



# FRUITA COLORADO

## CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, November 02, 2021 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.*

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

**2. PLEDGE OF ALLEGIANCE**

**3. AGENDA - ADOPT/AMEND**

**4. PROCLAMATIONS AND PRESENTATIONS**

A. PROCLAMATION - City of Fruita Veterans Day Proclamation to be accepted by American Legion Post 2006 Commander KJ Kline

B. FRUITA TEACHERS/STUDENTS OF THE MONTH FOR NOVEMBER 2021 – Shelledy Elementary School:

1. Kindergarten - Codi Taggart

2. 1st Grade - Stevie Sharman

3. 2nd Grade - Paige Thompson

4. 3rd Grade - Quinn Wells

5. 4th Grade - Chloe Dawson

6. 5th Grade - Karlie Temple

7. Behavior Paraprofessional Interventionist – Janielle Westermire

8. Paraprofessional Interventionist – Holly Murch

9. Speech/Language Specialist – Sarah Dorr

**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. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Justin Weaver to the Downtown Advisory Board to fulfill an unexpired term to expire in February of 2024
- B. ORDINANCE 2022-01 – First Reading – An introduction of an Ordinance amending the Official Zoning Map of the City of Fruita by rezoning approximately 9.2 acres of property located at 1877 J.2 Road from a Rural Estate (RE) Zone to a Community Residential (CR) Zone for public hearing on January 4, 2022
- C. ORDINANCE 2022-02 – First Reading – An introduction of an Ordinance annexing approximately 4.6 acres of property located at Parcel #2697-164-00-074 into the City of Fruita (*Weston Estates 1 Annexation*) for public hearing on January 4, 2022
- D. ORDINANCE 2022-03 – First Reading – An introduction of an Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 4.6 acres of property located at Parcel #2697-164-00-074 to a Community Residential (CR) Zone (*Weston Estates 1 Zoning*) for public hearing on January 4, 2022
- E. ORDINANCE 2022-04 – First Reading – An introduction of an Ordinance annexing approximately 13.9 acres of property located at Parcel #2697-164-00-050 into the City of Fruita (*Weston Estates 2 Annexation*) for public hearing on January 4, 2022
- F. ORDINANCE 2022-05 – First Reading – An introduction of an Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 13.9 acres of property located at Parcel #2697-164-00-050 to a Community Residential (CR) Zone (*Weston Estates 2 Zoning*)
- G. FESTIVAL SPONSORSHIP AGREEMENT – A request to approve a three-year Agreement between the City of Fruita and the Credit Union of Colorado for a Mike the Headless Chicken Festival Sponsorship

## 7. PUBLIC HEARINGS

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

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

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

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

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

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

- 1) SPECIAL EVENTS LIQUOR PERMIT APPLICATION – A request to approve a Special Events Liquor Permit Application from the Greater Grand Junction Sports Commission (GGSC) for the Rim Rock Marathon to be held on Saturday, November 6, 2021 from 10:00 am to 6:00 pm at the Fruita Community Center located at 324 N. Coulson St. – *Deputy City Clerk Deb Woods*

## **B. LEGISLATIVE HEARINGS**

- 1) RESOLUTION 2021- 31 - A request to approve a Resolution amending the 2021 Annual Budget with a Supplemental Appropriation from the Sewer Fund for emergency replacement of the SH 6 sewer line from Mesa Street to Grand Avenue - *City Clerk and Finance Director Margaret Sell*

## **8. ADMINISTRATIVE AGENDA**

### A. 2022 BUDGET PRESENTATIONS:

1. Personnel Issues Presentation (Pay Plan, Health Care, Staffing Levels) – *Odette Brach, Human Resources Director*
2. Parks and Recreation Presentation – *Shannon Vassen, Assistant to the City Manager*

3. Community Center Fund and General Fund Recreation Programs Presentations – *Tom Casal, Recreation Superintendent*

- B. RESOLUTION 2021-32 – A request to approve a Resolution amending the 2021 Budget and transferring funds from the General Fund Contingency account for a Housing Needs Assessment and Regulatory Fee Study

**9. CITY MANAGER’S REPORT**

**10. COUNCIL REPORTS AND ACTIONS**

**11. ADJOURN**

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

# CITY OF FRUITA VETERANS DAY PROCLAMATION

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

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

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

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

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

**NOW, THEREFORE**, the City of Fruita City Council calls upon all citizens to observe Thursday, November 11, 2021 with appropriate ceremonies in honor of those who have served to preserve the principles of Justice, Freedom, and Democracy.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 2<sup>nd</sup> day of November, 2021.

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Joel Kincaid  
Mayor of the City of Fruita





***CITY OF FRUITA'S STUDENT OF THE MONTH  
FOR NOVEMBER 2021***

This Certifies That  
**Codi Taggart**

*Of*

**Shelley Elementary School, Kindergarten**

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

Keep up the great work!

November 2, 2021

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



***CITY OF FRUITA'S STUDENT OF THE MONTH  
FOR NOVEMBER 2021***

This Certifies That  
**Stevie Sharman**

*Of*

**Shelley Elementary School, 1<sup>st</sup> Grade**

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

**Keep up the great work!**

November 2, 2021

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



***CITY OF FRUITA'S STUDENT OF THE MONTH  
FOR NOVEMBER 2021***

This Certifies That

***Paige Thompson***

*Of*

***Shelledy Elementary School, 2<sup>nd</sup> Grade***

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

Keep up the great work!

November 2, 2021

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



***CITY OF FRUITA'S STUDENT OF THE MONTH  
FOR NOVEMBER 2021***

This Certifies That  
**Quinn Wells**

*Of*

**Shelledy Elementary School, 3<sup>rd</sup> Grade**

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

Keep up the great work!

November 2, 2021

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



***CITY OF FRUITA'S STUDENT OF THE MONTH  
FOR NOVEMBER 2021***

This Certifies That  
**Chloe Dawson**

*Of*

**Shelledy Elementary School, 4<sup>th</sup> Grade**

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

**Keep up the great work!**

November 2, 2021

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



***CITY OF FRUITA'S STUDENT OF THE MONTH  
FOR NOVEMBER 2021***

This Certifies That  
**Karlie Temple**

*Of*

**Shelledy Elementary School, 5<sup>th</sup> Grade**

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

Keep up the great work!

November 2, 2021

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



***CITY OF FRUITA'S TEACHER OF THE MONTH***  
***NOVEMBER 2021***

This certificate is presented to

***Janielle Westermire***

***Of***

***Shelledy Elementary School, Behavior Paraprofessional***  
***Interventionist***

**In recognition of all her social and emotional work with  
Shelledy students in the Mindful Room. Thanks for all you do!**

November 2, 2021

Joel Kincaid, Mayor



***CITY OF FRUITA'S TEACHER OF THE MONTH***  
***NOVEMBER 2021***

This certificate is presented to

***Holly Murch***

***Of***

***Shelledy Elementary School, Paraprofessional***  
***Interventionist***

In recognition of her contributions and dedication to support students and staff at Shelledy Elementary. Thanks for all you do!

November 2, 2021

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



***CITY OF FRUITA'S TEACHER OF THE MONTH***  
***NOVEMBER 2021***

This certificate is presented to

***Sarah Dorr***

***Of***

***Shelley Elementary School, Speech / Language Specialist***

In recognition of the delivery of her specialized services that  
support learners and their academic achievement.

Thanks for all you do!

November 2, 2021

Joel Kincaid, Mayor





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**AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL**

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

**DATE: NOVEMBER 2, 2021**

**RE: BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JUSTIN WEAVER TO THE DOWNTOWN ADVISORY BOARD TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN FEBRUARY OF 2024**

**BACKGROUND**

In June of 2021, Downtown Advisory Board member Ashley Rogers resigned from the board due to her moving to another state. Her term was due to expire in February of 2024.

On October 14, 2021, Justin Weaver submitted his application for appointment to the Downtown Advisory Board. In an email dated October 19, 2021, Council Liaison to the board Councilor Ken Kreie stated that he believes Mr. Weaver has already been attending meetings and he thinks he would be a good fit for the board.

If Justin Weaver is appointed, there will be four remaining vacancies on the Downtown Advisory 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 Justin Weaver to the Downtown Advisory Board to fulfill an unexpired term to expire in February of 2024

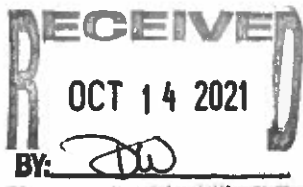
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

**RECOMMENDATION**

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

Justin Weaver to the Downtown Advisory Board to fulfill an unexpired term to expire in February of 2024





**FRUITA**  
COLORADO

Section 6, Item A.

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

BOARD OR COMMISSION: Downtown Advisory Board

NAME: Justin Weaver

MAILING ADDRESS: 762 Sabil Dr

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

PHONE NUMBER: 9702509041

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

E-MAIL ADDRESS: justin.weaver022@gmail.com

How long have you been a resident of Fruita? 2.5

Occupation/Employer: Copper Club Brewery

List any volunteer and/or work experience:

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

No

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

To be more involved with the town of Fruita

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

I work downtown and very much care about how it grows and improves and want to be a part of the process

**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.

Donna Stratton, Mike Durden

Signature  Date 9/8/21

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.



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### AGENDA ITEM COVER SHEET

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**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** PLANNING & DEVELOPMENT DEPARTMENT

**DATE:** NOVEMBER 2, 2021

**RE:** **ORDINANCE 2022- 01, FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 9.2 ACRES OF PROPERTY LOCATED AT 1877 J.2 ROAD FROM A RURAL ESTATE (RE) ZONE TO A COMMUNITY RESIDENTIAL (CR) ZONE FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

#### **BACKGROUND**

This is a request for approval to zone approximately 9.2 acres of property to Community Residential (CR). The subject property is currently zoned Rural Estate (RE) and is located within the Fruita city limits.

The property owner of 1877 J.2 Road, Martin Azcarraga and Steven Azcarraga applied to rezone the property. The subject property is currently lot 5 of the Frank D Kiefer’s Subdivision and is located north of the Fruita Homefront Subdivisions and west of 19 Road. Currently, there is a single-family dwelling unit on the subject property.

The CR zone is primarily a single-family residential zone. The density (4-8 dwelling units per acre) associated with this zone district should be compatible with future residential development as supported by the Future Land Use Map and supporting documents within the Comprehensive Plan.

At their October 12, 2021, public meeting, the Planning Commission recommended approval of the zoning request by a vote of 5-0 to the Fruita City Council. No public comments were received at this Planning Commission meeting nor have there been any written public comments received by Staff at this time.

#### **FISCAL IMPACT**

There is no fiscal impact to the City of Fruita for zoning property.



**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

This property is within the Urban Growth Boundary and is recommended through the Future Land Use Map contained in the Fruita Comprehensive Plan (The City’s Master Plan) as being zoned Community Residential (CR).

**OPTIONS AVAILABLE TO COUNCIL**

1. Publish a synopsis of Ordinance 2022-01, An introduction of an Ordinance amending the official zoning map of the City of Fruita by rezoning approximately 9.2 acres of property located at 1877 J.2 Road from a Rural Estate zone to a Community Residential zone for publication of public hearing on January 4, 2022.
2. Deny Ordinance 2022-01.

**RECOMMENDATION**

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

**PUBLISH A SYNOPSIS OF ORDINANCE 2022-01 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 9.2 ACRES OF PROPERTY LOCATED AT 1877 J.2 ROAD FROM A RURAL ESTATE (RE) ZONE TO A COMMUNITY RESIDENTIAL (CR) ZONE FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

**ORDINANCE 2022-01**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 9.2 ACRES OF PROPERTY LOCATED AT 1877 J.2 ROAD FROM A RURAL ESTATE (RE) ZONE TO A COMMUNITY RESIDENTIAL (CR) ZONE.**

**WHEREAS**, the subject property is shown and described in attached Exhibit A which was recently annexed to the City of Fruita by Ordinance, and

**WHEREAS**, a public hearing will be held by the City Council on January 4, 2022, for the zoning request, and

**WHEREAS**, the requested zone is consistent with the city's goals and policies including the city's Master Plan.

**WHEREAS**, the requested zone meets the approval criteria of Section 17.13.060 of the Fruita Land Use Code that must be considered for an Amendment to the Official Zoning Map (rezone).

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

**THAT** the Official Zoning Map adopted pursuant to Section 17.07.012 of the Fruita Land Use Code is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 9.2 acres, is hereby zoned Community Residential (CR).

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS 4<sup>TH</sup> DAY OF JANUARY 2022.**

ATTEST:

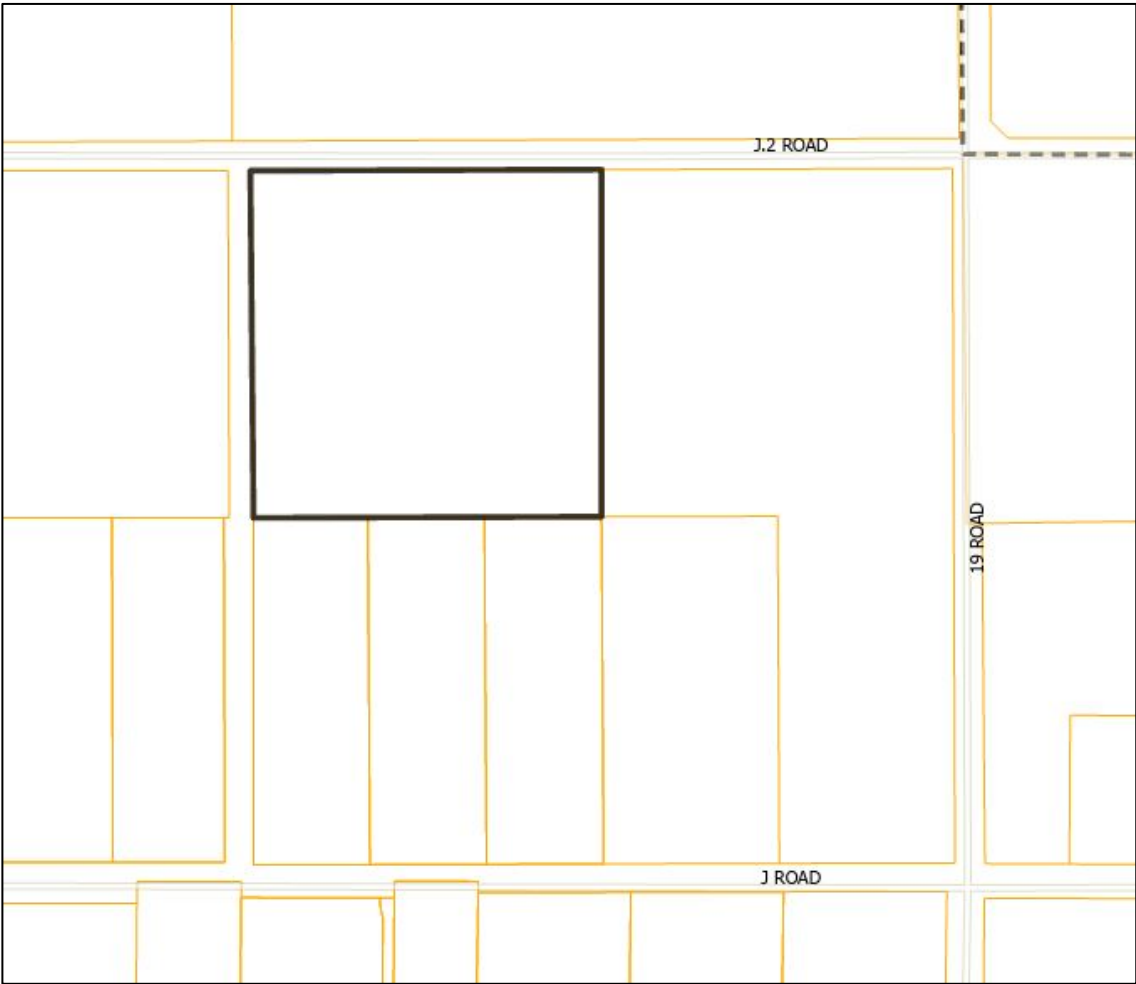
City of Fruita:

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

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



# EXHIBIT A



**LEGAL DESCRIPTION:**

LOT 5 FRANK D KIEFER'S SUB TO THE TOWN OF CLEVELAND SEC 16 1N 2W - 10.00AC



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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: PLANNING & DEVELOPMENT DEPARTMENT**

**DATE: NOVEMBER 2, 2021**

**RE: ORDINANCE 2022- 02, FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

### **BACKGROUND**

The property owner of parcel #2097-164-00-074 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.

Staff has reviewed this annexation request and finds that the property meets current State Statutes for annexation including the required 1/6<sup>th</sup> contiguity with existing City limits and it is within the City's Urban Growth Boundary. The City Council approved Resolution 2021-25 on October 5, 2021 which set the hearing date to determine the eligibility for this application. This Resolution is required by section 31-12-107 of the Colorado Revised Statutes.

At their October 12, 2021, public meeting, the Planning Commission recommended approval of the annexation petition by a vote of 5-0 to the Fruita City Council. No public comments were received at this Planning Commission meeting nor have there been any written public comments received by Staff at this time.

Conditions of said annexation include:

1. Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.
2. J Road to have a total of 35 from the section line.
3. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

### **FISCAL IMPACT**

Annexation of property requires that the city provide it with city services (such as police protection and sanitary sewer service). The cost of providing services varies with each



annexation.

**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.

It appears that this annexation meets both state requirements and local requirements as identified in the Land Use Code. The Land Use Code (along with other regulatory documents) implement the City’s goals and policies as outlined in the city’s Master Plan including the Fruita Community Plan.

**OPTIONS AVAILABLE TO COUNCIL**

1. Publish a synopsis of Ordinance 2022-02, An introduction of an Ordinance annexing approximately 4.6 acres of property located at Parcel #2697-164-00-074 into the City of Fruita for publication of public hearing on January 4, 2022.
2. Deny Ordinance 2022-02.

**RECOMMENDATION**

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

**PUBLISH A SYNOPSIS OF ORDINANCE 2022-02 ANNEXING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

**ORDINANCE 2022-02**

**AN ORDINANCE ANNEXING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 INTO THE CITY OF FRUITA**

**WHEREAS**, the Fruita City Council finds that it is necessary to annex certain real property contiguous to the City of Fruita in order to:

1. Promote the public health, safety, and welfare of the community;
2. Insure efficient provision of municipal services and fair and equitable distribution of cost amongst those who use services provided by the community; and,
3. Provide for orderly growth of the community; and,

**WHEREAS**, the City Council adopted a Resolution finding that the real property described and shown on Exhibit A is eligible for annexation pursuant to C.R.S. 31-12-104 and 105, stating their intent to annex same and initiating the annexation procedures.

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

**Section 1:** The Fruita City Council, having reviewed a properly constituted petition of all the owners of real property in the area proposed for annexation, hereby annexes the property as described and shown in Exhibit A, and the Fruita City limits are hereby modified to reflect said annexation.

**Section 2:** Conditions of said annexation include:

1. Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.
2. J Road to have a total of 35 from the section line.
3. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS 4<sup>TH</sup> DAY OF JANUARY 2022.**

ATTEST:

City of Fruita:

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

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



# EXHIBIT A

Section 6, Item C.



961 Road Avenue  
 Grand Junction, Colorado 81501  
 Phone: (970) 245-9051  
 Fax (970) 245-7639

**ALEXANDRE B. LHERITIER**  
 PROFESSIONAL LAND SURVEYOR  
 COLORADO LICENSE No. 38464

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EXHIBIT

ANNEXATION EXHIBIT  
**WESTON SUBDIVISION**  
 J ROAD AND 19 ROAD  
 FRUITA, COLORADO 81521

SCALE: 1"=200'  
 DATE: 7/14/2021  
 PROJECT NO: F20-052  
 CAD ID: weston annex exhibit.dwg

~SHEET~  
**B**

## PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SE1/4SE1/4 OF SECTION 16, T1N, R2W, UTE MERIDIAN, CITY OF FRUITA, MESA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 1/2 OF LOT 8, FRANK D. KIEFER'S ORCHARD SUBDIVISION (REC. NO 10399).

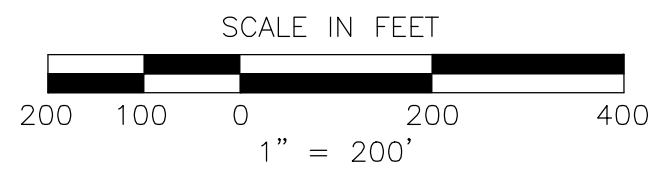
PARCEL CONTAINS 4.6 ACRES.

## LEGEND

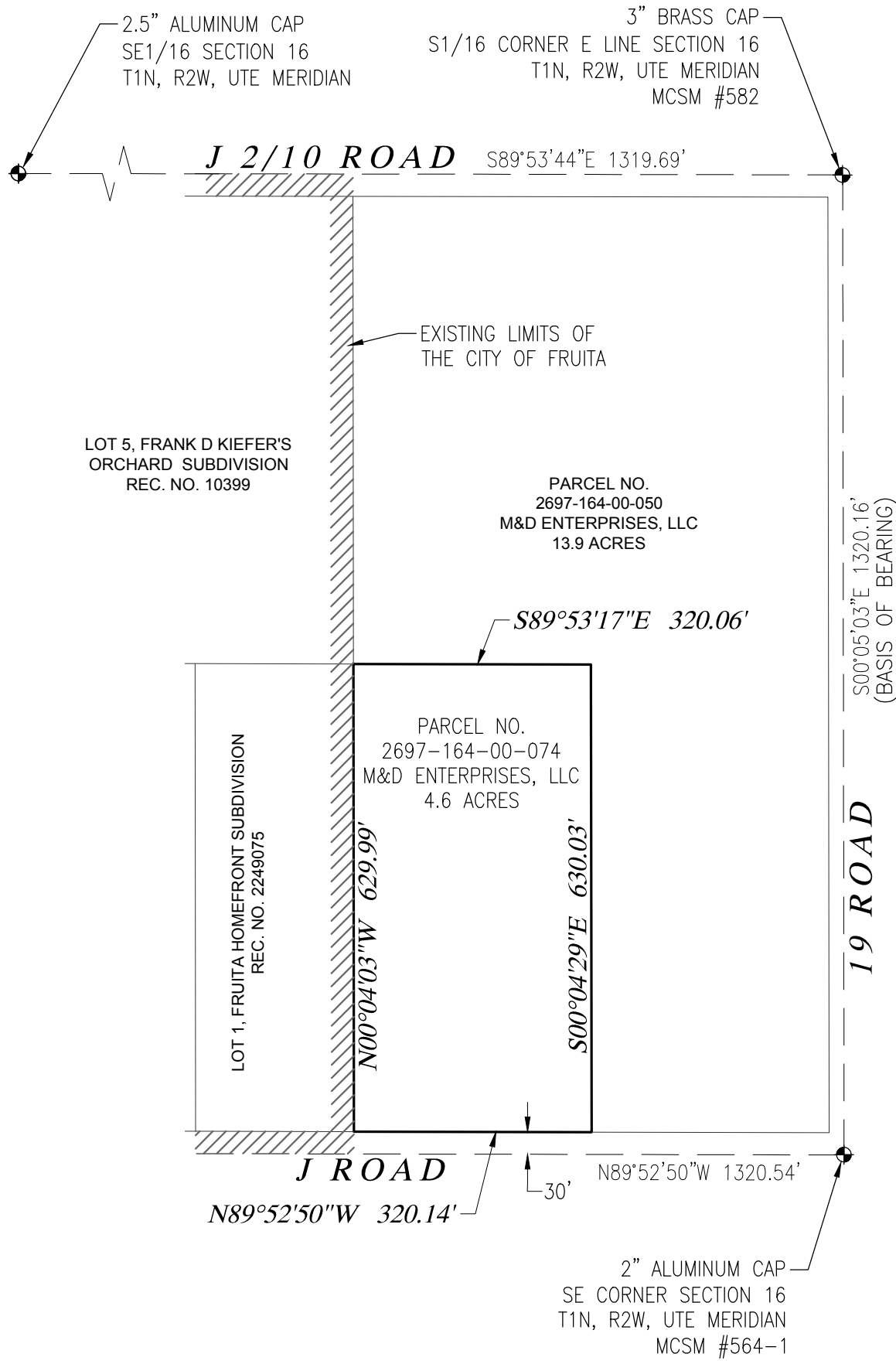
- PROPERTY BOUNDARY
- SECTION LINE
- ADJOINER PROPERTY LINE
- EXISTING CITY LIMITS
- FOUND SURVEY CONTROL MONUMENT

## TABLE OF ABBREVIATIONS

- MCSM - MESA COUNTY SURVEY MONUMENT
- N - NORTH
- S - SOUTH
- E - EAST
- W - WEST
- C - CENTER
- T - TOWNSHIP
- R - RANGE
- AC - ACRES
- REC. NO. - RECEPTION NUMBER



Rev. Date	Comment	By





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## **AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: PLANNING & DEVELOPMENT DEPARTMENT**

**DATE: NOVEMBER 2, 2021**

**RE: ORDINANCE 2022- 03, FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 TO A COMMUNITY RESIDENTIAL (CR) ZONE FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

### **BACKGROUND**

This is a request for approval to zone approximately 4.6 acres of property to Community Residential (CR). The subject property is currently vacant and zoned in the County as Agricultural, Forestry, and Transitional (AFT).

The applicant is requesting a Community Residential (CR) zone. The first step in the process to zone a property outside the city limits, is annexation. Once the subject property has been annexed into the City Limits, zoning the property must take place within 90 days.

The CR zone is primarily a single-family residential zone. The density (4-8 dwelling units per acre) associated with this zone district should be compatible with future residential development as supported by the Future Land Use Map and supporting documents within the Comprehensive Plan.

At their October 12, 2021, public meeting, the Planning Commission recommended approval of the zoning request by a vote of 5-0 to the Fruita City Council. No public comments were received at this Planning Commission meeting nor have there been any written public comments received by Staff at this time.

### **FISCAL IMPACT**

There is no fiscal impact to the City of Fruita for zoning property.

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



This property is within the Urban Growth Boundary and is recommended through the Future Land Use Map contained in the Fruita Comprehensive Plan (The City's Master Plan) as being zoned Community Residential (CR).

**OPTIONS AVAILABLE TO COUNCIL**

1. Publish a synopsis of Ordinance 2022-03, An introduction of an Ordinance amending the official zoning map of the City of Fruita by zoning approximately 4.6 acres of property located at Parcel #2697-164-00-074 to a Community Residential zone for publication of public hearing on January 4, 2022.
2. Deny Ordinance 2022-03.

**RECOMMENDATION**

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

**PUBLISH A SYNOPSIS OF ORDINANCE 2022-03 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 TO A COMMUNITY RESIDENTIAL (CR) ZONE FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

**ORDINANCE 2022-03**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 4.6 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-074 TO A COMMUNITY RESIDENTIAL (CR) ZONE.**

**WHEREAS**, the subject property is shown and described in attached Exhibit A which was recently annexed to the City of Fruita by Ordinance, and

**WHEREAS**, a public hearing will be held by the City Council on January 4, 2022, for the zoning request, and

**WHEREAS**, the requested zone is consistent with the city's goals and policies including the city's Master Plan.

**WHEREAS**, the requested zone meets the approval criteria of Section 17.13.060 of the Fruita Land Use Code that must be considered for an Amendment to the Official Zoning Map (rezone).

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

**THAT** the Official Zoning Map adopted pursuant to Section 17.07.012 of the Fruita Land Use Code is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 4.6 acres, is hereby zoned Community Residential (CR).

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS 4<sup>TH</sup> DAY OF OCTOBER 2022.**

ATTEST:

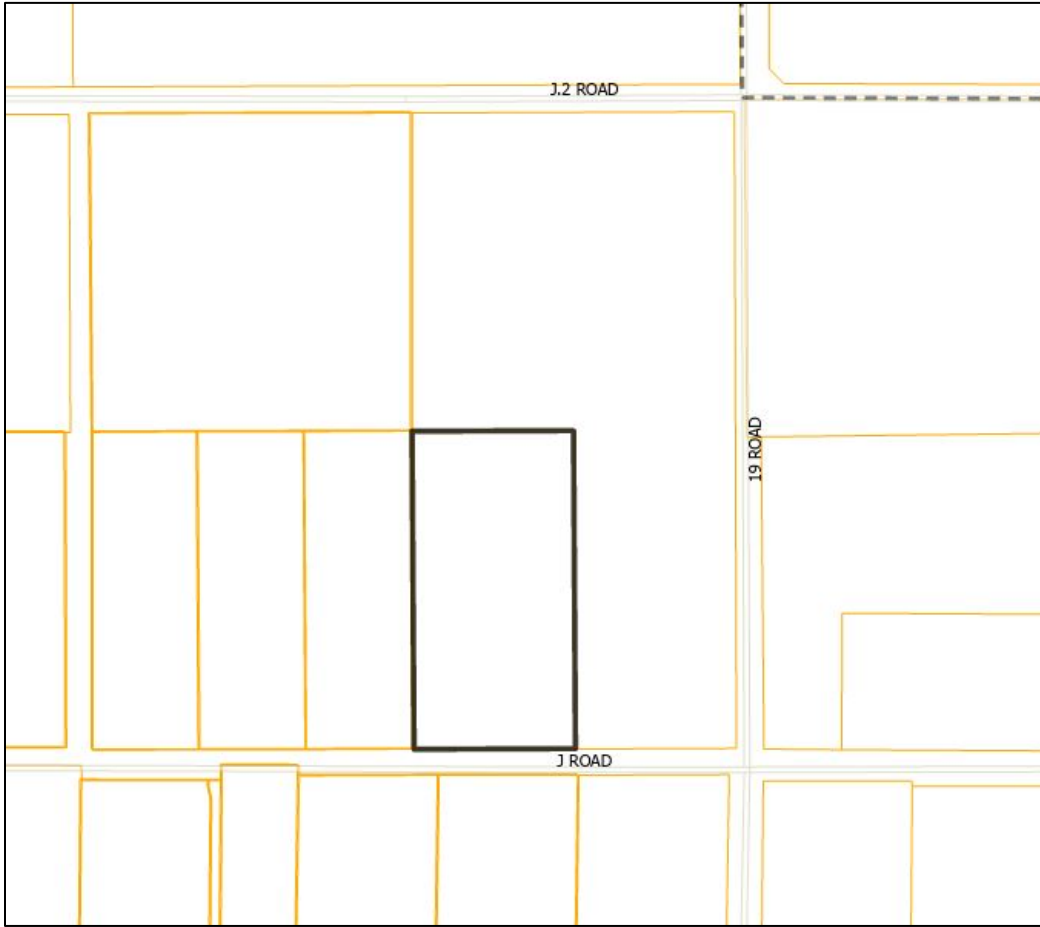
City of Fruita:

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

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



# EXHIBIT A



**LEGAL DESCRIPTION:**

W2 LOT 8 FRANK D KIEFERS SUB TO TOWN OF CLEVELAND SEC 16 1N 2W



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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: PLANNING & DEVELOPMENT DEPARTMENT**

**DATE: NOVEMBER 2, 2021**

**RE: ORDINANCE 2022-04, FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

### **BACKGROUND**

The property owner of parcel #2097-164-00-050 has submitted an application to annex and zone the property. Staff has reviewed this annexation request and finds that the property meets or can meet the city and state laws that must be met to find a property eligible for annexation.

Staff has reviewed this annexation request and finds that the property can meet current State Statutes for annexation including the required 1/6<sup>th</sup> contiguity with existing City limits and it is within the City's Urban Growth Boundary. The City Council approved Resolution 2021-26 on October 5, 2021 which set the hearing date to determine the eligibility for this application. This Resolution is required by section 31-12-107 of the Colorado Revised Statutes.

At their October 12, 2021, public meeting, the Planning Commission recommended approval of the annexation petition by a vote of 5-0 to the Fruita City Council. No public comments were received at this Planning Commission meeting nor have there been any written public comments received by Staff at this time.

#### Conditions of Annexation:

1. Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.
2. 19 Road to have a total of 50 feet from the section line.
3. J Road to have a total of 35 feet from the section line.
4. J.2 Road to have a total of 30 feet from the section line.
5. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

**FISCAL IMPACT**

Annexation of property requires that the city provide it with city services (such as police protection and sanitary sewer service). The cost of providing services varies with each annexation.

**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.

It appears that this annexation meets both state requirements and local requirements as identified in the Land Use Code. The Land Use Code (along with other regulatory documents) implement the City's goals and policies as outlined in the city's Master Plan including the Fruita Community Plan.

**OPTIONS AVAILABLE TO COUNCIL**

1. Publish a synopsis of Ordinance 2022-04, An introduction of an Ordinance annexing approximately 13.9 acres of property located at Parcel #2697-164-00-050 into the City of Fruita for publication of public hearing on January 4, 2022.
2. Deny Ordinance 2022-04.

**RECOMMENDATION**

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

**PUBLISH A SYNOPSIS OF ORDINANCE 2022-04 ANNEXING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**



**ORDINANCE 2022-04**

**AN ORDINANCE ANNEXING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 INTO THE CITY OF FRUITA**

**WHEREAS**, the Fruita City Council finds that it is necessary to annex certain real property contiguous to the City of Fruita in order to:

- 1. Promote the public health, safety, and welfare of the community;
- 2. Insure efficient provision of municipal services and fair and equitable distribution of cost amongst those who use services provided by the community; and,
- 3. Provide for orderly growth of the community; and,

**WHEREAS**, the City Council adopted a Resolution finding that the real property described and shown on Exhibit A is eligible for annexation pursuant to C.R.S. 31-12-104 and 105, stating their intent to annex same and initiating the annexation procedures.

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

**Section 1:** The Fruita City Council, having reviewed a properly constituted petition of all the owners of real property in the area proposed for annexation, hereby annexes the property as described and shown in Exhibit A, and the Fruita City limits are hereby modified to reflect said annexation.

**Section 2:** Conditions of said annexation include:

- 1. Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.
- 2. 19 Road to have a total of 50 feet from the section line.
- 3. J Road to have a total of 35 feet from the section line.
- 4. J.2 Road to have a total of 30 feet from the section line.
- 5. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS 4<sup>TH</sup> DAY OF JANUARY 2022.**

ATTEST:

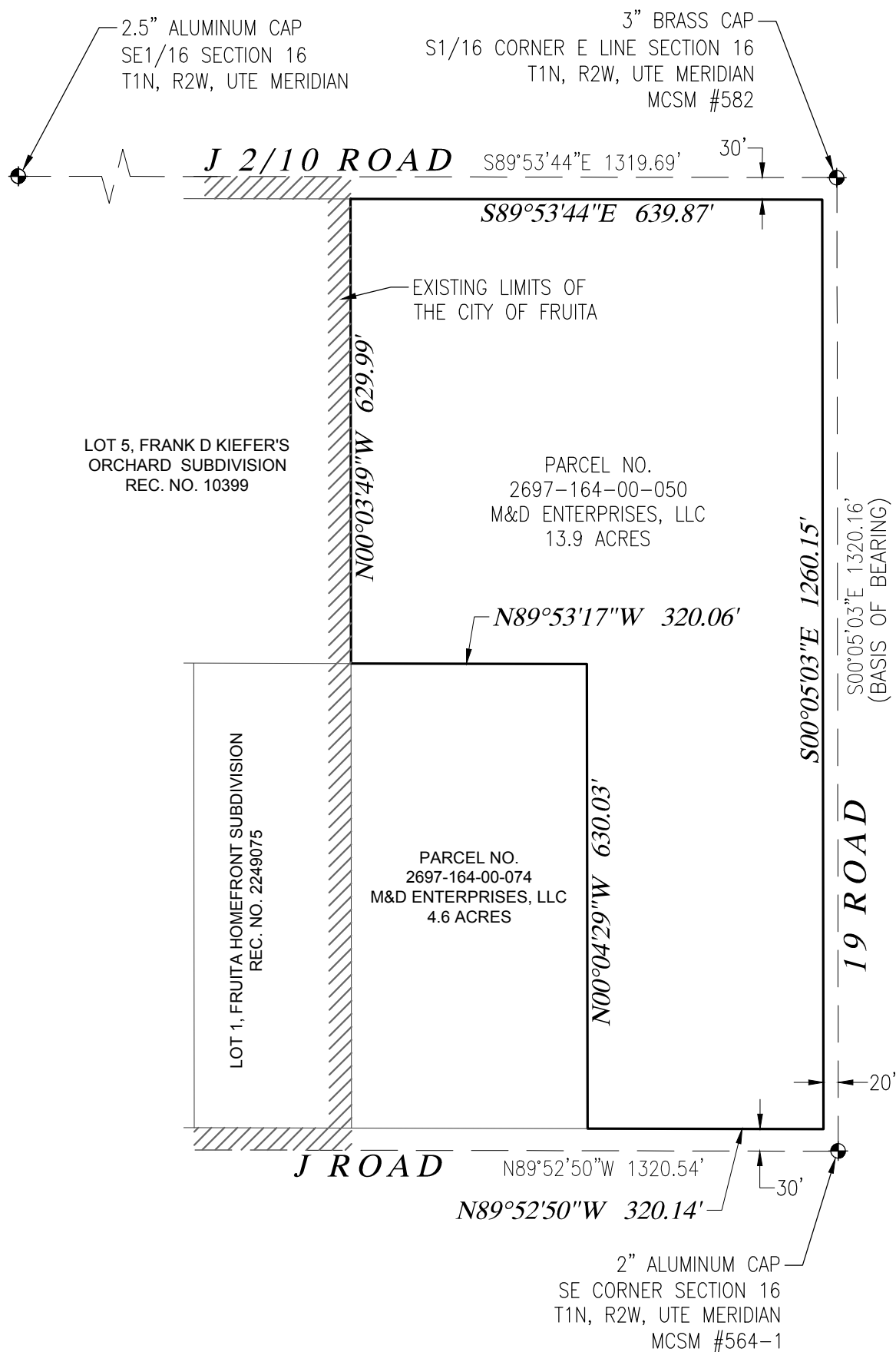
City of Fruita:

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

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

# EXHIBIT A

Section 6, Item E.



## PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SE1/4SE1/4 OF SECTION 16, T1N, R2W, UTE MERIDIAN, CITY OF FRUITA, MESA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 7 AND THE EAST 1/2 OF LOT 8, FRANK D. KIEFER'S ORCHARD SUBDIVISION (REC. NO. 10399).

PARCEL CONTAINS 13.9 ACRES

## LEGEND

- PROPERTY BOUNDARY
- SECTION LINE
- ADJOINER PROPERTY LINE
- EXISTING CITY LIMITS
- FOUND SURVEY CONTROL MONUMENT

## TABLE OF ABBREVIATIONS

- MCSM - MESA COUNTY SURVEY MONUMENT
- N - NORTH
- S - SOUTH
- E - EAST
- W - WEST
- C - CENTER
- T - TOWNSHIP
- R - RANGE
- AC - ACRES
- REC. NO. - RECEPTION NUMBER



Rev. Date	Comment	By



961 Road Avenue  
Grand Junction, Colorado 81501  
Phone: (970) 245-9051  
Fax: (970) 245-7639

**ALEXANDRE B. LHERITIER**

PROFESSIONAL LAND SURVEYOR  
COLORADO LICENSE No. 38864

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EXHIBIT

ANNEXATION EXHIBIT

**WESTON SUBDIVISION**  
J ROAD AND I 9 ROAD  
FRUITA, COLORADO 81521

SCALE: 1"=200'  
DATE: 7/13/2021  
PROJECT NO: F20-052  
CAD ID: weston annex exhibit.dwg

~SHEET~

**A**



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## **AGENDA ITEM COVER SHEET**

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**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** PLANNING & DEVELOPMENT DEPARTMENT

**DATE:** NOVEMBER 2, 2021

**RE:** **ORDINANCE 2022- 05, FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 TO A COMMUNITY RESIDENTIAL (CR) ZONE FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

### **BACKGROUND**

This is a request for approval to zone approximately 13.9 acres of property to Community Residential (CR). The subject property is currently vacant and zoned in the County as Agricultural, Forestry, and Transitional (AFT).

The applicant is requesting a Community Residential (CR) zone. The first step in the process to zone a property outside the city limits, is annexation. Once the subject property has been annexed into the City Limits, zoning the property must take place within 90 days.

The CR zone is primarily a single-family residential zone. The density (4-8 dwelling units per acre) associated with this zone district should be compatible with future residential development as supported by the Future Land Use Map and supporting documents within the Comprehensive Plan.

At their October 12, 2021, public meeting, the Planning Commission recommended approval of the zoning request by a vote of 5-0 to the Fruita City Council. No public comments were received at this Planning Commission meeting nor have there been any written public comments received by Staff at this time.

### **FISCAL IMPACT**

There is no fiscal impact to the City of Fruita for zoning property.

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



This property is within the Urban Growth Boundary and is recommended through the Future Land Use Map contained in the Fruita Comprehensive Plan (The City’s Master Plan) as being zoned Community Residential (CR).

**OPTIONS AVAILABLE TO COUNCIL**

- 1. Publish a synopsis of Ordinance 2022-05, An introduction of an Ordinance amending the official zoning map of the City of Fruita by zoning approximately 13.9 acres of property located at Parcel #2697-164-00-050 to a Community Residential zone for publication of public hearing on January 4, 2022.
  
- 2. Deny Ordinance 2022-05.

**RECOMMENDATION**

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

**PUBLISH A SYNOPSIS OF ORDINANCE 2022-05 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 TO A COMMUNITY RESIDENTIAL (CR) ZONE FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 4, 2022.**

**ORDINANCE 2022-05**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.9 ACRES OF PROPERTY LOCATED AT PARCEL #2697-164-00-050 TO A COMMUNITY RESIDENTIAL (CR) ZONE.**

**WHEREAS**, the subject property is shown and described in attached Exhibit A which was recently annexed to the City of Fruita by Ordinance, and

**WHEREAS**, a public hearing will be held by the City Council on January 4, 2022, for the zoning request, and

**WHEREAS**, the requested zone is consistent with the city's goals and policies including the city's Master Plan.

**WHEREAS**, the requested zone meets the approval criteria of Section 17.13.060 of the Fruita Land Use Code that must be considered for an Amendment to the Official Zoning Map (rezone).

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

**THAT** the Official Zoning Map adopted pursuant to Section 17.07.012 of the Fruita Land Use Code is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 13.9 acres, is hereby zoned Community Residential (CR).

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS 4<sup>TH</sup> DAY OF JANUARY 2022.**

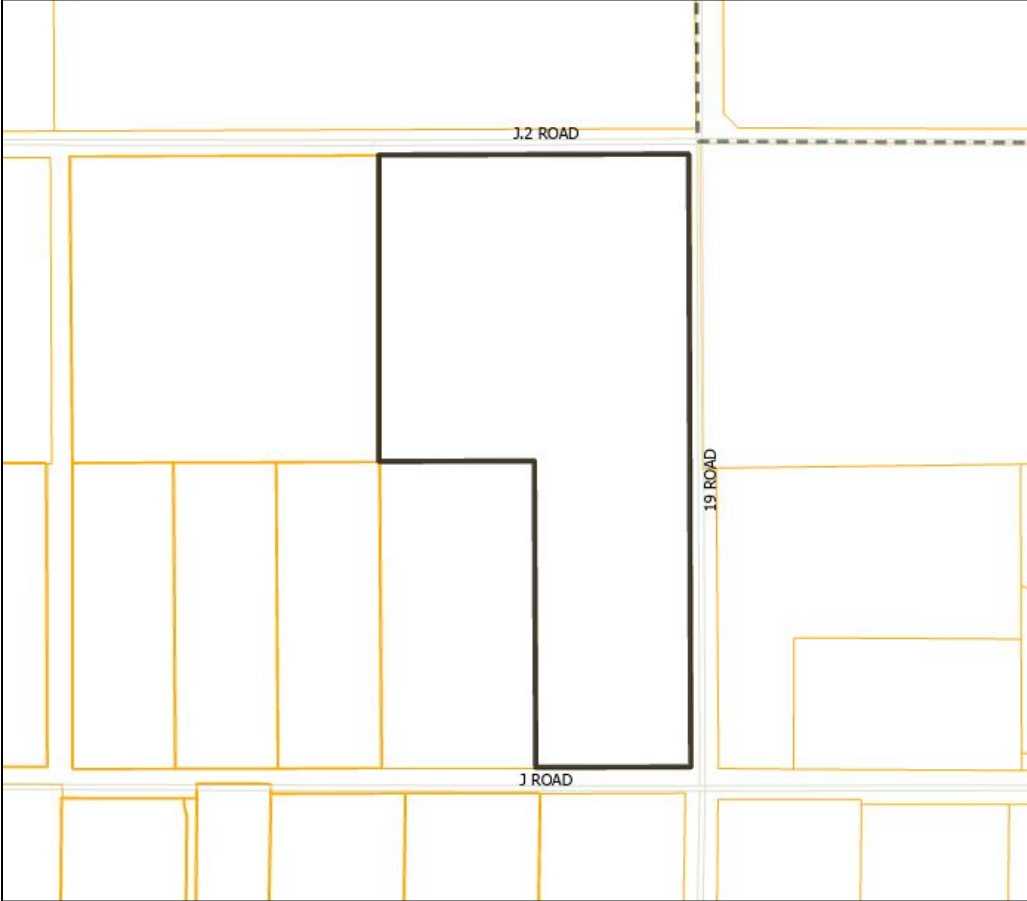
ATTEST:

City of Fruita:

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

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

# EXHIBIT A



LEGAL DESCRIPTION:

NE4SE4SE4 + E2SE4SE4SE4 SEC 16 1N 2W





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### **AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: TOM CASAL, RECREATION SUPERINTENDENT**

**DATE: NOVEMBER 2, 2021**

**RE: FESTIVAL SPONSORSHIP AGREEMENT – A REQUEST TO APPROVE A THREE-YEAR AGREEMENT BETWEEN THE CITY OF FRUITA AND THE CREDIT UNION OF COLORADO FOR A MIKE THE HEADLESS CHICKEN FESTIVAL SPONSORSHIP.**

#### **BACKGROUND**

Mike the Headless Chicken Festival has been a staple in the Fruita Community dating back to 1999. The popularity of Mike keeps growing with over 18,000 followers on Facebook as well as thousands of attendees who flock to Fruita each year to attend the festival.

Since 2011, Credit Union of Colorado has been the Title Sponsor for Mike the Headless Chicken Festival. The past agreements have all been three years in length and at \$5,000 per year. In 2018, the Credit Union of Colorado upped their commitment to \$7,500 per year.

The Credit Union of Colorado has again agreed to be the Title Sponsor for Mike the Headless Chicken Festival for three years, 2022 through 2024 at \$7,500 per year.

#### **FISCAL IMPACT**

The Sponsorship funds generated help alleviate some of the City’s burden to pay for the festival in exchange for promoting the festival as sponsored by the Credit Union of Colorado.

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

Allowing a title sponsorship will help the City of Fruita maintain its on-going goal to be financially sustainable while providing quality entertainment and activities for the community.

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

1. By Motion, ‘Give the City Manager authority to negotiate and approve a multi-year title sponsorship agreement for the Mike the Headless Chicken Festival.’
2. Modify the motion and pass as amended
3. Do not make a motion and approve the City Manager to move forward with a multi-year title sponsorship agreement for Mike the Headless Chicken Festival

#### **RECOMMENDATION:**

Staff recommends that the motion to give the City Manager the authority to approve a multi-year title sponsorship agreement for the Mike the Headless Chicken Festival be made and approved as written.



**AGREEMENT FOR SPONSORSHIP AND PROMOTION**

THIS AGREEMENT FOR SPONSORSHIP AND PROMOTION (the “Agreement”) is entered into as of this 8<sup>th</sup> day of October, 2021 by and between The City of Fruita (“CoF”), a Colorado home rule municipality, located at 325 East Aspen Avenue, Fruita, Colorado 81521 and Credit Union of Colorado (“CUOFCO”), a financial institution with its Corporate offices located at 1390 Logan Street, Denver, CO 80203, (CoF and CUOFCO collectively the “Parties”).

WHEREAS, CoF will holds the Mike the Headless Chicken Festival in Fruita, Colorado annually (the “Festival”); and

WHEREAS, CUOFCO is a credit union providing banking and financial assistance for its members; and

WHEREAS, CUOFCO desires to provide financial support for the Festival in exchange for the CoF including CUOFCO on marketing, advertising and signage for the Festival; and

WHEREAS, CoF and CUOFCO desire to enter into an agreement under which CoF will provide these services and promotional benefits to CUOFCO in exchange for good and valuable consideration, including CUOFCO’s financial support, the sufficiency of which is hereby acknowledged.

NOW THEREFORE, the Parties hereby agree as follows:

1. Partnership and Promotion Benefits. CoF shall provide the following to CUOFCO as part of the CUOFCO’s Title Sponsorship for the Festival as outlined below:
  - a. CUOFCO will be the only Financial Institution sponsor.
  - b. Online
    - i. The Credit Union of Colorado will be presented as the title sponsor of the Festival on the homepage and all other pages on the website. Supporting sponsors of individual activities except the City of Fruita will not be presented at the same level.
    - ii. The official Mike the Headless Chicken Facebook and other social mediums will list Credit Union of Colorado as the Title Sponsor.



“Mike the Headless Chicken Festival brought to you by Credit Union of Colorado.”

- c. Print
    - i. Any print ads that Fruita places for the Festival will have Credit Union of Colorado presented as the Title Sponsor as well.
  - d. TV/Radio
    - i. In all promotion of the Festival through radio and television Credit Union of Colorado will be placed and named as the Title Sponsor.
  - e. Banners and Posters
    - i. Credit Union of Colorado will be listed as the Title Sponsor on all Banners and Posters generated by the City of Fruita to promote the Festival.
    - ii. Credit Union of Colorado is welcome to place its banner on the back of the stage during the concerts at the Festival.
  - f. Onsite
    - i. Credit Union of Colorado may have one 10 x 10 booth space at the Festival. It must provide its own pop up shade structure, tables, chairs etc. as needed for its booth.
2. Consideration. In consideration for the partnership and promotion benefits granted herein, CUOFCO agrees to provide the following to CoF:
- a. CUOFCO will pay CoF an annual sponsorship fee of \$7,500 (\$22,500 over the course of this three-year agreement). CoF shall invoice CUOFCO for such payment, which will be due to CoF no later than March 1<sup>st</sup> of each sponsorship year – 2022, 2023 and 2024.
3. Trademark and Logo Rights. CoF shall have the limited right to use CUOFCO trademarks and logos in its advertising and promotional materials as provided in this Agreement. Use of the CUOFCO trademark or logo shall be approved by CUOFCO prior to insertion in any advertisements or promotional materials for the Festival. Such approval by CUOFCO shall not be unreasonably withheld or delayed. CoF further agrees that upon termination of this Agreement, it will not use CUOFCO trademarks or logos in any way. CoF will not, however, be required to withdraw materials disseminated to the public prior to termination or for which the deadline for materials has passed at the time of termination.

CUOFCO shall have the limited right to use the CoF “Mike” trademark and logo in its advertising and promotional materials during the pendency of this Agreement. Any use of the CoF “Mike” trademark or logo shall be approved by CoF prior to the insertion of any ads or promotional materials by CUOFCO. Such approval by CoF shall not be unreasonably withheld or delayed. CUOFCO further agrees that upon termination of this agreement, it will not use the CoF “Mike” trademark or logo in any way. CUOFCO will not, however, be required to

withdraw materials disseminated to the public prior to termination or for which the deadline for materials has passed at the time of termination.

4. Term. The term of this Agreement shall be for three (3) years, commencing on January 1, 2022 and ending on December 31, 2024, unless terminated earlier as provided in this Agreement or unless extended or amended in writing by mutual agreement of the Parties.
5. Independent Contractors. The Parties agree that both CoF and CUOFCO are acting as independent contractors and that no relationship whatsoever other than the independent contractor relationship set forth in this Agreement exists or is intended to be entered into by the Agreement or created by the Parties.
6. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of Colorado. The Parties agree that exclusive jurisdiction and venue for any legal proceedings related to this Agreement shall be in the District Court for Mesa County, Colorado or in the United States Federal District Court in Grand Junction, Colorado.
7. Modifications, Amendment or Waiver. No modification or amendment of any of the provisions contained in this Agreement shall be valid unless made in writing and executed by both Parties. No waiver of any of the provisions contained in this Agreement shall be valid unless made in writing and executed by the waiving party.
8. Entire Agreement. This Agreement constitutes the entire agreement between CoF and CUOFCO with regard to the subject matter herein. This Agreement may only be amended, modified or supplemented, and the rights or obligations arising hereunder may only be waived pursuant to a written instrument signed by CoF and CUOFCO.
9. Indemnification. CUOFCO agrees to indemnify and hold harmless CoF, its officers, directors, member resorts, employees and agents from and against all claims, damages, suits, costs, expenses, penalties, liabilities, actions or proceedings of any kind or nature whatsoever, or by anyone whomsoever which in any way results from or arises out of CUOFCO's performance of its obligations as outlined in this Agreement or the acts, omissions or wrongful or negligent conduct of CUOFCO's officers, employees, agents, contractors and subcontractors.
10. Notice. Notice regarding all matters relevant to this Agreement shall be forwarded to the following representatives of the Parties:

Credit Union of Colorado  
Doug Schneider  
VP – Marketing  
1390 Logan Street  
Denver, CO 80203

City of Fruita Parks and Recreation Department  
Tom Casal  
Recreation Superintendant  
324 North Coulson Street  
Fruita, Colorado 81521

11. Termination. This Agreement shall be terminated at the end of the Term. Either party will have the right to terminate this Agreement, effective immediately, upon delivery of written notice thereof to the other party, in the event such party is in breach of any material obligation herein, and such breach is incapable of being cured (or, if such breach is capable of cure, such breach is not cured with thirty (30) days after receipt of written notice of such breach or within such additional cure period as the non-breaching party may authorize). In any event, termination of this Agreement shall become effective on the termination date, which is the date following the expiration of the required notice period.
12. Additional Offerings. CUOFCO acknowledges that this Agreement is limited to the offerings described in this Agreement. CUOFCO further acknowledges that CoF may enter into agreements with other entities which offer discounts or special offers to CoF with regard to the Festival as long as such agreements do not violate the terms and conditions of this Agreement. The parties agree that CoF has a proprietary interest in all such additional programs and that CUOFCO will do nothing to interfere with CoF's development or marketing of such programs.
13. Ownership of Proprietary Materials. Both parties acknowledge and agree that CoF and CUOFCO have invested substantial time, money and other resources in the development of their respective trademarks, servicemarks, copyrights, logos and materials ("proprietary materials"). Each party acknowledges a party's ownership of its respective proprietary materials and shall do nothing to invalidate them. Nothing contained in this Agreement shall give a party any right, title or interest in the proprietary materials of the other party. Upon termination of this Agreement, both parties shall immediately return all proprietary materials to their respective owners.
14. Confidentiality. All of the information, data or materials furnished to CUOFCO by CoF are proprietary to CoF and shall be maintained in confidence. Upon the

expiration or termination of this Agreement, all such materials shall be returned to CoF.

15. Assignment. Neither party may assign this Agreement nor any of the rights granted without the prior written approval of the other party. Any assignment without such prior written approval shall be void.

16. Severability. Should any term of this Agreement be declared by a court of competent jurisdiction to be invalid for any reason, then the remainder of this Agreement shall remain in full force and effect and that portion which is determined to be invalid shall be severed.

17. Counterparts and Facsimile Copies. This Agreement may be executed in counterparts, each of which shall be deemed to be an original document, but all of which will constitute a single document. If facsimile transmittal is used by either party, then a conformed fax copy shall be treated as an original. For recordkeeping purposes only, the parties may subsequently exchange signed copies of the Agreement in duplicate original so that each party shall have a signed document, either of which shall be deemed an original.

18. Public Funds/Non-Appropriation of Funds. Any payment due from the CoF hereunder must be provided through the City's budget approved by the City Council for the stated fiscal year only. State of Colorado statutes prohibit the obligation and expenditure of public funds beyond the fiscal year for which a budget has been approved. Therefore, anticipated orders or other obligations that may arise past the end of the stated CoF's fiscal year shall be subject to budget approval. Any contract will be subject to and must contain a governmental non-appropriation of funds clause. Nothing herein shall be construed as creating a multi-year fiscal obligation for the CoF.

IN WITNESS HEREOF, the Parties have executed this Agreement by their duly authorized representatives as of the date first above written.

City of Fruita

Credit Union of Colorado

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

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

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_





**AGENDA ITEM COVER SHEET**

**TO: FRUITA CITY COUNCIL AND MAYOR**  
**FROM: DEBRA WOODS, DEPUTY CITY CLERK**  
**DATE: NOVEMBER 2, 2021**  
**RE: SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR APPLICATION FOR THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SELL FERMENTED MALT BEVERAGES (BEER) AT THE FRUITA COMMUNITY CENTER FOR THE RIMROCK MARATHON ON SATURDAY, NOVEMBER 6, 2021 FROM 10:00 AM TO 6:00 PM**

**BACKGROUND**

State law allows nonprofit organizations to apply for a special events liquor permit and the Fruita City Council adopted Resolution 2011-32, which authorizes the Local Licensing Authority to issue Special Events Permits to qualifying organizations and political candidates without sending the application to the State Authority for approval. The Greater Grand Junction Sports Commission is a Nonprofit Corporation in good standing in the State of Colorado.

The Greater Grand Junction Sports Commission is requesting to provide beer at the Fruita Community Center from 10:00 a.m. to 6:00 p.m. on Saturday, November 6, 2021 for the finish of the Rim Rock Marathon. A beer garden will be set up south of the FCC with fencing and signage marking the enter/exit point indicating that no alcoholic beverages are permitted outside of the licensed area. The event narrative submitted with the application addresses the following:

- Fencing
- Type of alcohol and how it will be stored
- Security
- Restrooms
- Signage
- Procedures/Training
- Clean Up
- Food

The Fruita Police Department states in a memorandum that there is nothing in the application which would prohibit the issuance of the license requested and that the licensee needs to be aware that they are solely responsible for control of the licensed premises regarding alcohol possession, consumption and adherence to state and municipal laws.

The Special Event Application, narrative, diagram of the Beer Garden, written permission from the City for use of the premises, Certificate of Liability Insurance, Police Department’s comments and Certificate of Responsible Alcohol Beverage Vendor Training for Cassidy Veach are attached.

**FISCAL IMPACT**

None

**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

None

**OPTIONS AVAILABLE TO THE COUNCIL**

**1. APPROVAL OF THE SPECIAL EVENTS PERMIT FOR THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SERVE BEER AT THE FRUITA COMMUNITY CENTER FOR THE FINISH OF THE RIMROCK MARATHON SUBJECT TO THE FOLLOWING CONDITIONS:**

- a) **APPLICANT WILL DISCONTINUE SERVING ALCOHOL AT 5:30 P.M. AND PATRONS WILL DISPERSE BY 6:00 P.M.**
- b) **THE ENTIRE LICENSED PREMISES SHALL BE MONITORED CLOSELY AND CONTINUOUSLY BY EVENT STAFF IN ORDER TO PREVENT ALCOHOL FROM GOING INTO OR OUT OF THE LICENSED AREA.**
- c) **ALL OTHER PROCEDURES PRESENTED BY THE GREATER GRAND JUNCTION SPORTS COMMISSION WILL BE FOLLOWED.**
- d) **THE LICENSEE NEEDS TO BE AWARE THAT THEY ARE SOLELY RESPONSIBLE FOR CONTROL OF THE LICENSED PREMISES IN REGARD TO ALCOHOL POSSESSION, CONSUMPTION AND ADHERENCE TO STATE AND MUNICIPAL LAWS RELATED TO ALCOHOL.**

**2. DENIAL OF THE SPECIAL EVENTS PERMIT.**

**3. APPROVE THE PERMIT WITH MODIFIED CONDITIONS.**

**RECOMMENDATION**

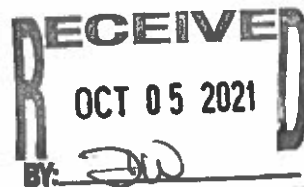
**IT IS THE RECOMMENDATION OF STAFF THAT THE COUNCIL BY MOTION:**

**APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR THE GREATER GRAND JUNCTION SPORTS COMMISSION TO SELL AND SERVE FERMENTED MALT BEVERAGES FOR THE FINISH OF THE RIMROCK MARATHON AT THE FRUITA COMMUNITY CENTER ON NOVEMBER 6, 2021 FROM 10:00 AM TO 6:00 PM SUBJECT TO THE ABOVE CONDITIONS.**

# Application for a Special Events Permit

Departmental Use

Section A, Item 1)



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

- Social  
 Fraternal  
 Patriotic  
 Political
- Athletic  
 Chartered Branch, Lodge or Chapter  
 National Organization or Society  
 Religious Institution
- Philanthropic Institution  
 Political Candidate  
 Municipality Owned Arts Facilities

<b>LIAB</b>	<b>Type of Special Event Applicant is Applying for:</b>	<b>DO NOT WRITE IN THIS SPACE</b>
2110	<input type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170	<input checked="" type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate: **Grand Junction Sports Commission** State Sales Tax Number (Required): **81-3433847**

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP):  
**1100 North Ave.  
 Grand Junction, CO 81507**

3. Address of Place to Have Special Event (include street, city/town and ZIP):  
**Fruita community center  
 324 N. Coulson Street  
 Fruita, CO 81521**

4. Authorized Representative of Qualifying Organization or Political Candidate: **Ben Snyder** Date of Birth: **02/02/86** Phone Number: **970-248-1469**

Authorized Representative's Mailing Address (if different than address provided in Question 2.):  
**N/A**

5. Event Manager: **Ben Snyder** Date of Birth: **02/02/86** Phone Number: **717-917-9053**

Event Manager Home Address (Street, City, State, ZIP): **2095 1/2 Jean Lane, Grand Junction, CO 81506** Email Address of Event Manager: **ben@grandjunctionsports.org**

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year?  No  Yes How many days? **2** *But with Mesa County & City of GJ.*

7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes?  No  Yes License Number \_\_\_\_\_

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed?  Yes  No

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

Date	Hours From	Hours To	Date	Hours From	Hours To	Date	Hours From	Hours To	Date	Hours From	Hours To
<b>Sat. Nov 6th</b>	<b>10:00 A</b>	<b>6:00P</b>									

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

Signature: **[Signature]** Title: **Executive Director** Date: **09/23/2021**

**Report and Approval of Local Licensing Authority (City or County)**  
 The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.  
**THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority (City or County): **The City of Fruita**  City  County Telephone Number of City/County Clerk: **(970) 858-3663**

Signature: \_\_\_\_\_ Title: **JOEL KINCAID, MAYOR** Date: \_\_\_\_\_

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

Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$ .

# One of the Most Scenic Races in the World.

Marathon | Half Marathon

## Marathon

Winding over the Colorado National Monument from Grand Junction to Fruita, Colorado, the U.S. Bank Rim Rock Run boasts scenery unlike any other marathon. The peaceful course features views of towering monoliths, vast plateaus and canyon panoramas.

Sheer-walled, red rock canyons surround the twists and turns of the course.

## Half Marathon

In addition to a marathon, the U.S. Bank Rim Rock Run also includes a Half Marathon featuring gravity-defying boulders, tunnels carved of stone and red-rock canyons! This downhill Half Marathon course may be one of the fastest races you do! You'll have 10 glorious miles of running downhill through the Monument before you reach the heart of Fruita.

All races finish in Fruita's Community Center at a celebration that includes an award ceremony, live entertainment, local food, beer garden, vendors, and more!

Proceeds from the U.S. Bank Rim Rock Run benefit scholarships for Colorado Mesa University Track and Cross Country student-athletes and the non-profit organization, Greater Grand Junction Sports Commission.



Event Name: Rim Rock Run  
Event Date: Saturday, November 6th, 2021  
Event Time: 10:00am-6:00pm  
Event Location: Fruita Community Center

### **SPECIAL EVENT LIQUOR PERMIT NARRATIVE**

#### **FENCING**

- The intended beer garden area is indicated by the red dashed line. Fencing will include Fruita Community Center's fixed wired fencing as well as temporary 4' orange snow fencing in areas that wire fencing isn't. This temporary snow fencing will be provided by the Greater Grand Junction Sports Commission. Participants will enter/exit the beer garden area from the north west corner of the fencing.

#### **ALCOHOL**

- Alcohol will be donated by High Country Beverage. They will be providing enough aluminum cans to serve roughly 400 people. The type of alcohol will vary between beer and hard seltzers. An exact type and brand is still to be determined.
- Alcohol will be stored under the designated "beer" tent (10'x10') in coolers or buckets filled with ice to keep cold. Trained volunteers of age will hand over the individual's beverage of choice after they were age appropriate verified, given a wristband, and payment was processed.

#### **SECURITY**

- Designated security personnel will monitor the enter/exit point of the beer garden area as well as the surrounding area of the beer garden to ensure that alcoholic beverages do not enter or leave the licensed premises. At least one security guard will be stationed at the enter/exit point at all times, if not two. In addition, at least one security guard will be roaming the perimeter of the beer garden area. Security personnel and guards will be designated event staff and/or volunteers. They will be easily identifiable with neon yellow shirts labeled "event staff."

#### **RESTROOMS**

- At least two, if not more, portable restrooms will be stationed on the west side of the Fruita Community Center, in the cul de sac just outside of the beer garden area. Individuals will also be allowed to use the restrooms inside the Fruita Community Center facility. At this time, no restrooms will be inside the designated beer garden area.

#### **SIGNAGE**

- At least one a-frame with appropriate signage will be stationed at the beer garden tent as well as the beer garden area enter/exit point indicating that no alcoholic beverages are permitted outside of the licensed area.

- The beer garden tent will also have a copy of certifications from trained individuals serving alcohol, any documents required by the City of Fruita (*assuming permit is approved*), and any other necessary items.

#### PROCEDURES/TRAINING

- At least one designated trained personnel will oversee the beer garden tent as well as train volunteers who are at least 21 years of age how to properly check ID and serve alcohol. This trained personnel may be Greater Grand Junction Sports Commission's event staff, Cassidy Veach. Her certification of completed training from 'Alcohol Beverage Training' (ABT) is included. If not her, a different trained event staff member or volunteer will have the responsibility of this role.
- Trained personnel and volunteers working the beer garden tent will properly check ID to verify an individual's age then proceed to give them a neon green wristband indicating that they are of legal drinking age and allowed to consume alcoholic beverages. Those under the legal drinking age will not be given a wristband and will be marked with a giant black "X" across the top of their hands.
- Trained personnel and volunteers working the beer garden tent will take proper payment from legal drinking age individuals after they have been verified and identified with a wristband. Payment procedures will include cash or card (*using Square*). A price for the alcoholic beverages have not yet been determined but will most likely be around \$5. All profits raised from sales will go to benefit scholarship opportunities for CMU's Track and Field Team as well as the local non-profit organization, Greater Grand Junction Sports Commission.

#### CLEAN UP

- Trash cans will be located in various locations throughout the designated beer garden area for individuals to properly dispose of their alcohol beverage cans. Trash cans will be properly emptied and filled with a new bag by event staff and/or volunteers.

#### FOOD

- At least one food truck or vendor will be on site and available to individuals for purchase inside of the designated beer garden area. That exact food truck and/or vendor is still to be determined based on their availability.
- The Greater Grand Junction Sports Commission will also provide complimentary water, Tailwind (*sponsored hydration drink*), and snacks at the finish line. Specific snacks are still to be determined but may include items such as bananas, oranges, apples, granola bars, fruit snacks, pretzels, and/or nuts.

ROAD CLOSED

FINISH

\*temporary fencing to close off area for participant safety\*

Fruita Community Center

Mesa County Libraries  
Fruita Branch

Fruita Parks &  
Recreation Department

Calvary Chapel of Fruita

# FINISH

## LOCATION:

Fruita Community Center

## TIME:

**MARATHON** = ~2:00PM

**HALF MARATHON** = ~2:00PM

**EVENT OVER** = 5:00PM

RESTROOMS

TIMING

PA

WATER

\*roughly 200'x150' fenced in area

GGJSC

AWARDS PHOTO BACKDROP

MEDICAL

MUSIC

GEAR PICKUP

OPEN SPACE

\*participants and spectators are encouraged to bring lawn chairs or blankets for seating\*

BEER

\*10'x10' tent

VENDORS  
who and how they

FOOD

-  = fencing
-  = beer garden tent
-  = security
-  = signage
-  = restrooms
-  = food

ROAD CLOSED

# Fruita Police Department

Chief David Krouse

157 S. Mesa St  
Fruita, CO 81521

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



**To:** Debra Woods  
**From:** Dave Krouse, Chief of Police  
**Date:** October 8, 2021  
**Re:** 2021 Rim Rock Marathon Special Event Liquor Permit

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

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

**Debra Woods**

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**From:** Tom Casal  
**Sent:** Friday, October 8, 2021 2:40 PM  
**To:** Debra Woods  
**Subject:** RE: Special Event Liquor Permit application from GGSC for the Rim Rock Marathon

Hi Deb,

The Greater Grand Junction Sports Commission in conjunction with the Rim Rock Marathon has the City's permission to use the Fruita Community Center property.

Tom Casal  
Recreation Superintendent  
City of Fruita  
324 N. Coulson St.  
Fruita CO 81521  
(970) 858-0360 ext. 6405  
[tcasal@fruita.org](mailto:tcasal@fruita.org)



**From:** Debra Woods <dwoods@fruita.org>  
**Sent:** Friday, October 8, 2021 2:34 PM  
**To:** Tom Casal <tcasal@fruita.org>  
**Subject:** Special Event Liquor Permit application from GGSC for the Rim Rock Marathon

Hi, Tom – please send me your approval of the GGSC to use the area around the FCC for the end of the Rim Rock Marathon to be included in their Special Event Liquor Permit application to go to City Council on November 2<sup>nd</sup>. Thanks!

*Deb Woods*  
Deputy City Clerk  
City of Fruita  
325 E. Aspen Ave.  
Fruita, CO 81521  
(970) 639-4210  
[dwoods@fruita.org](mailto:dwoods@fruita.org)







# Certificate of Achievement

THIS ACKNOWLEDGES THAT

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**Cassidy Veach**

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HAS SUCCESSFULLY COMPLETED

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

**abt**

ALCOHOL BEVERAGE  
TRAINING

Issued on and Expires Three Years From:

**September 22, 2021**

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



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### AGENDA ITEM COVER SHEET

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**TO:** FRUITA CITY COUNCIL AND MAYOR  
**FROM:** MARGARET SELL, CITY CLERK/FINANCE DIRECTOR  
**DATE:** NOVEMBER 2, 2021  
**RE:** RESOLUTION 2021-31 – PUBLIC HEARING - APPROVING AN AMENDMENT TO THE 2021 ANNUAL BUDGET WITH A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR THE SH 6 EMERGENCY SEWER LINE REPLACEMENT PROJECT

#### **BACKGROUND**

The City experienced an overflow of the SH 6 sewer line due to a collapsed 8” concrete sewer line along SH 6. An emergency temporary by-pass has been installed along SH 6 from Peach to Mulberry to carry wastewater flows around the collapsed line. Additional investigation shows that there are multiple collapses in the top of the concrete sewer line resulting in rocks inside the pipe throughout the sewer line along SH 6 from Grand Avenue to Mesa Street.

There are challenges in determining the best alignment for the new sewer line. The existing line is located under the SH 6 sidewalk/trail in a number of locations. Options include 1) replacement of the line with its current alignment which involves removing and replacing the existing sidewalk along with working in a busy utility corridor, 2) re-alignment of the sewer line putting it behind the sidewalk which may require additional easements and possible soil issues, and 3) realignment of the sewer line within the paved area of SH 6 which would require permission from CDOT. Once the best solution is determined, the Engineering Department will design and go out to bid for replacement of the sewer line on an expedited basis.

Rough estimates for replacement of the sewer line range from \$800,000 to \$1,000,000 and depend on alignment, contractor availability and availability/cost of supplies (manholes, pipe, etc.).

Resolution 2021-31 appropriates \$842,300 in additional funds from various sources in the Sewer Fund for these emergency repairs. The remaining \$157,700 includes funds already appropriated for the postponed 2021 H2S mitigation project that will be transferred to this project.

#### **FISCAL IMPACT**

This budget amendment has a significant fiscal impact of \$800,000 to \$1,000,000. There is approximately \$432,700 in additional revenues and reallocated expenses and the remaining \$567,300 will result in a reduction of the unrestricted fund balance of \$3.0 million at 12/31/2020 to \$2.4 million at 12/31/2021. City staff is currently re-evaluating the DRAFT 2022 Annual Budget to determine if modifications are needed to offset some of the reduction in unrestricted funds.

**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The provision of wastewater collection and treatment is an essential core service of the City. This capital improvement project is necessary to ensure continuation of essential services and provide for the health and safety of the community.

**OPTIONS AVAILABLE TO COUNCIL**

- Approve the budget amendment as presented or with amendments
- Take no action

**RECOMMENDATION**

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

**ADOPT RESOLUTION 2021-31 AMENDING THE 2021 BUDGET TO APPROPRIATE ADDITIONAL FUNDS IN THE SEWER FUND FROM THE SOURCES NOTED FOR EMERGENCY SH 6 SEWER LINE REPAIRS**

**RESOLUTION 2021-31**

**A RESOLUTION AMENDING THE 2021 BUDGET WITH A SUPPLEMENTAL APPROPRIATION OF SEWER FUND REVENUES FROM MONTHLY CHARGES AND UNRESTRICTED FUND BALANCE FOR EMERGENCY REPAIRS TO THE SH 6 SEWER LINE**

**WHEREAS**, the 8” concrete sewer line which runs parallel to SH 6 between Mesa Street and Grand Avenue has experienced significant failure with holes in the top of the pipe collapsing into the pipe and blocking sewer flows. The City is currently using a temporary by-pass for sewer flows through this area, and

**WHEREAS**, the City is in the process of determining and designing the best long-term solution to restore sewer flows. Alignment of the sewer line is a challenge with multiple utilities, sidewalks, easements and highway right-of-way issues. Current estimates for replacement of the sewer line range from \$800,000 to \$1,000,000, and

**WHEREAS**, pursuant to Article 8.10 of the Fruita City Charter, the City Manager certifies there are sufficient funds available for emergency supplemental appropriations from monthly charges in excess of amounts budgeted and unrestricted fund balance in the Sewer Fund as noted below.

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

**Section 1:** That the 2021 appropriation for the Sewer Fund is hereby increased by \$842,300 from \$4,037,800 to \$4,880,100 from the following sources for the following uses:

**Source of Funds**

Monthly sewer charges .....	100,000
Plant Investment fees .....	175,000
Unrestricted fund balance .....	<u>567,300</u>
	\$ 842,300

**Use of Funds**

Sewer Fund capital project – SH 6 sewer line replacement.....	\$ 842,300
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**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 2nd DAY OF NOVEMBER, 2021**

ATTEST:

City of Fruita

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

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





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### AGENDA ITEM COVER SHEET

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**TO:** FRUITA MAYOR AND CITY COUNCIL  
**FROM:** MARGARET SELL, CITY CLERK/FINANCE DIRECTOR  
**DATE:** NOVEMBER 2, 2021  
**RE:** 2022 BUDGET PRESENTATIONS

#### **BACKGROUND**

An updated draft and changes to the 2022 Proposed Budget was presented to the City Council on October 19, 2021, and can be found on our website [here](#). For this agenda item, budget presentations will be made on the following components of the 2022 Budget at the November 2, 2021, City Council Meeting:

- Personnel Issues Presentation (Pay Plan, Health Care, Staffing Levels) – Odette Brach, Human Resources Director.
- Parks and Recreation Department Presentation – Shannon Vassen, Assistant to the City Manager.
- Community Center Fund and General Fund Recreation Programs Presentation – Tom Casal, Recreation Superintendent.

#### **FISCAL IMPACT**

The Budget is the primary fiscal document for allocation of resources for the provision of services to the community for the upcoming 2022 fiscal year and, as a result, 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 2022 fiscal year. Efforts have been made in preparation of the budget to provide the necessary financial resources to accomplish the goals and objectives of the City as they have defined over time through input from the City Council and the public.

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

This item is for informational purposes and to obtain feedback and comments on the proposed

2022 budget. No action is required at this time.



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**AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: MICHAEL BENNETT, CITY MANAGER**

**DATE: NOVEMBER 2, 2021**

**RE: RESOLUTION 2021-32 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2021 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR A HOUSING NEEDS ASSESSMENT AND REGULATORY FEE STUDY**

**BACKGROUND**

The City of Fruita has received a proposal from Economic Planning Solutions (EPS) who recently completed the City’s community profile as part of the City’s Comprehensive Plan for a housing needs assessment and regulatory fee study. The City is meeting with EPS to review the scope of work and phases associated with the assessment and study on Monday, November 1. A budget amendment is being presented for Council consideration to transfer funds from the General Fund contingency account to perform the assessment and study.

**FISCAL IMPACT**

The estimated cost of the study and assessment, including all phases, is \$74,400. The meeting will determine appropriate phases and funding of the study, including potential grant funding. This will reduce the General Fund contingency account from \$235,000 to \$160,600.

**APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The study will help identify data and analysis needed to address housing strategies for the Fruita community.

**RECOMMENDATION:**

Staff recommends that the Council by motion:

**APPROVE RESOLUTION 2021-32 TRANSFERRING FUNDS FROM CONTINGENCY FOR THE HOUSING NEEDS ASSESSMENT AND REGULATORY FEE STUDY**

**RESOLUTION 2021-32**

**A RESOLUTION TRANSFERRING BUDGETED AND APPROPRIATED FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR A HOUSING NEEDS ASSESSMENT AND REGULATORY FEE STUDY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF FRUITA FOR THE 2021 FISCAL YEAR**

**WHEREAS**, the Fruita City Council finds it necessary to transfer funds from the General Fund Contingency account to the Planning Department to offset costs of a Housing Needs Assessment and Regulatory Fee Study to address housing strategies for the Fruita community.

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

**Section 1:** The sum of \$74,400 is hereby transferred from the General Fund Contingency account to the Planning Department for a housing needs assessment and regulatory fee study.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 2nd DAY OF NOVEMBER, 2021**

**ATTEST:**

**CITY OF FRUITA**

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

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