2023 (83%)		
Column 1	Revenues as a % Budget	Expenses as a % of Budget
General Fund	99%	66%
Conservation Trust Fund	85%	27%
Economic Development Fund	105%	62%
Marketing	105%	79%
Public Places Fund	115%	86%
Community Center	89%	61%
Fruita Housing Authority	112%	93%
Capital Projects	29%	30%
Debt Service	79%	100%
Devils Canyon Center	0%	0%
Irrigation Water *	97%	49%
Sewer*	60%	60%
Trash*	85%	67%
Fleet Maintenance Fund	100%	63%
<b>Total</b>	<b>57%</b>	<b>43%</b>

**FISCAL IMPACT**

None.

**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

These reports provide financial information to the Council to monitor the City’s financial position and may be used as a tool to hold staff accountable for accomplishing goals and objectives set forth in the Budget.

**OPTIONS AVAILABLE TO THE COUNCIL**

- Approval of Financial Reports
- Approval of Financial Reports with clarification on specific items

**RECOMMENDATION**

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

**ACCEPT THE OCTOBER 2023 FINANCIAL REPORTS AS PRESENTED**

### SALES AND USE TAX REPORTS

City Sales Tax - 2% General Fund (110-3131)							
	2019	2020	2021	2022	2023	\$ Variance	% Variance
Jan	124,973.08	190,392.44	204,830.52	222,224.08	272,043.95	49,819.87	22.42%
Feb	144,100.65	167,749.86	201,246.04	241,043.51	257,301.07	16,257.56	6.74%
Mar	165,160.52	242,722.52	274,325.31	241,256.77	274,681.30	33,424.53	13.85%
Apr	191,027.30	211,354.97	275,116.14	307,724.72	310,799.52	3,074.80	1.00%
May	198,826.37	236,158.52	299,751.07	315,266.10	337,385.69	22,119.59	7.02%
Jun	197,471.05	229,208.70	280,881.50	315,464.89	334,549.58	19,084.69	6.05%
Jul	190,974.84	280,361.25	268,022.29	290,659.73	306,866.03	16,206.30	5.58%
Aug	200,644.07	229,018.92	259,681.40	321,372.15	319,767.61	-1,604.54	-0.50%
Sep	193,024.68	239,752.16	281,301.78	303,829.93	335,023.25	31,193.32	10.27%
Oct	205,934.68	243,770.76	266,678.57	302,938.30			
Nov	192,966.14	224,503.72	251,620.04	281,773.52			
Dec	208,689.86	243,087.11	275,684.31	308,179.47			
<b>TOTAL</b>	<b>2,213,793.24</b>	<b>2,738,080.93</b>	<b>3,139,138.97</b>	<b>3,451,733.17</b>	<b>2,748,418.00</b>	<b>189,576.12</b>	<b>7.41%</b>
%	15.26%	23.68%	14.65%	9.96%			

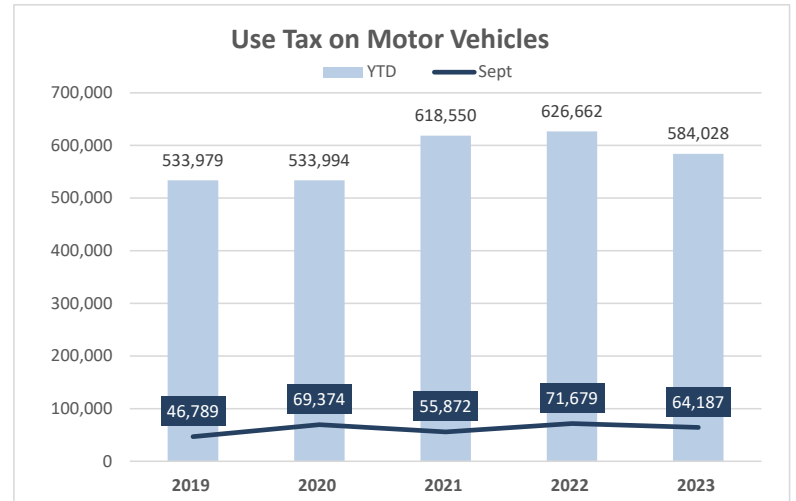
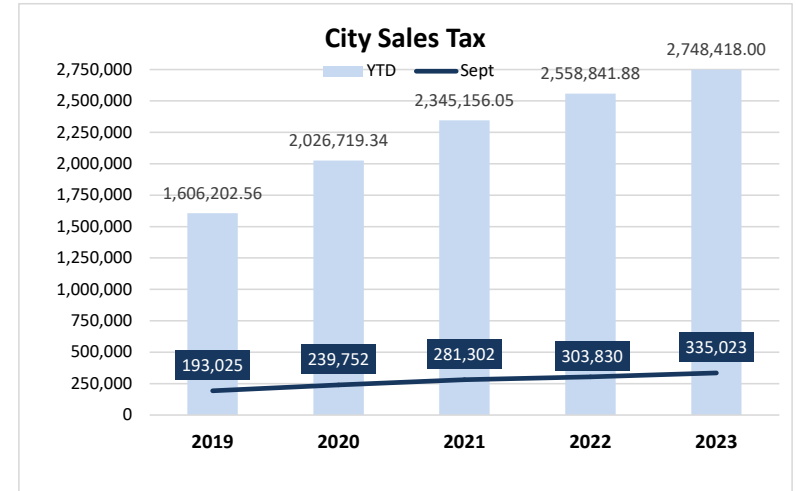
2023 Budget= \$3,300,000, 4.4% decrease from 2022 Actual Revenues

<b>Sept</b>	1,606,202.56	2,026,719.34	2,345,156.05	2,558,841.88	2,748,418.00	189,576.12	7.41%
3%	2,409,303.84	3,040,079.01	3,517,734.08	3,838,262.82	4,122,627.00	284,364.18	7.41%

Use Tax on Motor Vehicles - 2% General Fund (110-3132)							
	2019	2020	2021	2022	2023	\$ Variance	% Change
JAN	59,067.65	44,776.20	59,327.64	47,309.36	49,751.32	2,441.96	5.16%
FEB	35,431.97	59,554.07	38,721.90	46,447.50	60,836.73	14,389.23	30.98%
MAR	56,995.69	53,618.86	69,952.45	74,968.11	74,791.15	-176.96	-0.24%
APR	58,679.47	37,062.83	56,918.15	79,891.83	54,713.24	-25,178.59	-31.52%
MAY	90,700.80	35,122.84	73,577.89	94,600.69	81,719.62	-12,881.07	-13.62%
JUN	52,822.10	72,285.02	73,709.93	64,351.62	50,023.47	-14,328.15	-22.27%
JUL	67,463.71	89,038.90	79,197.84	64,357.92	54,891.13	-9,466.79	-14.71%
AUG	66,028.27	73,161.03	111,272.20	83,056.00	93,114.18	10,058.18	12.11%
SEP	46,789.04	69,374.11	55,871.85	71,679.10	64,187.04	-7,492.06	-10.45%
OCT	51,469.53	61,789.73	80,751.67	81,246.37			
NOV	58,715.01	37,390.30	72,701.97	68,028.87			
DEC	46,583.89	67,505.07	70,219.53	80,815.93			
<b>YTD</b>	<b>690,747.13</b>	<b>700,678.96</b>	<b>842,223.02</b>	<b>856,753.30</b>	<b>584,027.88</b>	<b>(42,634.25)</b>	<b>-6.80%</b>
%	9.88%	1.44%	20.20%	1.73%			

2023 Budget = \$800,000 - 7.09% decrease from 2022 Actual revenues

<b>Sept</b>	533,978.70	533,993.86	618,549.85	626,662.13	584,027.88	-42,634.25	-6.80%
3%	800,968.05	800,990.79	927,824.78	939,993.20	876,041.82	-63,951.38	-6.80% for chart only

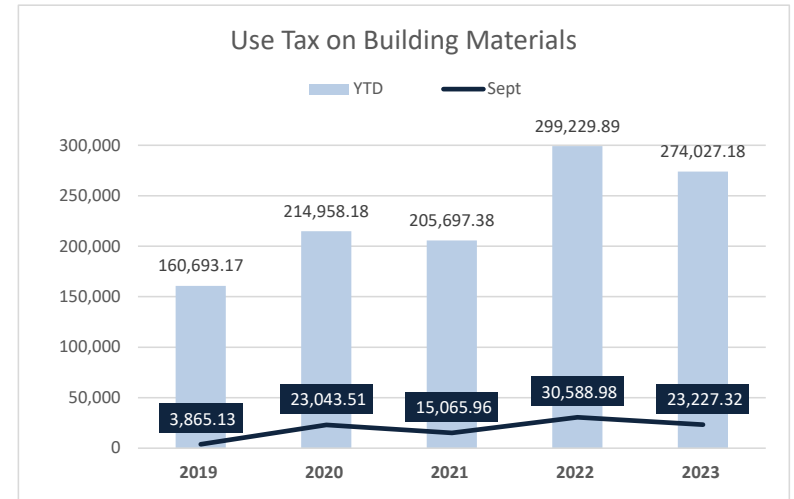


### SALES AND USE TAX REPORTS

Use Tax on Building Materials - 2% General Fund (110-3133)							
	2019	2020	2021	2022	2023	\$ Variance	% Change
JAN	19,357.85	14,922.55	16,599.65	22,964.41	16,208.89	-6,755.52	-29.42%
FEB	19,056.71	10,930.68	27,922.86	31,415.26	52,028.31	20,613.05	65.61%
MAR	9,936.56	41,435.81	32,453.39	58,817.72	9,971.22	-48,846.50	-83.05%
APR	24,173.95	10,766.83	27,295.09	44,288.18	42,054.83	-2,233.35	-5.04%
MAY	32,410.86	38,491.01	17,464.96	34,286.83	19,000.44	-15,286.39	-44.58%
JUN	26,190.88	17,591.28	33,914.75	38,355.04	41,803.15	3,448.11	8.99%
JUL	16,836.31	37,279.04	24,039.63	18,894.10	26,846.41	7,952.31	42.09%
AUG	8,864.92	20,497.47	10,941.09	19,619.37	42,886.61	23,267.24	118.59%
SEP	3,865.13	23,043.51	15,065.96	30,588.98	23,227.32	-7,361.66	-24.07%
OCT	16,537.07	20,654.70	41,315.52	37,933.25			
NOV	12,122.45	32,902.26	19,098.82	19,923.44			
DEC	19,073.22	30,253.24	26,525.37	18,289.07			
<b>YTD</b>	<b>208,425.91</b>	<b>298,768.38</b>	<b>292,637.09</b>	<b>375,375.65</b>	<b>274,027.18</b>	<b>-25,202.71</b>	<b>-8.42%</b>
%	-42.35%	43.35%	-2.05%	28.27%			

2023 Budget = \$300,000 -20% decrease from 2022 Actual revenues

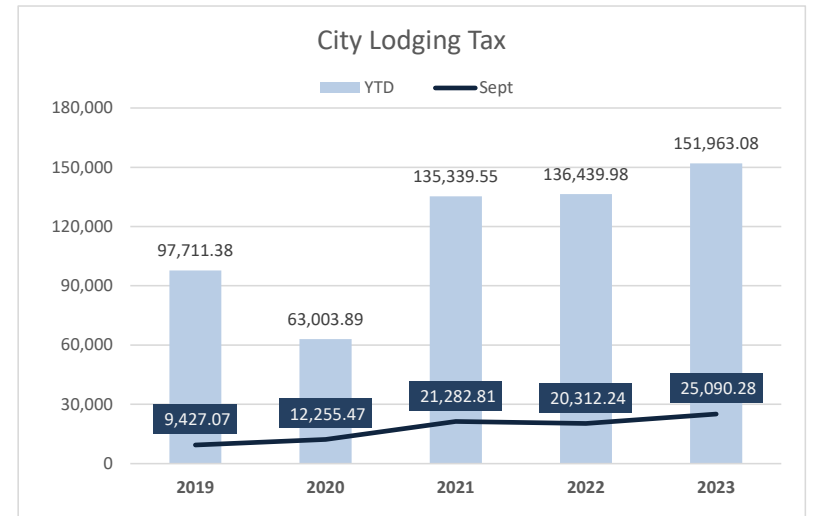
<b>Sept</b>	160,693.17	214,958.18	205,697.38	299,229.89	274,027.18	-25,202.71	-8.42%
3%	241,039.76	322,437.27	308,546.07	448,844.84	411,040.77	-37,804.07	-8.42%



City Lodging Tax - 3% (125-3134)							
	2019	2020	2021	2022	2023	\$ Variance	%
Jan	2,611.13	3,573.20	3,452.69	4,465.16	4,145.44	-319.72	-7.16%
Feb	3,774.09	4,018.26	4,145.37	5,490.69	7,399.14	1,908.45	34.76%
Mar	8,249.09	4,677.20	10,961.79	12,266.06	10,093.53	-2,172.53	-17.71%
Apr	8,046.43	2,305.15	16,557.26	14,135.42	16,355.71	2,220.29	15.71%
May	15,242.71	5,512.69	19,501.69	27,925.85	24,540.57	-3,385.28	-12.12%
Jun	22,312.67	8,463.77	23,011.89	24,010.29	26,405.31	2,395.02	9.97%
Jul	15,335.70	11,150.71	19,979.13	14,726.50	19,695.54	4,969.04	33.74%
Aug	12,712.49	11,047.44	16,446.92	13,107.77	18,237.56	5,129.79	39.14%
Sep	9,427.07	12,255.47	21,282.81	20,312.24	25,090.28	4,778.04	23.52%
Oct	18,400.75	13,854.54	18,243.68	27,831.93			
Nov	6,398.12	7,447.85	11,126.88	10,712.63			
Dec	4,558.22	5,195.64	7,209.43	6,475.52			
<b>TOTAL</b>	<b>127,068.47</b>	<b>89,501.92</b>	<b>171,919.54</b>	<b>181,460.06</b>	<b>151,963.08</b>	<b>15,523.10</b>	<b>11.38%</b>
	-1.29%	-29.56%	92.08%	5.55%			

2023 Budget = \$150,000 - 17% decrease from 2022 actual revenues

<b>Sept</b>	97,711.38	63,003.89	135,339.55	136,439.98	151,963.08	15,523.10	11.38%
6%	195,422.76	126,007.78	270,679.10	272,879.96	303,926.16	31,046.20	11.38%

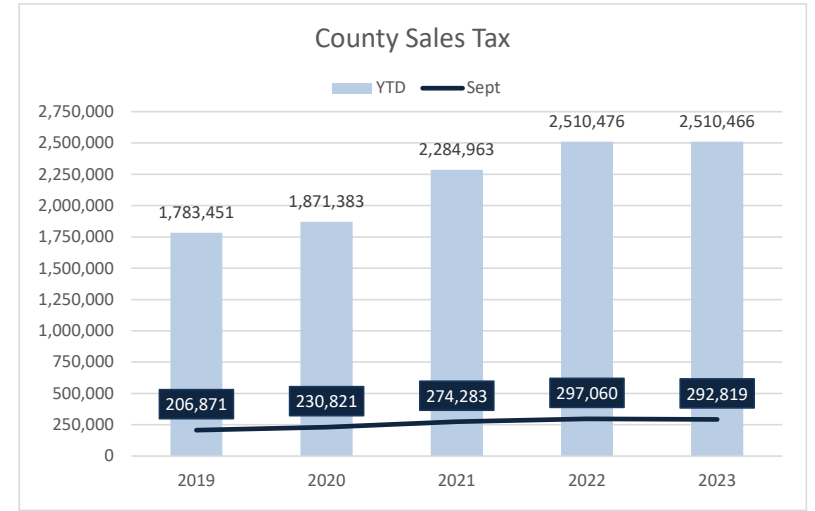


### SALES AND USE TAX REPORTS

County Sales Tax - 2% (110-3130)							
	2019	2020	2021	2022	2023	\$ Variance	% Variance
Jan	168,991.80	178,526.13	199,569.41	227,801.34	235,100.74	7,299.40	3.20%
Feb	161,231.36	181,438.93	200,816.29	232,761.64	234,963.31	2,201.67	0.95%
Mar	198,980.47	188,855.08	268,529.43	283,096.69	283,146.64	49.95	0.02%
Apr	197,897.18	187,855.58	270,209.01	279,500.97	277,150.11	-2,350.86	-0.84%
May	209,011.45	220,166.38	266,353.47	293,351.88	299,401.48	6,049.60	2.06%
Jun	213,850.33	233,449.26	281,089.81	304,783.41	306,021.87	1,238.46	0.41%
Jul	210,475.42	227,956.26	264,407.19	283,763.03	289,221.95	5,458.92	1.92%
Aug	216,142.51	222,314.16	259,705.93	308,357.00	292,640.77	-15,716.23	-5.10%
Sep	206,870.89	230,820.91	274,282.88	297,059.99	292,818.85	-4,241.14	-1.43%
Oct	210,951.31	228,020.45	263,951.60	278,430.83			
Nov	204,326.68	211,965.09	252,758.87	275,219.04			
Dec	233,401.07	248,034.85	296,934.24	316,028.45			
<b>TOTAL</b>	<b>2,432,130.47</b>	<b>2,559,403.08</b>	<b>3,098,608.13</b>	<b>3,380,154.27</b>	<b>2,510,465.72</b>	<b>-10.23</b>	<b>0.00%</b>
%	6.99%	5.23%	21.07%	9.09%			

2023 Budget=\$3,210,000 5.0% decrease from 2022 actual revenue

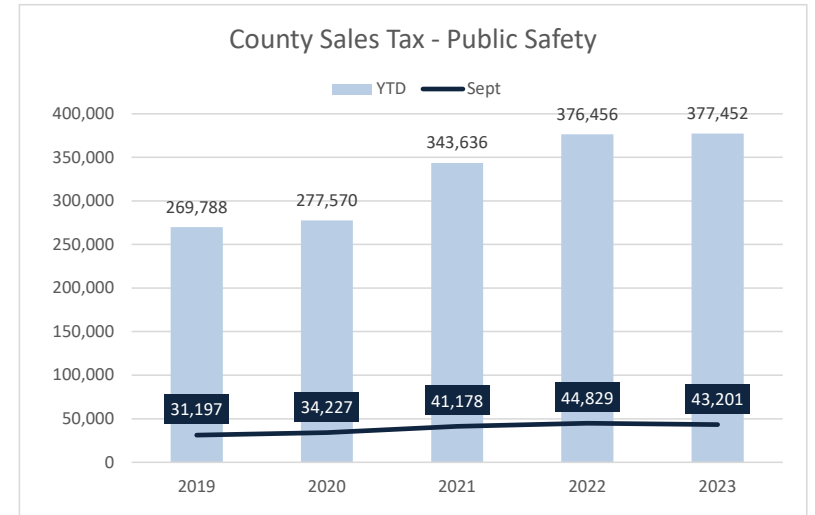
Sept	1,783,451.41	1,871,382.69	2,284,963.42	2,510,475.95	2,510,465.72	-10.23	0.00%
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County Sales Tax - 0.37% Public Safety Tax (110-3129)							
	2019	2020	2021	2022	2023	\$ Variance	% Variance
Jan	25,508.99	26,762.07	29,794.36	34,330.68	35,660.02	1,329.34	3.87%
Feb	24,195.07	26,744.72	30,522.74	35,019.51	35,427.83	408.32	1.17%
Mar	30,317.68	26,640.82	41,095.99	42,371.66	42,812.82	441.16	1.04%
Apr	30,643.86	27,635.27	40,485.69	41,898.53	41,149.35	-749.18	-1.79%
May	32,085.32	32,800.08	39,900.10	43,792.01	45,752.66	1,960.65	4.48%
Jun	32,143.50	35,125.60	42,158.45	45,827.75	46,220.47	392.72	0.86%
Jul	31,495.72	34,219.03	39,786.84	42,639.68	43,521.83	882.15	2.07%
Aug	32,200.79	33,414.60	38,714.05	45,747.00	43,705.32	-2,041.68	-4.46%
Sep	31,197.04	34,227.49	41,177.94	44,829.02	43,201.36	-1,627.66	-3.63%
Oct	31,996.22	34,007.72	39,502.32	41,678.35			
Nov	30,373.05	31,513.90	37,647.08	40,801.66			
Dec	35,263.78	36,822.92	44,432.47	47,219.60			
<b>TOTAL</b>	<b>367,421.02</b>	<b>379,914.22</b>	<b>465,218.03</b>	<b>506,155.45</b>	<b>377,451.66</b>	<b>995.82</b>	<b>0.26%</b>
%	9.41%	3.40%	22.45%	8.80%			

2023 Budget=\$480,000, 5.1% decrease from 2022 actual revenue

Sept	269,787.97	277,569.68	343,636.16	376,455.84	377,451.66	995.82	0.26%
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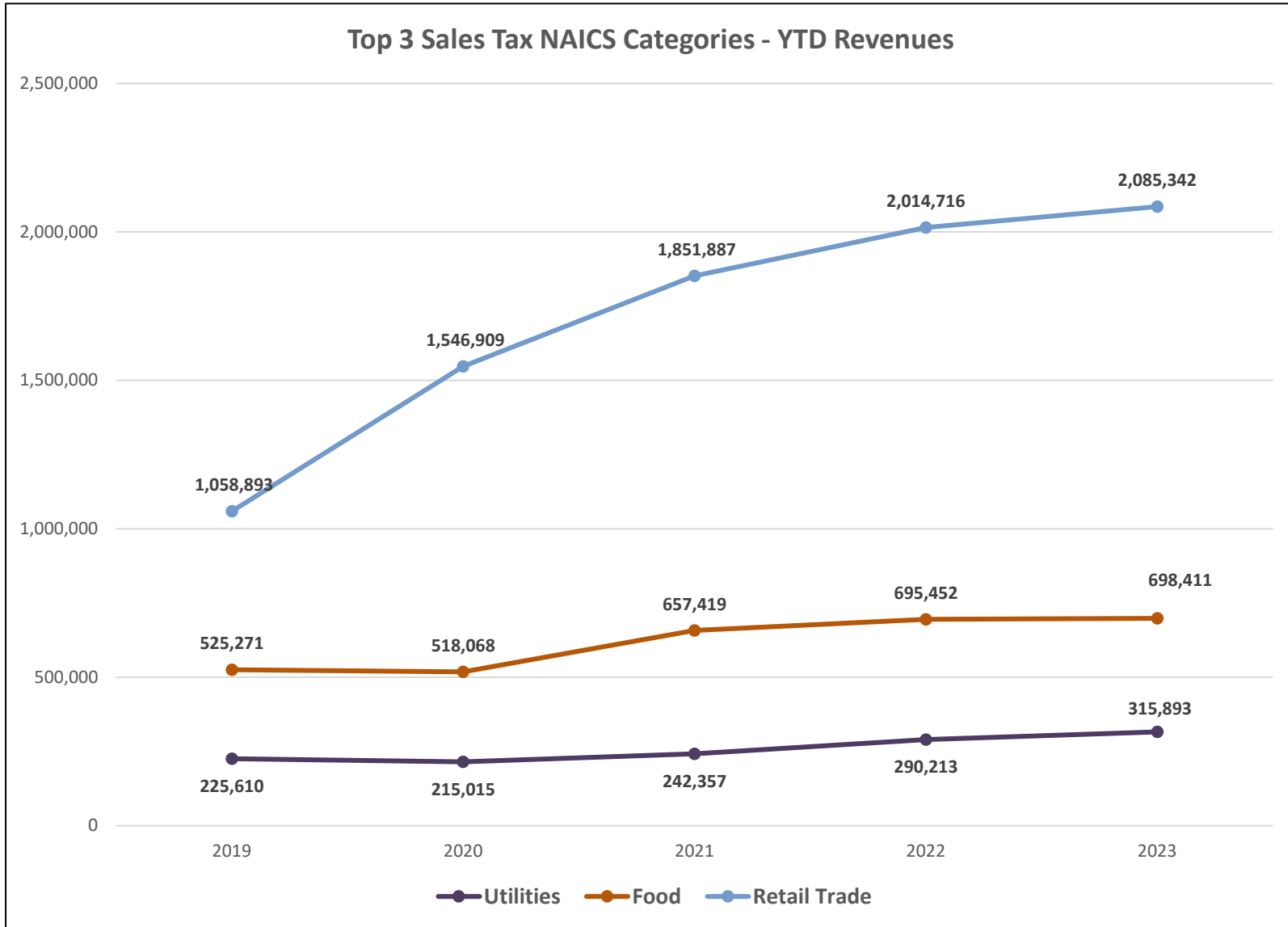


2023 City Lodging Tax - Marketing Fund 3% (125-3134)					
	Hotels & Campgrounds		VRBO'S		Monthly Total
	Revenue	% of Total	Revenue	% of Total	
Jan	3,157	76%	988	24%	4,145
Feb	6,406	87%	993	13%	7,399
Mar	7,823	77%	2,310	23%	10,133
Apr	11,609	71%	4,746	29%	16,355
May	18,352	75%	6,189	25%	24,541
Jun	20,206	77%	6,199	23%	26,405
Jul	15,180	77%	4,515	23%	19,696
Aug	13,927	76%	4,311	24%	18,238
Sep	18,745	75%	6,345	25%	25,090
Oct					-
Nov					-
Dec					-
<b>TOTAL</b>	115,405	76%	36,596	24%	152,001

2023 City Lodging Tax - Other Funds 3%					
	Economic Development		Public Places		Monthly Total
	Revenue	% of Total	Revenue	% of Total	
Jan	2,763	67%	1,382	33%	4,145
Feb	4,932	67%	2,473	33%	7,404
Mar	6,764	67%	3,372	33%	10,136
Apr	13,772	69%	6,052	31%	19,824
May	16,359	67%	8,182	33%	24,541
Jun	17,602	67%	8,803	33%	26,405
Jul	13,129	67%	6,566	33%	19,695
Aug	12,157	67%	6,080	33%	18,237
Sep	16,725	67%	8,365	33%	25,090
Oct					-
Nov					-
Dec					-
<b>TOTAL</b>	104,202	67%	51,275	33%	155,477



Sales and Use Tax Revenues by Category (3%) January-September								
Description	2019	2020	2021	2022	2023	1 yr % Chg	1 yr \$ Chg	% of 2023 Total
<b>Sales taxes</b>								
Other Services	43,084	45,841	59,631	67,672	103,268	53%	35,596	2%
Other Miscellaneous	56,901	82,672	122,484	165,609	164,495	-1%	(1,114)	3%
Manufacturing	44,143	78,601	101,409	112,545	115,407	3%	2,862	2%
Wholesale Trade	67,482	102,152	133,161	188,761	236,465	25%	47,704	4%
Rental and Leasing	104,966	93,209	69,334	61,485	65,278	6%	3,793	1%
Communications	113,203	107,573	109,988	127,983	129,598	1%	1,615	2%
Oil and Gas	60,988	166,008	4,711	-55,358	43,006	178%	98,364	1%
Utilities	225,610	215,015	242,357	290,213	315,893	9%	25,680	6%
Lodging	108,763	84,031	165,353	169,185	165,464	-2%	(3,721)	3%
Food	525,271	518,068	657,419	695,452	698,411	0%	2,959	13%
Retail Trade	1,058,893	1,546,909	1,851,887	2,014,716	2,085,342	4%	70,626	39%
<b>Subtotal</b>	<b>2,409,304</b>	<b>3,040,079</b>	<b>3,517,734</b>	<b>3,838,263</b>	<b>4,122,627</b>	<b>7%</b>	<b>284,364</b>	<b>76%</b>
<b>Use taxes</b>								
Vehicles	800,968	800,991	927,825	939,993	876,042	-7%	(63,951)	16%
Building materials	241,040	322,437	308,546	448,845	411,041	-8%	(37,804)	8%
<b>Subtotal</b>	<b>1,042,008</b>	<b>1,123,428</b>	<b>1,236,371</b>	<b>1,388,838</b>	<b>1,287,083</b>	<b>-7%</b>	<b>(101,755)</b>	<b>24%</b>
<b>Total</b>	<b>3,451,312</b>	<b>4,163,507</b>	<b>4,754,105</b>	<b>5,227,101</b>	<b>5,409,710</b>	<b>3%</b>	<b>182,609</b>	<b>100%</b>
Online sales	110,094	262,518	348,313	396,460	438,145	11%	41,685	8%



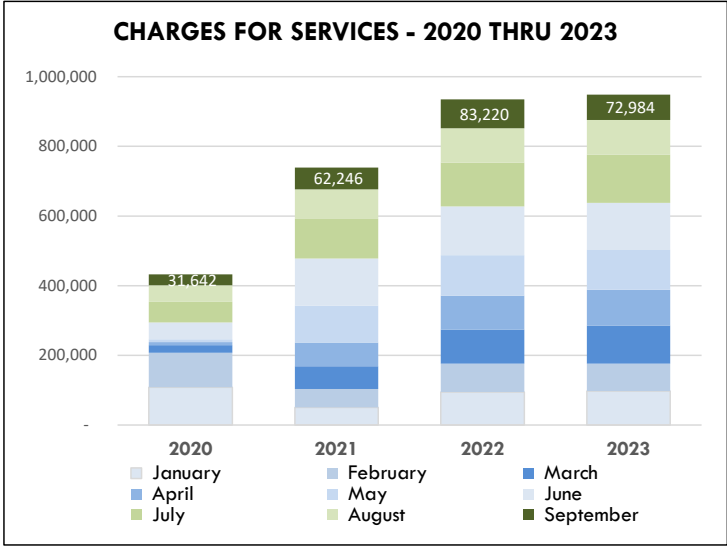
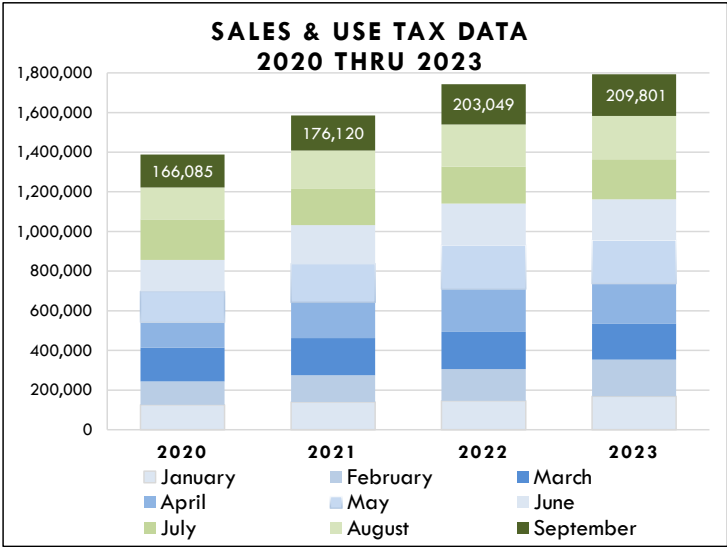
## 2023 COMMUNITY CENTER FUND REVENUES

Month	2022			2023 Tax Revenues			2023	\$ Change	% Chg
	2020	2021	2022	City Sales	Use Tax Motor Vehicles	Use Tax Building Materials			
January	125,046	140,379	146,249	136,022	24,876	8,104	169,002	22,753	16%
February	119,117	133,945	159,453	128,651	30,418	26,014	185,083	25,630	16%
March	168,889	188,406	187,521	137,341	37,396	4,986	179,722	-7,800	-4%
April	129,592	179,665	215,952	155,400	27,357	21,027	203,783	-12,169	-6%
May	154,886	195,397	222,077	168,693	40,860	9,500	219,053	-3,024	-1%
June	159,543	194,253	209,085	167,275	25,012	13,423	205,710	-3,376	-2%
July	203,340	185,630	186,956	153,433	27,446	21,443	202,322	15,366	8%
August	161,339	190,947	212,024	159,884	46,557	11,614	218,055	6,030	3%
September	166,085	176,120	203,049	167,512	32,094	10,195	209,801	6,752	3%
October	163,108	194,373	211,059				-		
November	147,398	175,424	184,863				-		
December	170,423	186,215	203,642				-		
<b>TOTAL</b>	<b>1,868,764</b>	<b>2,140,753</b>	<b>2,341,931</b>	<b>1,374,210</b>	<b>292,015</b>	<b>126,305</b>	<b>1,792,530</b>	<b>50,163</b>	<b>3%</b>
% Change	20.06%	14.55%	9.40%						
2023 Budget				1,650,000	400,000	150,000	2,200,000		
% of Budget				83.29%	73.00%	84.20%	81.48%		

Month	2022			Charges for Services			2023	\$ Change	% Chg
	2020	2021	2022	2020	2021	2022			
January	108,150	50,712	94,372	97,499			3,127	3%	
February	99,658	52,470	81,894	78,473			(3,421)	-4%	
March	21,361	65,392	98,073	109,728			11,655	12%	
April	9,239	68,466	97,049	102,490			5,441	6%	
May	8,041	105,543	116,172	114,132			(2,040)	-2%	
June	48,220	135,621	140,195	135,399			(4,796)	-3%	
July	58,968	113,550	125,561	137,876			12,315	10%	
August	47,293	85,139	98,449	99,965			1,516	2%	
September	31,642	62,246	83,220	72,984			(10,236)	-12%	
October	37,214	66,519	68,943						
November	30,041	76,544	82,759						
December	38,366	83,066	77,309						
<b>TOTAL</b>	<b>538,193</b>	<b>965,269</b>	<b>1,163,997</b>	<b>948,546</b>			<b>13,560</b>	<b>1%</b>	
2023 Budget	1,275,000	694,300	1,190,300	1,196,500					
% of Budget	42.21%	139.03%	97.79%	79.28%					

1,387,836   1,584,742   1,742,367   1,792,530   50,163   3%

432,572   739,139   934,986   948,546   13,560   1%



General Ledger  
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# FRUITA

## COLORADO

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
<b>110</b>	<b>General Fund</b>					
000						
R01	Taxes	-832,083.47	-9,460,816.94	-10,359,000.00	-898,183.06	91.33
R02	Licenses and permits	-2,005.00	-29,075.00	-50,500.00	-21,425.00	57.57
R03	Intergovernmental revenue	-50,001.14	-788,856.54	-597,300.00	191,556.54	132.07
R04	Charges for services	-22,988.65	-410,090.17	-335,500.00	74,590.17	122.23
R05	Fines and forfeitures	-8,955.32	-31,948.61	-34,000.00	-2,051.39	93.97
R06	Interest	-63,004.05	-515,096.88	-50,000.00	465,096.88	1,030.19
R07	Donations	0.00	-51,113.00	-27,000.00	24,113.00	189.31
R08	Miscellaneous	-806.17	-53,098.45	-5,000.00	48,098.45	1,061.97
R09	Transfers from other funds	0.00	-188,343.75	-251,125.00	-62,781.25	75.00
R10	Other financing sources	-51,045.01	-100,506.40	-9,150.00	91,356.40	1,098.43
R12	Rents	-2,161.36	-41,447.24	-48,000.00	-6,552.76	86.35
000		-1,033,050.17	-11,670,392.98	-11,766,575.00	-96,182.02	99.18
410	<i>General Government Department</i>					
E01	Personnel services, salaries	39,105.33	370,532.59	470,525.00	99,992.41	78.75
E02	Personnel services, benefits	12,110.12	121,582.65	150,425.00	28,842.35	80.83
E03	Purchased professional service	38,078.96	203,132.81	233,135.00	30,002.19	87.13
E04	Purchased property services	3,890.60	9,250.89	10,320.00	1,069.11	89.64
E05	Other purchased services	3,822.45	15,740.62	23,600.00	7,859.38	66.70
E06	Supplies	259.39	4,042.51	6,780.00	2,737.49	59.62
E08	Special projects	90.00	41,372.77	42,450.00	1,077.23	97.46
410	<i>General Government Department</i>	97,356.85	765,654.84	937,235.00	171,580.16	81.69
415	<i>Administration Department</i>					
E01	Personnel services, salaries	35,259.16	359,384.51	448,025.00	88,640.49	80.22
E02	Personnel services, benefits	10,076.94	108,104.38	133,875.00	25,770.62	80.75
E03	Purchased professional service	692.87	41,980.59	70,900.00	28,919.41	59.21
E04	Purchased property services	15,851.39	184,429.12	244,100.00	59,670.88	75.55
E05	Other purchased services	1,234.25	15,689.82	25,350.00	9,660.18	61.89
E06	Supplies	2,647.57	41,920.72	49,650.00	7,729.28	84.43
E07	Capital	1,830.00	29,153.49	36,230.00	7,076.51	80.47

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
415	<i>Administration Department</i>	67,592.18	780,662.63	1,008,130.00	227,467.37	77.44
418	<i>Engineering Department</i>					
E01	Personnel services, salaries	25,234.00	269,542.00	333,625.00	64,083.00	80.79
E02	Personnel services, benefits	10,198.51	116,142.43	127,300.00	11,157.57	91.24
E03	Purchased professional service	0.00	335.00	8,000.00	7,665.00	4.19
E04	Purchased property services	0.00	12,438.60	13,850.00	1,411.40	89.81
E05	Other purchased services	147.42	1,344.57	2,800.00	1,455.43	48.02
E06	Supplies	309.93	3,568.86	6,750.00	3,181.14	52.87
E07	Capital	0.00	0.00	32,000.00	32,000.00	0.00
418	<i>Engineering Department</i>	35,889.86	403,371.46	524,325.00	120,953.54	76.93
419	<i>Community Development Dpmt</i>					
E01	Personnel services, salaries	34,739.88	363,760.98	477,800.00	114,039.02	76.13
E02	Personnel services, benefits	13,237.97	143,345.39	209,225.00	65,879.61	68.51
E03	Purchased professional service	7,575.64	9,809.28	14,500.00	4,690.72	67.65
E04	Purchased property services	0.00	32,823.50	55,225.00	22,401.50	59.44
E05	Other purchased services	472.32	5,674.84	9,400.00	3,725.16	60.37
E06	Supplies	697.97	24,572.00	28,675.00	4,103.00	85.69
E07	Capital	2,235.22	922,419.49	1,126,300.00	203,880.51	81.90
E08	Special projects	2,442.99	2,730.91	75,500.00	72,769.09	3.62
419	<i>Community Development Dpmt</i>	61,401.99	1,505,136.39	1,996,625.00	491,488.61	75.38
421	<i>Police Department</i>					
E01	Personnel services, salaries	122,065.69	1,281,602.42	1,628,250.00	346,647.58	78.71
E02	Personnel services, benefits	50,356.70	587,262.17	696,525.00	109,262.83	84.31
E03	Purchased professional service	2,971.06	12,100.76	16,025.00	3,924.24	75.51
E04	Purchased property services	2,503.58	139,545.60	163,100.00	23,554.40	85.56
E05	Other purchased services	28,137.21	272,577.85	338,000.00	65,422.15	80.64
E06	Supplies	5,455.92	67,736.18	97,775.00	30,038.82	69.28
E07	Capital	45,413.20	49,443.20	201,500.00	152,056.80	24.54
421	<i>Police Department</i>	256,903.36	2,410,268.18	3,141,175.00	730,906.82	76.73
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	50,725.04	507,695.05	671,650.00	163,954.95	75.59
E02	Personnel services, benefits	23,519.42	265,722.35	333,250.00	67,527.65	79.74
E03	Purchased professional service	1,064.57	11,721.69	30,625.00	18,903.31	38.27
E04	Purchased property services	155,054.83	520,926.55	618,375.00	97,448.45	84.24
E05	Other purchased services	141.68	1,208.19	5,750.00	4,541.81	21.01
E06	Supplies	30,906.33	299,365.20	396,470.00	97,104.80	75.51
E07	Capital	54,897.65	135,436.59	443,000.00	307,563.41	30.57
431	<i>Public Works Department</i>	316,309.52	1,742,075.62	2,499,120.00	757,044.38	69.71

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	43,424.30	473,737.96	667,675.00	193,937.04	70.95
E02	Personnel services, benefits	17,571.13	193,956.49	236,600.00	42,643.51	81.98
E03	Purchased professional service	1,135.98	45,857.98	52,600.00	6,742.02	87.18
E04	Purchased property services	11,788.37	146,323.35	186,625.00	40,301.65	78.41
E05	Other purchased services	131.70	2,263.61	9,800.00	7,536.39	23.10
E06	Supplies	12,198.62	171,244.56	227,125.00	55,880.44	75.40
E07	Capital	4,140.15	66,205.18	73,625.00	7,419.82	89.92
E08	Special projects	1,009.49	62,582.99	61,500.00	-1,082.99	101.76
451	<i>Parks and Recreation Dept</i>	<i>91,399.74</i>	<i>1,162,172.12</i>	<i>1,515,550.00</i>	<i>353,377.88</i>	<i>76.68</i>
490	<i>Non-Departmental Expenses</i>					
E01	Personnel services, salaries	0.00	0.00	64,800.00	64,800.00	0.00
E02	Personnel services, benefits	4,507.57	6,867.99	0.00	-6,867.99	0.00
E03	Purchased professional service	89.41	80,692.49	88,000.00	7,307.51	91.70
E04	Purchased property services	721.26	5,765.13	8,000.00	2,234.87	72.06
E05	Other purchased services	141.78	177,834.60	203,000.00	25,165.40	87.60
E06	Supplies	479.92	687.30	25,000.00	24,312.70	2.75
E08	Special projects	0.00	18,594.37	59,425.00	40,830.63	31.29
E11	Contingency	0.00	0.00	189,500.00	189,500.00	0.00
E12	Transfers to other funds	0.00	1,856,535.95	4,386,200.00	2,529,664.05	42.33
490	<i>Non-Departmental Expenses</i>	<i>5,939.94</i>	<i>2,146,977.83</i>	<i>5,023,925.00</i>	<i>2,876,947.17</i>	<i>42.74</i>
<b>Revenue Total</b>		<b>-1,033,050.17</b>	<b>-11,670,392.98</b>	<b>-11,766,575.00</b>	<b>-96,182.02</b>	<b>-0.9918</b>
<b>Expense Total</b>		<b>932,793.44</b>	<b>10,916,319.07</b>	<b>16,646,085.00</b>	<b>5,729,765.93</b>	<b>0.6558</b>
<b>110</b>	<b>General Fund</b>	<b>-100,256.73</b>	<b>-754,073.91</b>	<b>4,879,510.00</b>	<b>5,633,583.91</b>	<b>-15.45</b>

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# FRUITA

## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>121</b>	<b>Conservation Trust Fund</b>					
000						
R03	Intergovernmental revenue	0.00	-134,521.32	-160,000.00	-25,478.68	84.08
R06	Interest	-107.68	-1,049.20	-100.00	949.20	1,049.20
000		-107.68	-135,570.52	-160,100.00	-24,529.48	84.68
820	<i>Parks Equipment</i>					
E07	Capital	0.00	0.00	0.00	0.00	0.00
820	<i>Parks Equipment</i>	0.00	0.00	0.00	0.00	0.00
880	<i>Parks, Trails and Open Space</i>					
E12	Transfers to other funds	0.00	123,410.89	454,000.00	330,589.11	27.18
880	<i>Parks, Trails and Open Space</i>	0.00	123,410.89	454,000.00	330,589.11	27.18
	<b>Revenue Total</b>	<b>-107.68</b>	<b>-135,570.52</b>	<b>-160,100.00</b>	<b>-24,529.48</b>	<b>-0.8468</b>
	<b>Expense Total</b>	<b>0.00</b>	<b>123,410.89</b>	<b>454,000.00</b>	<b>330,589.11</b>	<b>0.2718</b>
<b>121</b>	<b>Conservation Trust Fund</b>	<b>-107.68</b>	<b>-12,159.63</b>	<b>293,900.00</b>	<b>306,059.63</b>	<b>-4.14</b>

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## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>124</b>	<b>Economic Development Fund</b>					
000						
R01	Taxes	-16,725.04	-104,202.13	-100,000.00	4,202.13	104.20
000		-16,725.04	-104,202.13	-100,000.00	4,202.13	104.20
465	<i>Marketing and ED Operations</i>					
E08	Special projects	0.00	10,000.00	25,100.00	15,100.00	39.84
E12	Transfers to other funds	0.00	15,100.00	15,100.00	0.00	100.00
465	<i>Marketing and ED Operations</i>	0.00	25,100.00	40,200.00	15,100.00	62.44
<b>Revenue Total</b>		<b>-16,725.04</b>	<b>-104,202.13</b>	<b>-100,000.00</b>	<b>4,202.13</b>	<b>-1.0420</b>
<b>Expense Total</b>		<b>0.00</b>	<b>25,100.00</b>	<b>40,200.00</b>	<b>15,100.00</b>	<b>0.6244</b>
<b>124</b>	<b>Economic Development Fund</b>	<b>-16,725.04</b>	<b>-79,102.13</b>	<b>-59,800.00</b>	<b>19,302.13</b>	<b>132.28</b>



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# FRUITA

## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>125</b>	<b>Marketing and Promotion Fund</b>					
000						
R01	Taxes	-25,090.28	-158,438.60	-150,000.00	8,438.60	105.63
R03	Intergovernmental revenue	0.00	-39,600.00	-39,600.00	0.00	100.00
R04	Charges for services	-77.74	-657.03	0.00	657.03	0.00
R06	Interest	-41.99	-409.08	0.00	409.08	0.00
R09	Transfers from other funds	0.00	-12,000.00	-12,000.00	0.00	100.00
000		-25,210.01	-211,104.71	-201,600.00	9,504.71	104.71
465	<i>Marketing and ED Operations</i>					
E01	Personnel services, salaries	770.56	7,705.59	10,175.00	2,469.41	75.73
E02	Personnel services, benefits	298.55	2,998.99	3,675.00	676.01	81.61
E03	Purchased professional service	3,903.35	6,022.73	6,200.00	177.27	97.14
E04	Purchased property services	37.01	327.66	2,000.00	1,672.34	16.38
E05	Other purchased services	6,077.00	124,385.37	139,300.00	14,914.63	89.29
E08	Special projects	7,250.00	38,250.00	80,250.00	42,000.00	47.66
465	<i>Marketing and ED Operations</i>	18,336.47	179,690.34	241,600.00	61,909.66	74.38
<b>Revenue Total</b>		<b>-25,210.01</b>	<b>-211,104.71</b>	<b>-201,600.00</b>	<b>9,504.71</b>	<b>-1.0471</b>
<b>Expense Total</b>		<b>18,336.47</b>	<b>179,690.34</b>	<b>241,600.00</b>	<b>61,909.66</b>	<b>0.7438</b>
<b>125</b>	<b>Marketing and Promotion Fund</b>	<b>-6,873.54</b>	<b>-31,414.37</b>	<b>40,000.00</b>	<b>71,414.37</b>	<b>-78.54</b>

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# FRUITA

## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>126</b>	<b>Public Places Fund</b>					
000						
R01	Taxes	-8,364.82	-57,750.08	-50,000.00	7,750.08	115.50
000		-8,364.82	-57,750.08	-50,000.00	7,750.08	115.50
452	<i>Public Space</i>					
E04	Purchased property services	0.00	3,000.00	10,000.00	7,000.00	30.00
E08	Special projects	0.00	0.00	10,000.00	10,000.00	0.00
E12	Transfers to other funds	0.00	100,000.00	100,000.00	0.00	100.00
452	<i>Public Space</i>	0.00	103,000.00	120,000.00	17,000.00	85.83
<b>Revenue Total</b>		<b>-8,364.82</b>	<b>-57,750.08</b>	<b>-50,000.00</b>	<b>7,750.08</b>	<b>-1.1550</b>
<b>Expense Total</b>		<b>0.00</b>	<b>103,000.00</b>	<b>120,000.00</b>	<b>17,000.00</b>	<b>0.8583</b>
<b>126</b>	<b>Public Places Fund</b>	<b>-8,364.82</b>	<b>45,249.92</b>	<b>70,000.00</b>	<b>24,750.08</b>	<b>64.64</b>

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## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>127</b>	<b>Community Center Fund</b>					
000						
R01	Taxes	-202,340.61	-1,981,304.87	-2,200,000.00	-218,695.13	90.06
R03	Intergovernmental revenue	-725.00	-20,987.00	-30,400.00	-9,413.00	69.04
R04	Charges for services	-74,818.02	-1,023,365.38	-1,196,500.00	-173,134.62	85.53
R06	Interest	-4,263.06	-40,238.06	-5,000.00	35,238.06	804.76
R07	Donations	-77.75	-2,353.53	0.00	2,353.53	0.00
R08	Miscellaneous	-31.78	-1,918.87	0.00	1,918.87	0.00
R09	Transfers from other funds	0.00	-71,250.00	-95,000.00	-23,750.00	75.00
R10	Other financing sources	0.00	-130,867.62	-135,000.00	-4,132.38	96.94
R12	Rents	-5,564.61	-69,408.02	-72,700.00	-3,291.98	95.47
000		-287,820.83	-3,341,693.35	-3,734,600.00	-392,906.65	89.48
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	79,514.48	1,068,047.76	1,476,150.00	408,102.24	72.35
E02	Personnel services, benefits	18,723.13	236,140.39	312,050.00	75,909.61	75.67
E03	Purchased professional service	2,757.31	41,447.21	55,990.00	14,542.79	74.03
E04	Purchased property services	18,341.37	113,134.88	138,525.00	25,390.12	81.67
E05	Other purchased services	77.96	37,580.26	58,950.00	21,369.74	63.75
E06	Supplies	35,661.58	340,216.10	386,710.00	46,493.90	87.98
E07	Capital	17,755.06	374,183.09	1,337,800.00	963,616.91	27.97
E11	Contingency	0.00	0.00	40,000.00	40,000.00	0.00
E12	Transfers to other funds	0.00	559,950.00	746,600.00	186,650.00	75.00
451	<i>Parks and Recreation Dept</i>	172,830.89	2,770,699.69	4,552,775.00	1,782,075.31	60.86
<b>Revenue Total</b>		<b>-287,820.83</b>	<b>-3,341,693.35</b>	<b>-3,734,600.00</b>	<b>-392,906.65</b>	<b>-0.8948</b>
<b>Expense Total</b>		<b>172,830.89</b>	<b>2,770,699.69</b>	<b>4,552,775.00</b>	<b>1,782,075.31</b>	<b>0.6086</b>
<b>127</b>	<b>Community Center Fund</b>	<b>-114,989.94</b>	<b>-570,993.66</b>	<b>818,175.00</b>	<b>1,389,168.66</b>	<b>-69.79</b>

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<b>129</b>	<b>Fruita Housing Authority Fund</b>					
000						
R04	Charges for services	0.00	-58,204.50	-50,000.00	8,204.50	116.41
R09	Transfers from other funds	0.00	-15,100.00	-15,100.00	0.00	100.00
000		0.00	-73,304.50	-65,100.00	8,204.50	112.60
463	<i>Housing Authority</i>					
E03	Purchased professional service	2,077.97	60,563.24	65,000.00	4,436.76	93.17
E05	Other purchased services	0.00	37.11	100.00	62.89	37.11
463	<i>Housing Authority</i>	2,077.97	60,600.35	65,100.00	4,499.65	93.09
<b>Revenue Total</b>		<b>0.00</b>	<b>-73,304.50</b>	<b>-65,100.00</b>	<b>8,204.50</b>	<b>-1.1260</b>
<b>Expense Total</b>		<b>2,077.97</b>	<b>60,600.35</b>	<b>65,100.00</b>	<b>4,499.65</b>	<b>0.9309</b>
<b>129</b>	<b>Fruita Housing Authority Fund</b>	<b>2,077.97</b>	<b>-12,704.15</b>	<b>0.00</b>	<b>12,704.15</b>	<b>0.00</b>

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>130</b>	<b>Capital Projects Fund</b>					
000						
R06	Interest	-14,647.35	-128,552.61	0.00	128,552.61	0.00
000		-14,647.35	-128,552.61	0.00	128,552.61	0.00
707	<i>EV Charging Station</i>					
E07	Capital	0.00	135,082.00	150,000.00	14,918.00	90.05
R03	Intergovernmental revenue	0.00	-70,000.00	-70,000.00	0.00	100.00
R09	Transfers from other funds	0.00	-65,082.00	-80,000.00	-14,918.00	81.35
707	<i>EV Charging Station</i>	0.00	0.00	0.00	0.00	0.00
708	<i>Downtown Improvements</i>					
E07	Capital	0.00	445,978.61	454,000.00	8,021.39	98.23
R03	Intergovernmental revenue	0.00	-226,989.35	-229,000.00	-2,010.65	99.12
R09	Transfers from other funds	0.00	-218,989.26	-225,000.00	-6,010.74	97.33
708	<i>Downtown Improvements</i>	0.00	0.00	0.00	0.00	0.00
710	<i>Broadband Connection</i>					
E07	Capital	0.00	0.00	738,000.00	738,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-738,000.00	-738,000.00	0.00
710	<i>Broadband Connection</i>	0.00	0.00	0.00	0.00	0.00
734	<i>South Mesa Improvements</i>					
E03	Purchased professional service	0.00	0.00	105,000.00	105,000.00	0.00
E07	Capital	0.00	0.00	2,045,000.00	2,045,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-1,736,000.00	-1,736,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-414,000.00	-414,000.00	0.00
734	<i>South Mesa Improvements</i>	0.00	0.00	0.00	0.00	0.00
735	<i>Overlays</i>					
E07	Capital	0.00	269,052.94	300,000.00	30,947.06	89.68
R09	Transfers from other funds	0.00	-269,052.94	-300,000.00	-30,947.06	89.68
735	<i>Overlays</i>	0.00	0.00	0.00	0.00	0.00
736	<i>Business Park- 16 Rd Rail</i>					
E03	Purchased professional service	0.00	7,196.63	27,150.00	19,953.37	26.51

Sort Level	Description	Period Amt	End Bal	Budget	Variance	%
E07	Capital	0.00	0.00	390,000.00	390,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-50,000.00	-50,000.00	0.00
R09	Transfers from other funds	0.00	-7,196.63	-216,850.00	-209,653.37	3.32
R11	Development impact fees	0.00	0.00	-121,700.00	-121,700.00	0.00
736	<i>Business Park- 16 Rd Rail</i>	<i>0.00</i>	<i>0.00</i>	<i>28,600.00</i>	<i>28,600.00</i>	<i>0.00</i>
743	<i>Pine Street Bridge</i>					
E07	Capital	231,325.03	1,068,317.56	1,286,400.00	218,082.44	83.05
R09	Transfers from other funds	0.00	-811,192.53	-1,260,600.00	-449,407.47	64.35
R11	Development impact fees	0.00	-25,800.00	-25,800.00	0.00	100.00
743	<i>Pine Street Bridge</i>	<i>231,325.03</i>	<i>231,325.03</i>	<i>0.00</i>	<i>-231,325.03</i>	<i>0.00</i>
744	<i>18 12 Road Improvements</i>					
E07	Capital	3,920.00	12,688.75	397,750.00	385,061.25	3.19
R09	Transfers from other funds	0.00	-8,768.75	-397,750.00	-388,981.25	2.20
744	<i>18 12 Road Improvements</i>	<i>3,920.00</i>	<i>3,920.00</i>	<i>0.00</i>	<i>-3,920.00</i>	<i>0.00</i>
746	<i>Maple Street Bridge</i>					
E07	Capital	0.00	18,591.67	100,000.00	81,408.33	18.59
R09	Transfers from other funds	0.00	-18,591.67	-100,000.00	-81,408.33	18.59
746	<i>Maple Street Bridge</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
750	<i>19 Road Improvements</i>					
E07	Capital	3,650.95	85,893.92	400,000.00	314,106.08	21.47
R09	Transfers from other funds	0.00	-82,242.97	-400,000.00	-317,757.03	20.56
750	<i>19 Road Improvements</i>	<i>3,650.95</i>	<i>3,650.95</i>	<i>0.00</i>	<i>-3,650.95</i>	<i>0.00</i>
783	<i>Civic Center Improvements</i>					
E03	Purchased professional service	0.00	9,652.50	9,850.00	197.50	97.99
E07	Capital	1,898.85	384,415.55	390,150.00	5,734.45	98.53
R09	Transfers from other funds	0.00	-392,169.20	-400,000.00	-7,830.80	98.04
783	<i>Civic Center Improvements</i>	<i>1,898.85</i>	<i>1,898.85</i>	<i>0.00</i>	<i>-1,898.85</i>	<i>0.00</i>
792	<i>SH 340 Trail</i>					
E03	Purchased professional service	0.00	0.00	250,000.00	250,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-160,000.00	-160,000.00	0.00
R07	Donations	0.00	0.00	-90,000.00	-90,000.00	0.00
792	<i>SH 340 Trail</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
795	<i>Reed Park Improvements</i>					
E07	Capital	28,328.00	145,764.18	1,651,800.00	1,506,035.82	8.82
R03	Intergovernmental revenue	0.00	0.00	-600,000.00	-600,000.00	0.00
R09	Transfers from other funds	0.00	-109,828.89	-1,014,600.00	-904,771.11	10.82
R11	Development impact fees	0.00	0.00	-37,200.00	-37,200.00	0.00
795	<i>Reed Park Improvements</i>	<i>28,328.00</i>	<i>35,935.29</i>	<i>0.00</i>	<i>-35,935.29</i>	<i>0.00</i>
800	<i>Prospector Park</i>					
E07	Capital	0.00	13,582.00	24,400.00	10,818.00	55.66

Sort Level	Description	Period Amt	End Bal	Budget	Variance	%
R09	Transfers from other funds	0.00	-13,582.00	-24,400.00	-10,818.00	55.66
800	Prospector Park	0.00	0.00	0.00	0.00	0.00
803	Dog Park Project					
E07	Capital	0.00	46,944.61	50,000.00	3,055.39	93.89
R11	Development impact fees	0.00	-46,944.61	-50,000.00	-3,055.39	93.89
803	Dog Park Project	0.00	0.00	0.00	0.00	0.00
<b>Revenue Total</b>		<b>-14,647.35</b>	<b>-2,494,983.41</b>	<b>-8,740,900.00</b>	<b>-6,245,916.59</b>	<b>-0.2854</b>
<b>Expense Total</b>		<b>269,122.83</b>	<b>2,643,160.92</b>	<b>8,769,500.00</b>	<b>6,126,339.08</b>	<b>0.3014</b>
<b>130</b>	<b>Capital Projects Fund</b>	<b>254,475.48</b>	<b>148,177.51</b>	<b>28,600.00</b>	<b>-119,577.51</b>	<b>518.10</b>

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>140</b>	<b>Debt Service Fund</b>					
000						
R06	Interest	-3,656.94	-32,728.45	-8,000.00	24,728.45	409.11
R09	Transfers from other funds	0.00	-555,450.00	-740,600.00	-185,150.00	75.00
000		-3,656.94	-588,178.45	-748,600.00	-160,421.55	78.57
470	<i>Debt Service</i>					
E09	Debt service principal	0.00	385,000.00	385,000.00	0.00	100.00
E10	Debt interest & bond issuance	0.00	363,600.00	363,600.00	0.00	100.00
470	<i>Debt Service</i>	0.00	748,600.00	748,600.00	0.00	100.00
<b>Revenue Total</b>		<b>-3,656.94</b>	<b>-588,178.45</b>	<b>-748,600.00</b>	<b>-160,421.55</b>	<b>-0.7857</b>
<b>Expense Total</b>		<b>0.00</b>	<b>748,600.00</b>	<b>748,600.00</b>	<b>0.00</b>	<b>1.0000</b>
<b>140</b>	<b>Debt Service Fund</b>	<b>-3,656.94</b>	<b>160,421.55</b>	<b>0.00</b>	<b>-160,421.55</b>	<b>0.00</b>



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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>210</b>	<b>Devils Canyon Center Fund</b>					
<i>000</i>						
R06	Interest	-294.43	-2,868.67	0.00	2,868.67	0.00
<i>000</i>		-294.43	-2,868.67	0.00	2,868.67	0.00
<b>Revenue Total</b>		<b>-294.43</b>	<b>-2,868.67</b>	<b>0.00</b>	<b>2,868.67</b>	<b>0.0000</b>
<b>Expense Total</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0000</b>
<b>210</b>	<b>Devils Canyon Center Fund</b>	<b>-294.43</b>	<b>-2,868.67</b>	<b>0.00</b>	<b>2,868.67</b>	<b>0.00</b>

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## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>211</b>	<b>Irrigation Water Fund</b>					
000						
R04	Charges for services	-903.95	-132,426.62	-136,500.00	-4,073.38	97.02
R06	Interest	-41.94	-408.64	-50.00	358.64	817.28
000		-945.89	-132,835.26	-136,550.00	-3,714.74	97.28
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	2,356.88	26,253.12	61,275.00	35,021.88	42.84
E02	Personnel services, benefits	739.53	11,808.55	24,175.00	12,366.45	48.85
E04	Purchased property services	0.00	4,000.00	4,000.00	0.00	100.00
E05	Other purchased services	291.72	4,794.47	9,000.00	4,205.53	53.27
E06	Supplies	69.46	12,715.81	20,475.00	7,759.19	62.10
E07	Capital	0.00	0.00	2,400.00	2,400.00	0.00
E11	Contingency	0.00	0.00	5,100.00	5,100.00	0.00
E12	Transfers to other funds	0.00	7,593.75	10,125.00	2,531.25	75.00
431	<i>Public Works Department</i>	3,457.59	67,165.70	136,550.00	69,384.30	49.19
	<b>Revenue Total</b>	<b>-945.89</b>	<b>-132,835.26</b>	<b>-136,550.00</b>	<b>-3,714.74</b>	<b>-0.9728</b>
	<b>Expense Total</b>	<b>3,457.59</b>	<b>67,165.70</b>	<b>136,550.00</b>	<b>69,384.30</b>	<b>0.4919</b>
<b>211</b>	<b>Irrigation Water Fund</b>	<b>2,511.70</b>	<b>-65,669.56</b>	<b>0.00</b>	<b>65,669.56</b>	<b>0.00</b>

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>212</b>	<b>Sewer Fund</b>					
000						
R03	Intergovernmental revenue	0.00	-541,719.92	-2,831,250.00	-2,289,530.08	19.13
R04	Charges for services	-306,034.18	-3,614,896.57	-4,299,000.00	-684,103.43	84.09
R06	Interest	-16,815.60	-151,077.27	-26,000.00	125,077.27	581.07
R08	Miscellaneous	0.00	-4,880.00	-2,000.00	2,880.00	244.00
000		-322,849.78	-4,312,573.76	-7,158,250.00	-2,845,676.24	60.25
433	<i>Sewer</i>					
E01	Personnel services, salaries	51,108.83	515,118.73	689,700.00	174,581.27	74.69
E02	Personnel services, benefits	24,122.22	259,761.53	295,125.00	35,363.47	88.02
E03	Purchased professional service	6,667.54	32,777.24	67,800.00	35,022.76	48.34
E04	Purchased property services	1,201.13	91,971.99	110,025.00	18,053.01	83.59
E05	Other purchased services	4,446.41	121,353.94	186,775.00	65,421.06	64.97
E06	Supplies	33,955.41	326,382.57	463,950.00	137,567.43	70.35
E07	Capital	40,300.00	100,125.12	363,650.00	263,524.88	27.53
E09	Debt service principal	0.00	1,045,000.00	1,045,000.00	0.00	100.00
E10	Debt interest & bond issuance	0.00	203,205.00	203,225.00	20.00	99.99
E12	Transfers to other funds	0.00	123,750.00	165,000.00	41,250.00	75.00
433	<i>Sewer</i>	161,801.54	2,819,446.12	3,590,250.00	770,803.88	78.53
602	<i>WWTF - Ventilation &amp; Foul Air</i>					
E07	Capital	135,306.67	289,092.34	1,224,300.00	935,207.66	23.61
602	<i>WWTF - Ventilation &amp; Foul Air</i>	135,306.67	289,092.34	1,224,300.00	935,207.66	23.61
603	<i>Sewer Line Upgrades</i>					
E07	Capital	363,966.44	686,997.49	900,000.00	213,002.51	76.33
603	<i>Sewer Line Upgrades</i>	363,966.44	686,997.49	900,000.00	213,002.51	76.33
604	<i>Sewer Line Improvements</i>					
E07	Capital	0.00	0.00	240,000.00	240,000.00	0.00
604	<i>Sewer Line Improvements</i>	0.00	0.00	240,000.00	240,000.00	0.00
607	<i>Treatment System -</i>					

Sort Level	Description	Period Amt	End Bal	Budget	Variance	%
E07	<i>Aeration</i>					
607	Capital	499,193.85	568,314.00	1,306,950.00	738,636.00	43.48
	<i>Treatment System -</i>	499,193.85	568,314.00	1,306,950.00	738,636.00	43.48
	<i>Aeration</i>					
<b>Revenue Total</b>		<b>-322,849.78</b>	<b>-4,312,573.76</b>	<b>-7,158,250.00</b>	<b>-2,845,676.24</b>	<b>-0.6025</b>
<b>Expense Total</b>		<b>1,160,268.50</b>	<b>4,363,849.95</b>	<b>7,261,500.00</b>	<b>2,897,650.05</b>	<b>0.6010</b>
212	<b>Sewer Fund</b>	<b>837,418.72</b>	<b>51,276.19</b>	<b>103,250.00</b>	<b>51,973.81</b>	<b>49.66</b>

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Fiscal Year 2023



# FRUITA

## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>215</b>	<b>Trash Fund</b>					
000						
R04	Charges for services	-92,648.15	-918,618.23	-1,076,000.00	-157,381.77	85.37
R06	Interest	-47.59	-463.67	0.00	463.67	0.00
000		-92,695.74	-919,081.90	-1,076,000.00	-156,918.10	85.42
432	<i>Sanitation Department</i>					
E05	Other purchased services	84,666.55	673,329.53	1,006,000.00	332,670.47	66.93
E12	Transfers to other funds	0.00	52,500.00	70,000.00	17,500.00	75.00
432	<i>Sanitation Department</i>	84,666.55	725,829.53	1,076,000.00	350,170.47	67.46
<b>Revenue Total</b>		<b>-92,695.74</b>	<b>-919,081.90</b>	<b>-1,076,000.00</b>	<b>-156,918.10</b>	<b>-0.8542</b>
<b>Expense Total</b>		<b>84,666.55</b>	<b>725,829.53</b>	<b>1,076,000.00</b>	<b>350,170.47</b>	<b>0.6746</b>
<b>215</b>	<b>Trash Fund</b>	<b>-8,029.19</b>	<b>-193,252.37</b>	<b>0.00</b>	<b>193,252.37</b>	<b>0.00</b>

General Ledger  
Actual vs Budget Report

User: msell  
Printed: 11/16/23 09:28:11  
Period 10 - 10  
Fiscal Year 2023



# FRUITA

## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
<b>220</b>	<b>Fleet Maintenance Fund</b>					
000						
R04	Charges for services	0.00	-412,400.00	-412,400.00	0.00	100.00
R10	Other financing sources	-76.00	-76.00	0.00	76.00	0.00
000		-76.00	-412,476.00	-412,400.00	76.00	100.02
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	8,505.60	100,262.16	155,600.00	55,337.84	64.44
E02	Personnel services, benefits	4,620.28	56,380.06	74,650.00	18,269.94	75.53
E03	Purchased professional service	0.00	1,174.99	3,500.00	2,325.01	33.57
E04	Purchased property services	2,469.13	23,622.67	52,900.00	29,277.33	44.66
E06	Supplies	8,108.29	77,414.29	110,500.00	33,085.71	70.06
E11	Contingency	0.00	0.00	15,250.00	15,250.00	0.00
431	<i>Public Works Department</i>	23,703.30	258,854.17	412,400.00	153,545.83	62.77
<i>Revenue Total</i>		<b>-76.00</b>	<b>-412,476.00</b>	<b>-412,400.00</b>	<b>76.00</b>	<b>-1.0002</b>
<i>Expense Total</i>		<b>23,703.30</b>	<b>258,854.17</b>	<b>412,400.00</b>	<b>153,545.83</b>	<b>0.6277</b>
<b>220</b>	<b>Fleet Maintenance Fund</b>	<b>23,627.30</b>	<b>-153,621.83</b>	<b>0.00</b>	<b>153,621.83</b>	<b>0.00</b>

General Ledger  
Actual vs Budget Report

User: msell  
Printed: 11/16/23 09:28:11  
Period 10 - 10  
Fiscal Year 2023



# FRUITA

## COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
	<i>Revenue Total</i>	-1,806,444.68	-24,457,015.72	-34,350,675.00	-9,893,659.28	-0.7120
	<i>Expense Total</i>	2,667,257.54	22,986,280.61	40,524,310.00	17,538,029.39	0.5672



# FRUITA COLORADO

## AGENDA ITEM COVER SHEET

**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** SHANNON VASSEN, ASSISTANT CITY MANAGER

**DATE:** NOVEMBER 21, 2023

**AGENDA TEXT:** RESOLUTION 2023-35 - Public Hearing – Amending the 2023 Budget with Supplemental Appropriations of Funds for Capital Projects, Equipment, Purchased Services, and Special Projects.

### BACKGROUND

This is a request to amend the 2023 Annual Budget and to provide supplemental appropriations of funds in the General Fund, Conservation Trust Fund, Capital Projects Fund, and the Trash Fund. The supplemental appropriations will fund a capital project, special projects, and purchased services.

The table below outlines all changes to the budget as part of this resolution.

### FISCAL IMPACT

For the appropriations regarding the Arts and Culture Board, Open Space Equipment, and Trash Services, there is no fiscal impact as revenues are available to offset the expenses. For the Reed Park renovation project, there is significant fiscal impact to this budget amendment. After going through a formal procurement process, staff has identified a \$1.15 million gap in funding between the construction bid and non-contract items (playground, mini-pitch court, design, other small items). Approving this budget amendment does use fund-balance from the General Fund and spends down grant revenues from the American Rescue Plan (which by rule have to be appropriated by the end of 2024, spent by 2026) and Conservation Trust Fund reserves. Due to the importance of this project, however, staff is recommending using these sources to complete the project.

### 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:

**ADOPT RESOLUTION 2023 -35 AMENDING THE 2023 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND, CONSERVATION TRUST FUND, CAPITAL PROJECTS FUND, AND THE TRASH FUND FOR CAPITAL PROJECTS, EQUIPMENT PURCHASED SERVICES, AND SPECIAL PROJECTS.**

<b>Description</b>	<b>Summary</b>	<b>2023 Appropriations</b>
General Fund – Parks and Recreation – Arts and Culture Board	The Arts and Culture Board has raised funds for the three artists chosen for the HeART of Fruita display. This budget amendment covers the cost of the artists and supplies for the installation.	\$3,500
General Fund – Parks and Recreation – Open Space Equipment	A resident is purchasing a memorial bench for Snooks Bottom that will be made by a local artist. The donation is available to cover the cost of the memorial bench.	\$1,500
General Fund – Non-Departmental	This budget amendment appropriates \$415,000 in the unassigned General Fund – Fund Balance to be transferred to the Capital Projects Fund for the Reed Park Renovation Project.	\$415,000
Conservation Trust Fund	This budget amendment appropriates \$325,000 in the Conservation Trust Fund – Fund Balance to be transferred to the Capital Projects Fund for the Reed Park Renovation Project.	\$325,000
Capital Projects Fund	This budget amendment appropriates \$410,000 in grant revenue (American Rescue Plan funds), a \$415,000 transfer from the General Fund, and a \$325,000 transfer from the Conservation Trust Fund to the Reed Park Renovation Project.	\$1,150,000
Trash Fund – Trash Collection Services	Staff is estimating that trash collection charges will exceed the 2023 Budgeted amounts by \$20,000, revenues for current year trash collection charges are available to offset the difference.	\$20,000

**RESOLUTION 2023-35**

**A RESOLUTION AMENDING THE 2023 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR CAPITAL PROJECTS, EQUIPMENT, PURCHASED SERVICES, AND SPECIAL PROJECTS.**

**WHEREAS**, the City of Fruita has unassigned fund-balance in the General Fund that can be used for capital projects and equipment, and

**WHEREAS**, the Fruita City Council and the public (through the Parks, Health, Recreation, Open Space and Trails Master Plan) have identified that renovations to Reed Park is a top priority for Fruita Parks and Recreation, and

**WHEREAS**, the Conservation Trust Fund has fund-balance that is restricted for use for Parks and Open Space in Fruita,

**WHEREAS**, the City of Fruita has received grant revenue (American Rescue Plan Dollars) that can be used for projects and revenue replacement during the pandemic, and

**WHEREAS**, after going through the procurement process, the City of Fruita needs an additional \$1.15 million for the renovation to Reed Park and will use funds from the General Fund, Conservation Trust Fund, and grant revenues for the project, and

**WHEREAS**, the Fruita Arts and Culture Board has raised donations to honor the three artists chosen to participate in the HeART of Fruita program, along with to cover the cost of supplies for the installation of the artwork, and

**WHEREAS**, the City of Fruita has received a donation to be used to purchase a memorial bench to be placed at Snooks Bottom, and

**WHEREAS**, the City of Fruita will receive revenues in excess of budgeted amounts in the Trash Fund for trash collection fees that will be used to offset charges for additional trash collections services, 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 \$420,000 from \$16,646,085 to \$ 17,066,085.00 from the following sources for the following uses:

**Source of Funds**

General Fund Unassigned Fund Balance .....	\$415,000
Art/Sculpture Donations .....	\$3,500

Misc. Revenue .....	\$1,500
	<u>\$420,000</u>
<b><u>Use of Funds</u></b>	
Transfer to Capital Projects .....	\$415,000
Arts and Culture Board .....	\$3,500
Open Space Equipment.....	<u>\$1,500</u>
	<u>\$420,000</u>

**Section 2:** That the 2023 appropriation for the Conservation Trust Fund is hereby increased by \$ from \$454,000 to \$779,000 from the following sources for the following uses:

<b><u>Source of Funds</u></b>	
Conservation Trust Fund – Fund Balance .....	<u>\$325,000</u>
	<u>\$325,000</u>

<b><u>Use of Funds</u></b>	
Transfer to Capital Projects .....	<u>\$325,000</u>
	<u>\$325,000</u>

**Section 3:** That the 2023 appropriation for the Capital Projects Fund is hereby increased by \$1,150,000 from \$8,769,500 to \$9,919,500 from the following sources for the following uses:

<b><u>Source of Funds</u></b>	
Grant Revenue – American Rescue Plan Funds .....	\$410,000
Transfer from General Fund .....	\$415,000
Transfer from Conservation Trust Fund .....	<u>\$325,000</u>
	<u>\$1,150,000</u>

<b><u>Use of Funds</u></b>	
Reed Park Construction .....	<u>\$1,150,000</u>
	<u>\$1,150,000</u>

**Section 4:** That the 2023 appropriation for the Trash Fund is hereby increased by \$20,000 from \$1,076,000 to \$1,096,000 the following sources for the following uses:

<b><u>Source of Funds</u></b>	
Trash Collection Fees .....	<u>\$20,000</u>
	<u>\$20,000</u>

<b><u>Use of Funds</u></b>	
Trash Collection Services .....	<u>\$20,000</u>
	<u>\$20,000</u>

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 21st DAY OF NOVEMBER, 2023**

ATTEST:

City of Fruita

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Joel Kincaid, Mayor



# FRUITA

## COLORADO

## AGENDA ITEM COVER SHEET

**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** SHANNON VASSEN, ASSISTANT CITY MANAGER

**DATE:** NOVEMBER 21, 2023

**AGENDA TEXT:** 2024 Annual Budget – Public Hearing and Presentations

### BACKGROUND

The first public hearing on the 2024 Annual Municipal Budget is scheduled for the November 21, 2023, City Council meeting. As part of this public hearing, staff will provide an overview of the proposed budget to the City Council and the public. The final adoption of the budget, including resolutions establishing the mill levy and fees and charges for next year, is scheduled for the December 5, 2023, meeting. At any time during the public hearing, the City Council may adopt the budget, with or without amendments.

Staff does not anticipate any significant changes to the budget between the first and second public hearing. Usually, there are only minor changes in between the two hearings. If the proposed expenditures increase or decrease by more than 5% of the original proposed amount, then another public hearing will need to be scheduled. An updated draft of the 2024 Budget is posted on the City's website at this link: [City of Fruita Municipal Budgets](#). A summary of notable changes has also been provided with this Cover Sheet.

As part of the public hearing, budget presentations will be made on highlights from the following section of the 2024 Budget:

- Budget Overview & All Funds Summary (Pages 21 – 36)
- Economic Health and Development Overview
  - Community Development (Pages 122 – 142)
  - Economic Development Fund (Pages 245 – 250)
  - Marketing and Promotion Fund (Pages 251 – 260)
  - Housing Authority Fund (Pages 319 – 324)

### FISCAL IMPACT

The 2024 City Manager's Recommended Budget is intended to provide the resources for and to support the Fruita Strategic Plan. The Budget is the primary fiscal document for allocation of resources and for the provision of services to the community for the upcoming fiscal year and has significant fiscal impact.

**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The Annual Budget provides the work program and fiscal plan for the City of Fruita for the 2024 fiscal year, and supports the goals and priorities identified in the strategic plan by the Fruita City Council. Efforts have been made in preparation of the budget to provide the necessary financial resources to accomplish these goals and objectives of the City, as they have been defined through input from the City Council and the public.

**RECOMMENDATION**

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

**OPEN THE PUBLIC HEARING, ACCEPT PUBLIC COMMENT, THEN MOVE TO:**

- **CONTINUE THE PUBLIC HEARING ON THE 2024 ANNUAL BUDGET UNTIL THE DECEMBER 5, 2023, CITY COUNCIL MEETING.**

**NOTABLE BUDGET CHANGES FOLLOWING PREVIOUS DRAFT OF BUDGET****All Funds**

- Misc. grammatical updates, spelling changes, narrative updates, etc.
- Misc. personnel changes during open enrollment. Updated payroll expenses for Worker's Compensation rates.
- For some funds, misc. updates to fund balance/year end estimates, and estimated actuals.

**110 – General Fund**

- **General Government (410)**
  - City Council - Updated Outside Agency Funding to provide Grand Valley Pets Alive with a contribution of \$6,000.
- **Administration (415)**
  - City Clerk – Increased Service Contracts line item by \$5,000 for contracted City Clerk functions on an interim basis.
  - Finance and Human Resources – Increased office supplies line items for furniture for the new positions (and to replace existing furniture that was not replaced during the remodel), added \$5,000 to both programs.
  - Human Resources - \$5,000 of health insurance dividends used to create a Wellness program.
- **Public Works (431)**
  - Added \$15,000 to Professional Development for new Public Works Maintenance Workers (current and the newly added 2024 position) to obtain CDL and necessary certifications for the position.
  - Added \$165,000 to the Engineering Line Item of Mountain Water for the study of the design and planning of breaching Reservoir #2.
- **Parks and Recreation (451)**
  - Decreased Youth Activities budget for contract labor by \$10,000 since youth dance classes are now a function of the Fruita Community Center.
  - Increased Special Event entertainment expenses to \$42,000 to fund additional micro events in Fruita, and increase the entertainment budget for City festivals (in the previous draft of the 2024 Budget it was \$40,000, an increase from \$30,000 in the 2023 budget).
  - Added \$30,000 for artwork in downtown Fruita and murals at the Mulberry Plaza.
  - Corrected hours for permanent part-time Parks Worker (a slight change in overall part-time salaries).
- **Non-Departmental (490)**
  - Significant change in insurance rates, \$243,000 is budgeted for 2024, up from \$175,000 from the prior year.

**121 – Conservation Trust Fund**

- No changes.

**124 – Economic Development Fund**



- Increased the City of Fruita’s contribution to the Grand Junction Economic Partnership to \$15,000.

#### **125 – Marketing and Promotion Fund**

- Added \$10,000 to redesign and reprint the GoFruita Visitor Guide that is distributed throughout the state. This will reduce estimated year-end balance of fund balance for the Marketing and Promotion Fund to \$280,000.
- Added \$1,000 for a winter concert in downtown Fruita.

#### **126 – Public Places Fund**

- No changes.

#### **127 – Community Center Fund**

- Increased FCC Youth Activities contract labor by \$10,000 for youth dance classes.
- Changed the part-time Fitness Recreation Coordinator to a part-time Building Maintenance Worker, as was changed this year.
- Decreased contract labor for Fitness by \$15,000.
- Increased Building Maintenance Professional Development budget for staff to get electrical training.

#### **129 – Housing Authority Fund**

- No changes

#### **130 – Capital Projects Fund**

- Decreased S. Mesa Street budget by \$105,000, as design work began this year and the City of Fruita will have 2023 expenses.

#### **140 – Debt Service Fund**

- No changes.

#### **210 – Devils Canyon Fund**

- No changes

#### **211 – Irrigation Water Fund**

- Decreased contingency to balance budget.

#### **212 – Sewer Fund**

- Updated reserve amounts to reflect that \$250,000 of reserves will be used for the vertical drum mixer replacement projects in 2023 (as has been approved by the City Council through two supplemental budget amendments).

#### **215 – Trash Fund**

- No changes.

**220 – Fleet Maintenance Fund**

- No changes.



# FRUITA COLORADO

## AGENDA ITEM COVER SHEET

**TO:** Mayor & City Council

**FROM:** Ciara DePinto, Communications & Engagement Specialist

**DATE:** November 21, 2023

**AGENDA TEXT:** Establishing a Committee to Review Possible “Localism” Board

### BACKGROUND

At the October 3, 2023, City Council meeting, the City Council determined they would seek out individuals with a vested interest in Fruita, business owners and residents—specifically those people who have put forth effort engaging in the community over the years to help residents realize the amenities and activities occurring in the City—to be part of a committee to evaluate the creation of a possible “Localism” Board to replace the Downtown Advisory Board. This item is for Council to discuss any applications received and invitations extended for continued steps in forming this committee.

Fruita City Council reviewed seven applications during the November 7, 2023, meeting from interested community members to serve on the Localism Committee. Since then, the City of Fruita has received one more application for City Council to review. The application can be found attached.

Current Localism Committee Applicant:

- Allie Daniel

At the September 26, 2023, City Council Workshop, City Council directed staff to schedule a discussion for the Council at this meeting regarding establishing a committee to review the possible creation of a new City Board, the “Localism” Board. This Board, if created, would replace the Downtown Advisory Board (DAB). City Council discussed inviting the current members of the DAB and a mixture of past DAB members, past Council members, or others who have strived to increase residential involvement in the community to participate in a working committee, appointed by City Council, to review the purpose and creation of a new Localism Board. This item is for City Council to discuss the steps to appoint the committee.

During 2023, City Council has met with each Board and Commission, both receiving updates from each Board and discussing the priorities and efforts of each Board. At the September Workshop, City Council debriefed the action items from each discussion and determined the next step with the DAB is that it has fulfilled its purpose and the need to explore the transition of that Board to one that focuses more broadly on “localism” to be an extension of the City’s communication efforts and further reach residents and increase the number of residents engaging with the community.

# Allie Daniel

allie@fruitachamber.org

Submission Date Nov 16, 2023 1:59 PM

Name Allie Daniel

Address 432 East Aspen Ave  
Fruita, CO, 81521

Phone Number (970) 858-3894

Email [allie@fruitachamber.org](mailto:allie@fruitachamber.org)

Why are you interested in the Localism Committee? To help coordinate, inform and work together with local businesses and other boards to help bring our community together by providing information and activities updates of how to play like a local.

Are you presently on a board or commission? If so, which one? Arts & Culture Board

List any abilities, skills, or interests which are applicable to the board or commission for which you are applying. Other than coordinating our Fruita Fourth Fridays for the past 3 years I have experience with putting on events and working with local businesses on a variety of projects and events.

Additional information or references you believe may be helpful in considering your application. Kayla Bowers with the Fruita Chamber is my reference on how much I have been involved with the Fruita Community.



# FRUITA COLORADO

## AGENDA ITEM COVER SHEET

**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** DEBRA WOODS, DEPUTY CITY CLERK

**DATE:** NOVEMBER 21, 2023

**AGENDA TEXT:** EXECUTIVE SESSION – Discussion and possible action to consider a motion to convene in Executive Session regarding personnel issues under C.R.S. Section 24-6-402(4)(f) for the Municipal Court Judge’s annual formal review

### BACKGROUND

The City Council has reason to convene in Executive Session to discuss a personnel matter. 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.

### RECOMMENDATION

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

- **MOVE TO CONVENE INTO EXECUTIVE SESSION FOR DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F) AND NOT INVOLVING:**
  1. **ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION,**
  2. **ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL,**
  3. **THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR**
  4. **AN ELECTED OFFICIAL OR PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES (THE MUNICIPAL COURT JUDGE’S FORMAL REVIEW)**

ANNOUNCEMENT NO. 1

***ANNOUNCEMENT TO BE MADE BY MAYOR  
AT THE BEGINNING OF THE EXECUTIVE SESSION  
(MAKE SURE THE SESSION IS BEING RECORDED;  
DO NOT TURN IT OFF DURING THE EXECUTIVE SESSION  
UNLESS SO ADVISED BY LEGAL COUNSEL.)***

It's November 7, 2023 and the time is \_\_\_\_\_. For the record, I am the Mayor, Joel Kincaid. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

\_\_\_\_\_.

This is an executive session for the following purpose:

- **DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F) FOR THE MUNICIPAL COURT JUDGE’S ANNUAL FORMAL REVIEW**

I caution each participant to confine all discussion to the stated purpose 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)***



# FRUITA COLORADO

## AGENDA ITEM COVER SHEET

**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** MARGARET SELL, FINANCE DIRECTOR/CITY CLERK

**DATE:** NOVEMBER 21, 2023

**AGENDA TEXT:** MUNICIPAL JUDGE RE-APPOINTMENT - Consideration of Approval of a two year Personal Services Agreement with Daniel Robinson as Municipal Court Judge for the City of Fruita

### **BACKGROUND**

Pursuant to Article 5 of the Fruita City Charter, the City Council shall appoint a Municipal Judge who is licensed to practice law in the State of Colorado, subject to annual review. The City Council will hold an executive session for formal review of the Municipal Judge at the November 21, 2023 Council meeting.

Upon completion of the formal review, the City Council may reconvene from Executive Session and formalize their review with a motion. If reappointment is the desired action, the Council may enter into a Personal Services Agreement with the Judge. A Draft agreement is attached hereto. Base compensation is \$2,864 per month with annual adjustment as cost of living adjustments are administered for other city employees.

### **FISCAL IMPACT**

The 2024 DRAFT Budget includes funds sufficient for payment of the Municipal Judge. Annual compensation is increased by the same amount as other city employees pursuant to the terms of the contract.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The efficient and effective operations of Municipal Court help the city maintain its core services and provide for Quality of Place through the fair and impartial judgement on violations of city ordinance and other laws.

### **OPTIONS TO THE COUNCIL:**

- Approve the reappointment of Dan Robinson as Municipal Judge and adopt the Personal Services Agreement as presented or with amendments
- Take no action and provide staff direction on appointment of Municipal Judge

### **MOTION FOR REAPPOINTMENT AND APPROVAL OF CONTRACT:**



**APPROVE THE TWO YEAR PERSONAL SERVICE AGREEMENT AND REAPPOINTMENT OF DANIEL ROBINSON AS MUNICIPAL JUDGE FOR THE CITY OF FRUITA**

## PERSONAL SERVICE AGREEMENT FOR MUNICIPAL JUDGE

The City of Fruita, located at 325 E. Aspen, Suite 155, Fruita, Colorado, 81521 County of Mesa, State of Colorado, herein referred to as City, hereby retains Daniel Robinson of Robinson and Burkey, LLC of 747 Rood Avenue, P.O. Box 1712, Grand Junction, CO 81501, herein referred to as Judge.

### SCOPE OF SERVICES

Judge shall hear and try all alleged violations of ordinance provisions of the City of Fruita and any other matters delegated to municipal courts of record by Colorado law, and agrees to faithfully perform the duties of Presiding Municipal Judge of the Fruita Municipal Court assigned to him to the best of his ability. Judge shall maintain a license to practice law in the state of Colorado as required by the Fruita City Charter. Judge shall have all the judicial powers relating to the operation of the court, subject to any rules of procedure governing the operation or conduct of municipal courts promulgated by the Colorado Supreme Court and shall have the authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado Supreme Court. Matters not provided for governing the operation of the municipal court in the Fruita Municipal Code and Fruita City Charter shall be governed by the provisions of C.R.S. 13-10-103 thru 13-10-125.

The schedule for municipal court sessions is established by Judge subject to availability of courtroom facilities, city staff, and with sufficient advance notice to the police department of any changes in the dates and times of court sessions.

The City Council may appoint Associate Judge(s) as may be necessary to perform the duties of Judge in the case of temporary absence, sickness, disqualification or other inability of Judge to act as Presiding Municipal Judge.

### COMPENSATION

Compensation shall be two thousand eight hundred sixty four dollars (\$2,864.00) per month based on court sessions generally being held four times per month with an average of 5 hours per week spent on court business. Compensation will be adjusted annually in the same manner and amount as cost of living adjustments are administered for city employees. Judge is considered a part-time employee of the City. As a part-time employee, Judge shall not be entitled to retirement, health or dental insurance, or other benefits afforded to full time employees of City, except as determined to be required pursuant to state law.

Pursuant to Senate Bill 20-205 (8-13.3 Part 4 C.R.S.), Judge shall be deemed to accrue sick leave at the rate of 9 hours per year, effective January 1, 2021, up to a maximum accrual of 48 hours. This is calculated based on 5 hours of work per week times 52 weeks per year for a total of 260 hours per year divided by 30 hours for a total of 8.67 hours of eligible sick leave per year. Any unused sick leave may be carried forward to a subsequent year up to the maximum accrual of 48 hours.

**TERM**

This agreement shall be in effect for a two (2) year term from January 1, 2024 through December 31, 2025. Pursuant to the Fruita City Charter, Judge shall serve at the pleasure of the Fruita City Council and this Agreement may be terminated at any time by the Fruita City Council. Judge may terminate this Agreement upon sixty (60) days written notice to the Fruita City Council. At the termination of this Agreement in any manner, the payment to the Judge of compensation earned to the date of such termination shall be in full satisfaction of all claims against City under this Agreement.

**ANNUAL REVIEWS**

The Fruita City Council shall conduct an annual review of the Judge pursuant to Article V of the Fruita City Charter. The annual review shall occur in November of each year. The procedure for the annual review shall be established by the City Council and may include publication and/or posting of a notice to the public to invite comment on the performance of Judge. The Fruita City Council may also conduct an informal review of Judge in May of each year.

**OFFICE AND EQUIPMENT**

City shall provide Judge with suitable courtroom facilities including necessary books, supplies, uniforms and furniture for the proper conduct of the business of the court as determined by the City. City shall also provide a municipal court clerk and bailiff to assist the Judge with municipal court proceedings and operations. The municipal court clerk and bailiff shall have such duties as delegated by law and court rule and shall work with the Judge for the efficient and effective administration and operation of Municipal Court. Judge shall work with the supervisors of the court clerk and/or bailiff to address any issues with the provision of said services.

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed this 21st day of November, 2023.

\_\_\_\_\_  
Joel Kincaid  
Mayor

\_\_\_\_\_  
Daniel R. Robinson  
Municipal Judge

ATTEST:

\_\_\_\_\_  
Margaret Sell  
City Clerk



# FRUITA COLORADO

## AGENDA ITEM COVER SHEET

**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** DEBRA WOODS, DEPUTY CITY CLERK

**DATE:** NOVEMBER 21, 2022

**AGENDA TEXT:** EXECUTIVE SESSION – Discussion and possible action to consider a motion to convene in Executive Session regarding personnel issues under C.R.S. Section 24-6-402(4)(f) for the City Manager’s annual formal review (without the City Manager)

### BACKGROUND

The City Council has reason to convene in Executive Session to discuss a personnel matter. 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:

- **FOR DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F) AND NOT INVOLVING:**
- **ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION;**
- **ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL;**
- **THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN ELECTED OFFICIAL; OR**
- **PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES; (THE CITY MANAGER’S FORMAL REVIEW)**

ANNOUNCEMENT NO. 1

**ANNOUNCEMENT TO BE MADE BY MAYOR  
AT THE BEGINNING OF THE EXECUTIVE SESSION  
(MAKE SURE THE SESSION IS BEING RECORDED;  
DO NOT TURN IT OFF DURING THE EXECUTIVE SESSION  
UNLESS SO ADVISED BY LEGAL COUNSEL.)**

It's November 21, 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 purpose:

For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f). This executive session does not involve:

1. Any specific employees who have requested discussion of the matter in open session,
2. Any member of this body or any elected official,
3. The appointment of any person to fill an office of this body or of an elected official or
4. Personnel policies that do not require the discussion of matters personal to particular employees (for the City Manager’s Formal Review without the City Manager)

I caution each participant to confine all discussion to the stated purpose 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)***