AGENDA

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

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS
   A. PROCLAMATION - Proclaiming Saturday, June 17th, 2023 as "Juneteenth Day" in the City of Fruita
   B. PROCLAMATION - Proclaiming June 2023 as "LGBTQ+ Awareness Month" in support of the LGBTQ+ community to be accepted by Jared Prochnow
   C. PROCLAMATION - Affirming the Fruita City Council's commitment to ensure that all members of our community are free from acts that are rooted in fear, ignorance, prejudice, and hate to be accepted by Karen Leonhart on behalf of Fruita for Equality
   D. PRESENTATION - Presentation of the Government Finance Officers Association Distinguished Budget Award to the City of Fruita by City Manager Mike Bennett

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 April 18, 2023 regular City Council meeting

B. MINUTES - A request to approve the minutes of the April 25, 2023 City Council workshop meeting

C. MINUTES - A request to approve the minutes of the May 2, 2023 regular City Council meeting

D. MINUTES - A request to approve the minutes of the May 16, 2023 regular City Council meeting (virtual only)

E. MINUTES - A request to approve the minutes of the May 23, 2023 Special City Council meeting

F. MINUTES - A request to approve the minutes of the May 23, 2023 City Council workshop meeting

G. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Thomas McNamara to the Livability Commission for another three-year term that will expire in June of 2026

H. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Shanachie Carroll to the Parks and Recreation Advisory Board for another three-year term to expire in June of 2026

I. A request for approval of a multi-year sponsorship agreement with Fruita Rotary for the “HeART of Fruita” rotating sculpture program

J. FINANCIAL REPORTS – A request to approve the April 2023 Financial Reports

K. RESOLUTION 2023-14 - A Request to Approve a Resolution Amending the 2023 Budget and Transferring Funds from the Sewer Fund Contingency Account for Emergency Sewer Line Repairs and Emergency Equipment Repairs at the Wastewater Reclamation Facility

7. ACKNOWLEDGEMENT OF NEWLY APPOINTED AND REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

8. PUBLIC HEARINGS

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

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

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

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

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

A. QUASI-JUDICIAL HEARINGS

1) RESOLUTION 2023-15 - A Resolution of the Fruita City Council finding approximately 6.6 acres of property located at 1824 J 2/10 Road eligible to be annexed into the City of Fruita. (1824 J 2/10 Road Annexation) - City Planner Henry Hemphill

2) ORDINANCE 2023-05, SECOND READING, An Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 6.6 acres of property located 1824 J 2/10 Road to a Community Residential zone (1824 J 2/10 Road Rezone) - City Planner Henry Hemphill

3) PRELIMINARY PLAN – A request to approve the Adeles Acres Subdivision Preliminary Plan – City Planner Henry Hemphill

B. LEGISLATIVE HEARINGS

1) ORDINANCE 2023-04, SECOND READING, An Ordinance annexing approximately 6.6 acres of property located at 1824 J 2/10 Road into the City of Fruita (1824 J 2/10 Road Annexation) - City Planner Henry Hemphill

8. ADMINISTRATIVE AGENDA

A. ORDINANCE 2023-06, 1st Reading – An Ordinance amending certain sections of Chapter 17.47 of the Fruita Land Use Code concerning Impact Fees for publication of public hearing on July 18, 2023 – Planning & Development Director Dan Caris

9. CITY MANAGER’S REPORT
10. COUNCIL REPORTS AND ACTIONS

A. RESOLUTION 2023-13 – Rescinding the City Manager’s Declaration of Local Emergency of March 24, 2020 and Resolution 2020-20 – Extending the City of Fruita Emergency Declaration of March 24, 2020

B. Council Reports and Actions

C. EXECUTIVE SESSION – To convene in Executive Session for:

Determine positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pursuant to CRS Sec. 24-6-402(4)(e) with regard to a proposal for the City’s lagoon property redevelopment; and

For the purpose of discussing the possible sale of a two acre parcel (Mesa County Parcel ID: 3223-053-00-002) and a four acre parcel (Mesa County Parcel ID: 3223-053-00-001), both owned by the City, pursuant to C.R.S. Sec. 24-6-402(4)(a), instructing negotiators regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(e), and a conference with the City attorney regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(b); and

For the purpose of instructing negotiators regarding a request by IndiBuild LLC for an Impact Fee waiver or possible loan for the affordable housing Fruita Mews Project pursuant to C.R.S. Sec. 24-6-402(4)(e), and a conference with the City Attorney regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(b).

11. ADJOURN

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

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

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1st, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment, which formally abolished slavery in the United States of America; and

WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two and a half years, to June 19th, 1865, in reaching authorities and African Americans in the South and Southwestern United States; and

WHEREAS, Juneteenth is the oldest known celebration commemorating the abolition of slavery and the emancipation of African American slaves in the United States and continues to grow within communities throughout the country, including Mesa County; and

WHEREAS, there are organizations in the Grand Valley, such as Black Citizens and Friends, promoting and cultivating knowledge and appreciation of African American history and culture, while encouraging equity and respect for all people and cultures; and

WHEREAS, the City of Fruita is an inclusive community that encourages a diversity of cultural opportunities; and

WHEREAS, Black Citizens and Friends is hosting a Juneteenth Celebration on Saturday, June 17th, 2023 at Lincoln Park from 2:00 to 5:00 pm,

THEREFORE, We, the Fruita City Council, declare Saturday, June 17th, 2023 as Juneteenth Day in the City of Fruita, Colorado, acknowledging its significance and encouraging our community to join in this celebration of African American history.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 6th day of June, 2023.

______________________________
Joel Kincaid
Mayor, City of Fruita
FRUITA PRIDE MONTH PROCLAMATION

WHEREAS, the City of the Fruita recognizes and proclaims the month of June 2023 as Lesbian, Gay, Bisexual, Transgender, Questioning and all other persons who identify under the LGBTQ+ umbrella as “LGBTQ Awareness Month” and

WHEREAS, the rainbow flag is recognized as the symbol of LGBTQ+ pride, inclusion, equality and support for social movements that advocate for LGBTQ+ people and

WHEREAS, all human beings are born equal and free in rights and dignity. LGBTQ+ individuals have had an immeasurable impact to the civic, cultural, and economic successes of our country; and

WHEREAS, the City of Fruita is committed to supporting the visibility, dignity and equality for LGBTQ+ people in our diverse community; and

WHEREAS, it is essential to acknowledge that the need for continued education and awareness will remain vital to end discrimination, and prejudice; and

WHEREAS, this nation was founded on the principle that every individual has infinite dignity and worth, and the City of Fruita, Colorado calls upon the people of this municipality to embrace this principle and work to eliminate prejudice and discrimination everywhere it exists; and

WHEREAS, celebrating Pride Awareness Month influences awareness and provides support and advocacy for Fruita’s LGBTQ+ community, and is an opportunity to take action and engage in dialogue to strengthen alliances, build acceptance in the community and advance equal rights.

NOW, THEREFORE BE IT RESOLVED that The Fruita City Council hereby proclaims the month of June 2023 as LGBTQ Awareness Month in support of the LGBTQ community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 6th day of June, 2023.

Joel Kincaid, Mayor of the City of Fruita
FRUITA'S INCLUSIVITY PROCLAMATION

WHEREAS, Fruita strives to be a community based on mutual respect and understanding; a community that welcomes and values all residents, treating everyone with human dignity and respect, and

WHEREAS, people of all races, religions, nationalities, genders, sexual orientations, ages, physical abilities and cultures live and work together within Fruita and bring pride to our community, and

WHEREAS, racism, intolerance, bigotry and fear lead to discrimination and discord, which threatens the strength, diversity, health and safety of our community, and

WHEREAS, the City of Fruita welcomes all people who recognize the rights of individuals to live their lives with dignity, free of racism, discrimination, intolerance, bigotry and hostility,

THEREFORE, We, the Fruita City Council, declare that our community is committed to making Fruita a welcoming, inclusive and safe community for everyone; we condemn racism and those who attempt to fan the flames of bigotry and intolerance.

We, on behalf of all Fruita residents, deplore expressions and acts of hostility, intimidation and harassment, and, instead, encourage the elimination of racism and prejudice everywhere it exists.

We hereby affirm our commitment to ensure that all members of our community are free from acts that are rooted in fear, ignorance, prejudice, and hate, and we urge all our citizens to judge one another only by the strength and qualities of their character.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 6th day of June, 2023

______________________________
Joel Kincaid
Mayor, City of Fruita
AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MIKE BENNETT, CITY MANAGER
DATE: JUNE 6, 2023

AGENDA TEXT: Presentation of the Government Finance Officers Association Distinguished Budget Award to the City of Fruita.

BACKGROUND

For the first time, the City of Fruita has received the Government Finance Officers Association (hereinafter “GFOA”) Distinguished Budget Award for the fiscal year of 2023. This award is given to governments that demonstrate excellence and transparency in budget presentation. The award is the highest honor bestowed by GFOA and is only awarded to organizations that meet the highest standards of budget presentation.

For this agenda item, I will share additional information on the award and present it to staff. Included with this cover sheet is a press release from GFOA, a Certificate of Recognition, and a Medallion to be included in future budgets.
GOVERNMENT FINANCE OFFICERS ASSOCIATION

Distinguished Budget Presentation Award

PRESENTED TO

City of Fruita
Colorado

For the Fiscal Year Beginning

January 01, 2023

Christophe P. Morrill
Executive Director
The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards.

Executive Director

Date: April 25, 2023
FOR IMMEDIATE RELEASE

April 25, 2023

For more information, contact:

Technical Services Center
Phone: (312) 977-9700
Fax: (312) 977-4806
E-mail: budgetawards@gfoa.org

(Chicago, Illinois)--Government Finance Officers Association is pleased to announce that City of Fruita, Colorado, has received GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and in the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual(s) or department designated as being primarily responsible for having achieved the award. This has been presented to Finance Department.

There are over 1,700 participants in the Budget Awards Program. The most recent Budget Award recipients, along with their corresponding budget documents, are posted quarterly on GFOA's website. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources and practical research for more than 22,500 members and the communities they serve.
1. CALL TO ORDER AND ROLL CALL

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

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

Excused Absent: City Councilor Ken Kreie

City staff present: City Manager Mike Bennett  
Assistant City Manager Shannon Vassen  
Communications and Engagement Specialist Ciara DePinto  
Deputy City Clerk Deb Woods  
Planning & Development Director Dan Caris  
City Planner Henry Hemphill  
Parks and Recreation Director Marc Mancuso  
City Attorney Mary Elizabeth Geiger (virtually)

Also present: Members of the Historic Preservation Board  
Fruita Area Chamber of Commerce Executive Director Kayla Bowers  
Ute Water Conservancy Board Nominee Ken Henry  
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 BREMAN MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

4. PROCLAMATIONS AND PRESENTATIONS
A. PRESENTATION – FRUITA TEACHERS/STUDENTS OF THE MONTH FOR APRIL 2023: FRUITA 8/9 SCHOOL

Mayor Kincaid acknowledged Fruita 8/9 School orchestra student Samantha Ross and Orchestra Conductor, Rachel Lavadie, who were chosen by the Principal as being those that represented their school’s core values during the previous month.

Ms. Ross and Ms. Lavadie received a Certificate of Recognition, a Fruita sticker and a day pass to the Fruita Community Center.

Assistant Principal Alicia Wuster provided remarks about both Ms. Ross and Ms. Lavadie, who were commended by the Assistant Principal in many ways.

B. PROCLAMATION – CELEBRATING AND IN RECOGNITION OF THE 50TH ANNIVERSARY OF MESA COUNTY, RSVP, INC. AND THE VOLUNTEERS OF THE GRAND VALLEY TO BE ACCEPTED BY DAVE CARLO, EXECUTIVE DIRECTOR OF MESA COUNTY RSVP, INC.

Councilor Hancey read the Proclamation, which was accepted by Dave Carlo. Mr. Carlo explained that Grand Valley RSVP, Inc. could not survive as non-profits if people in the valley didn’t help them out. Mr. Carlo also stated that the majority of the volunteers are aged 70 years and older and do a great job. He noted that a fellow board member, Dorrie Handley, had joined in the meeting and he thanked her for coming.

C. PROCLAMATION – PROCLAIMING APRIL 29, 2023 AS “HIGH SCHOOL MILITARY COMMITMENT RECOGNITION DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY KRISTY HALE AND FELLOW BOARD MEMBERS OF WESTERN SLOPE BLUE STAR MOTHERS

Councilor Miller read the Proclamation, which was accepted by Alison Recor, the first Vice President of Western Slope Blue Star Moms, which is a national organization made up of mothers who have children in active-duty service in the military.

Ms. Recor said it was their goal to get the same recognition that communities give to their athletes and scholars to high school graduates choosing military service. Ms. Recor stated that the first ever “High School Military Recognition Day” event would be held in Fruita at the Vietnam War Veterans Memorial and that it will include a recognition ceremony for Western Slope grads who are coming from Rifle, Glenwood Springs, Montrose and Olathe to be recognized in front of their communities. Families will gather for a picnic and start making valuable connections that military parents need. She invited the Council to the event, at which the Proclamation would be read again and thanked them for the recognition.

Mayor Kincaid requested that the Council take note of the date (April 29th) and time (11:00 a.m.) of the event so that someone from the City Council could be there.
D. PROCLAMATION – PROCLAIMING APRIL 28, 2023 AS “ARBOR DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY PARKS AND RECREATION DIRECTOR MARC MANCUSO

Councilor Williams read the Proclamation, which was accepted by the City’s Parks and Recreation Director, Marc Mancuso. Mr. Mancuso noted that all four regional elementary schools (Monument Ridge, Rim Rock, Loma and Shelledy) participated in a poster contest and the overall winner was Addie Ono from Ms. Darr’s class at Monument Ridge Elementary.

As the winner, Addie gets a tree planted at his school, Monument Ridge, on April 28th at 9:30 a.m. Addie’s winning poster will be submitted to the state competition and he will have the opportunity to win a $500 scholarship. The posters are hanging at the Fruita Community Center in the Rec Rats windows and Marc said there are some great artists out there.

Mr. Mancuso added that the City of Fruita just received its “Tree City U.S.A.” designation for the 30th year.

E. PRESENTATION – HISTORIC PRESERVATION BOARD UPDATE BY CITY PLANNER HENRY HEMPHILL

Staff Liaison to the Historic Preservation Board Henry Hemphill introduced Chris Endreson, Chairperson of the board who provided the update to the Council. Mr. Hemphill gave each of the City Council members a historic coloring book that the board had produced, as well as a Walking Tour brochure.

Mr. Endresen said that he was joined by a couple other board members who were sitting in the audience; Dorrie Handley and Peggy Vertiz. The board currently has nine members.

Mr. Endresen stated that the Historic Preservation Board’s primary goal is education. He listed accomplishments including:

- Ongoing History Fair that first started off on “Pabor Day” but later transitioned to be a part of Fruita Fall Festival.
- Historical coloring book was republished through many partnerships in the community. Nearly half of the 5,000 that were reprinted have been distributed around the City.
- The board also reprinted their Walking Tour brochures.

Mr. Endresen said that the Historic Preservation Board has been working on partnerships with the following:

- Fruita Area Chamber of Commerce
- Fruita Rotary Club
- Other local businesses
- Other boards including:
Arts and Culture Board
Fruita Tourism Advisory Council
Downtown Advisory Board
Museums of Western Colorado.

Mr. Endresen also listed other activities of the Historic Preservation Board such as:

- The Heritage Room (reorganized into a different space in the Civic Center)
- Currently working on a redesign of the historic plaques that are placed around downtown
- Rebranding
- Participating in the Mesa County History Fair on April 29th at the Old Loma School
- Continued research
- Goal of trying to partner with the Oral History Program, which is getting revamped by the Museums of Western Colorado and Mesa County Libraries

Mayor Kincaid asked if the Historic Preservation Board was putting together a budget to bring to the Council to help with the board’s projects. Mr. Endresen responded that the board does not have a budget and that fundraising has been mainly for the coloring books. He said the reprinting of the Walking Tour brochures was paid for through a partnership with the Tourism Advisory Council, which was very helpful, but the board hasn’t talked about going to any specific entities to ask for funding. He added that the board would like to find a sustainable means to cover the cost of printing the coloring books because they are so popular. One idea has been to partner with the local schools for that funding.

Mr. Endresen noted that he is partnering with the Rotary (he’s also a member of the Rotary Club) to distribute the remaining coloring books next week at the Literacy Program for the first-grade book distribution in the Fruita schools.

Mr. Endresen stated that the board does want to tackle some tangible, physical things that do cost money, so funding is an issue, but the board will work through it one project at a time.

Councilor Miller noted that the community really did step up to help pay for the coloring books once the board reached out to the Fruita Area Chamber of Commerce.

Councilor Williams noted that all the restaurants in Fruita seem to have them now. Mr. Endresen confirmed that every major business in Fruita has them at this point and said the Walking Tour brochures are still being distributed on a smaller scale. The board hopes to digitize the brochure in the future into a Google maps format of some kind, which would tie in really well with the re-plaquing.

Mr. Endresen added that another project the board has discussed is putting more interpretive signs downtown of historic information regarding businesses or how downtown functioned at one time.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA
A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE MARCH 28, 2023 CITY COUNCIL WORKSHOP MEETING

B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE APRIL 4, 2023 REGULAR CITY COUNCIL MEETING

C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A RETAIL LIQUOR STORE – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR SOENG, LLC DBA JACKALOPE LIQUORS LOCATED AT 404 JURASSIC AVE., UNIT B

D. RESOLUTION 2023-09 – SETTING A HEARING DATE FOR JUNE 6, 2023 TO DETERMINE THE ELIGIBILITY OF ANNEXING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD TO BE ANNEXED INTO CITY LIMITS AND CONSIDER INITIATION OF ANNEXATION PROCEDURES

E. ORDINANCE 2023-04 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD INTO THE CITY OF FRUITA FOR PUBLIC HEARING ON JUNE 6, 2023 (1824 J 2/10 ROAD ANNEXATION)

F. ORDINANCE 2023-05 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD TO A COMMUNITY RESIDENTIAL ZONE FOR PUBLIC HEARING ON JUNE 6, 2023 (1824 J 2/10 ROAD ZONING)

G. CITY ATTORNEY ENGAGEMENT LETTER – A REQUEST TO APPROVE A REVISED ENGAGEMENT LETTER WITH GARFIELD AND HECHT AS THE CITY ATTORNEY

H. FINANCIAL REPORTS – A REQUEST TO APPROVE THE MARCH 2023 FINANCIAL REPORTS

Mayor Kincaid asked if there were any requests to remove any item(s) removed from the Consent agenda for further discussion. There were no such requests. Mayor Kincaid asked the same question of the City Council and there also were no such requests.

- COUNCILOR HANCEY MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR PURSER 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 FROM THE FRUITA AREA CHAMBER OF COMMERCE TO PROVIDE A BEER GARDEN AT THE LOWER VALLEY FIRE CORNHOLE TOURNAMENT FUNDRAISER TO BE HELD ON SATURDAY, APRIL 22, 2023 FROM 2:00 TO 6:00 PM AT THE FRUITA CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. – DEPUTY CITY CLERK DEB WOODS

Deputy City Clerk Deb Woods provided staff’s presentation. She explained that the proceeds from this fundraising event will go towards firefighters’ physical and mental wellness.

Ms. Woods reviewed the application submitted by the Fruita Area Chamber of Commerce including items addressed in the narrative for the event concerning the control of alcohol as well as steps the Chamber will take to ensure that liquor laws (such as selling to a minor) will be adhered to. She also noted that Fruita Chief of Police Dave Krouse had reviewed the application and submitted his memorandum that there was nothing to prohibit the issuance of the license requested.

Ms. Woods submitted staff’s recommendation that the Council approve the application for the Special Event Liquor Permit subject to the following conditions:

1. Applicant will discontinue serving alcohol at 5:30 pm on Saturday, April 22, 2023 to allow patrons 30 minutes to finish beverages and leave the area.

2. All alcohol will secured and removed by 6:00 pm.

3. The licensee is solely responsible for control of the licensed premises in regards to alcohol possession, consumption and adherence to state and municipal liquor laws.

Fruita Area Chamber of Commerce Executive Director Kayla Bowers was present virtually as the applicant’s representative. She said it was the first time the Chamber has partnered with the Lower Valley Fire Department for this event, but that it was not the first time the Chamber has conducted a beer garden. Ms. Bowers added that Chamber staff and volunteers will work with the Lower Valley Fire professionals to monitor the only entrance and exit point to ensure that no alcohol comes in or leaves the licensed, fenced area.

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

Councilor Hancey said it looked like food trucks would be taking over handicapped parking and asked if there was a plan to have other handicapped parking spots available. Ms. Bowers said she spoke with the Lower Valley Fire Department earlier in the day to verify how many food trucks they were going to have and she learned that there should only be two food trucks. She said they did discuss moving the food trucks over so that way, they can be closer to the fencing, and therefore, shouldn’t be blocking any of the handicapped parking spaces.

- COUNCILOR PURSER MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER DURING THE
LOWER VALLEY FIRE CORNHOLE TOURNAMENT FUNDRAISER ON SATURDAY, APRIL 22, 2023 FROM 2:00 TO 6:00 PM AT THE FRUITA CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

2) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT FROM THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AND WINE AT FRUITA FOURTH FRIDAYS TO BE HELD ON APRIL 28, 2023, MAY 26, 2023, JUNE 23, 2023 AND JULY 28, 2023 FROM 5:00 TO 9:00 PM ON ALL FOUR NIGHTS AT FARM LOCATED AT 160 S. PARK SQUARE – DEPUTY CITY CLERK DEB WOODS

Deputy City Clerk Deb Woods provided staff’s presentation. She reviewed the application that was submitted by the Fruita Area Chamber of Commerce for approval of Special Event Liquor Permits on four dates of Fruita Fourth Fridays starting in April and ending in July. The event is proposed to be held in the parking lot of the FARM building located at 160 S. Park Square.

Ms. Woods noted that the Chamber and its volunteers will be onsite selling tickets, checking photo identifications and monitoring the licensed area of the beer and wine garden. The proposed fenced-in premises were illustrated in a diagram that was included in the Council packet and Fruita Chief of Police Dave Krouse stated in his memorandum that there was nothing that would prohibit the issuance of the license being requested.

It was staff’s recommendation that the application for the Special Events Liquor Permits for the fourth Fridays in April, May, June and July be approved subject to the following conditions:

1. Applicant will discontinue serving alcohol at 8:30 pm on all four dates to allow patrons 30 minutes to finish beverages and leave the area.
2. All alcohol will secured and removed by 9:00 pm.
3. The licensee is solely responsible for control of the licensed premises in regards to alcohol possession, consumption and adherence to state and municipal liquor laws.

Executive Director for the Fruita Chamber Kayla Bowers stated that the Fruita Chamber is looking forward to partnering with Fruita Fourth Fridays and that all of the proceeds that will be raised at the beer/wine garden are going to go directly towards the Fruita Area Chamber Foundation, which helps support a lot of the community’s scholarship initiatives.

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

- COUNCILOR MILLER MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA AREA CHAMBER OF COMMERCE TO SELL AND SERVE BEER AND WINE
DURING FRUITA FOURTH FRIDAYS ON SATURDAY, APRIL 28, MAY 26, JUNE 23 AND JULY 28, 2023 FROM 5:00 TO 9:00 ON ALL FOUR NIGHTS AT FARM LOCATED AT 160 S. PARK SQUARE SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

3) RESOLUTION 2023-08 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 3.4 ACRES OF PROPERTY LOCATED AT 1806 J 3/10 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA (BERG ANNEXATION) (CITY PLANNER HENRY HEMPHILL)

City Planner Henry Hemphill gave staff’s presentation. He noted that the first requirement in an annexation is to adopt a Resolution to set a hearing date to determine the eligibility of annexation, which was accomplished a few months prior. Staff has sent out legal notice initiating the public hearing in accordance with local and state laws.

Mr. Hemphill noted that included in the Council packet were copies of an Annexation Impact Report, which is required by the Fruita Land Use Code (contained within the Fruita Municipal Code) to ensure that the property that is petitioning to be annexed can be served with City services. This was accomplished even before staff began the annexation process.

In order for property to be eligible for annexation, there must be 1/6 of the perimeter of the subject property that is contiguous with existing city limits and Mr. Hemphill confirmed that the Berg property has the required contiguity. He also reviewed the methods and dates of the notices to the public about the public hearing to find the Berg property eligible for annexation.

Mr. Hemphill said it was staff’s recommendation that the Council approve Resolution 2023-08, finding the Berg property eligible for annexation.

Applicant Kim Kerk with Kerk Land Consulting and Development was present as the applicant’s representative. She stated that the application meets all the requirements and she was happy to answer any questions the Council might have.

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

Councilor Purser asked for confirmation on how the property is currently zoned. Mr. Hemphill responded that it is zoned EFT, which is a Mesa County zoning designation.

- COUNCILOR HANCEY MOVED TO APPROVE RESOLUTION 2023-08 – A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 3.4 ACRES OF PROPERTY LOCATED AT 1806 J 3/10 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.
4) **ORDINANCE 2023-02 – SECOND READING – ANNEXING APPROXIMATELY 3.4 ACRES OF PROPERTY LOCATED AT 1806 J 3/10 ROAD INTO THE CITY OF FRUITA (BERG ANNEXATION) (CITY PLANNER HENRY HEMPHILL)**

City Planner Henry Hemphill gave staff’s presentation on the Second Reading of Ordinance 2023-02 to annex the Berg property into the City of Fruita. His presentation included the following:

- Dates and methods of (legal) notices to the public of the public hearings
- Photograph evidence of physical posting of notice on subject property
- Illustration of legal notice buffer area (350’ radius around the subject property)
- Aerial map of subject property located at 1806 J 3/10 Road
- Future Land Use Map (guiding document contained in Fruita’s Comprehensive Plan)
- List of nine (9) review criteria found in the Fruita Land Use Code Section 17.17.050(a)
- No review expressed concerns with the annexation.
- No written public comments were received by staff to date.
- Staff’s recommendation of approval of Ordinance 2023-02 – Annexing approximately 3.4 acres of property located at 1806 J 3/10 Road into the City of Fruita.

Mr. Hemphill noted that the Future Land Use Map does support the subject property being within the Fruita city limits. After reviewing the nine review criteria found in the Fruita Land Use Code, Mr. Hemphill stated that the property meets or can meet all the criteria.

It was staff’s recommendation that the City Council adopt Ordinance 2023-02 – Annexing the subject property into the City limits.

Kim Kerk stated that she was still present in the audience if there were any questions or concerns the Council may have.

Mayor Kincaid opened the public hearing. Hearing no comments either in person or online, the Mayor closed the public hearing and referred the matter to the City Council.

- **COUNCILOR BREMAN MOVED TO ADOPT ORDINANCE 2023-02 – ANNEXING APPROXIMATELY 3.4 ACRES OF PROPERTY LOCATED AT 1806 J 3/10 ROAD INTO THE CITY OF FRUITA. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

5) **ORDINANCE 2023-03 – SECOND READING – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 3.4 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF J 3/10 ROAD AND J 2/10 ROAD TO A COMMUNITY RESIDENTIAL ZONE (BERG REZONE) (CITY PLANNER HENRY HEMPHILL)**
City Planner Henry Hemphill noted that because each of the matters above require separate motions, he was presenting them separately. He apologized for any redundancy.

Mr. Hemphill provided staff’s presentation on the Berg property zoning petition of approximately 3.4 acres located at 1806 J 3/10 Road to a Community Residential Zone after he pointed out that the Council had just approved the annexation ordinance. Highlights of the presentation include:

- All legal notice requirements were accomplished within the required local laws (15 days prior to the Planning Commission meeting)
- Photo of the physical posting of the public hearings on the property
- Graphic of 350’ radius around the subject property illustrating the recipients of postcard legal notices of public hearings
- Future Land Use Map showing that the subject property is recommended to be zoned Community Residential (same as the applicant’s request)
- Zoning to Community Residential is supported by staff, the Planning Commission and Fruita’s Comprehensive Plan (guiding document)
- Five (5) criteria for the Council to consider, but main ones include:
  - Is it consistent with the Master Plan (yes)
  - Is the zoning compatible with surrounding land uses (either existing or supported in the Future Land Use Code Map) (yes)
  - Is the zoning incidental to the annexation (running with the annexation) (staff supports Community Residential Zone for the area)
- No reviewer expressed any concerns with the zoning request
- No written public comments were received by staff, nor were there any comments received at the Planning Commission meeting.
- Staff’s recommendation of adopting the zoning Ordinance for the Berg property

As the applicant’s representative, Kim Kerk with Kerk Land Consulting in Grand Junction stated that her firm had met the requirements of the annexation and zoning processes. She had nothing further to add.

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

- **COUNCILOR WILLIAMS MOVED TO ADOPT ORDINANCE 2023-03 – AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 3.4 ACRES OF PROPERTY LOCATED AT 1806 J 3/10 ROAD TO A COMMUNITY RESIDENTIAL ZONE. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**B. LEGISLATIVE HEARINGS**

There were no Legislative Public Hearings on the agenda.

**8. ADMINISTRATIVE AGENDA**
There were no Administrative agenda items.

9. CITY MANAGER’S REPORT

City Manager Mike Bennett said he did not have any updates.

10. COUNCIL REPORTS AND ACTIONS

A. UTE WATER BOARD – RECOMMENDATION TO THE DISTRICT COURT ON APPOINTMENT OF FRUITA REPRESENTATIVE TO THE UTE WATER BOARD

City Manager Mike Bennett explained that pursuant to the City of Fruita’s 1983 agreement with Ute Water, the City has the right to nominate a board member to the Board of Directors for the Ute Water Conservancy District for a four-year term.

The City of Fruita’s current board member that the City Council nominated about four years ago is former Mayor Ken Henry, who was present in the audience. Mr. Henry has served five terms on the Ute Water Conservancy District Board of Directors.

Mr. Bennett recalled that the Ute Water agreement City is currently undergoing the process of being updated and said it was possible that Fruita’s right to nominate a board member in the future may not be included in the amended contract because pursuant Ute Water’s Charter, it is a Judge appointment.

Ute Water accepted applications during a period of time that was posted and noticed to the public, and one application was received from Ken Henry to serve another four-year term. Mr. Bennett stated that staff’s recommendation to the Council was to approve the nomination of Ken Henry for appointment to the Ute Water Conservancy District Board after any discussion or questions the Council may have.

Mayor Kincaid clarified that the Fruita City Council does not appoint members to the Ute Water Board; the District Court does and Fruita just gives a recommendation. He asked Mr. Henry why he felt like he was the best candidate.

Mr. Henry commended Planning staff for doing an excellent job with the Berg annexation and zoning applications. He also thanked the Fruita City Council for their service and consideration of recommending his appointment to the Ute Water Board as a representative for Subdivision 3. He said he was first appointed in 2009 to complete the remaining term of Wally Downer, a local farmer.

Mr. Henry said that members are appointed for four-year terms by the Mesa County District Court, which means candidates don’t have to run in an election. He stated that if appointed, it would be his fifth term and that currently, he is the second oldest board member in terms of both age and time on the board.

Mr. Henry provided some history of how Fruita residents received their domestic water. He said that Ute Water is rated as some of the highest quality and cleanest water in the entire United States, adding that the water delivered to Fruita residents’ taps is water that’s never been used before, which is something that very few water delivery organizations can claim.
Mr. Henry added that he would like to share with the City Council at a future Council meeting more history of Fruita water going back to the time when water was delivered from the Colorado National Monument to the town, some of the problems that occurred with that, and how the Antiquities Act helped the City’s decision to switch to Ute Water. He thanked the Council for their consideration of the recommendation of his appointment to the Ute Water Conservancy Board of Directors.

Councilor Breman thanked Mr. Henry for the thorough application, saying he learned a lot from it.

- COUNCILOR PURSER MOVED TO APPROVE THE NOMINATION OF KEN HENRY FOR APPOINTMENT TO THE UTE WATER CONSERVANCY DISTRICT BOARD. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

B. RESOLUTION 2023-10 – A RESOLUTION OF THE CITY OF FRUITA IN OPPOSITION TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213

City Manager Mike Bennett recalled that the Council had already had previous discussions concerning Senate Bill 23-213 and that at the last meeting during Council Reports and Actions, the Council made the decision to sign onto the Colorado Municipal League (CML) online forum of opposition to the bill. He said many other communities in Colorado are adopting a Resolution or issuing a statement such as the one that was included in the Council packet, so staff felt comfortable voicing the opposition by adding a Resolution to the agenda for the Council’s consideration.

Mr. Bennett noted that the reason for Fruita’s opposition to the bill is that it takes planning and zoning decisions away from local control and the professionals who are hired by the local jurisdiction to make those decisions.

Mr. Bennett stated that staff’s recommendation was to approve Resolution 2023-10 and added that if approved, staff would add it to CML’s list of the other Colorado communities who are also in opposition of SB 23-213. That list will be submitted by CML to the legislators who will be considering the bill in the Legislative Session.

Councilor Hancey asked if there had been any updates on various amendments to SB 23-213. Mr. Bennett responded that there had been no major changes that staff is aware of since the last time staff discussed it with the Council.

Councilor Hancey asked if there were any communities who were in favor of the bill. Mr. Bennett said he didn’t have the exact data, but he knew that opposition to the bill had to be very close to unanimous across the entire state. He continued that the only update he has heard (that staff may have discussed with Council previously) was concerning the possibility of exempting some of the ski resort communities.

Councilor Breman noted that he has been on email chains from different real estate organization groups and he has not seen anyone that was in favor of SB 23-213.
Mr. Bennett noted that earlier in the day, he sent a link to the Council members individually to CML’s virtual Town Hall where they can sign up and see opportunities to learn more.

Councilor Hancey asked Mr. Bennett to look into getting a summary of who is in favor of the bill. Mr. Bennett said he would check on it and send what he finds to the Council members.

- **COUNCILOR MILLER EMPHATICALLY MOVED TO ADOPT RESOLUTION 2023-10 – A RESOLUTION OF THE CITY OF FRUITA IN OPPOSITION TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

**C. COUNCIL REPORTS AND ACTIONS**

**COUNCILOR JEANNINE PURSER**

Jeannine asked if it was true that people over the age of 62 get a discount on their utility bill in Fruita. Deputy City Clerk Deb Woods responded that there is a discounted rate for individuals who meet both age (62 and over) and income requirements and that the income eligibility has a threshold for both single and married people. The criteria for these rates is derived from a certain percentage of the federal poverty level. Jeannine asked if the information could be communicated more broadly than on the City’s website because a citizen brought the question to her who has lived in Fruita for a really long time but only just heard about it. The resident even suggested the information be included on the utility bills that are mailed out. Mr. Bennett offered to have staff include it in the City Link newsletter.

Councilor Miller added that the local title companies are very good at letting newcomers to Fruita know about the senior discount at the time of closing.

Councilor Williams asked if the information could be included as a link in the Weekly Information Update.

Jeannine also said another thing was brought to her attention from a dog lover and dog owner who is requesting that certain places be dog-free. His suggestion was at Little Salt Wash Park. Jeannine said this resident’s main concern was about how people don’t keep their dogs on leashes even where there’s a leash law and the dogs run up to people.

Mayor (Joel) Kincaid and Councilor (James) Williams said they also talked to the same resident. Joel talked to Mike and Marc Mancuso, the Parks and Recreation Director about more leash-law signage, but he didn’t know what else could be done. Mike noted that the issue came up from an incident(s) at Little Salt Park (where dogs are required to be on leashes) and said the City can’t have someone there 24/7 to enforce the law. Mike added that staff is going to reevaluate the signage at Little Salt Wash Park to make sure it is noticeable and will work with the City’s Animal Control Officer on thoughts and ideas related to the matter. He explained that there has also been a separate challenge where people are using the baseball fields to play with their dogs and there is a lot that goes into keeping the fields ready for each game. Mike said unfortunately, it is getting to the point where the Little League and Parks staff are going to have to lock some facilities while they are not being used.
Mike offered staff doing research on how other communities have dealt with having dog-free zones, which is not something Fruita has explored in the past or has come up with the development of the Parks, Health, Recreation, Open Space and Trails (PHROST) Master Plan. He reiterated that the challenge will be enforcement, but there definitely could be some things to help with education of where dogs need to be on a leash. Mike added that the only places where dogs are not required to be on a leash is Snooks Bottom and the new dog park. Councilor (Aaron) Hancey thought it would be nice to hear some proactive options on how the City could possibly manage it.

Jeannine finished her report by saying that at the Arts and Culture Board meeting the previous week, most of the discussion was recapping the Coco Vino event and identifying the things that went well and things that the board might need to change a little bit. The board is also getting ready to put guidelines together for Calls for Artists on the rotating sculpture project.

**COUNCILOR AARON HANCEY**

Aaron expressed frustration about the access to the Civic Center building and parking lot being blocked off during the Desert Rats Trail Running Festival with a big tent where the handicapped parking is. He said they took over highly utilized parking spots for the Department of Motor Vehicles on Tuesdays and Thursdays, which a lot of people use. Aaron said he also noticed that there was temporary handicapped parking on the north side, but his observations were that they were full of City employee parked cars and City vehicles in ADA-restricted parking spots. He asked what the City could do to ensure that there is adequate parking and what the liabilities might be of the City failing to comply with ADA laws.

Mike responded that for some reason, with the Desert Rats event (unlike all the other events where the temporary handicapped parking is created), the situation was that the handicapped parking was blocked off for construction, and that was compounded with the variables of the event’s many moving pieces. He assured Aaron that it wasn’t something that is going to continue to happen and added that in this case, the City’s Neighborhood Services Coordinator, Matt Carson, had spoken with the event organizers, who did move their tents, booths and vehicles upon request. Mike acknowledged that the plan for parking/access was not executed well for this particular event. Councilor (James) Williams said that Kathy with Cardinal Events does a lot of the setup for these kind of events and if she is made aware of issues, she may be able to help. Mike said that staff knows the requirements.

Aaron said his big concern was the temporary ADA parking on the north side of the building being full of staff/City vehicles because it wasn’t appropriate and doesn’t look good. Mike said that some of the handicapped signs were put up when the City vehicles were already there and then people starting moving them. He noted that there was a miscommunication from the standpoint of accessing the building during setup. Aaron added that he heard comments from community members who voiced their frustration about accessing the building and oftentimes, it is people coming to the DMV that are utilizing the ADA parking spots.

**MAYOR PRO TEM MATTHEW BREMAN**

Matthew pointed out that the Western Colorado Economic Summit is scheduled to be held on April 27th and said he hoped to see other Council members there. He said he would email Mike the questions for help and backup as a panelist.
Matthew congratulated James for being awarded the “Member Business of the Year” by the Fruita Area Chamber of Commerce at the Chamber’s Annual Banquet the previous Saturday. He added that a lot of the proceeds from the event went to the Chamber Foundation and three university scholarships for Fruita residents.

Matthew announced that on Friday, April 28th, he will be fortunate enough to be a judge at CMU for a marketing event.

Matthew also announced that he had a Grand Junction Economic Partnership (GJEP) Board meeting bright and early in the morning.

COUNCILOR AMY MILLER

Amy reported that apparently, people are interpreting Aspen Avenue signage to mean that “large vehicles park on the north side” and not “large vehicles park on the south side,” which a couple of downtown business owners attested to. So, instead of directing them to the Civic Center, they are interpreting it as directing them to Aspen Avenue. Mike said staff would definitely look into it. James agreed it was the sign on the corner that has the arrow with the words, “large vehicles” that was confusing and suggested that it instead read something like, “oversized lot.” Mike noted that since the sign went up, there has been an uptick of large vehicles in the Civic Center parking lot, but it was good to know that some people are getting confused.

COUNCILOR JAMES WILLIAMS

James spoke about the Grand Opening of the Bark Park dog park, calling it very successful. He commended staff for doing a phenomenal job on everything and said there were a lot of happy people at the event.

James reported that he had a Tourism Advisory Council (FTAC) meeting coming up on Thursday and the board will be getting ready for their presentation to the Council the following week.

MAYOR JOEL KINCAID

Joel reported that he and Matthew will have the opportunity to present in a few weeks to a Boy Scout Troop so they can get their merit badges for learning about municipal government.

Joel also reported that Bernie Robinson called him earlier in the day about a speeding problem on East Pabor Avenue. He noted that Bernie was in the audience and Joel said he thought Bernie was going to speak during the Public Participation Section of the agenda, but because he didn’t, it was only the Council who could discuss it.

Joel said Bernie told him that some people are going 50 to 60 miles per hour on East Pabor heading west from Pine Street. Mike said staff has been working on the issue with Bernie since last October. The police have been doing extra patrols on Pabor and have quite a few statistics on the number of people they have pulled over and either given warnings or tickets. Staff also put cables on the road for a long while that measures and documents the speed of cars when they go over it. Mike explained that the road section in question has a 25 mph speed limit, although a lot of people think it is 35 mph and...
there were a lot of people caught doing that. He explained that technically, if the City were to follow traffic standards, the speed limit there should be raised to 35 mph, but staff has not wanted to do that because it would make the speeding problem worse. Mike added that he could provide the statistics to the Council if they wanted to see them.

The Council and staff discussed:

- Because it is such a wide road, people tend to drive faster.
- There is a speed limit sign at Pabor and Pine.
- Speed bumps are not an option for a travel corridor like Pabor Ave.
- Staff relooked at signage to make sure it is visible.
- Staff feels the best option right now is a consistent presence of enforcement.
- The challenge is, people adjust how they drive when they see a patrol car and that is why staff went with the cable option to get a better picture of what is occurring over a period of time.
- Bernie offered his porch for the Police Officers to watch the traffic.
- Mike said there are a few other areas like Pabor in Fruita and the Police Department has been enforcing the speed limits a lot more than they used to.
- High traffic counts on Pabor Ave. usually happen in the morning, after school and in the evening after work. The weekends are busy, as well, so patrol cars have been focusing on enforcing the speed limit at those times.
- There are a few officers in particular who have taken it upon themselves to focus on the area (Pabor Ave. heading west from Pine Street), among a few other areas that are similar in nature.
- Joel noted that there is a canal in the area and wondered if something like bulb outs could be used to calm the traffic.
- Mike said that staff has looked at the option Joel just mentioned, but hasn’t identified a spot for the bulb outs; typically they are put in where trails are crossing the road.
- Bulb outs must be engineered to be installed in the right place.
- Joel requested that staff continue looking into the bulb outs option and Mike said staff would.
- James asked the City has access to a radar trailer and Mike said the City has one, but it still is always going to be a challenge since technically, the stats show that the speed limit should be 35 mph on Pabor.
- Because it is a residential area, staff has kept the speed limit at 25 mph.
- Mike said the matter is not being ignored by the City and that staff is constantly working on it.
- Jeannine wondered if new lighted mph signs like the ones on I-70 would help because it would be a different kind of alert and would be noticed more.
- Mike said he thought many people don’t know that the speed limit is 25 mph on that section of Pabor because it does feel like it should be 35.
- Mike said he would challenge the Traffic Committee to come up with creative ways to help people see that the speed limit is 25 mph.
- Joel mentioned painting the speed limit on the actual pavement as a potential option like they do in California.
- Joel assured Bernie that staff would continue to look into solutions.
Mayor Kincaid announced for the record that staff and the Council would be convening into two Executive Sessions with the City Attorney and would not reconvene the regular open meeting afterwards.

C. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO CRS SEC. 24-6-402(4)(E) WITH REGARD TO THE AMENDED AND RESTATED CONTRACT WITH UTE WATER CONSERVANCY DISTRICT AND RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO CRS SEC. 24-6-402(4)(B) REGARDING THE SAME

- COUNCILOR HANCEY MOVED TO CONVENE IN EXECUTIVE SESSION FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO CRS SEC. 24-6-402(4)(E) WITH REGARD TO THE AMENDED AND RESTATED CONTRACT WITH UTE WATER CONSERVANCY DISTRICT AND RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO CRS SEC. 24-6-402(4)(B) REGARDING THE SAME. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The City Council convened in Executive Session at 9:02 p.m.

The City Council ended the Executive Session at 9:15 p.m.

D. EXECUTIVE SESSION - TO CONVENE IN EXECUTIVE SESSION FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO CRS SEC. 24-6-402(4)(E) WITH REGARD TO QUIET TITLE ACTION ENTITLED MAPLE ACQUISITION LLC V. THE ESTATE OF MRS. J.A. WAID, ET AL., MESA COUNTY DISTRICT COURT CASE NO. 23CV30055 AND RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO CRS SEC. 24-6-402(4)(B) REGARDING THE SAME

- COUNCILOR PURSER MOVED TO CONVENE IN EXECUTIVE SESSION FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO CRS SEC. 24-6-402(4)(E) WITH REGARD TO THE AMENDED AND RESTATED CONTRACT WITH UTE WATER CONSERVANCY DISTRICT AND RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO CRS SEC. 24-6-402(4)(B) REGARDING THE
SAME. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The City Council convened in Executive Session at 9:17 p.m.

The City Council ended the Executive Session at 9:25 p.m.

11. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita
CALL TO ORDER AND ROLL CALL

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

City Staff present were City Manager Mike Bennett, Assistant City Manager Shannon Vassen, Deputy City Clerk Deb Woods, Planning and Development Director Dan Caris.

Also in attendance were members of the Livability Commission Dave Karisny, Terri Potente and John Rodwick. John’s wife Jean Rodwick was also in attendance, but she is not a member of the Livability Commission.

AGENDA ITEMS

1. LIVABILITY COMMISSION DISCUSSION (6:30 – 7:00 PM)

Assistant City Manager and staff liaison to the Livability Commission Shannon Vassen gave a brief history of the board. He also listed projects that the board is currently working on:

- Created the Adopt a Street/Trail Program where groups adopt a street or trail to keep them clear of litter and debris.
  - Family Health Wellness program was the first group to adopt and have completed four cleanups already. They currently have Ottley Avenue from Coulson to Maple Street.
  - There are four other separate groups that have adopted a street/trail.
  - Once a group has completed a full year of service or two cleanup events, they will be recognized at an upcoming Council meeting.
- Applied for an AARP Challenges Grant, which was not awarded.
- Have now also applied with Mesa County Libraries for a book locker, which is a piece of equipment that provides contact-free book pickup and return and people can have library access before or after hours. Fruita Branch Manager Shanachie Carroll is super excited about the possibility of getting one.
- Trying to narrow down goals and scope for board. The board was introduced by the AARP to the eight (8) domains of Livability, but eight are too much to handle at times, so the board is prioritizing them and only focusing on two or three domains at a time.
- Reviewed responsibilities, mission statement, and what the City’s other boards do so the Livability Commission can see what is already covered by them.

Mr. Vassen listed the Livability Commission’s three priorities that they have identified:

1. Communication – Farmers Market: provide information about the City, recruit members
2. Transportation – Board member Sarah Brooks is also on the Grand Valley Regional Transportation Committee (GVRTC)
3. Wellness – Programs such as Meals on Wheels etc.
Livability Commission Chairman Dave Karisny explained that Meals on Wheels is a program where senior volunteers bring meals to elderly people and build relationships with them. It is like an informal wellness check. He said the board would like to do something more structured and wondered if Family Health West could help come up with ideas. He offered to gather information and bring back anything meaningful to Council.

There was discussion about the Livability Commission’s public outreach at Farmers Markets by sharing a booth with both the Historic Preservation Board and Arts and Culture Board. This has proven to be a successful way to recruit members to the Livability Board.

Transportation was also discussed. Livability Commission member Sarah Brooks is also on the GVRRTC. The Livability Commission would like to explore Fruita having a circular route that stays in Fruita. The board will bring back information to the City Council if it turns out to be an option.

Livability Commission member John Rodwick spoke about how the AARP is simply a resource for the board but that some people get defensive because they think it’s a political organization, which he and fellow board member Ms. Potente stated it is not. Mr. Rodwick brought several books that were published by AARP including *The Missing Middle, Engaging Community, Resilience Tool Kit* and a booklet on Rural Livability. All publications are available from AARP, who also provides tech support to help with surveys and other programs. Mr. Rodwick noted that there are 86,000 AARP members on the Western Slope. He said the AARP complements the work that the Livability Commission does. Councilor Miller asked Mr. Rodwick if he could leave some of the books he brought for her to look at.

Ms. Potente noted that the Livability Commission is not a board made up of only seniors; there are younger people on the board as well, including a high school student member at one time.

Mayor Kincaid urged the board to continue to engage Fruita’s youth so the board will have different ages and perspectives. He noted that the composition guidelines for the Livability Commission is no less than 7 and no more than 21 members. Mr. Karisny said that managing the knowledge of that many people can be difficult. He added that the Livability Commission is the only City of Fruita board that is that size and that there have never been more than 9 or 10 members at any given time. He thinks 21 members is better suited for a focus group.

Mr. Rodwick said he was curious about whether the City has a plan in case of shootings, fire, bombings or other disasters. Mr. Bennett explained that the City has an Emergency Response Plan and that it includes working and communicating with Mesa County, the Lower Valley Fire District and other local agencies. All have completed exercises for disaster readiness and continually review the Plan. There was some discussion about the Council having a workshop meeting with the Police and Fire Departments where it could be discussed. Mr. Bennett explained that the Plan calls for a chain of command in responding to an emergency.

Many of the Council members discussed how the Livability Commission seems to have a pretty strong grasp of what they should be doing, especially compared to some of the other boards. They also agreed that the board’s three areas of focus were appropriate and important.

Mr. Rodwick mentioned that the AARP holds monthly meetings for people from all over the U.S. and that they are a great way to interface with others. That is how he learned about the book locker and reiterated that the board is sure hoping to get the grant to implement it. The grant award is expected to be announced mid-May. Mr. Vassen noted that it is a competitive grant and there is no match.
The book locker is estimated to cost around $15,000 to $16,000 and Mr. Vassen said most of the cost is for the labor to install the equipment. Library Branch Manager Shanachie Carroll took an informal poll and many people were interested in the book locker.

Mayor Kincaid stated that he likes how the Livability Commission has been partnering with other City boards and being proactive about it. He told them to keep up the good work.

2. DISCUSSION ON TRASH AND RECYCLING COLLECTION SERVICES (7:00 – 7:30 PM)

Assistant City Manager Shannon Vassen explained that the City’s waste collection service provider, Waste Management has come to the City of Fruita with two requests:

1. Transitioning all Fruita households to automated trash collection services through the use of 96-gallon containers

2. Implementing single-stream recycling services also through the use of a similar 96-gallon container

Waste Management has also requested to be allowed to give a presentation to the City Council about the two requests above.

Some Council members expressed concern about the 96-gallon containers being too heavy for elderly residents. Mr. Vassen noted that Waste Management has a 64-gallon container to help with that issue.

Councilor Hancey said he had gone through a similar transition in Utah that went very well and the people really loved it. He asked what the difference in cost will be. Mr. Vassen explained that there would be no cost change, but in the City’s contract with Waste Management, there is a provision that provides for a Consumer Price Index (CPI) adjustment of 2% to 4% every year.

City Manager Mike Bennett explained that the contract with Waste Management allows for two more extensions without having to go to bid. He added that the option of “Unlimited Household Trash” will go away next year; that it is something that is no longer being offered in most communities across the country.

There was discussion about how staff should negotiate with Waste Management on the contract extension, the option of people getting a second 96-gallon container and leaf pickup.

There was also discussion about how educating the public will be crucial to the success of any trash collection services changes. Councilor Hancey thought that if people are given enough notice, they will get used to the two changes Waste Management is requesting and suggested that the information campaign not start until after school starts.

Councilor Hancey added that it would be nice if staff could reach out to Mesa County about getting a mulch station because some people can’t burn. Mr. Bennett said that staff has done that, but Mesa County doesn’t even know if they will be able to continue with the existing transfer stations (like the Fruita dump) because they are losing money on them. He said Mesa County would like to schedule a time to give the City Council a presentation.
There was some discussion about other trash collection companies in the area, but Mr. Bennett stated that the insurance levels for the smaller companies leave little options for the City.

Mr. Bennett stated that he would look into getting examples of contracts other jurisdictions have for trash service and would schedule a Waste Management presentation to the City Council.

3. COMMUNITY DEVELOPMENT UPDATE (7:30 – 8:30 PM)

Planning and Development Director Dan Caris spoke about the implementation of Proposition 123, where several hundred million dollars for affordable housing will become available in the second half of 2023. The funding will be overseen by the Department of Local Affairs (DOLA) and the Governor’s Office of Economic Development and International Trade (OEDIT) and local governments are only eligible for the funding if they have committed to increasing affordable housing stock above a baseline amount. In other words, the City of Fruita must commit to a certain number of dwelling units. Mr. Caris calculated (using a baseline reference data table) that Fruita’s baseline is about 3,300 dwelling units, so Fruita’s commitment would be about 100 dwelling units, meaning the City might be able to tap into the state funding. He also stated that the Fruita Mews project will count toward the commitment. Mr. Caris said staff would like to figure out if Fruita has the capacity and what would be expected of the City if it doesn’t.

There was discussion about the idea of Fruita and Grand Junction working together on the program Mr. Caris spoke about. Mr. Caris clarified that staff does not yet have all the answers and that there are still a lot of things that need to be researched. He pointed out the positives that property on the Western Slope is not as expensive as it is on the Front Range and that having a Housing Authority will help.

Councilor Williams said he likes how Fruita is getting out of the gate early. Councilor Hancey said he likes the idea of a passthrough where the City would get funds that could be available as loans. Councilor Breman wanted to know the answer about whether Fruita could partner with the City of Grand Junction or not. Mr. Caris stated that if the City has a downpayment assistance program, it would not be a passthrough. Mayor Kincaid said he wanted someone else (not staff) to manage any kind of revolving loan program.

Mr. Caris also spoke about Land Use Code amendments, saying that staff would like to take a pause to think about the increases to Transportation Impact Fees. He said staff could put together some inflationary options/models to bring to Council. For the increases, a few options could include the City taking a rolling average or picking a quarter of a year in arrears.

Mr. Caris said that the City of Grand Junction has a rolling average over ten (10) years, which smoothed out to an inflationary increase of 7% and was well received by developers. He added that staff wants to flatten the curve and make it more predictable.

Councilor Breman said he would like to see more of a four- or five-year rolling gap principle. Mr. Bennett said staff is extremely uncomfortable with massive jumps in the impact fees and that the longer amount of time would smooth out the increases more. Councilor Miller said that predictability is very good to have and that it might be best to keep in line with Grand Junction for consistency. Mayor Kincaid pointed out that if builders have to pay a 30% increase, they won’t want to build in Fruita.

Mr. Caris noted that staff also wants to propose changing the Future Land Use Code Map to expand Fruita’s downtown to include the area where the hospital is and along Highway 6 & 50. The proposal
would expand the Downtown Mixed Use (DMU) footprint by 30%. This would not change the zoning; it would only change the future land use designation to allow for easier development with new design standards. Mr. Caris said that the Reed Park area will also eventually be part of downtown.

The Council discussed how to get the information about the changes out to the public without causing panic and confusion. Everyone agreed that being careful with wording and providing education will be of major importance. Staff anticipates that the 2nd Reading of an Ordinance (public hearing) will occur in August.

Mr. Bennett said he is proud of how Planning & Development has been restructured to find simpler and more efficient ways of doing things. He said he has received a lot of good feedback on it.

Mr. Caris also spoke about staff wanting administrative review and approval of subdivision developments if the application meets all the requirements of the Land Use Code. He explained that the City is lagging in time with having to go through the public hearing processes of going to the Planning Commission and then to the City Council for 1st and 2nd Readings of an Ordinance versus if approved administratively, would be a much faster process.

Mr. Bennett clarified that applications for rezoning and Planned Unit Developments (PUDs) would still go through the public hearing process.

Councilor Hancey brought up Rose Creek Subdivision, which he said has created issues for Brandon Estates because Rose Creek has 160 units with zero parks. He said he felt they abused how the Land Use Code was written and that perhaps, the Land Use Code needed fixed to prevent issues like that.

The consensus was for Mr. Caris to proceed with bringing the amendments to the Future Land Use Map concerning the downtown core and Land Use Code concerning the administrative approval of subdivisions for their consideration.

OTHER ITEMS

4. PROCLAMATION REQUEST: DISCUSSION REQUESTED BY MAYOR KINCAID CONCERNING A SURPRISE PROCLAMATION FOR A COMMUNITY MEMBER

Councilor Hancey said he thought Proclamations need to be only formal only, otherwise, it was degrading for the City. The consensus was to approve and direct staff to proceed with issuance of the Proclamation.

OTHER DISCUSSION

Mr. Bennett said the Mulberry outdoor space is almost done. Some of the concrete squares will have to be pulled out and redone because there is supposed to be a dinosaur footprint design in them, but nobody can tell what they are.

Councilor Kreie received a second-hand complaint about the lack of wheelchair access at the new dog park. Mr. Bennett said that the City will be adding it in. Councilor Williams requested that staff get some tables and chairs out to the dog park because there’s nowhere for people to sit. Mr. Bennett noted that there will be permanent benches at the park, but staff would take some kind of temporary seating to the park while waiting for the benches.
Mr. Bennett stated that on June 6, 2023 at 6:00 p.m. before the first regular Council meeting of the month, Mary Elizabeth Geiger would be giving the Council some refresher training. If the Housing Authority has reason to meet, the training will be replaced with a Housing Authority Meeting.

The Council discussed how Fruita Monument High School graduation night is scheduled for the same night as the second regular Council meeting in May (May 16, 2023). Since there is already a public hearing scheduled to go before the Council for a Special Event Liquor Permit application, the decision was made to hold the May 16th meeting virtually at 10:00 a.m. (the same day) via Zoom access to avoid the conflict with graduation.

5. **ADJOURN**

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

Respectfully submitted,

Deb Woods
Deputy City Clerk
1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 7:01 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  
City Councilor Aaron Hancey

Excused Absent: City Councilor James Williams

City staff present: City Manager Mike Bennett  
Assistant City Manager Shannon Vassen  
Communications and Engagement Specialist Ciara DePinto  
Deputy City Clerk Deb Woods  
Planning & Development Director Dan Caris  
Parks and Recreation Director Mark Mancuso  
City Attorney Mary Elizabeth Geiger (virtually)

Also present: Student and Teacher of Fruita Monument High School and their families  
Communications Director for the Mesa County School District #51  
Foundation Andrey Krieves  
Mesa County School District #51 Principals of Fruita schools  
Members of the Fruita Tourism Advisory Council (FTAC)  
Members of the public (in-person and virtually)

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

3. AGENDA – ADOPT/AMEND

Deputy City Clerk noted that there had been an addition to the agenda: Consent Agenda item #6 (E): A request to approve the appointment of Mark Hamlin to the Fruita Tourism Advisory Council (FTAC).
• COUNCILOR BREMAN MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – FRUITA TEACHERS/STUDENTS OF THE MONTH FOR MAY 2023: FRUITA MONUMENT HIGH SCHOOL

Mayor Kincaid read prepared statements that were provided by Principal Todd McClaskey to recognize and commend FMHS student Anna Paul and teacher Chris Harvey. Ms. Paul and Mr. Harvey received a certificate containing the prepared statements about them as well as a day pass to the Fruita Community Center and an “I-heart-Fruita” pin. Photographs were taken of them with the Mayor and Council members.

B. PROCLAMATION – PROCLAIMING MAY 6 – 12, 2023 AS “TEACHER APPRECIATION WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY MESA COUNTY SCHOOL DISTRICT #51 FOUNDATION COMMUNICATIONS DIRECTOR ANDREYA KRIEVES

Councilor Purser read the Proclamation, which was accepted by Andreya Krieves, Communications Director for the Mesa County School District #51 Foundation. She introduced FMHS Principal Todd McClaskey, who praised students and teachers for showing up every day and aiming to achieve to the highest level. Executive Director Angela Christensen, PhD, was originally scheduled to accept the Proclamation, but she was called away on an unanticipated personal matter.

Monument Ridge Principal Emma Leigh Larsen, Fruita Middle School Principal Jeremiah Johnston, and Fruita 8/9 Principal Jason Plantiko were also all in attendance on behalf of School District #51’s teachers.

C. PROCLAMATION – PROCLAIMING MAY 15, 2023 AS “PEACE OFFICERS MEMORIAL DAY” AND THE WEEK OF MAY 15 THROUGH MAY 21, 2023 AS “NATIONAL POLICE WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY FRUITA CHIEF OF POLICE DAVE KROUSE

Councilor Kreie read the Proclamation, which was accepted by Dave Krouse, City of Fruita Chief of Police. Chief Krouse thanked the Council for the recognition and said that this time of year, his department humbly receives accolades, food and goodies that are brought into the station in appreciation. He stated that Fruita Police Department staff are the lucky ones and are honored to serve the Fruita community.

Chief Krouse also thanked the Council for recognizing fallen police officers with whom he was personal friends as well as the amazing partnerships and relationships with other law enforcement agencies throughout Mesa County.

D. PRESENTATION – UNITED WAY OF MESA COUNTY AWARD TO THE CITY OF FRUITA
Mayor Pro Tem Matthew Breman presented the award to the City of Fruita on behalf of Zebulon Miracle, Executive Director of United Way of Mesa County. Mayor Pro Tem Breman is a former board member and President of the United Way. He said it was his honor to recognize City employees by awarding them with the “Spirit of Giving” Award for the greatest increase in workplace donations.

Mayor Pro Tem Breman also stated that all the money raised by United Way of Mesa County stays here. They serve about 50,000 people in Mesa County and support 33 non-profits in the area with a focus on health, education and self-reliance.

Assistant City Manager Shannon Vassen accepted the award on behalf of City staff. Mr. Vassen thanked all City employees that contribute to United Way for accomplishing the biggest year-over-year increase. He noted that at the end of each year, employees are asked if they would like to contribute to the cause.

Photos were taken of Mr. Vassen holding the award and joined by the City Council.

E. PROCLAMATION – PROCLAIMING MAY 2023 AS “GRAND VALLEY BIKE MONTH” AND MAY 3, 2023 AS “BIKE TO WORK DAY” IN THE CITY OF FRUITA TO BE ACCEPTED BY PARKS AND RECREATION DIRECTOR MARC MANCUSO

Councilor Miller read the Proclamation, including the list of events contained within it. Recreation Director Marc Mancuso accepted the Proclamation, noting that the new “Story Walk” will be highlighted by the Fruita Branch Mesa County Library located at the Fruita Community Center. He said he would get the list of all the events out to the City Council.

F. PRESENTATION – FRUITA TOURISM ADVISORY COUNCIL

Assistant City Manager and staff liaison to the Fruita Tourism Advisory Council (FTAC) introduced members of the board that were in attendance at the meeting. Two members in attendance in person included Libbie Early and Johanna van Waveren and attending virtually was Kayla Brown, the Chamber of Commerce liaison to the FTAC.

Libbie Early spoke about the FTAC’s accomplishments and goals for the next year. She said the board’s mission is to “promote responsible tourism in the area where geology, paleontology, mountain biking and other outdoor recreation resources are abundant.”

Accomplishments of the FTAC last year were listed by Ms. Early as follows:

- Had consultation from the Colorado Tourism Office and worked on a plan for a partnership; now working on implementing the goals from the workplan.
- Completed a rebrand of the “Play Like a Local” campaign. Got a new, fresh look that is accompanied by the redesign of the GoFruita website.

✓ Fruita is one of three destinations featured in the 2022 “Connections” documentary created by Stan’s NoTubes and Maxxis Tires.
Fruita City Council Minutes

May 2, 2023

- Awarded mini-grants to:
  - Kids Adventure Games
  - Fruita Area Chamber of Commerce
  - Colorado National Monument Association

- Funded the reprinting of the Historic Walking Tour brochure (a joint project with the Fruita Historic Preservation Board)
- Awarded grant funding from the Colorado Tourism Office and the Great Outdoors Colorado (GOCO) for new trail construction at 18 Road.
- Has been able to increase Special Event Sponsorships to $32,250 and are funding more Special Events than ever.
- Has partnered with Mesa County Public Health.
- Awarded a $250,000 grant from Colorado Parks and Wildlife for trail construction at 18 Road.
- Have been participating with the Colorado Tourism Office in the creation, production and distribution of a Gravel Adventure Field Guide, a publication that will highlight local businesses and gravel routes.
- Prioritized new media efforts to reach target audiences and promote travel to Fruita.
- Continuing to work with Sojourn to determine how marketing dollars relate to people traveling to the area (analytics)
- Continue to work on all of the workplan for the “Bookends of the Grand Valley” partnership with the Town of Palisade.

Mayor Kincaid asked which specific trails or areas will be affected by the CPW trails grant. Mr. Vassen said the $250,000 is for new trail construction at 18 Road.

He recalled that in the North Fruita Desert Master Trails Plan, there are about 32 miles of new trails slated to be constructed over the next several years. With the grant funding from the Colorado Tourism Office and GOCO last year, 8 to 9 miles of green (beginner level) trails will be constructed. The Mesa County Public Health Trails crew and Western Colorado Conservation Corps usually volunteer to build those kinds of trails.

Mr. Vassen continued that the $250,000 from Colorado Parks and Wildlife will be spent on contractor-built trails, which are the more difficult 14 - 15 miles in the Master Plan that are for intermediate to advanced riders. The contractor will also start working on the high school loop, which once completed, will allow the Mountain Bike State Championships to be brought to Fruita. He noted that the City of Fruita and Greater Grand Junction Sports Commission each contributed $40,000 and local businesses chipped in quite a bit as well.

The FTAC will have a discussion with the City Council at the May 23, 2023 workshop meeting as part of the Council’s continued review of Council liaison roles and levels of involvement with Fruita’s Boards and Commissions.

5. PUBLIC PARTICIPATION
Travis Schroeder, 226 Narrow Leaf Drive is a Pastor at Bethel Assembly of God and a member of the Grand Junction Area Ministerial Alliance. He invited the Council and all community members to a National Day of Prayer event on Thursday, May 4, 2023 at 12:15 pm at the old Mesa County Courthouse on Rood Avenue.

Pastor Schroeder read a scripture and offered his prayer for the Council meeting.

There were no further comments from the public.

6. CONSENT AGENDA

A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE JOINT FRUITA HOUSING AUTHORITY AND FRUITA CITY COUNCIL MEETING OF APRIL 4, 2023

B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT LIQUOR LICENSE – MALT, VINOUS & SPIRITUOUS FOR FIESTA GUADALARAJA LOCATED AT 103 HIGHWAY 6 & 50

C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER AND WINE LIQUOR LICENSE FOR CAMILLA’S KAFFE LOCATED AT 206 E. ASPEN AVE.

D. RESOLUTION 2023-12 – A REQUEST TO APPROVE A RESOLUTION AMENDING THE 2023 BUDGET AND TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR BUILDING DEPARTMENT EXPENSES AND MOUNTAIN WATER EXPENSES

E. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF MARK HAMLIN TO THE FRUITA TOURISM ADVISORY COUNCIL (FTAC) FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2026 (ADDED TO THE AGENDA)

Mayor Kincaid asked if there were any requests to remove any item(s) removed from the Consent agenda for further discussion. There were no such requests. Mayor Kincaid asked the same question of the City Council and there also were no such requests.

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

7. ACKNOWLEDGEMENTS OF APPOINTMENTS OF BOARDS AND COMMISSIONS MEMBERS

Mayor Kincaid noted that he and Councilor Williams interviewed Mark Hamlin the previous week for an appointment to the Fruita Tourism Advisory Council (FTAC) and subsequently recommended his appointment to the board, which was just approved on the Consent Agenda. Mayor Kincaid said he
wanted to welcome Mr. Hamlin, but he was not present in the audience. He recalled how the Council had previously discussed recognizing newly appointed board members at Council meetings from now on.

8. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

1) SPECIAL EVENT LIQUOR PERMITS APPLICATION – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMITS APPLICATION FOR THE COLORADO RIVERFRONT FOUNDATION, INC. TO SELL ALCOHOL BEVERAGES AT THE JAMES M. ROBB – COLORADO RIVER STATE PARK 2023 SUMMER CONCERT SERIES ON FRIDAY, JUNE 2, 2023 AND SATURDAY, AUGUST 12, 2023 FROM 5:00 TO 10:00 PM ON BOTH NIGHTS – DEPUTY CITY CLERK DEB WOODS

Deputy City Clerk Deb Woods gave staff’s presentation. She briefly reviewed the contents of the Council packet including a diagram illustrating the proposed licensed area that will be completely fenced in. She stated that Fruita Chief of Police Dave Krouse reviewed the application and provided his statement that there was nothing that would prohibit the issuance of the license being requested.

Ms. Woods pointed out that the Certificate of Liability insurance that is normally included in the Council packet for a Special Event Liquor Permit will not be available until Michele Rohrbach with the One Riverfront (with whom Ms. Woods works with for these events) is back into the office on May 8, 2023. Ms. Woods assured the Council that she would follow up with Ms. Rohrbach to get the Certificate of Liability insurance upon her return.

Ms. Woods said it was staff’s recommendation that the Council approve the application for the Special Events Liquor Permits for the Colorado Riverfront 2023 Summer Concert Series subject to the following conditions:

1. Applicant will discontinue serving at 9:30 p.m., allowing patrons 30 minutes to finish their beverages and leave the licensed area.

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

3. All other procedures presented by the Colorado Riverfront Foundation will be followed.

Ron Wilson, owner of Sandstone Concerts and Paul Nelson, Chair of the Colorado Riverfront Foundation were present in the audience as the applicants’ representatives.

Mr. Wilson introduced himself and Mr. Nelson and noted that Pete Firmin with Colorado Parks and Wildlife was also present in the audience. He said they have been coming before the Fruita City Council for a little over 20 years and that this year is the 25th Anniversary of the Concert Series, which actually started out in Reed Park. This year will feature the Riverfront Foundation’s 75th concert in the series since the beginning. Mr. Wilson thanked the City for its partnership and support. He made the comment
that in the last two years, Fruita has had so many changes like the outdoor space on North Mulberry, which he called very cool.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the Council.

- COUNCILOR KREIE MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMITS FOR THE COLORADO RIVERFRONT FOUNDATION, INC. TO SELL ALCOHOL BEVERAGES DURING THE SUMMER 2023 CONCERT SERIES AT THE JAMES M. ROBB – COLORADO RIVER STATE PARK SUBJECT TO THE CONDITIONS PRESENTED BY STAFF. COUNCILOR MILLER SECONDED THE MOTION.

- COUNCILOR KREIE AMENDED THE MOTION TO INCLUDE THAT THE APPROVAL OF THE ABOVE REFERENCED APPLICATION IS CONTINGENT UPON STAFF RECEIVING THE COLORADO RIVERFRONT FOUNDATION’S CERTIFICATE OF LIABILITY INSURANCE. COUNCILOR MILLER SECONDED THE AMENDED MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

Mr. Wilson also thanked Mr. Pete Firmin with Colorado Parks and Wildlife for his support and guidance, which he called invaluable.

2) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A REQUEST TO APPROVE AN APPLICATION FROM THE COLORADO PLATEAU MOUNTAIN BIKE TRAIL ASSOCIATION (COPMOBA) TO PROVIDE A BEER GARDEN AT THE COMBINED 2023 EVENTS OF FRUITA FAT TIRE FESTIVAL AND CO2UT GRAVEL BIKE RACE AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. - DEPUTY CITY CLERK DEB WOODS

Deputy City Clerk Deb Woods gave staff’s presentation. She explained that for all three nights, the beer garden would remain in the same place in Civic Center Memorial Park with the same perimeter metal fencing for the entire weekend.

Ms. Woods reviewed a few other aspects of the combined events as outlined in the applicant’s narrative, including Fruita Chief of Police Dave Krouse’s statement that there was nothing that would prohibit the issuance of the license being requested.

It was staff’s recommendation that the City Council approve the application for the Special Events Liquor Permits for the Colorado Plateau Mountain Bike Trail Association (COPMOBA) to provide a beer garden at the combined events of Fat Tire and CO2UT subject to the following conditions:

1. The entrance and exit shall be monitored closely and continuously by event staff in order to prevent alcohol beverages from going into or out of 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 COPMOBA will be followed.

Mr. John Howe was present in the audience representing the applicant. He said there will be a lot of people coming to Fruita the weekend after next and COPMOBA is looking forward to being back in Civic Center Memorial Park.

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

Councilor Hancey asked when the setup for the event would begin. Mr. Howe said that was under the control of the Fruita Fat Tire event sponsor, George Gatseos and Steve (last name unintelligible), but he thought they would start moving tents and other fixtures in on Wednesday while the park itself will be closed off on Thursday through the end of the event on Sunday. He added that there were some street closures as well, and for the CO2UT race, the finish line will be along Aspen Avenue finishing in front of Civic Center Memorial Park.

Councilor Hancey asked how the City is going to accommodate access to the building at the Civic Center for citizens.

Mayor Kincaid explained that the matter before the Council was only for the Special Events Liquor Permits. City Manager Mike Bennett further explained that the applications for other aspects of the events go through an internal Special Event process through the Parks and Recreation Department; that they do not go before Council for approval.

- COUNCILOR BREMAN MOVED TO APPROVE THE APPLICATION FOR A SPECIAL EVENT LIQUOR PERMITS FOR THE COLORADO PLATEAU MOUNTAIN BIKE TRAIL ASSOCIATION (COPMOBA) TO PROVIDE A BEER GARDEN DURING THE COMBINED 2023 EVENTS OF FRUITA FAT TIRE FESTIVAL AND CO2UT AT CIVIC CENTER MEMORIAL PARK ON THE DATES AND TIMES REQUESTED SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

B. LEGISLATIVE HEARINGS

1) RESOLUTION 2023-11 – PUBLIC HEARING – AMENDING THE 2023 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR CAPITAL PROJECTS, REPAIRS AT THE FRUITA COMMUNITY CENTER, PARKS REPAIR AND MAINTENANCE, YOUTH ACTIVITIES, AND SPECIAL EVENTS AND PROJECTS; AND A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR COMPLETION OF A CAPITAL PROJECT INITIALLY INCLUDED IN THE 2022 ANNUAL BUDGET – ASSISTANT CITY MANAGER SHANNON VASSEN
Assistant City Manager gave staff’s presentation of Resolution 2023-11 – A supplemental appropriation of funds for the General Fund, Conservation Trust Fund, Community Center Fund and the Capital Projects Fund. He pointed out that any time he has a supplemental budget amendment to bring before Council, he provides a summary of the revenues and expenses in a table at the end of staff’s coversheet. Mr. Vassen provided the following highlights of those as follows:

- The City received $10,500 from local businesses in Special Events sponsorships for the Mike the Headless Chicken Festival that can be used for entertainment and supplies and equipment.
- The City received a small contribution for replacing some of the sidewalk at the Vietnam War Memorial.
- The City also received $31,000 from the Colorado Department of Human Services for expenses related to childcare programs (will help with some additional Dinomites costs and bringing on additional staff to help with Dinomites)
- The City received its final insurance payment of $135,000 from CIRSA for the flooding of the gym floor. CIRSA reimbursed the City for all expenses associated with the replacement and demolition of the original gym floor. The insurance payment also covered a portable volleyball net.
- The City received $600,000 from the Great Outdoors Colorado (GOCO) for improvements to Reed Park.
- There is one rollover amount from last year of approximately $150,000 for the design of Reed Park, but staff only spent about $49,000 in 2022, so the remaining funds need to be rolled over for any engineering design costs the City may have on the final project.

This concluded Mr. Vassen’s presentation. Mayor Kincaid opened the public hearing. Hearing no public comments from either those attending the meeting in person or online, he closed the public hearing on referred to the City Council.

- **COUNCILOR PURSER MOVED TO ADOPT RESOLUTION 2023-11 – AMENDING THE 2023 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND, CONSERVATION TRUST FUND, FRUITA COMMUNITY CENTER FUND AND THE CAPITAL PROJECTS FUND FOR CAPITAL PROJECTS, REPAIRS AT THE FRUITA COMMUNITY CENTER, PARKS REPAIR AND MAINTENANCE, YOUTH ACTIVITIES AND SPECIAL EVENTS AND PROJECTS AND REAPPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND FOR A CAPITAL PROJECT ORIGINALLY INCLUDED IN THE 2022 ANNUAL BUDGET. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

9. **ADMINISTRATIVE AGENDA**

There were no Administrative agenda items.

10. **CITY MANAGER’S REPORT**
City Manager Mike Bennett reported on the following:

- Wyatt and Byron from Mike’s Political Science class, “Introduction to Public Administration” were present in person at the meeting and were acknowledged by Mike.

- As the completion of the North Mulberry Street Plaza nears, staff is starting to plan for a way to celebrate the opening of the space at the end May or early June; not with a ribbon cutting but with some other kind of small activity for people such as making s’mores around the fire pit and potentially having some music as well. He asked that the Council let staff know of any ideas they may have for the event.

11. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR AMY MILLER

Amy reported that she and a few of her fellow City Council members attended the Grand Junction Economic Partnership (GJEP) Western Colorado Economic Summit, which she said was really great. She added that Mayor Pro Tem Matthew represented Fruita beautifully on the panel and commended him for it.

Amy also reported that at the Historic Preservation Board meeting, the board members reviewed the History Fair that happened the previous Saturday, which she was unable to attend, but heard that it went very well. She noted that the event drew in over 600 attendees and the board is very excited about the collaborations that they have going now with Mesa County and Historic Preservation Boards from Palisade and the Redlands.

Amy also noted that the Historic Preservation Board is also finalizing the design for more plaques to be added in downtown that mark the homes that are on the Fruita Historic Registry after pointing out that some of the houses have plaques, but some have none. The board hopes to also replace the old plaques that are worn and outdated.

Amy said she talked to a concerned citizen who lives in the Red Cliffs Subdivision who has been having some struggles with irrigation water and their HOA. Amy has been working with the citizen to brainstorm ideas that could support the residents to the best of the City’s ability without overstepping on any toes. Joel recalled how the City usually has an annual meeting with the HOAs in the City. Mike stated that this is a situation where an HOA is no longer in existence, but the neighborhood still has needs and although the residents recognize these are not things the City can actually do, staff has still been trying to connect them with the right resources, agencies or people. Mike said it sounded like the residents were gathering people to take the right steps moving forward and that they are keeping in touch with staff, who are helping by looking at some of the original approvals of the subdivision.

Amy said she just wanted the Council to know that it is a conversation that is currently happening.

COUNCILOR AARON HANCEY
Aaron reiterated a concern he had about access to the Civic Center building during the setup of the Fat Tire Festival and CO2UT Gravel Bike Race, adding that the setup would begin on a Thursday, which he said is always a big day for the Department of Motor Vehicles (DMV) (who occupy a space in the building). He added that participants of the event will be blocking off American Disabilities Act (ADA) access.

Mike responded that after the last special event when staff was parking in the temporary handicapped spots on the north end of the building, there was a discussion with staff to make sure it doesn’t happen again.

Aaron reported that on Saturday, April 29, 2023, he attended the “High School Military Commitment Recognition Day” event held by Western Slope Blue Star Mothers where he read the Proclamation for high school graduates that are taking the oath to join the military. There was a very good turnout of people from the City of Fruita and from all over the valley, as well as the City of Rangely. Aaron noted that it was the first time in three years that future cadets were able to take their oaths in public (due to the COVID-19 pandemic) and it was a lot of fun for everyone involved.

Aaron also said that he had some great conversations at GJEP’s Western Slope Economic Summit where he talked with others about past experiences and gained different insights that he thought would be effective for the Fruita City Council to further discuss. They talked about being decisive and intentional, which made Aaron think about the Industrial Park and lagoon properties and how the City of Fruita could make progress on them.

Aaron asked about the status of the trip to Montrose. Mike said staff is still trying to coordinate with Montrose; they had a change with their Mayor and some other things going on. He continued that the Council and staff would need to leave Fruita in the early afternoon because in addition to the meeting with Montrose staff and elected official, there would likely be some tour ing and possibly having dinner before everyone drives back to Fruita. Mike suggested scheduling the trip on a Monday and said his plan is to find some dates that work for the City of Montrose and then put those before the Fruita City Council. Originally, Montrose said they wanted to schedule the meeting in either June or July.

Aaron said it might be good for the Fruita City Council to take a tour and have discussions again about the Industrial Park in Fruita. He continued that at the Economic Summit, the gentleman from CoorsTek made some good comments on his experiences. They are working on a $65 million multi-year expansion and the man talked about his struggles with CoorsTek’s process, so he thought it would be interesting to have him present at a Fruita City Council workshop meeting so that Fruita could learn from his experiences.

MAYOR PRO TEM MATTHEW BREMAN

Matthew said it has been a busy week with being on the Economic Summit’s panel, but he did want to thank Mike for all the preparation notes.

Matthew also reported that he was a judge at Colorado Mesa University (CMU) for the board competition for the hospitality and marketing classes and that there are some really smart kids out there.
Matthew was also at the CMU session for the rebrand of Western Colorado Community College (WCCC) and said it will be interesting to see what comes from that because he thinks they have some good stuff going on.

Matthew reported that he was at Monument Ridge Elementary School for Arbor Day and commended one of the Fruita Parks Department staff for being so entertaining for the kids and made the tree planting a lot of fun.

Matthew stated that the Fruita Area Chamber of Commerce had an event at Sparks Fly Studio where everyone got to see the logs that are going in the fire pit and the new Fruita Chamber of Commerce sign (which is almost done). Matthew said it looks absolutely amazing.

COUNCILOR JEANNINE PURSER

Jeannine reported that along with the leaf painting, the first Fruita Fourth Friday event organized by the Arts and Culture Board went off amazingly well. She called the amount of people and activity all over the place unbelievable and said it was just a happy place to be.

Jeannine also reported that she thought the Economic Summit was good, but she has some suggestions for GJEP and would hand them off to Matthew (as the Council Liaison to GJEP) later unless there was some other way to submit them. Amy said there was a very good survey out about the Summit and Jeannine said she may just submit her comments that way.

COUNCILOR KEN KREIE

Ken said that the Grand Valley Regional Transportation Committee (GVRTC) met the previous week but there wasn’t much to report back; they have old buses that need a lot of work, buses are on order and amendments were made to the Transportation Plan. Ken also said he heard from Jason Wynn, who he thinks will be appointed to take Dennis Simpson’s place and who ran on a lot of multimodal transportation concepts.

MAYOR JOEL KINCAID

Joel stated that he and James had just completed an interview before the Council meeting with an applicant for a vacant seat on the Fruita Tourism Advisory Council (FTAC).

Joel encouraged everyone to come to breakfast in the morning at 7:00 a.m. at the pavilion at Civic Center Memorial Park for “Bike to Work Day.” He said last year, there were some students that came to breakfast before biking to school, but they did not go on the tour. Mike said staff (and Council members) would be doing a ride after breakfast with whoever wants to ride around town. Ken said that the middle school knows about breakfast.

Joel also reported that he and Matthew would be presenting to a boy scout Troop 323 on Monday.

B. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION TO DISCUSS THE CONSIDERATION OF AN OFFER TO PURCHASE AND THE PROCESS FOR SALE OF REAL PROPERTY OWNED BY THE CITY, SPECIFICALLY
Mayor Kincaid noted that when the Council goes into Executive Session, the people remaining in the audience (students from the City Manager’s CMU class) would need to leave the room. City Attorney Mary Elizabeth Geiger advised that there may be some open meeting action items after the Executive Session and it would be up to City Manager Mike Bennett if he wanted the students to stay for that.

- **COUNCILOR KREIE MOVED TO CONVENE IN EXECUTIVE SESSION TO DISCUSS THE CONSIDERATION OF AN OFFER TO PURCHASE AND THE PROCESS FOR SALE OF REAL PROPERTY OWNED BY THE CITY, SPECIFICALLY ENOCH’S LAKE REAL PROPERTY AND ITS WATER RIGHTS PURSUANT TO C.R.S. 24-6-402(4)(A), TO DEVELOP A STRATEGY FOR NEGOTIATIONS AND INSTRUCT NEGOTIATORS PURSUANT TO C.R.S. 24-6-402(4)(E) AND TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO C.R.S. 24-6-402(4)(B) REGARDING THE SAME AND TO DISCUSS THE CONSIDERATION OF A POSSIBLE SALE OF REAL PROPERTY OWNED BY THE CITY, SPECIFICALLY PROPERTY TO SMALLER PARCELS LOCATED NEAR ENOCH’S LAKE, AS A SEPARATE TRANSACTION PURSUANT TO C.R.S. 24-6-402(4)(A), TO DEVELOP A STRATEGY FOR NEGOTIATIONS AND INSTRUCT NEGOTIATORS PURSUANT TO C.R.S. 24-6-402(4)(E) AND TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO C.R.S. 24-6-402(4)(B) REGARDING THE SAME. COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The Fruita City Council took a five-minute break and then convened in Executive Session at 8:15 p.m. The Executive Session ended at 9:12 p.m.

**C. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING SPECIFIC LEGAL QUESTIONS CONCERNING CITY BOARDS AND COMMISSIONS PURSUANT TO C.R.S. SECTION 24-6-402(4)(B)**
• COUNCILOR KREIE MOVED TO CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING SPECIFIC LEGAL QUESTIONS CONCERNING CITY BOARDS AND COMMISSIONS PURSUANT TO C.R.S. SECTION 24-6-402(4)(B). COUNCILOR HANCEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The Fruita City Council convened in Executive Session at 9:14 p.m. The Executive Session ended at 9:53 p.m.

12. ADJOURN

With no further business before the Council, Mayor Kincaid adjourned the meeting at 9:53 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita
FRUITA CITY COUNCIL MEETING (VIRTUAL ONLY)
MAY 16, 2023
10:00 A.M. (TIME CHANGE)

1. CALL TO ORDER AND ROLL CALL

Mayor Kincaid called the regular meeting of the Fruita City Council to order at 10:07 a.m. The meeting was held with virtual access only provided through Zoom.

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

**Excused Absent:**
- City Councilor Jeannine Purser

**City staff present:**
- City Manager Mike Bennett
- Assistant City Manager Shannon Vassen
- Deputy City Clerk Deb Woods

**Also present:**
- American Legion Post 2006 Commander KJ Kline
- Public Works Heavy Equipment Operator Mike Bramlett
- Rotarian Lou Mudd (applicant for a Special Event Liquor Permit)
- 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 BREMAN MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

4. PROCLAMATIONS AND PRESENTATIONS

   A. PROCLAMATION – PROCLAIMING MONDAY, MAY 29, 2023 AS OBSERVANCE OF MEMORIAL DAY TO BE ACCEPTED BY AMERICAN LEGION POST 2006 COMMANDER KJ KLINE

Councilor Breman read the Proclamation, which was accepted by Commander KJ Kline. Cmdr. Kline announced that on Friday, May 26th at 9:00 a.m., the American Legion will be placing flags on veterans’ graves at New Elmwood Cemetery. He encouraged others to participate, saying the American
Fruita City Council Minutes  2  May 16, 2023

Legion would love to have the help as there are approximately 400 veterans that are buried at the cemetery. Cmdr. Kline added that on Monday, May 29th (Memorial Day) at 10:00 a.m. at New Elmwood Cemetery, the American Legion will be conducting a small ceremony to honor those that have fallen.

Cmdr. Kline also shared the text of General Order #11 issued on May 5, 1868 by General John A. Logan, Cmdr. in Chief of the Grand Army of the Republic designating May 30th for the purpose of strewing with flowers (or otherwise decorating) the graves of comrades who died in defense of their country during the late rebellion. This is how Memorial Day eventually came to be.

B. PROCLAMATION – PROCLAIMING MAY 21 - 27, 2023 AS “NATIONAL PUBLIC WORKS WEEK: CONNECTING THE WORLD THROUGH PUBLIC WORKS” IN THE CITY OF FRUITA TO BE ACCEPTED BY MIKE BRAMLETT, HEAVY EQUIPMENT OPERATOR ON BEHALF OF THE CITY OF FRUITA PUBLIC WORKS DEPARTMENT

Councilor Hancey read the Proclamation, which was accepted by Mike Bramlett, Heavy Equipment Operator for the City of Fruita Public Works Department. Mike thanked the Council for recognizing National Public Works Week and for always supporting the work the Public Works Department does. He also thanked the men and women in the Department for the work that they do every day.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

Mayor Kincaid asked if there were any requests to remove any item(s) removed from the Consent agenda for further discussion. There were no such requests. Mayor Kincaid asked the same question of the City Council and there also were no such requests.

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

*Deputy City Clerk’s Note:  There were no items on the Consent Agenda.

7. PUBLIC HEARINGS

A. QUASI-JUDICIAL HEARINGS

1) SPECIAL EVENT LIQUOR PERMITS APPLICATION – A REQUEST TO APPROVE AN APPLICATION FROM THE FRUITA ROTARY CLUB TO PROVIDE A BEER GARDEN AT THE MIKE THE HEADLESS CHICKEN FESTIVAL AT CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVENUE – DEPUTY CITY CLERK DEB WOODS
Deputy City Clerk Deb Woods gave staff’s presentation. She briefly reviewed the contents of the Council packet including a diagram illustrating the proposed licensed area at the Fruita Civic Center to include the parking lot and one block of Aspen Avenue that will be completely fenced in. There are four entrances proposed in the application and Ms. Woods stated that in the Rotary Club’s narrative, the Rotary affirmed that they would be monitoring the entrances to ensure that no alcohol enters or leaves the licensed area and that patrons will be monitored for signs of becoming noticeably intoxicated. She stated that Fruita Chief of Police Dave Krouse reviewed the application and provided his statement that there was nothing that would prohibit the issuance of the license being requested.

Ms. Woods said it was staff’s recommendation that the Council approve the application for the Special Events Liquor Permits for the Mike the Headless Chicken Festival subject to the following conditions:

1. The entrances and exits shall be monitored closely and continuously by event staff.
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 Rotary Club will be followed.

Ms. Woods noted that Rotarian Lou Mudd was present virtually as the applicant’s representative. Mr. Mudd stated that the Rotary has been providing beer gardens for events in Fruita for at least 16 or 17 years now and that they have never had any issues with unruly attendees. He added that the Mike the Headless Chicken Festival has always been a good fundraiser for the Rotary, who puts most of the money right back into the community for worthwhile events to support kids.

Mr. Mudd added that this year, the Rotary Club will feature “Mike’s Decapitation Red” on tap from the Copper Club, which he thinks will be a big seller and is something that exemplifies the goodness of Mike. It is a red IPA that the Copper Club has had for several years now that is made specifically for Mike the Headless Chicken days. He asked for the Council’s approval of the application for the Special Events Liquor Permits.

Mayor Kincaid opened the public hearing. Hearing no comments from the public, he closed the public hearing and brought the matter back before the Council.

- COUNCILOR KREIE MOVED TO APPROVE THE APPLICATION FOR THE SPECIAL EVENTS LIQUOR PERMITS FROM THE FRUITA ROTARY CLUB TO PROVIDE A BEER GARDEN DURING THE MIKE THE HEADLESS CHICKEN FESTIVAL AT CIVIC CENTER MEMORIAL PARK ON THE DATES AND TIMES REQUESTED SUBJECT TO THE CONDITIONS STATED BY STAFF. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

B. LEGISLATIVE HEARINGS

There were no legislative public hearings on the agenda.

9. ADMINISTRATIVE AGENDA
There were no Administrative items on the agenda.

10. CITY MANAGER’S REPORT

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

- He and Assistant City Manager Shannon Vassen met with executives at Waste Management the previous day. Mike said they were very open to the interests the City of Fruita has in single-stream recycling and in honoring their contract like they did during the pilot program for 96-gallon containers. Waste Management is going to bring back some options to staff so negotiations can continue and staff will be scheduling their presentation to the City Council at an upcoming meeting.

- Staff is planning the North Mulberry Plaza celebration beginning Thursday, May 25th through Saturday, May 27th. Scheduled events include:
  - On Thursday, May 25th, there will be a trivia contest with Fruita logo prizes at 6:00 p.m. After that, Cavalcade will host an open mic night on the plaza.
  - On Friday, May 26th, Fruita Fourth Friday will expand into the plaza and there will be a community mural painting as part of the “I Love Fruita” campaign.
  - On Saturday, May 27th at 6:00 p.m., there will be live music on the plaza sponsored by The Vintage Common.

- The “State of the City” six-minute video will be completed in early June. On Wednesday, June 7th at 5:30 p.m., Rocky Mountain PBS is going to host a screening of it at FARM at 160 S. Park Square and will likely add other Fruita-related stories.

- For the Juneteenth event, Matthew offered to read part of a Juneteenth Proclamation at an event held by Black Citizens and Friends Grand Junction on June 17th. The Proclamation will also be on the Council agenda for the June 6th meeting, and Mike noted that the Fruita City Council has been issuing this Proclamation for several years now. Joel noted that it would be a split reading; the City of Grand Junction, City of Fruita and Town of Palisade will each read a section of the Proclamation.

- Staff is gearing up for the Mike the Headless Chicken Festival and plans to close the Civic Center building to the public in order for staff to adequately manage all the events. They will begin setting up for the festival after the Civic Center building closes for the day on Thursday, June 1st.

11. COUNCIL REPORTS AND ACTIONS

A. SCHEDULING TWO SPECIAL CITY COUNCIL MEETINGS

City Manager Mike Bennett proposed that a Special Council Meeting be scheduled for Tuesday, May 23, 2023 at 6:00 p.m. prior to the regularly scheduled Council workshop meeting that starts at 6:30 p.m. for the purpose of convening in Executive Session related to the purchase of property.
Mayor Kincaid confirmed that all Council members will be able to attend.

Mr. Bennett also proposed to schedule a City Council workshop meeting on Tuesday, June 6, 2023 at 6:00 p.m. prior to the regularly scheduled Regular City Council meeting that starts at 7:00 p.m. The purpose of this meeting is to have the City Attorney provide some refresher training for elected officials. Because it will be a longer night for the Council, staff will be providing dinner during the workshop discussion.

Mayor Kincaid confirmed that the other Council members would be able to attend with the exception of Councilor Ken Kreie, who has a scheduling conflict on June 6th and will therefore be excused absent. Mike noted that Councilor Jeannine Purser (absent at this meeting) had previously told him that both dates of the two meetings work for her.

Mayor Kincaid said he had talked with Mr. Bennett about having staff send a calendar invite to the Council members for meetings that are scheduled for dates outside of the normal meetings so that no one misses the special meetings.

**B. COUNCIL REPORTS AND ACTIONS**

**COUNCILOR JAMES WILLIAMS**

James reported that the Enoch’s Lake issue is beginning to cause concerns among residents on social media and he asked if staff could put together some talking points, especially regarding the amount of expense the City incurs and how the property isn’t really useful because the City does not own the property around the lake. He added that he has also received a couple of emails about it that he’d like to answer, but he’d like the Council to first put forth a concerted effort to explain the City’s position on a united front.

Mike said staff will send summaries and talking points to the Council as well as the location of the information on the City’s website that the Council can refer to. He added that there are also City Link articles that contain helpful information.

**COUNCILOR KEN KREIE**

Ken referred to what James was just talking about and added that when it comes to social media postings about the Enoch’s Lake issue, it seems to be the same six or so points and that these are the same things that the Council has grappled with over decades. He suggested that staff draft something that includes what people are saying and then include the real stories behind those concerns to help the public understand. Ken said he wrote a list at dinner the previous evening and that he would likely send it to Mike just in case there’s some points on there that would be beneficial.

There was discussion among the Council about the best way to communicate with the public and when. Staff will be making sure the information on the City’s website includes the items Ken was talking about and that it educates the public to address their concerns.

**COUNCILOR AMY MILLER**
Amy reported that she attended the housing non-profits update/breakfast at Western Colorado Community Foundation Center for Philanthropy hosted by Bray and Co. and called it really amazing. Five different housing non-profit resources in the valley gave presentations and Amy said she had absolutely no idea about the scope of services that are available for some of the community’s unhoused and those that are struggling to find property. She said she would love to have some of these agencies potentially present an overview of their services to the City Council at a workshop meeting. Amy added that the non-profits would be holding more speaking events and encouraged everyone to try to attend one of them.

Joel asked Amy to forward the contact information about the non-profits to Mike so that they could be invited to present to the Council. He recommended that they be scheduled a couple at a time.

**MAYOR PRO TEM MATTHEW BREMAN**

Matthew noted that Joel led the meeting with the Boy Scout Troop and they actually heard about the Enoch’s Lake water rights issue at the end of that meeting. He said they asked some good questions and Matthew commended the Mayor for effectively passing on his knowledge to the kids.

Joel noted that the Troop is going to have a couple of Eagle Scout projects coming up. He pointed out that the dinosaur skeleton on the bicycle that is in front of the Civic Center pavilion was an Eagle Scout project. He added that if anybody had any ideas for an Eagle Scout project, he could get those passed onto the Troop.

Aaron added that the Parks and Recreation Advisory Board is looking forward to their presentation to the City Council next week and are wrapping things up so they will be prepared.

Aaron also added that a few people including Mike just happened to be in the right place at the right time to meet the third great-grandson of William Pabor, who was in town to look into his family history. He met with Historic Preservation Board member Yvonne Peterson, who showed him the Lower Valley Heritage Room at the Civic Center.

**12. ADJOURN**

With no further business before the Council, Mayor Kincaid adjourned the meeting at 10:45 a.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita
1. CALL TO ORDER AND ROLL CALL

Mayor Pro Tem Matthew Breman called the Special Meeting of the Fruita City Council to order at 6:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

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

Excused Absent: Mayor Joel Kincaid

City staff present:  
City Manager Mike Bennett  
Assistant City Manager Shannon Vassen  
City Clerk/Finance Director Margaret Sell  
Deputy City Clerk Deb Woods  
Communications and Engagement Specialist Ciara DePinto  
Planning & Development Director Dan Caris  
City Attorney Mary Elizabeth Geiger (virtually)

2. AGENDA – ADOPT/AMEND

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

D. EXECUTIVE SESSION - TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SEC. 24-6-402(4)(A) FOR THE PURPOSE OF DISCUSSING THE POSSIBLE PURCHASE OF PROPERTY BY THE CITY AND MATTERS RELATED THERETO AND CONFERENCE WITH THE CITY ATTORNEY REGARDING THE SAME PURSUANT TO C.R.S. SEC. 24-6-402(4)(B) AND FOR THE PURPOSE OF DISCUSSING THE POSSIBLE SALE OF ENOCH’S LAKE WATER RIGHTS AND REAL ESTATE PURSUANT C.R.S. SEC. 24-6-402(4)(A) AND CONFERENCE WITH THE CITY ATTORNEY REGARDING THE SAME PURSUANT TO C.R.S. SEC. 24-6-402(4)(B).

- COUNCILOR HANCEY MOVED TO CONVENE IN EXECUTIVE SESSION PURSUANT TO C.R.S. SEC. 24-6-402(4)(A) FOR THE PURPOSE OF DISCUSSING THE POSSIBLE PURCHASE OF PROPERTY BY THE CITY AND MATTERS RELATED THERETO AND CONFERENCE WITH
THE CITY ATTORNEY REGARDING THE SAME PURSUANT TO C.R.S. SEC. 24-6-402(4)(B) AND FOR THE PURPOSE OF DISCUSSING THE POSSIBLE SALE OF ENOCH’S LAKE WATER RIGHTS AND REAL ESTATE PURSUANT C.R.S. SEC. 24-6-402(4)(A) AND CONFERENCE WITH THE CITY ATTORNEY REGARDING THE SAME PURSUANT TO C.R.S. SEC. 24-6-402(4)(B). COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.

The City Council convened in Executive Session at 6:04 p.m.

The City Council ended the Executive Session at 6:31 p.m. and took a ten-minute break before calling the May 23, 2023 City Council Workshop Meeting to order at 6:41 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita
CALL TO ORDER AND ROLL CALL

The workshop of the Fruita City Council was called to order at 6:41 p.m. by Mayor Pro Tem Breman. City Council members present were Mayor Pro Tem Matthew Breman, and City Councilors Jeannine Purser, James Williams, Amy Miller, Aaron Hancey and Ken Kreie.

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

Also in attendance were Fruita Parks and Recreation Advisory Board members Bill Cummins, Shannon Wadas and Shanachie Carroll.

AGENDA ITEMS

1. FRUITA TOURISM ADVISORY COUNCIL DISCUSSION

It was noted that the majority of the members of the Fruita Tourism Advisory Council (FTAC) were not able to attend the meeting. Their discussion with the City Council will be rescheduled for a later date.

2. PRESENTATION – PARKS AND RECREATION ADVISORY BOARD

Staff Liaison to the Parks and Recreation Advisory Board (PRAB) Marc Mancuso introduced members of the board Bill Cummins, Shannon Wadas and Shanachie Carroll.

A review of the board’s past accomplishments was provided to the Council, some of which included:

- Review and make recommendations on the Parks, Health, Recreation, Open Space and Trails (PHROST) Master Plan (adopted by the City Council on April 6, 2021), which gave the board their “marching orders”
- Letters of support for grant applications
- Provided feedback on park improvements at Reed Park, Little Salt Wash, Prospector and the City’s new dog park (Bark Park)
- Helped determine how to manage the Fruita Community Center (FCC) during the COVID-19 pandemic
- Provided feedback on recreation areas at the FCC and recreation programs offered by the City
- Provided Recreation Staff with assistance on Mike the Headless Chicken Festival Vendor Selection Committee

Council Liaison to the PRAB Aaron Hancey explained that the City Council would like an annual update from all the City’s Boards and Commissions. He said the Council had talked about letting boards know that they can come to the Council if there are budgetary needs for certain things or special projects.
The PRAB will also be looking at the board’s by-laws to see if they need to be updated.

Mr. Cummins mentioned that the PRAB has discussed the merry-go-round at Reed Park, where many people have a lot of fond memories. The board talked about preserving Fruita history and culture by doing something with the merry-go-round such as turning it into artwork. For example, each section of the merry-go-round could be turned into flower petals. The PRAB said they could work on this in conjunction with the City’s Arts & Culture Board.

Councilor Purser asked the PRAB members, “if they each had one wish, what would it be?”

Mr. Cummins said it would be greater access to funding. He commended Mr. Mancuso for doing such a great job in applying for grant funds but added that if the board/City had the funding, it would enable everyone to move faster on projects such as the Little Salt Wash Park, which would be his first choice of projects to tackle. He added that instead of looking for the next vision, Mr. Mancuso is too busy looking for funding.

Ms. Wadas said her wish would be for bigger Open Space Programs through partnerships with entities like a Land Trust. She pointed out that Snooks Bottom has many challenges.

Mr. Carroll said he would like to have a “Story Walk” at Snooks Bottom such as the one the Mesa County Library Fruita Branch has at the FCC. He said he thinks it could be possible through joint partnerships with Colorado Parks and Wildlife, Mesa County Libraries and the City of Fruita. Mr. Carroll continued that these partners would need to figure out how to steward the project and program, noting that Snooks Bottom has limited use because of how it’s classified. He added that once it was decided how the Open Space were to be used, there would need to be communications with the community as to what the intended use is. He said he could easily picture it as a popular gathering spot where people would want to take a picnic basket.

Councilor Kreie asked which uses were not allowed at Snooks Bottom. City Manager Mike Bennett responded that he didn’t recall the specifics, but that staff would get that information to the City Council.

Mr. Bennett continued by saying that he really liked how the PRAB members’ wishes were tied to some of the highest priorities contained in the PHROST Plan such as Little Salt Wash Park and Open Space (Snooks Bottom). He asked the board to be proactive with their ideas to figure out more details such as what the issues/barriers are and what funding might be needed.

There was some discussion about Open Space Impact Fees; specifically, when and where they can be spent. Mr. Bennett stated that they must be spent within seven years of when they are collected or else the City could lose them. Some of the funds will likely go into the Reed Park project, which will also see funding from the Conservation Trust Fund and 1% of lodging tax collected by the City. The Impact Fees must be spent on regional parks and the expansion of them, but not on maintenance for them.

Mr. Bennett added that there will be an Impact Fee Ordinance coming before the Council for approval soon.

3. DISCUSSION OF PROCESS FOR THE SIX-YEAR REVIEW OF THE FRUITA CITY CHARTER
City Clerk/Finance Director Margaret Sell explained that every six years, pursuant to the Fruita City Charter, the City Council must conduct a review of its Charter. If any revisions to the Charter are desired, those must be placed on a ballot for public consideration. It is anticipated that any proposed changes would be placed on the ballot at the City’s next regular municipal election of April 2, 2024.

Mrs. Sell recapped sections in the Fruita City Charter that potentially need to be reviewed as noted by staff and/or City Council over the years. She also went over some potential options of processes to complete the review of the Charter and requested feedback from the Council as to their desired process. These include having staff complete the review, having a selected committee complete the review or having the City Council complete the review, who then would provide direction to staff and/or a selected committee on how to proceed.

There was discussion about how the review of the Charter may require choosing individuals with more experience and knowledge such as previous Boards and Commissions members, past and present City Council members and past and present City staff. Mrs. Sell noted that staff could certainly solicit interest, but that in the past, selected committee members have been heavily recruited by the City Council.

After some discussion, the following was determined:

- Concerning the review of the Charter, it was decided to schedule another discussion at the July workshop session before the Council makes any decisions.
- Staff will bring information to the July workshop meeting concerning how Charter amendment questions appeared on ballots in the past

4. DISCUSSION REGARDING PROCESS FOR A POTENTIAL BALLOT QUESTION AT THE APRIL 2, 2024 REGULAR MUNICIPAL ELECTION

Mrs. Sell reviewed the process for a potential TABOR ballot question and said that if the Council wanted to select a committee, it may be possible that the committee could work on both the review of the City Charter and the TABOR question.

After some discussion, the following was determined:

- All City Council members are on board with having a Citizen Review Committee for the TABOR question.
- Concerning the TABOR Citizen Review Committee, staff will provide the Council with specific information about what the City has done in the past including pros and cons and past results.
- The City Council wants to meet with the TABOR Citizen Review Committee to make sure everyone is on the same page.

OTHER

Mr. Bennett stated that since Mayor Kincaid was not well, he would be attending the “State of the Valley” event in his place along with Mayor Pro Tem Breman.
Also, because Mayor Kincaid was not feeling well, he needed someone to cover for him the following evening to read Karen Leonhart’s Proclamation at her retirement party at Fiesta Guadalajara. Both Councilors Miller and Purser said they could do it.

Mr. Bennett reviewed all of the events taking place at “Three Nights on Mulberry” between May 25 – 27th at the North Mulberry outdoor space.

Mr. Bennett also noted that Rocky Mountain PBS would be hosting a showing of the City of Fruita’s “State of the City” video on June 7th at 158 S. Park Square.

The next Housing Authority meeting will likely be scheduled for 6:00 p.m. on June 20th before the regular City Council meeting.

Councilor Hancey asked about the training for Boards and Commissions members that the City Council had previously discussed. Mr. Bennett said the training would be scheduled by August.

Councilor Purser asked about the total number of short-term rentals in Fruita and Mr. Bennett said staff would be giving the Council an administrative update about that at an upcoming Council meeting soon. Councilor Purser also asked staff to provide the Council with a map showing exactly where the downtown “triangle” area is located.

With no further business before the Council, the meeting adjourned at 8:31 p.m.

Respectfully submitted,

Deb Woods
Deputy City Clerk
AGENDA TEXT: BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Thomas McNamara to the Livability Commission for another three-year term that will expire in June of 2026

BACKGROUND

The membership guidelines of the Livability Commission call for a minimum of seven and a maximum of twenty-one members. There are currently ten members on the board, so there is the potential for eleven (11) vacancies on the board. Staff has advertised these vacancies on the City’s website and Facebook page for over two years and will continue to do so.

Thomas McNamara’s term on the Livability Commission expired in December of 2018. On May 18, 2023, Tom submitted his application for reappointment. City staff has not received any other applications.

Mayor Kincaid and Council Liaison to the board Jeannine Purser recommend Tom’s reappointment to the board for another three-year term to expire in June of 2026. If Tom McNamara is reappointed to the Livability Commission, there will still be eleven vacancies remaining on the board.

Pursuant to the Boards and Commissions Policy that was adopted by the City Council with the adoption of Resolution 2020-32 on August 4, 2020, if Tom McNamara is reappointed, he will be limited to one more consecutive three-year term on the Livability Commission.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

1. Reappoint Thomas McNamara to the Livability Commission for another three-year term to expire in June 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 following reappointment be made:

- **TOM MCNAMARA TO THE LIVABILITY COMMISSION FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN JUNE OF 2026**
CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION

BOARD OR COMMISSION: Livability

NAME: Thomas McNamara

MAILING ADDRESS: 1762 Waters Lane
FRUITA CO 81521

RESIDENCE ADDRESS: (As Above)

PHONE NUMBER: 970-260-8689
Home Cell Work N/A

E-MAIL ADDRESS: nednordic1@men.com

How long have you been a resident of Fruita? 20 Years
Occupation/Employer: Retired

List any volunteer and/or work experience:

FRUITA ROTARY CLUB (14 YEARS)

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 PROVIDE BENEFICIAL INPUT TO CITY PLANNING FOR AGING RESIDENTS

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

VARIOUS OUTDOOR RECREATIONAL INTERESTS AS AN OLDER ADULT. RETIRED FINANCIAL ADVISOR (30+ YRS.)
Are you committed to attending meetings?  ☑ Yes  ☐ No
Are you committed to serving an entire term?  ☑ Yes  ☐ No

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

NONE

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

NONE THAT SEEM APPLICABLE

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

WE HAVE BEEN ENGAGED IN CIVIC ACTIVITIES IN FRUITA SINCE 1999, CHAMBER BOARD, CHAMBER PRESIDENT, MEMBER AND FORMER PRESIDENT OF THE FRUITA ROTARY CLUB.

Signature  Thomas D. McMinnia  Date  5/18/23

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

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES

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

TO: FRUITA CITY COUNCIL
FROM: DEB WOODS, DEPUTY CITY CLERK FOR MAYOR KINCAID AND COUNCILOR HANCEY
DATE: JUNE 6, 2023
AGENDA TEXT: BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Shanachie Carroll to the Parks and Recreation Advisory Board for another three-year term to expire in June of 2026

BACKGROUND

In June of 2023, Parks and Recreation Advisory Board member Shanachie Carroll’s term will expire, thus creating a vacancy. The vacancy was advertised on the City of Fruita’s website and Facebook page between April 17, 2023 to the present.

On April 11, 2023, Shanachie Carroll submitted his application for the vacant seat on the Parks and Recreation Advisory Board. No other applications were received by staff.

Mayor Joel Kincaid and Council Liaison Aaron Hancey recommend that Mr. Carroll be reappointed to the Parks and Recreation Advisory Board for another three-year term to expire in May of 2026.

Mr. Carroll’s application is attached for the Council’s review. If he is reappointed, there will be no remaining vacancies on the Parks and Recreation Advisory Board until December of 2023, when another board member’s (Shannon Waddas’) term is due to expire.

Pursuant to the Boards and Commissions Policy that was adopted by the City Council with the adoption of Resolution 2020-32 on August 4, 2020, if Shanachie Carroll is reappointed, he will be limited to one more consecutive three-year term on the Livability Commission.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL
1. Reappoint Shanachie Carroll to the Parks and Recreation Advisory Board for another three-year term to expire in June 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 Council Liaison Aaron Hancey that the following reappointment be made:

- SHANACHIE CARROLL TO THE PARKS AND RECREATION ADVISORY BOARD FOR ANOTHER THREE-YEAR TERM TO EXPIRE IN JUNE OF 2026
CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION

BOARD OR COMMISSION: Parks & Rec Advisory Board

NAME: Shanachie Carroll

MAILING ADDRESS: 1199 Wolf Creek Ct
Fruita CO 81521

RESIDENCE ADDRESS: Same

PHONE NUMBER: 970-201-8823 Work 970-858-0102

E-MAIL ADDRESS: Shanachie.carroll@gmail.com

How long have you been a resident of Fruita? 23ish years

Occupation/Employer: Regional Branch Manager, Mesa County Libraries

List any volunteer and/or work experience:

- 2013- Present: Mesa County Libraries, various roles
- 2005-2012: Western Colorado Center for the Arts, volunteer/contract teacher

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

Yes, Parks & Rec Advisory Board

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

I'm a parks user & professionally work closely W/I Fruita

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

- Love Fruita
- Have extensive knowledge of Roberts Rules of Order
- Served on boards in various roles
- Community Builder
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)

N/A

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

N/A

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

References:
• Lori Chesnicle, Chesnicle Realty LLC, lori@chesniclerealtyllc.com
• Shirleen Brack, Huffon, Absolute Prestige, opalineex@yahoo.com

Signature  [Signature]
Date  4/10/2023

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

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES
Please feel free to submit a resume along with this application. Application and any attachments should be returned to the Fruita City Council c/o the City Clerk, 325 E. Aspen, Fruita, CO 81521. Although we have indicated the best time to apply for a particular board, we accept applications for any of the boards year-round. Thank you.
AGENDA TEXT: A request for approval of a multi-year sponsorship agreement with Fruita Rotary for the “HeART of Fruita” rotating sculpture program

BACKGROUND

The Arts and Culture Board has started the “HeART of Fruita” rotating sculpture program for the City of Fruita and the first installation of sculptures will take place on September 8, 2023.

This program will be modeling similar programs that Palisade, Grand Junction and Moab currently have in place. The Arts and Culture board has designated three locations on Aspen Street in the downtown area that will be home to a new piece of art from September through the following September. The Fruita Arts and Culture Board is currently working on the call for artists and securing sponsors for the honorarium for each location.

The program will be funded by Fruita Arts and Culture Board fundraising, local sponsors, grants, and other funding as needed.

FISCAL IMPACT

The Fruita Rotary Club has agreed to be the sponsor of one sculpture/artist per year and provide a sponsorship fee of $1,000 annually for the sculpture/artist honorarium beginning on June 1, 2023 through May 31, 2028 for a total of (5) $1,000 payments for the “HeART of Fruita.”

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This process is applicable to the City’s goals of Quality of Place and Lifestyle. This project will provide another venue for community members to gather and view art. The City values a diversity of cultural and recreational opportunities.

RECOMMENDATION

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

APPROVE THE MULTI-YEAR AGREEMENT AND SPONSORSHIP FOR THE “HEART OF FRUITA” WITH THE FRUITA ROTARY CLUB
AGREEMENT FOR SPONSORSHIP

THIS AGREEMENT FOR SPONSORSHIP (the “Agreement”) is entered into as of this 6th day of June, 2023 by and between The City of Fruita (“CoF”), a Colorado home rule municipality, located at 325 East Aspen Avenue, Fruita Colorado 81521 and Fruita Rotary Club located at 325 East Aspen Avenue, Fruita Colorado 81521 (CoF and Fruita Rotary Club collectively the “Parties”).

WHEREAS, CoF will hold the HeART of Fruita sculpture program (“HoF”) beginning Fall 2023; and

WHEREAS, Fruita Rotary Club desires to provide financial support for the HoF in exchange for the CoF including Fruita Rotary Club on marketing, advertising and signage for the HoF; and

WHEREAS, CoF and Fruita Rotary Club desire to enter into an agreement under which CoF will provide these services and benefits to Fruita Rotary Club in exchange for goods and valuable consideration, including Fruita Rotary Club financial support, the sufficiency of which is hereby acknowledged.

NOW THEREFORE, the Parties hereby agree as follows:

1. **City of Fruita Obligations.** CoF shall provide the following to Fruita Rotary Club as part of the Fruita Rotary Club sponsorship for HoF as outlined below:
   a. Fruita Rotary Club will be the sponsor of one sculpture/artist per year. CoF will put specific signage showing this sponsorship at one sculpture from the HoF program for approximately one year. CoF and the Arts and Culture Board will host an artist and Sponsor reception annually.
   b. **Online**
      i. Fruita Rotary Club will be listed as a Sponsor of HoF on all advertising on the CoF website.
      ii. The CoF Arts and Culture Board social media pages will list Fruita Rotary Club as a Sponsor of HoF.
   c. **Print**
      i. Any print ads the CoF places for HoF will list the Fruita Rotary Club as a Sponsor.
   d. **TV/Radio**
      i. All promotion of HoF by CoF on radio and television will name Fruita Rotary Club as a Sponsor.
   e. **Posters**
i. Fruita Rotary Club will be listed as a Sponsor on all posters generated by the CoF to promote HoF.

2. Consideration. In consideration for the partnership and promotion benefits granted herein, Fruita Rotary Club agrees to provide the following to CoF:
   a. Fruita Rotary Club will sponsor one HoF sculpture/artist honorarium annually.
   b. Fruita Rotary Club will pay the CoF a sponsorship fee of $1000 annually for the sculpture/artist honorarium. Beginning June 1, 2023 and ending May 31, 2028. CoF shall invoice Fruita Rotary Club on June 1 for its sponsorship payment, which will be due to CoF no later than 30 days after invoice.
   c. Fruita Rotary Club will assign two members to participate in the initial sculpture selection process and will help select the finalists that will be presented to the Arts and Culture Board. The final sculpture selection will be made by the CoF and the Arts and Culture Board.

3. Trademark and Logo Rights. CoF shall have limited right to use Fruita Rotary Club Trademarks and logos in its advertising and promotional materials as provided in this Agreement. Use of the Fruita Rotary Club trademark or logo shall be approved by Fruita Rotary Club prior to insertion in any advertisements or promotional materials for the HoF program. Such approval by Fruita Rotary Club shall not be unreasonably withheld or delayed. CoF further agrees that upon termination of this Agreement, it will not use Fruita Rotary Club 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.

4. Term. The term of this Agreement shall be from June 1, 2023 through May 31, 2028. If the HoF is canceled for any reason the agreement will automatically rollover to the next year that the HoF program is offered.

5. Independent Contractors- No Joint Venture or Partnership. The Parties agree that both CoF and Fruita Rotary Club are acting a independent contractors and that there is no joint venture, employment, partnership or other financial relationship between the Parties other than the independent contractor relationship set forth in this Agreement.

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.

7. Modification, 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 Fruita Rotary Club with regard to the subject matter herein. This Agreement may only be amended, modified, or supplemented, and the rights or obligations hereunder may only be waived pursuant to a written instrument signed by CoF and Fruita Rotary Club.

9. Indemnification. Fruita Rotary Club agrees to indemnify and hold harmless CoF, its employees, officials, officers, directors, 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 this Agreement. Nothing herein shall constitute a waiver or abrogation of rights of the CoF pursuant to the Colorado Governmental Immunity Act (“CGIA”), C.R.S. 24-10-101 et seq..

10. Notice. Notice regarding all matters relevant to this Agreement shall be forwarded to the following representatives of the Parties:

Fruita Rotary Club
Johanna Van Waveren
President
325 East Aspen Avenue
Fruita, CO. 81521
johannavwaveren@coloradonma.org

City of Fruita Parks and Recreation Department
Marc Mancuso
Parks and Recreation Director
324 North Coulson Street
Fruita CO, 81521
mmancuso@fruita.org

The CoF shall have the right to immediately terminate this Agreement if Fruita Rotary
Club fails to pay the $1000 as set forth herein above.

11. Additional Offerings. Fruita Rotary Club acknowledges that this Agreement is limited to the offerings described in this Agreement. Fruita Rotary Club further acknowledges that CoF may enter into agreements with other entities which offer sponsorship to CoF with regard to HoF 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 Fruita Rotary Club will do nothing to interfere with CoF’s development or marketing of such programs.

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

City of Fruita  
_________________________________________  Fruita Rotary Club  
_________________________________________
(Signature)  
(Signature)
_________________________________________
(Print name)  
(Print name)
_________________________________________
(Title)  
(Title)
_________________________________________
(Date)  
(Date)
TO: Fruita City Council and Mayor
FROM: Margaret Sell, Finance Director/City Clerk
DATE: June 6, 2023

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

BACKGROUND

The following table provides a summary of sales and use tax revenues for the month compared to the same period in 2022. Inflationary issues affecting the entire country are having an impact on local and regional spending patterns with reductions in discretionary spending.

While total tax revenues are up $91,671 from the prior year and ahead of budgeted amounts by $168,501, monthly revenues from use tax on building materials are down 83%, lodging tax revenues are down 18%, and county sales tax revenues and use taxes on motor vehicles are flat from the prior year. While city sales tax revenues show an increase of 14% for the month, the prior year had a non-recurring credit. Adjusting the monthly totals for this anomaly, the March city sales tax revenue would show a decline of approximately 5% from the prior year. All sales and use tax revenues were budgeted/anticipated to decline in 2023 so these reductions do not currently have an overall negative impact on the 2023 Budget.

Historical and current year charts for each category of sales and use tax revenue are attached.
The following table shows a monthly comparison between March 2022 and 2023 city sales tax collections by NAICS category.

<table>
<thead>
<tr>
<th>Description</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>1 yr % Chg</th>
<th>1 yr $ Chg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Trade</td>
<td>219,941</td>
<td>216,712</td>
<td>203,944</td>
<td>-6%</td>
<td>(12,768)</td>
</tr>
<tr>
<td>Food</td>
<td>79,326</td>
<td>83,740</td>
<td>74,681</td>
<td>-11%</td>
<td>(9,059)</td>
</tr>
<tr>
<td>Other Miscellaneous</td>
<td>14,192</td>
<td>19,781</td>
<td>16,592</td>
<td>-16%</td>
<td>(3,189)</td>
</tr>
<tr>
<td>Utilities</td>
<td>23,585</td>
<td>32,964</td>
<td>37,610</td>
<td>14%</td>
<td>4,646</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>12,853</td>
<td>15,772</td>
<td>13,117</td>
<td>-17%</td>
<td>(2,655)</td>
</tr>
<tr>
<td>Rental and Leasing</td>
<td>9,034</td>
<td>5,888</td>
<td>8,200</td>
<td>39%</td>
<td>2,312</td>
</tr>
<tr>
<td>Other Services</td>
<td>7,994</td>
<td>8,036</td>
<td>8,736</td>
<td>9%</td>
<td>700</td>
</tr>
<tr>
<td>Lodging</td>
<td>15,191</td>
<td>17,987</td>
<td>11,978</td>
<td>-33%</td>
<td>(6,009)</td>
</tr>
<tr>
<td>Wholesale Trade</td>
<td>16,449</td>
<td>17,369</td>
<td>20,514</td>
<td>18%</td>
<td>3,145</td>
</tr>
<tr>
<td>Communications</td>
<td>11,616</td>
<td>14,847</td>
<td>15,245</td>
<td>3%</td>
<td>398</td>
</tr>
<tr>
<td>Oil and Gas</td>
<td>1,307</td>
<td>-71,211</td>
<td>1,405</td>
<td>98%</td>
<td>72,616</td>
</tr>
<tr>
<td>Total</td>
<td>411,488</td>
<td>361,885</td>
<td>412,022</td>
<td>14%</td>
<td>50,137</td>
</tr>
</tbody>
</table>

Remote retailers

<table>
<thead>
<tr>
<th>Description</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>1 yr % Chg</th>
<th>1 yr $ Chg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Trade</td>
<td>42,449</td>
<td>49,045</td>
<td>49,452</td>
<td>1%</td>
<td>407</td>
</tr>
</tbody>
</table>

A table showing year-to-date totals and a chart of the top 3 categories is attached. On an annual basis, sales tax on retail trade is flat compared to the prior year and food sales tax is down 6% from the prior year while utilities are up 28% over the prior year.

**Community Center Fund Charges for Services –March 2023**

March 2023 charges for services (pass fees and recreation programs) were up 12% from the prior year while sales and use tax revenues were down 4% from the prior year. This reduction is due to the decrease in revenues from use tax on building materials. Annual revenues are up 4% and 8% respectively.
Actual vs Budget Report – April 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.

<table>
<thead>
<tr>
<th>Column1</th>
<th>Revenues as a % Budget</th>
<th>Expenses as a % of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>38%</td>
<td>25%</td>
</tr>
<tr>
<td>Conservation Trust Fund</td>
<td>35%</td>
<td>9%</td>
</tr>
<tr>
<td>Economic Development Fund</td>
<td>14%</td>
<td>0%</td>
</tr>
<tr>
<td>Marketing</td>
<td>16%</td>
<td>32%</td>
</tr>
<tr>
<td>Public Places Fund</td>
<td>27%</td>
<td>83%</td>
</tr>
<tr>
<td>Community Center</td>
<td>36%</td>
<td>27%</td>
</tr>
<tr>
<td>Capital Projects</td>
<td>9%</td>
<td>13%</td>
</tr>
<tr>
<td>Debt Service</td>
<td>26%</td>
<td>24%</td>
</tr>
<tr>
<td>Devils Canyon Center</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Irrigation Water *</td>
<td>2%</td>
<td>25%</td>
</tr>
<tr>
<td>Sewer*</td>
<td>16%</td>
<td>19%</td>
</tr>
<tr>
<td>Trash*</td>
<td>25%</td>
<td>17%</td>
</tr>
<tr>
<td>Fleet Maintenance Fund</td>
<td>100%</td>
<td>27%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>25%</strong></td>
<td><strong>21%</strong></td>
</tr>
</tbody>
</table>

Audit of 2022 Financial Statements

The City’s auditors, Chadwick, Steinkirchner, Davis and Co., PC, completed their field work on the City’s financial statements for FYE 12/31/2022 the week of May 15. A presentation of the final financial statements and auditors report will be made to the City Council in the near future.

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 APRIL 2023 FINANCIAL REPORTS AS PRESENTED
SEASONAL AND USE TAX REPORTS

City Sales Tax - 2% General Fund (110-3131)

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>$ Variance</th>
<th>% Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>124,973.08</td>
<td>190,392.44</td>
<td>204,830.52</td>
<td>222,224.08</td>
<td>272,043.95</td>
<td>49,819.87</td>
<td>22.42%</td>
</tr>
<tr>
<td>Feb</td>
<td>144,100.65</td>
<td>167,749.86</td>
<td>201,246.04</td>
<td>241,043.51</td>
<td>257,301.07</td>
<td>16,257.56</td>
<td>6.74%</td>
</tr>
<tr>
<td>Mar</td>
<td>165,160.52</td>
<td>242,722.52</td>
<td>274,325.31</td>
<td>241,256.77</td>
<td>274,681.30</td>
<td>33,424.53</td>
<td>13.85%</td>
</tr>
<tr>
<td>Apr</td>
<td>191,027.30</td>
<td>211,354.97</td>
<td>275,116.44</td>
<td>307,724.72</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>198,826.37</td>
<td>236,158.52</td>
<td>299,751.07</td>
<td>315,266.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun</td>
<td>197,471.05</td>
<td>229,208.70</td>
<td>268,022.29</td>
<td>290,659.73</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jul</td>
<td>200,644.07</td>
<td>229,018.92</td>
<td>259,681.40</td>
<td>321,372.15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aug</td>
<td>193,024.68</td>
<td>243,770.76</td>
<td>266,678.57</td>
<td>302,938.30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sep</td>
<td>192,966.14</td>
<td>244,503.72</td>
<td>251,620.04</td>
<td>281,773.52</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct</td>
<td>198,826.37</td>
<td>236,158.52</td>
<td>299,751.07</td>
<td>315,266.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nov</td>
<td>197,471.05</td>
<td>229,208.70</td>
<td>268,022.29</td>
<td>290,659.73</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dec</td>
<td>200,644.07</td>
<td>229,018.92</td>
<td>259,681.40</td>
<td>321,372.15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,213,793.24</td>
<td>2,738,080.93</td>
<td>3,139,138.97</td>
<td>3,451,733.17</td>
<td>804,026.32</td>
<td></td>
<td>14.12%</td>
</tr>
</tbody>
</table>

%       | 15.26% | 23.68% | 14.65% | 9.96% | -76.71% |

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

Use Tax on Motor Vehicles - 2% General Fund (110-3132)

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>$ Variance</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAN</td>
<td>59,076.65</td>
<td>44,776.20</td>
<td>59,327.64</td>
<td>47,309.36</td>
<td>49,751.32</td>
<td>2,441.96</td>
<td>5.16%</td>
</tr>
<tr>
<td>FEB</td>
<td>35,431.97</td>
<td>38,721.90</td>
<td>74,968.11</td>
<td>94,000.69</td>
<td>74,791.15</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>MAR</td>
<td>56,995.69</td>
<td>53,618.86</td>
<td>69,952.45</td>
<td>74,968.11</td>
<td>74,791.15</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>APR</td>
<td>58,700.80</td>
<td>72,285.02</td>
<td>73,709.93</td>
<td>74,968.11</td>
<td>74,791.15</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>MAY</td>
<td>62,822.10</td>
<td>67,038.90</td>
<td>73,709.93</td>
<td>74,968.11</td>
<td>74,791.15</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>JUN</td>
<td>67,463.71</td>
<td>89,038.90</td>
<td>79,197.84</td>
<td>83,056.00</td>
<td>74,968.11</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>JUL</td>
<td>66,028.27</td>
<td>72,161.03</td>
<td>111,272.20</td>
<td>83,056.00</td>
<td>74,968.11</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>AUG</td>
<td>46,789.04</td>
<td>69,374.11</td>
<td>55,871.85</td>
<td>71,679.10</td>
<td>74,968.11</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>SEP</td>
<td>51,469.53</td>
<td>61,789.73</td>
<td>80,751.67</td>
<td>81,246.37</td>
<td>74,968.11</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>OCT</td>
<td>58,715.01</td>
<td>37,390.30</td>
<td>80,185.93</td>
<td>80,815.93</td>
<td>74,968.11</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>NOV</td>
<td>46,583.89</td>
<td>70,219.53</td>
<td>80,815.93</td>
<td>80,815.93</td>
<td>74,968.11</td>
<td>-176.96</td>
<td>-0.24%</td>
</tr>
<tr>
<td>YTD</td>
<td>690,747.13</td>
<td>700,678.96</td>
<td>842,223.02</td>
<td>856,753.30</td>
<td>185,379.20</td>
<td>16,654.23</td>
<td>9.87%</td>
</tr>
</tbody>
</table>

%       | 9.88% | 2.44% | 20.20% | 1.73% |

2023 Budget = $800,000 - 7.09% decrease from 2022 Actual Revenues
<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>$ Variance</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAN</td>
<td>19,357</td>
<td>14,922</td>
<td>16,599</td>
<td>22,964</td>
<td>16,209</td>
<td>-6,755.52</td>
<td>-29.42%</td>
</tr>
<tr>
<td>FEB</td>
<td>19,057</td>
<td>10,931</td>
<td>27,922</td>
<td>31,415</td>
<td>52,028</td>
<td>20,613.05</td>
<td>65.61%</td>
</tr>
<tr>
<td>MAR</td>
<td>9,936</td>
<td>41,436</td>
<td>32,453</td>
<td>58,818</td>
<td>9,971</td>
<td>-48,846.50</td>
<td>-83.05%</td>
</tr>
<tr>
<td>APR</td>
<td>24,174</td>
<td>10,766</td>
<td>27,295</td>
<td>44,288</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>32,411</td>
<td>38,491</td>
<td>17,464</td>
<td>19,094</td>
<td>19,619</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUN</td>
<td>26,191</td>
<td>17,591</td>
<td>33,915</td>
<td>17,525</td>
<td>26,525</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUL</td>
<td>32,453</td>
<td>37,279</td>
<td>24,039</td>
<td>18,894</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUG</td>
<td>8,864</td>
<td>20,497</td>
<td>10,941</td>
<td>19,619</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEP</td>
<td>3,865</td>
<td>23,043</td>
<td>15,065</td>
<td>30,488</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OCT</td>
<td>16,537</td>
<td>41,316</td>
<td>41,316</td>
<td>37,933</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOV</td>
<td>12,122</td>
<td>19,243</td>
<td>19,243</td>
<td>19,243</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEC</td>
<td>19,073</td>
<td>26,525</td>
<td>26,525</td>
<td>18,289</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>YTD</td>
<td>208,426</td>
<td>298,768</td>
<td>292,637</td>
<td>375,376</td>
<td>78,208</td>
<td>-34,989</td>
<td>-22.22%</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>$ Variance</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAN</td>
<td>2,611</td>
<td>3,573</td>
<td>3,452</td>
<td>4,416</td>
<td>4,145</td>
<td>-319.72</td>
<td>-7.16%</td>
</tr>
<tr>
<td>FEB</td>
<td>3,774</td>
<td>4,018</td>
<td>4,145</td>
<td>5,491</td>
<td>7,399</td>
<td>1,908.45</td>
<td>34.76%</td>
</tr>
<tr>
<td>MAR</td>
<td>8,249</td>
<td>4,677</td>
<td>10,962</td>
<td>12,266</td>
<td>10,093</td>
<td>-2,172.53</td>
<td>-17.71%</td>
</tr>
<tr>
<td>APR</td>
<td>8,046</td>
<td>2,305</td>
<td>16,557</td>
<td>14,335</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAY</td>
<td>15,242</td>
<td>5,512</td>
<td>19,501</td>
<td>27,925</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUN</td>
<td>22,313</td>
<td>8,464</td>
<td>23,012</td>
<td>24,010</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JUL</td>
<td>15,336</td>
<td>11,151</td>
<td>19,979</td>
<td>14,726</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUG</td>
<td>12,712</td>
<td>11,047</td>
<td>16,446</td>
<td>13,107</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEP</td>
<td>9,427</td>
<td>12,255</td>
<td>21,282</td>
<td>20,312</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OCT</td>
<td>18,400</td>
<td>13,854</td>
<td>18,243</td>
<td>27,831</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOV</td>
<td>6,398</td>
<td>7,447</td>
<td>11,127</td>
<td>10,712</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEC</td>
<td>4,558</td>
<td>5,195</td>
<td>7,209</td>
<td>6,475</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>127,068</td>
<td>89,502</td>
<td>171,920</td>
<td>181,460</td>
<td>21,638</td>
<td>-583.80</td>
<td>-2.63%</td>
</tr>
</tbody>
</table>

-2023 Budget = $150,000 - 17% decrease from 2022 Actual revenues
### Sales and Use Tax Reports

#### County Sales Tax - 2% (110-3130)

<table>
<thead>
<tr>
<th>Month</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>$ Variance</th>
<th>% Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>168,991.80</td>
<td>178,526.13</td>
<td>199,569.41</td>
<td>227,801.34</td>
<td>235,100.74</td>
<td>7,299.40</td>
<td>3.20%</td>
</tr>
<tr>
<td>Feb</td>
<td>161,231.36</td>
<td>181,438.93</td>
<td>200,816.29</td>
<td>232,761.64</td>
<td>234,963.31</td>
<td>2,201.67</td>
<td>0.95%</td>
</tr>
<tr>
<td>Mar</td>
<td>198,980.47</td>
<td>188,855.08</td>
<td>268,529.43</td>
<td>283,096.69</td>
<td>283,146.64</td>
<td>49.95</td>
<td>0.02%</td>
</tr>
<tr>
<td>Apr</td>
<td>197,897.18</td>
<td>187,855.58</td>
<td>270,209.01</td>
<td>279,500.97</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>209,011.45</td>
<td>220,166.38</td>
<td>266,353.47</td>
<td>293,351.88</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun</td>
<td>213,850.33</td>
<td>233,449.26</td>
<td>281,089.81</td>
<td>304,783.41</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jul</td>
<td>210,475.42</td>
<td>227,956.26</td>
<td>264,407.19</td>
<td>283,763.03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aug</td>
<td>216,142.51</td>
<td>222,314.16</td>
<td>259,705.93</td>
<td>308,357.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sep</td>
<td>206,870.89</td>
<td>233,020.91</td>
<td>274,282.88</td>
<td>297,059.99</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct</td>
<td>210,951.31</td>
<td>228,020.45</td>
<td>263,951.60</td>
<td>278,430.83</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nov</td>
<td>204,326.68</td>
<td>211,965.09</td>
<td>252,758.87</td>
<td>275,219.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dec</td>
<td>233,401.07</td>
<td>248,034.85</td>
<td>296,934.24</td>
<td>316,028.45</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** 2,432,130.47 2,559,403.08 3,098,608.13 3,380,154.27 753,210.69 9,551.02 1.28%

% 6.99% 5.23% 21.07% 9.09%

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

#### County Sales Tax - 0.37% Public Safety Tax (110-3129)

<table>
<thead>
<tr>
<th>Month</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>$ Variance</th>
<th>% Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>25,508.99</td>
<td>26,762.07</td>
<td>29,794.36</td>
<td>34,330.68</td>
<td>35,660.02</td>
<td>1,329.34</td>
<td>3.87%</td>
</tr>
<tr>
<td>Feb</td>
<td>24,195.07</td>
<td>26,744.72</td>
<td>30,522.74</td>
<td>35,019.51</td>
<td>35,427.83</td>
<td>408.32</td>
<td>1.17%</td>
</tr>
<tr>
<td>Mar</td>
<td>30,317.68</td>
<td>26,640.82</td>
<td>41,095.99</td>
<td>42,371.66</td>
<td>42,171.20</td>
<td>-200.46</td>
<td>-0.47%</td>
</tr>
<tr>
<td>Apr</td>
<td>30,643.86</td>
<td>27,635.27</td>
<td>40,485.69</td>
<td>41,898.53</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>32,085.32</td>
<td>32,800.08</td>
<td>39,900.10</td>
<td>43,792.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun</td>
<td>32,143.50</td>
<td>35,125.60</td>
<td>42,158.45</td>
<td>45,827.75</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jul</td>
<td>31,495.72</td>
<td>34,219.03</td>
<td>39,786.84</td>
<td>42,371.66</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aug</td>
<td>32,200.79</td>
<td>33,414.60</td>
<td>38,714.05</td>
<td>45,747.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sep</td>
<td>31,197.04</td>
<td>34,227.49</td>
<td>41,177.94</td>
<td>48,429.02</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct</td>
<td>31,996.22</td>
<td>34,007.72</td>
<td>39,502.32</td>
<td>41,678.35</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nov</td>
<td>30,373.05</td>
<td>31,513.90</td>
<td>37,647.08</td>
<td>40,801.66</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dec</td>
<td>35,263.78</td>
<td>36,822.92</td>
<td>44,432.47</td>
<td>47,219.60</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** 367,421.02 379,914.22 465,218.03 506,155.45 113,259.05 1,537.20 1.38%

% 9.41% 3.40% 22.45% 8.80%

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

### Graphs

- **County Sales Tax**
  - **YTD**
  - **March**

- **County Sales Tax - Public Safety**
  - **YTD**
  - **March**

---

5/12/2023

Section 6, Item J.
<table>
<thead>
<tr>
<th></th>
<th>Hotels &amp; Campgrounds</th>
<th></th>
<th>VRBO’S</th>
<th></th>
<th>Monthly Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Revenue</td>
<td>% of Total</td>
<td>Revenue</td>
<td>% of Total</td>
<td></td>
</tr>
<tr>
<td>Jan</td>
<td>3,157</td>
<td>76%</td>
<td>988</td>
<td>24%</td>
<td>4,145</td>
</tr>
<tr>
<td>Feb</td>
<td>6,406</td>
<td>87%</td>
<td>993</td>
<td>13%</td>
<td>7,399</td>
</tr>
<tr>
<td>Mar</td>
<td>7,823</td>
<td>77%</td>
<td>2,310</td>
<td>23%</td>
<td>10,133</td>
</tr>
<tr>
<td>Apr</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jul</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aug</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sep</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nov</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dec</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>17,386</td>
<td>80%</td>
<td>4,291</td>
<td>20%</td>
<td>21,677</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Economic Development</th>
<th></th>
<th>Public Places</th>
<th></th>
<th>Monthly Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Revenue</td>
<td>% of Total</td>
<td>Revenue</td>
<td>% of Total</td>
<td></td>
</tr>
<tr>
<td>Jan</td>
<td>2,763</td>
<td>67%</td>
<td>1,382</td>
<td>33%</td>
<td>4,145</td>
</tr>
<tr>
<td>Feb</td>
<td>4,932</td>
<td>67%</td>
<td>2,473</td>
<td>33%</td>
<td>7,404</td>
</tr>
<tr>
<td>Mar</td>
<td>6,764</td>
<td>3,372</td>
<td>10,136</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apr</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jul</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aug</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sep</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nov</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dec</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>14,459</td>
<td>67%</td>
<td>7,227</td>
<td>33%</td>
<td>21,686</td>
</tr>
</tbody>
</table>
# Sales and Use Tax Revenues by Category (3%)
## January-March

<table>
<thead>
<tr>
<th>Description</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sales taxes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Services</td>
<td>11,741</td>
<td>12,288</td>
<td>17,912</td>
<td>18,854</td>
<td>20,849</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>11%</td>
<td>11,955</td>
</tr>
<tr>
<td>Other Miscellaneous</td>
<td>10,821</td>
<td>22,753</td>
<td>28,590</td>
<td>41,079</td>
<td>42,282</td>
</tr>
<tr>
<td>1 yr $ Chg</td>
<td></td>
<td></td>
<td></td>
<td>3%</td>
<td>1,203</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>10,891</td>
<td>21,745</td>
<td>28,511</td>
<td>33,484</td>
<td>39,020</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>17%</td>
<td>5,536</td>
</tr>
<tr>
<td>Wholesale Trade</td>
<td>11,996</td>
<td>32,611</td>
<td>37,225</td>
<td>40,949</td>
<td>83,888</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>105%</td>
<td>42,939</td>
</tr>
<tr>
<td>Rental and Leasing</td>
<td>34,533</td>
<td>30,550</td>
<td>23,021</td>
<td>18,499</td>
<td>24,752</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>34%</td>
<td>6,253</td>
</tr>
<tr>
<td>Communications</td>
<td>37,254</td>
<td>34,306</td>
<td>34,882</td>
<td>44,279</td>
<td>42,897</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>-3%</td>
<td>(1,382)</td>
</tr>
<tr>
<td>Oil and Gas</td>
<td>19,604</td>
<td>88,862</td>
<td>3,270</td>
<td>-69,553</td>
<td>7,618</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>-111%</td>
<td>77,171</td>
</tr>
<tr>
<td>Utilities</td>
<td>95,459</td>
<td>78,864</td>
<td>90,161</td>
<td>112,015</td>
<td>143,248</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>28%</td>
<td>31,233</td>
</tr>
<tr>
<td>Lodging</td>
<td>16,921</td>
<td>19,114</td>
<td>28,654</td>
<td>31,900</td>
<td>28,970</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>-9%</td>
<td>(2,930)</td>
</tr>
<tr>
<td>Food</td>
<td>138,294</td>
<td>139,280</td>
<td>178,942</td>
<td>199,683</td>
<td>186,749</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>-6%</td>
<td>(12,934)</td>
</tr>
<tr>
<td>Retail Trade</td>
<td>263,837</td>
<td>420,924</td>
<td>549,435</td>
<td>585,598</td>
<td>585,766</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>0%</td>
<td>168</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>651,351</td>
<td>901,297</td>
<td>1,020,603</td>
<td>1,056,787</td>
<td>1,206,039</td>
</tr>
<tr>
<td><strong>Use taxes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicles</td>
<td>227,243</td>
<td>236,924</td>
<td>252,003</td>
<td>253,087</td>
<td>278,069</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>10%</td>
<td>24,981</td>
</tr>
<tr>
<td>Building materials</td>
<td>108,788</td>
<td>117,084</td>
<td>156,406</td>
<td>236,228</td>
<td>117,313</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>-50%</td>
<td>(118,916)</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>336,031</td>
<td>354,008</td>
<td>408,409</td>
<td>489,316</td>
<td>395,381</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>987,382</td>
<td>1,255,305</td>
<td>1,429,012</td>
<td>1,546,103</td>
<td>1,601,420</td>
</tr>
<tr>
<td><strong>Online sales</strong></td>
<td>24,965</td>
<td>78,209</td>
<td>107,272</td>
<td>122,266</td>
<td>133,505</td>
</tr>
<tr>
<td>1 yr % Chg</td>
<td></td>
<td></td>
<td></td>
<td>9%</td>
<td>11,239</td>
</tr>
</tbody>
</table>

Section 6, Item J.
Top 3 Sales Tax NAICS Categories - YTD Revenues

Utilities
Food
Retail Trade

Section 6, Item J.
## 2023 COMMUNITY CENTER FUND REVENUES

### 2023 Tax Revenues

<table>
<thead>
<tr>
<th>Month</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>$ Change</th>
<th>% Chg</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>125,046</td>
<td>140,379</td>
<td>146,249</td>
<td>136,022</td>
<td>24,876</td>
<td>8,104</td>
</tr>
<tr>
<td></td>
<td>136,022</td>
<td>24,876</td>
<td>8,104</td>
<td>22,753</td>
<td>16%</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>119,117</td>
<td>133,945</td>
<td>159,453</td>
<td>185,083</td>
<td>25,630</td>
<td>16%</td>
</tr>
<tr>
<td></td>
<td>137,341</td>
<td>37,396</td>
<td>4,986</td>
<td>7,800</td>
<td>-4%</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>168,889</td>
<td>188,406</td>
<td>187,521</td>
<td>179,722</td>
<td>-7,800</td>
<td>-4%</td>
</tr>
<tr>
<td>April</td>
<td>129,592</td>
<td>179,665</td>
<td>215,952</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>154,886</td>
<td>195,397</td>
<td>222,077</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>159,543</td>
<td>194,253</td>
<td>209,085</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>203,340</td>
<td>185,630</td>
<td>186,956</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>161,339</td>
<td>190,947</td>
<td>212,024</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>166,085</td>
<td>176,120</td>
<td>203,049</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>163,108</td>
<td>194,373</td>
<td>211,059</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>147,398</td>
<td>175,424</td>
<td>184,863</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>170,423</td>
<td>186,253</td>
<td>203,642</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,868,764</td>
<td>2,140,753</td>
<td>2,341,931</td>
<td>533,807</td>
<td>40,583</td>
<td>8%</td>
</tr>
<tr>
<td>% Change</td>
<td>20.06%</td>
<td>14.55%</td>
<td>9.40%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**2023 Budget** | 1,650,000 | 400,000 | 150,000 | 2,200,000

% of Budget | 24.36% | 23.17% | 26.07% | 24.26%

### Charges for Services

<table>
<thead>
<tr>
<th>Month</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>$ Change</th>
<th>% Chg</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>108,150</td>
<td>50,712</td>
<td>94,372</td>
<td>97,499</td>
<td>3,127</td>
<td>3%</td>
</tr>
<tr>
<td>February</td>
<td>99,658</td>
<td>52,470</td>
<td>81,894</td>
<td>78,473</td>
<td>(3,421)</td>
<td>-4%</td>
</tr>
<tr>
<td>March</td>
<td>21,361</td>
<td>65,392</td>
<td>98,073</td>
<td>109,728</td>
<td>11,655</td>
<td>12%</td>
</tr>
<tr>
<td>April</td>
<td>9,239</td>
<td>68,466</td>
<td>97,049</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>8,043</td>
<td>105,543</td>
<td>116,172</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>48,220</td>
<td>135,621</td>
<td>140,195</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>58,968</td>
<td>113,550</td>
<td>125,561</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>47,293</td>
<td>85,139</td>
<td>98,449</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>31,642</td>
<td>62,246</td>
<td>83,220</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>37,214</td>
<td>66,519</td>
<td>68,943</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>30,061</td>
<td>76,444</td>
<td>82,759</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>38,366</td>
<td>83,066</td>
<td>77,309</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>538,193</td>
<td>965,269</td>
<td>1,163,997</td>
<td>285,700</td>
<td>11,361</td>
<td>4%</td>
</tr>
<tr>
<td>% Change</td>
<td>42.21%</td>
<td>139.03%</td>
<td>97.79%</td>
<td>23.88%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**2023 Budget** | 1,275,000 | 694,300 | 1,190,300 | 1,196,500

% of Budget | 42.21% | 139.03% | 97.79% | 23.88%

---

### Sales Tax Data - 2020 Thru 2023

<table>
<thead>
<tr>
<th>Year</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>168,889</td>
<td>188,406</td>
<td>187,521</td>
<td>179,722</td>
</tr>
<tr>
<td>February</td>
<td>136,022</td>
<td>24,876</td>
<td>8,104</td>
<td>22,753</td>
</tr>
<tr>
<td>March</td>
<td>137,341</td>
<td>37,396</td>
<td>4,986</td>
<td>7,800</td>
</tr>
<tr>
<td>$ Change</td>
<td>24,876</td>
<td>8,104</td>
<td>22,753</td>
<td>16%</td>
</tr>
</tbody>
</table>

---

### Charges for Services - 2020 Thru 2023

<table>
<thead>
<tr>
<th>Year</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>21,361</td>
<td>65,392</td>
<td>98,073</td>
<td>109,728</td>
</tr>
<tr>
<td>February</td>
<td>99,658</td>
<td>52,470</td>
<td>81,894</td>
<td>78,473</td>
</tr>
<tr>
<td>March</td>
<td>21,361</td>
<td>65,392</td>
<td>98,073</td>
<td>109,728</td>
</tr>
<tr>
<td>$ Change</td>
<td>3,127</td>
<td>3,127</td>
<td>3,127</td>
<td>3,127</td>
</tr>
</tbody>
</table>

---

Section 6, Item J.
## General Ledger
### Actual vs Budget Report

**User:** msell  
**Printed:** 05/11/23 10:30:03  
**Period:** 04 - 04  
**Fiscal Year:** 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% ExpendCollect</th>
</tr>
</thead>
<tbody>
<tr>
<td>110</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R01</td>
<td>Taxes</td>
<td>-815,158.42</td>
<td>-3,792,899.57</td>
<td>-10,359,000.00</td>
<td>-6,566,100.43</td>
<td>36.61</td>
</tr>
<tr>
<td>R02</td>
<td>Licenses and permits</td>
<td>-2,310.00</td>
<td>-14,315.00</td>
<td>50,500.00</td>
<td>-36,185.00</td>
<td>38.35</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>-38,680.07</td>
<td>-152,756.80</td>
<td>-596,500.00</td>
<td>-443,743.20</td>
<td>28.61</td>
</tr>
<tr>
<td>R04</td>
<td>Charges for services</td>
<td>-38,513.09</td>
<td>-136,898.77</td>
<td>-335,500.00</td>
<td>-198,601.23</td>
<td>48.00</td>
</tr>
<tr>
<td>R05</td>
<td>Fines and forfeitures</td>
<td>-3,281.62</td>
<td>-14,150.39</td>
<td>-34,000.00</td>
<td>-19,849.61</td>
<td>41.62</td>
</tr>
<tr>
<td>R06</td>
<td>Interest</td>
<td>0.00</td>
<td>-128,198.37</td>
<td>78,198.37</td>
<td>256.40</td>
<td></td>
</tr>
<tr>
<td>R07</td>
<td>Donations</td>
<td>-9,050.00</td>
<td>-49,838.00</td>
<td>-27,000.00</td>
<td>22,838.00</td>
<td>184.59</td>
</tr>
<tr>
<td>R08</td>
<td>Miscellaneous</td>
<td>-32.20</td>
<td>-128,198.37</td>
<td>78,198.37</td>
<td>970.69</td>
<td></td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-62,781.25</td>
<td>-21,645.92</td>
<td>54.90</td>
<td></td>
</tr>
<tr>
<td>R10</td>
<td>Other financing sources</td>
<td>-585.00</td>
<td>-7,644.39</td>
<td>-9,150.00</td>
<td>1,505.61</td>
<td>35.82</td>
</tr>
<tr>
<td>R12</td>
<td>Rents</td>
<td>-2,161.36</td>
<td>-26,354.08</td>
<td>-48,000.00</td>
<td>-21,645.92</td>
<td>54.90</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>-909,782.76</td>
<td>-4,434,371.26</td>
<td>-11,765,775.00</td>
<td>-7,331,403.74</td>
<td>37.69</td>
</tr>
<tr>
<td>410</td>
<td>General Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>410</td>
<td>General Government Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>32,142.04</td>
<td>129,016.45</td>
<td>470,525.00</td>
<td>341,508.55</td>
<td>27.42</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>9,579.36</td>
<td>44,490.38</td>
<td>150,425.00</td>
<td>105,934.62</td>
<td>29.58</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>19,361.97</td>
<td>83,487.99</td>
<td>180,735.00</td>
<td>97,247.01</td>
<td>46.19</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>369.24</td>
<td>3,065.48</td>
<td>11,265.00</td>
<td>8,199.52</td>
<td>27.21</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>4,276.65</td>
<td>5,274.92</td>
<td>23,600.00</td>
<td>18,325.08</td>
<td>22.67</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>119.72</td>
<td>966.66</td>
<td>7,385.00</td>
<td>6,418.34</td>
<td>13.09</td>
</tr>
<tr>
<td>E08</td>
<td>Special projects</td>
<td>0.00</td>
<td>38,100.00</td>
<td>43,300.00</td>
<td>5,200.00</td>
<td>87.99</td>
</tr>
<tr>
<td>410</td>
<td>General Government Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>415</td>
<td>Administration Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>34,016.80</td>
<td>135,152.30</td>
<td>448,025.00</td>
<td>312,872.70</td>
<td>30.17</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>9,933.46</td>
<td>45,856.62</td>
<td>133,875.00</td>
<td>88,018.38</td>
<td>34.25</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>4,032.78</td>
<td>10,649.07</td>
<td>72,100.00</td>
<td>61,450.93</td>
<td>14.77</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>30,728.07</td>
<td>78,634.62</td>
<td>209,100.00</td>
<td>130,465.38</td>
<td>37.61</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>3,728.17</td>
<td>7,379.04</td>
<td>24,150.00</td>
<td>16,770.96</td>
<td>30.56</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>4,223.92</td>
<td>18,179.88</td>
<td>49,650.00</td>
<td>31,470.12</td>
<td>36.62</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>1,667.50</td>
<td>15,338.50</td>
<td>36,230.00</td>
<td>20,891.50</td>
<td>59.24</td>
</tr>
</tbody>
</table>

GL - Actual vs Budget Report (05/11/2023 - 10:30 AM)
<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% ExpendCollect</th>
</tr>
</thead>
<tbody>
<tr>
<td>415</td>
<td>Administration Department</td>
<td>88,330.70</td>
<td>311,190.03</td>
<td>973,130.00</td>
<td>661,939.97</td>
<td>31.98</td>
</tr>
<tr>
<td>418</td>
<td>Engineering Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>25,024.00</td>
<td>100,418.00</td>
<td>333,625.00</td>
<td>233,207.00</td>
<td>30.10</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>10,182.02</td>
<td>52,886.06</td>
<td>127,300.00</td>
<td>74,413.94</td>
<td>41.54</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>0.00</td>
<td>335.00</td>
<td>10,000.00</td>
<td>9,665.00</td>
<td>3.35</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>0.00</td>
<td>8,650.00</td>
<td>13,850.00</td>
<td>5,200.00</td>
<td>62.45</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>147.03</td>
<td>441.27</td>
<td>2,800.00</td>
<td>2,358.73</td>
<td>15.76</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>65.01</td>
<td>1,505.82</td>
<td>6,750.00</td>
<td>5,244.18</td>
<td>22.31</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>30,000.00</td>
<td>30,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>418</td>
<td>Engineering Department</td>
<td>35,418.06</td>
<td>164,236.15</td>
<td>524,325.00</td>
<td>360,088.85</td>
<td>31.32</td>
</tr>
<tr>
<td>419</td>
<td>Community Development Dpmt</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>35,037.40</td>
<td>133,685.40</td>
<td>477,800.00</td>
<td>344,114.60</td>
<td>27.98</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>13,895.07</td>
<td>61,397.63</td>
<td>209,225.00</td>
<td>147,827.37</td>
<td>29.35</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>1,190.35</td>
<td>1,797.47</td>
<td></td>
<td>8,202.53</td>
<td>17.97</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>600.00</td>
<td>8,561.00</td>
<td>39,925.00</td>
<td>31,364.00</td>
<td>21.44</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>279.68</td>
<td>961.16</td>
<td>8,838.84</td>
<td>9.81</td>
<td></td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>1,174.14</td>
<td>20,442.16</td>
<td>668,657.84</td>
<td>2.97</td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>227.45</td>
<td>279.44</td>
<td></td>
<td>220.56</td>
<td>55.89</td>
</tr>
<tr>
<td>419</td>
<td>Community Development Dpmt</td>
<td>55,599.92</td>
<td>235,255.57</td>
<td>1,464,625.00</td>
<td>1,229,369.43</td>
<td>16.06</td>
</tr>
<tr>
<td>421</td>
<td>Police Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>117,691.34</td>
<td>489,081.01</td>
<td>1,628,250.00</td>
<td>1,139,168.99</td>
<td>30.04</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>51,374.67</td>
<td>272,636.53</td>
<td>696,525.00</td>
<td>423,888.47</td>
<td>39.14</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>1,329.90</td>
<td>5,067.35</td>
<td>10,025.00</td>
<td>10,957.65</td>
<td>31.62</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>6,999.00</td>
<td>98,904.59</td>
<td>163,100.00</td>
<td>64,195.41</td>
<td>60.64</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>27,195.07</td>
<td>107,892.98</td>
<td>338,000.00</td>
<td>230,107.02</td>
<td>39.92</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>7,009.05</td>
<td>20,442.16</td>
<td>668,657.84</td>
<td>2.97</td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>227.45</td>
<td>279.44</td>
<td></td>
<td>220.56</td>
<td>55.89</td>
</tr>
<tr>
<td>421</td>
<td>Police Department</td>
<td>211,599.03</td>
<td>1,001,303.33</td>
<td>3,010,375.00</td>
<td>2,009,071.67</td>
<td>33.26</td>
</tr>
<tr>
<td>431</td>
<td>Public Works Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>46,603.71</td>
<td>186,008.66</td>
<td>671,650.00</td>
<td>485,641.34</td>
<td>27.69</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>22,523.11</td>
<td>132,000.68</td>
<td>333,250.00</td>
<td>201,249.32</td>
<td>39.61</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>686.53</td>
<td>4,497.87</td>
<td>19,625.00</td>
<td>15,127.13</td>
<td>22.92</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>3,394.16</td>
<td>241,988.15</td>
<td>644,375.00</td>
<td>402,386.85</td>
<td>37.55</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>131.42</td>
<td>389.17</td>
<td>5,750.00</td>
<td>5,360.83</td>
<td>6.77</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>26,927.87</td>
<td>124,766.20</td>
<td>381,470.00</td>
<td>256,703.80</td>
<td>32.71</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>1,190.35</td>
<td>1,797.47</td>
<td></td>
<td>8,202.53</td>
<td>17.97</td>
</tr>
<tr>
<td>431</td>
<td>Public Works Department</td>
<td>104,066.80</td>
<td>735,820.57</td>
<td>2,499,120.00</td>
<td>1,763,299.43</td>
<td>29.44</td>
</tr>
<tr>
<td>Sort Level</td>
<td>Description</td>
<td>Period Amt</td>
<td>End Bal</td>
<td>Budget</td>
<td>Variance</td>
<td>% ExpendCollect</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------</td>
<td>------------</td>
<td>------------</td>
<td>----------</td>
<td>----------</td>
<td>----------------</td>
</tr>
<tr>
<td>451</td>
<td>Parks and Recreation Dept</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>42,653.45</td>
<td>162,518.38</td>
<td>667,675.00</td>
<td>505,156.62</td>
<td>24.34</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>17,083.12</td>
<td>87,622.75</td>
<td>236,600.00</td>
<td>148,977.25</td>
<td>37.03</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>1,057.18</td>
<td>17,940.15</td>
<td>45,750.00</td>
<td>27,809.85</td>
<td>39.21</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>10,715.95</td>
<td>90,253.64</td>
<td>223,675.00</td>
<td>133,421.36</td>
<td>40.35</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>145.72</td>
<td>366.61</td>
<td>9,800.00</td>
<td>9,433.39</td>
<td>3.74</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>17,383.54</td>
<td>65,986.16</td>
<td>205,700.00</td>
<td>139,713.84</td>
<td>32.08</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>1,194.98</td>
<td>1,194.98</td>
<td>57,350.00</td>
<td>56,155.02</td>
<td>2.08</td>
</tr>
<tr>
<td>E08</td>
<td>Special projects</td>
<td>530.65</td>
<td>19,947.56</td>
<td>61,500.00</td>
<td>41,552.44</td>
<td>32.44</td>
</tr>
<tr>
<td>451</td>
<td>Parks and Recreation Dept</td>
<td>90,764.59</td>
<td>445,830.23</td>
<td>1,508,050.00</td>
<td>1,062,219.77</td>
<td>29.56</td>
</tr>
<tr>
<td>490</td>
<td>Non-Departmental Expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>0.00</td>
<td>0.00</td>
<td>64,800.00</td>
<td>64,800.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>-4,111.18</td>
<td>2,796.06</td>
<td>0.00</td>
<td>-2,796.06</td>
<td>0.00</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>2,096.70</td>
<td>55,669.78</td>
<td>88,000.00</td>
<td>32,330.22</td>
<td>63.26</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>1,639.62</td>
<td>2,469.39</td>
<td>8,000.00</td>
<td>5,530.61</td>
<td>30.87</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>0.00</td>
<td>175,500.00</td>
<td>203,000.00</td>
<td>27,500.00</td>
<td>86.45</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>0.00</td>
<td>0.00</td>
<td>25,000.00</td>
<td>25,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E08</td>
<td>Special projects</td>
<td>0.00</td>
<td>13,612.37</td>
<td>59,425.00</td>
<td>45,812.63</td>
<td>22.91</td>
</tr>
<tr>
<td>E11</td>
<td>Contingency</td>
<td>0.00</td>
<td>0.00</td>
<td>289,000.00</td>
<td>289,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E12</td>
<td>Transfers to other funds</td>
<td>0.00</td>
<td>485,148.16</td>
<td>3,386,200.00</td>
<td>3,901,051.84</td>
<td>11.06</td>
</tr>
<tr>
<td>490</td>
<td>Non-Departmental Expenses</td>
<td>-374.86</td>
<td>735,195.76</td>
<td>5,123,425.00</td>
<td>4,388,229.24</td>
<td>14.35</td>
</tr>
</tbody>
</table>

**Revenue Total**  
-909,782.76 -4,434,371.26 -11,765,775.00 -7,331,403.74 -0.3769

**Expense Total**  
651,253.22 3,933,233.52 15,990,285.00 12,057,051.48 0.2460

**General Fund**  
-258,529.54 -501,137.74 4,224,510.00 4,725,647.74 -11.86
## General Ledger
### Actual vs Budget Report

**User:** msell  
**Printed:** 05/11/23 10:30:03  
**Period:** 04 - 04  
**Fiscal Year:** 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>121</td>
<td>Conservation Trust Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>0.00</td>
<td>-55,725.62</td>
<td>-160,000.00</td>
<td>-104,274.38</td>
<td>34.83</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>-309.00</td>
<td>-100.00</td>
<td>209.00</td>
<td>309.00</td>
</tr>
<tr>
<td>R06</td>
<td>Interest</td>
<td>0.00</td>
<td>-56,034.62</td>
<td>-160,100.00</td>
<td>-104,065.38</td>
<td>35.00</td>
</tr>
<tr>
<td>820</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>41,765.75</td>
<td>454,000.00</td>
<td>412,234.25</td>
<td>9.20</td>
</tr>
<tr>
<td>880</td>
<td></td>
<td>0.00</td>
<td>41,765.75</td>
<td>454,000.00</td>
<td>412,234.25</td>
<td>9.20</td>
</tr>
<tr>
<td>E12</td>
<td>Transfers to other funds</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>880</td>
<td>Parks, Trails and Open Space</td>
<td>0.00</td>
<td>41,765.75</td>
<td>454,000.00</td>
<td>412,234.25</td>
<td>9.20</td>
</tr>
<tr>
<td><strong>Revenue Total</strong></td>
<td></td>
<td>0.00</td>
<td>-56,034.62</td>
<td>-160,100.00</td>
<td>-104,065.38</td>
<td>-0.3500</td>
</tr>
<tr>
<td><strong>Expense Total</strong></td>
<td></td>
<td>0.00</td>
<td>41,765.75</td>
<td>454,000.00</td>
<td>412,234.25</td>
<td>0.0920</td>
</tr>
<tr>
<td>121</td>
<td>Conservation Trust Fund</td>
<td>0.00</td>
<td>-14,268.87</td>
<td>293,900.00</td>
<td>308,168.87</td>
<td>-4.86</td>
</tr>
</tbody>
</table>
### General Ledger
#### Actual vs Budget Report

**User:** msell  
**Printed:** 05/11/23 10:30:03  
**Period:** 04 - 04  
**Fiscal Year:** 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>124</td>
<td>Economic Development Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R01</td>
<td>Taxes</td>
<td>-6,764.08</td>
<td>-14,459.16</td>
<td>-100,000.00</td>
<td>-85,540.84</td>
<td>14.46</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>-6,764.08</td>
<td>-14,459.16</td>
<td>-100,000.00</td>
<td>-85,540.84</td>
<td>14.46</td>
</tr>
<tr>
<td>465</td>
<td>Marketing and ED Operations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E08</td>
<td>Special projects</td>
<td>0.00</td>
<td>0.00</td>
<td>25,100.00</td>
<td>25,100.00</td>
<td>0.00</td>
</tr>
<tr>
<td>465</td>
<td>Marketing and ED Operations</td>
<td>0.00</td>
<td>0.00</td>
<td>25,100.00</td>
<td>25,100.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Revenue Total</strong></td>
<td></td>
<td>-6,764.08</td>
<td>-14,459.16</td>
<td>-100,000.00</td>
<td>-85,540.84</td>
<td>-0.1446</td>
</tr>
<tr>
<td><strong>Expense Total</strong></td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>25,100.00</td>
<td>25,100.00</td>
<td>0.0000</td>
</tr>
<tr>
<td>124</td>
<td>Economic Development Fund</td>
<td>-6,764.08</td>
<td>-14,459.16</td>
<td>-74,900.00</td>
<td>-60,440.84</td>
<td>19.30</td>
</tr>
</tbody>
</table>

---

GL - Actual vs Budget Report (05/11/2023 - 10:30 AM)
## General Ledger
### Actual vs Budget Report

User: msell  
Printed: 05/11/23 10:30:03  
Period 04 - 04  
Fiscal Year 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>125</td>
<td>Marketing and Promotion Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R01</td>
<td>Taxes</td>
<td>-10,093.53</td>
<td>-28,113.63</td>
<td>-150,000.00</td>
<td>-121,886.37</td>
<td>18.74</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>-3,600.00</td>
<td>-39,600.00</td>
<td>-36,000.00</td>
<td>9.09</td>
</tr>
<tr>
<td>R04</td>
<td>Charges for services</td>
<td>0.00</td>
<td>-196.11</td>
<td>0.00</td>
<td>196.11</td>
<td>0.00</td>
</tr>
<tr>
<td>R06</td>
<td>Interest</td>
<td>0.00</td>
<td>-120.49</td>
<td>0.00</td>
<td>120.49</td>
<td>0.00</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>0.00</td>
<td>-12,000.00</td>
<td>-12,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>-10,093.53</td>
<td>-32,030.23</td>
<td>-201,600.00</td>
<td>-169,569.77</td>
<td>15.89</td>
</tr>
<tr>
<td>465</td>
<td>Marketing and ED Operations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>1,541.12</td>
<td>6,164.47</td>
<td>10,175.00</td>
<td>4,010.53</td>
<td>60.58</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>597.17</td>
<td>2,786.28</td>
<td>3,675.00</td>
<td>888.72</td>
<td>75.82</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>0.00</td>
<td>299.00</td>
<td>2,500.00</td>
<td>2,201.00</td>
<td>11.96</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>65.84</td>
<td>123.52</td>
<td>2,000.00</td>
<td>1,876.48</td>
<td>6.18</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>23,462.50</td>
<td>51,621.00</td>
<td>139,600.00</td>
<td>87,979.00</td>
<td>36.98</td>
</tr>
<tr>
<td>E08</td>
<td>Special projects</td>
<td>5,000.00</td>
<td>16,500.00</td>
<td>80,250.00</td>
<td>63,750.00</td>
<td>20.56</td>
</tr>
<tr>
<td>E11</td>
<td>Contingency</td>
<td>0.00</td>
<td>0.00</td>
<td>3,400.00</td>
<td>3,400.00</td>
<td>0.00</td>
</tr>
<tr>
<td>465</td>
<td>Marketing and ED Operations</td>
<td>30,666.63</td>
<td>77,494.27</td>
<td>241,600.00</td>
<td>164,105.73</td>
<td>32.08</td>
</tr>
</tbody>
</table>

### Revenue Total
-10,093.53

### Expense Total
30,666.63

### 125 Marketing and Promotion Fund
20,573.10

---

GL - Actual vs Budget Report (05/11/2023 - 10:30 AM)
<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>126</td>
<td>Public Places Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R01</td>
<td>Taxes</td>
<td>-3,372.14</td>
<td>-13,702.10</td>
<td>-50,000.00</td>
<td>-36,297.90</td>
<td>27.40</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>-3,372.14</td>
<td>-13,702.10</td>
<td>-50,000.00</td>
<td>-36,297.90</td>
<td>27.40</td>
</tr>
<tr>
<td>452</td>
<td>Public Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>0.00</td>
<td>0.00</td>
<td>10,000.00</td>
<td>10,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E08</td>
<td>Special projects</td>
<td>0.00</td>
<td>0.00</td>
<td>10,000.00</td>
<td>10,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E12</td>
<td>Transfers to other funds</td>
<td>0.00</td>
<td>100,000.00</td>
<td>100,000.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>452</td>
<td>Public Space</td>
<td>0.00</td>
<td>100,000.00</td>
<td>120,000.00</td>
<td>20,000.00</td>
<td>83.33</td>
</tr>
<tr>
<td>Revenue Total</td>
<td></td>
<td>-3,372.14</td>
<td>-13,702.10</td>
<td>-50,000.00</td>
<td>-36,297.90</td>
<td>-0.2740</td>
</tr>
<tr>
<td>Expense Total</td>
<td></td>
<td>0.00</td>
<td>100,000.00</td>
<td>120,000.00</td>
<td>20,000.00</td>
<td>0.8333</td>
</tr>
<tr>
<td>126</td>
<td>Public Places Fund</td>
<td>-3,372.14</td>
<td>86,297.90</td>
<td>70,000.00</td>
<td>-16,297.90</td>
<td>123.28</td>
</tr>
</tbody>
</table>
### General Ledger
**Actual vs Budget Report**

**User:** msell  
**Printed:** 05/11/23 10:30:03  
**Period:** 04 - 04  
**Fiscal Year:** 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>127</td>
<td>Community Center Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R01</td>
<td>Taxes</td>
<td>-187,073.53</td>
<td>-752,878.19</td>
<td>-2,200,000.00</td>
<td>-1,447,121.81</td>
<td>34.22</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>-3,377.00</td>
<td>-10,131.00</td>
<td>-30,400.00</td>
<td>-20,269.00</td>
<td>33.33</td>
</tr>
<tr>
<td>R04</td>
<td>Charges for services</td>
<td>-102,490.22</td>
<td>-388,190.40</td>
<td>-1,196,500.00</td>
<td>-808,309.60</td>
<td>32.44</td>
</tr>
<tr>
<td>R06</td>
<td>Interest</td>
<td>0.00</td>
<td>-10,449.43</td>
<td>-5,000.00</td>
<td>5,449.43</td>
<td>208.99</td>
</tr>
<tr>
<td>R07</td>
<td>Donations</td>
<td>-81.49</td>
<td>-306.49</td>
<td>0.00</td>
<td>306.49</td>
<td>0.00</td>
</tr>
<tr>
<td>R08</td>
<td>Miscellaneous</td>
<td>-271.05</td>
<td>-1,008.61</td>
<td>0.00</td>
<td>1,008.61</td>
<td>0.00</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-23,750.00</td>
<td>-95,000.00</td>
<td>-71,250.00</td>
<td>25.00</td>
</tr>
<tr>
<td>R10</td>
<td>Other financing sources</td>
<td>-370.00</td>
<td>-130,453.62</td>
<td>-135,000.00</td>
<td>-4,546.38</td>
<td>96.63</td>
</tr>
<tr>
<td>R12</td>
<td>Rents</td>
<td>-7,184.61</td>
<td>-35,841.26</td>
<td>-72,700.00</td>
<td>-36,858.74</td>
<td>49.30</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>-300,847.90</td>
<td>-1,353,009.00</td>
<td>-3,734,600.00</td>
<td>-2,381,591.00</td>
<td>36.23</td>
</tr>
<tr>
<td>451</td>
<td>Parks and Recreation Dept</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>92,781.27</td>
<td>394,109.44</td>
<td>1,476,150.00</td>
<td>1,082,040.56</td>
<td>26.70</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>16,238.52</td>
<td>108,582.79</td>
<td>312,050.00</td>
<td>203,467.21</td>
<td>34.80</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>3,719.05</td>
<td>13,996.12</td>
<td>55,690.00</td>
<td>41,693.88</td>
<td>25.13</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>16,137.46</td>
<td>39,805.41</td>
<td>140,525.00</td>
<td>100,719.59</td>
<td>28.33</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>1,825.02</td>
<td>28,311.42</td>
<td>54,250.00</td>
<td>25,938.58</td>
<td>46.50</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>32,536.15</td>
<td>176,337.79</td>
<td>379,210.00</td>
<td>202,872.21</td>
<td>52.19</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>22,410.00</td>
<td>263,983.87</td>
<td>1,348,300.00</td>
<td>1,084,316.13</td>
<td>19.58</td>
</tr>
<tr>
<td>E11</td>
<td>Contingency</td>
<td>0.00</td>
<td>0.00</td>
<td>40,000.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E12</td>
<td>Transfers to other funds</td>
<td>0.00</td>
<td>186,650.00</td>
<td>746,600.00</td>
<td>559,950.00</td>
<td>25.00</td>
</tr>
<tr>
<td>451</td>
<td>Parks and Recreation Dept</td>
<td>185,647.47</td>
<td>1,211,776.84</td>
<td>4,552,775.00</td>
<td>3,340,998.16</td>
<td>26.62</td>
</tr>
</tbody>
</table>

**Revenue Total**

| Revenue Total |            | -300,847.90 | -1,353,009.00 | -3,734,600.00 | -2,381,591.00 | -0.3623 |

**Expense Total**

| Expense Total |            | 185,647.47  | 1,211,776.84  | 4,552,775.00  | 3,340,998.16  | 0.2662  |

**127** Community Center Fund

| Community Center Fund |            | -115,200.43 | -141,232.16  | 818,175.00   | 959,407.16   | -17.26  |
## General Ledger

### Actual vs Budget Report

**User:** msell  
**Printed:** 05/11/23 10:30:03  
**Period:** 04 - 04  
**Fiscal Year:** 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Coll</th>
</tr>
</thead>
<tbody>
<tr>
<td>130</td>
<td>Capital Projects Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td>Interest</td>
<td>0.00</td>
<td>-32,761.40</td>
<td>0.00</td>
<td>32,761.40</td>
<td>0.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.00</td>
<td>-32,761.40</td>
<td>0.00</td>
<td>32,761.40</td>
<td>0.00</td>
</tr>
<tr>
<td>707</td>
<td>EV Charging Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>121,632.00</td>
<td>150,000.00</td>
<td>28,368.00</td>
<td>81.09</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>0.00</td>
<td>-70,000.00</td>
<td>-70,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-51,632.00</td>
<td>-80,000.00</td>
<td>-28,368.00</td>
<td>64.54</td>
</tr>
<tr>
<td>707</td>
<td>EV Charging Station</td>
<td>0.00</td>
<td>70,000.00</td>
<td>0.00</td>
<td>-70,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>708</td>
<td>Downtown Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>69,799.32</td>
<td>278,679.09</td>
<td>454,000.00</td>
<td>175,320.91</td>
<td>61.38</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>0.00</td>
<td>-229,000.00</td>
<td>-229,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-104,439.89</td>
<td>-225,000.00</td>
<td>-120,560.11</td>
<td>46.42</td>
</tr>
<tr>
<td>708</td>
<td>Downtown Improvements</td>
<td>69,799.32</td>
<td>174,239.20</td>
<td>0.00</td>
<td>-174,239.20</td>
<td>0.00</td>
</tr>
<tr>
<td>710</td>
<td>Broadband Connection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>738,000.00</td>
<td>738,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>-104,439.89</td>
<td>-738,000.00</td>
<td>-633,560.11</td>
<td>14.15</td>
</tr>
<tr>
<td>710</td>
<td>Broadband Connection</td>
<td>0.00</td>
<td>-104,439.89</td>
<td>0.00</td>
<td>104,439.89</td>
<td>0.00</td>
</tr>
<tr>
<td>734</td>
<td>North Mesa Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>2,150,000.00</td>
<td>2,150,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>0.00</td>
<td>-1,736,000.00</td>
<td>-1,736,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>0.00</td>
<td>-414,000.00</td>
<td>-414,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>734</td>
<td>North Mesa Improvements</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>735</td>
<td>Overlays</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>300,000.00</td>
<td>300,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>0.00</td>
<td>-300,000.00</td>
<td>-300,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>735</td>
<td>Overlays</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>736</td>
<td>Business Park- 16 Rd Rail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>0.00</td>
<td>1,130.13</td>
<td>27,150.00</td>
<td>26,019.87</td>
<td>4.16</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>390,000.00</td>
<td>390,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>0.00</td>
<td>-50,000.00</td>
<td>-50,000.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

---

**Section 6, Item J**
<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-1,130.13</td>
<td>-216,850.00</td>
<td>-215,719.87</td>
<td>0.52</td>
</tr>
<tr>
<td>R11</td>
<td>Development impact fees</td>
<td>0.00</td>
<td>0.00</td>
<td>-121,700.00</td>
<td>-121,700.00</td>
<td>0.00</td>
</tr>
<tr>
<td>736</td>
<td>Business Park- 16 Rd Rail</td>
<td>0.00</td>
<td>0.00</td>
<td>28,600.00</td>
<td>28,600.00</td>
<td>0.00</td>
</tr>
<tr>
<td>743</td>
<td>Pine Street Bridge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>165,828.44</td>
<td>497,246.27</td>
<td>1,286,400.00</td>
<td>789,153.73</td>
<td>38.65</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-305,617.83</td>
<td>-1,260,600.00</td>
<td>-954,982.17</td>
<td>24.24</td>
</tr>
<tr>
<td>R11</td>
<td>Development impact fees</td>
<td>0.00</td>
<td>-25,800.00</td>
<td>-25,800.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>743</td>
<td>Pine Street Bridge</td>
<td>165,828.44</td>
<td>165,828.44</td>
<td>0.00</td>
<td>-165,828.44</td>
<td>0.00</td>
</tr>
<tr>
<td>744</td>
<td>18 12 Road Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>7,030.00</td>
<td>397,750.00</td>
<td>390,720.00</td>
<td>1.77</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-7,030.00</td>
<td>-397,750.00</td>
<td>-390,720.00</td>
<td>1.77</td>
</tr>
<tr>
<td>746</td>
<td>Maple Street Bridge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>8,029.00</td>
<td>100,000.00</td>
<td>91,971.00</td>
<td>8.03</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-8,029.00</td>
<td>-100,000.00</td>
<td>-91,971.00</td>
<td>8.03</td>
</tr>
<tr>
<td>746</td>
<td>Maple Street Bridge</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>750</td>
<td>19 Road Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>42.62</td>
<td>89.42</td>
<td>400,000.00</td>
<td>399,910.58</td>
<td>0.02</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-46.80</td>
<td>-400,000.00</td>
<td>-399,953.20</td>
<td>0.01</td>
</tr>
<tr>
<td>750</td>
<td>19 Road Improvements</td>
<td>42.62</td>
<td>42.62</td>
<td>0.00</td>
<td>-42.62</td>
<td>0.00</td>
</tr>
<tr>
<td>783</td>
<td>Civic Center Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>1,245.38</td>
<td>6,226.88</td>
<td>8,500.00</td>
<td>2,273.12</td>
<td>73.26</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>69,124.63</td>
<td>147,615.64</td>
<td>391,500.00</td>
<td>243,884.36</td>
<td>37.71</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-83,472.51</td>
<td>-400,000.00</td>
<td>-316,527.49</td>
<td>20.87</td>
</tr>
<tr>
<td>783</td>
<td>Civic Center Improvements</td>
<td>70,370.01</td>
<td>70,370.01</td>
<td>0.00</td>
<td>-70,370.01</td>
<td>0.00</td>
</tr>
<tr>
<td>792</td>
<td>SH 340 Trail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>0.00</td>
<td>0.00</td>
<td>250,000.00</td>
<td>250,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>0.00</td>
<td>-160,000.00</td>
<td>-160,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R07</td>
<td>Donations</td>
<td>0.00</td>
<td>0.00</td>
<td>-90,000.00</td>
<td>-90,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>792</td>
<td>SH 340 Trail</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>795</td>
<td>Reed Park Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>28,183.75</td>
<td>1,651,800.00</td>
<td>1,623,616.25</td>
<td>1.71</td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>0.00</td>
<td>-600,000.00</td>
<td>-600,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-28,183.75</td>
<td>-1,014,600.00</td>
<td>-986,416.25</td>
<td>2.78</td>
</tr>
<tr>
<td>R11</td>
<td>Development impact fees</td>
<td>0.00</td>
<td>0.00</td>
<td>-37,200.00</td>
<td>-37,200.00</td>
<td>0.00</td>
</tr>
<tr>
<td>795</td>
<td>Reed Park Improvements</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>800</td>
<td>Prospect Park</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>13,582.00</td>
<td>24,400.00</td>
<td>10,818.00</td>
<td>55.66</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-13,582.00</td>
<td>-24,400.00</td>
<td>-10,818.00</td>
<td>55.66</td>
</tr>
<tr>
<td>800</td>
<td>Prospect Park</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>
### GL - Actual vs Budget Report (05/11/2023 - 10:30 AM)

#### Section 6, Item J.

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>803</td>
<td>Dog Park Project</td>
<td>40,544.61</td>
<td>46,944.61</td>
<td>50,000.00</td>
<td>3,055.39</td>
<td>93.89</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>40,544.61</td>
<td>40,544.61</td>
<td>0.00</td>
<td>-40,544.61</td>
<td>0.00</td>
</tr>
<tr>
<td>R11</td>
<td>Development impact fees</td>
<td>0.00</td>
<td>-6,400.00</td>
<td>-50,000.00</td>
<td>-43,600.00</td>
<td>12.80</td>
</tr>
<tr>
<td>803</td>
<td>Dog Park Project</td>
<td>40,544.61</td>
<td>40,544.61</td>
<td>0.00</td>
<td>-40,544.61</td>
<td>0.00</td>
</tr>
</tbody>
</table>

#### Revenue Total

<table>
<thead>
<tr>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Park Project</td>
<td>0.00</td>
<td>-772,565.20</td>
<td>-8,740,900.00</td>
<td>-7,968,334.80</td>
<td>-0.0884</td>
</tr>
</tbody>
</table>

#### Expense Total

<table>
<thead>
<tr>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Projects Fund</td>
<td>346,585.00</td>
<td>383,823.59</td>
<td>28,600.00</td>
<td>-355,223.59</td>
<td>1,342.04</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Park Project</td>
<td>40,544.61</td>
<td>46,944.61</td>
<td>50,000.00</td>
<td>3,055.39</td>
<td>93.89</td>
</tr>
<tr>
<td>E07 Capital</td>
<td>40,544.61</td>
<td>40,544.61</td>
<td>0.00</td>
<td>-40,544.61</td>
<td>0.00</td>
</tr>
<tr>
<td>R11 Development impact fees</td>
<td>0.00</td>
<td>-6,400.00</td>
<td>-50,000.00</td>
<td>-43,600.00</td>
<td>12.80</td>
</tr>
<tr>
<td>Dog Park Project</td>
<td>40,544.61</td>
<td>40,544.61</td>
<td>0.00</td>
<td>-40,544.61</td>
<td>0.00</td>
</tr>
</tbody>
</table>
### General Ledger

**Actual vs Budget Report**

User: msell  
Printed: 05/11/23 10:30:03  
Period 04 - 04  
Fiscal Year 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>140</td>
<td>Debt Service Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R06</td>
<td>Interest</td>
<td>0.00</td>
<td>-8,823.93</td>
<td>-8,000.00</td>
<td>823.93</td>
<td>110.30</td>
</tr>
<tr>
<td>R09</td>
<td>Transfers from other funds</td>
<td>0.00</td>
<td>-185,150.00</td>
<td>-740,600.00</td>
<td>-555,450.00</td>
<td>25.00</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>0.00</td>
<td>-193,973.93</td>
<td>-748,600.00</td>
<td>-554,626.07</td>
<td>25.91</td>
</tr>
<tr>
<td>470</td>
<td>Debt Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E09</td>
<td>Debt service principal</td>
<td>0.00</td>
<td>0.00</td>
<td>385,000.00</td>
<td>385,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E10</td>
<td>Debt interest &amp; bond issuance</td>
<td>0.00</td>
<td>181,600.00</td>
<td>363,600.00</td>
<td>182,000.00</td>
<td>49.94</td>
</tr>
<tr>
<td>470</td>
<td>Debt Service</td>
<td>0.00</td>
<td>181,600.00</td>
<td>748,600.00</td>
<td>567,000.00</td>
<td>24.26</td>
</tr>
</tbody>
</table>

**Revenue Total**  
0.00    -193,973.93    -748,600.00    -554,626.07    -0.2591

**Expense Total**  
0.00    181,600.00      748,600.00      567,000.00      0.2426

140  
Debt Service Fund  
0.00    -12,373.93      0.00      12,373.93      0.00
### General Ledger

**Actual vs Budget Report**

**User:** msell  
**Printed:** 05/11/23 10:30:03  
**Period:** 04 - 04  
**Fiscal Year:** 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>210</td>
<td>Devils Canyon Center Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td>R06 Interest</td>
<td>0.00</td>
<td>-844.92</td>
<td>0.00</td>
<td>844.92</td>
<td>0.00</td>
</tr>
<tr>
<td>000</td>
<td>R06</td>
<td>0.00</td>
<td>-844.92</td>
<td>0.00</td>
<td>844.92</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Revenue Total</strong></td>
<td></td>
<td>0.00</td>
<td>-844.92</td>
<td>0.00</td>
<td>844.92</td>
<td>0.0000</td>
</tr>
<tr>
<td><strong>Expense Total</strong></td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.0000</td>
</tr>
<tr>
<td>210</td>
<td>Devils Canyon Center Fund</td>
<td>0.00</td>
<td>-844.92</td>
<td>0.00</td>
<td>844.92</td>
<td>0.00</td>
</tr>
</tbody>
</table>
### General Ledger
### Actual vs Budget Report

User: msell  
Printed: 05/11/23 10:30:03  
Period 04 - 04  
Fiscal Year 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>211</td>
<td>Irrigation Water Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R04</td>
<td>Charges for services</td>
<td>-53.09</td>
<td>-2,985.22</td>
<td>-136,500.00</td>
<td>-133,514.78</td>
<td>2.19</td>
</tr>
<tr>
<td>R06</td>
<td>Interest</td>
<td>0.00</td>
<td>-120.36</td>
<td>-50.00</td>
<td>70.36</td>
<td>240.72</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>431</td>
<td>Public Works Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>2,302.06</td>
<td>8,876.98</td>
<td>61,275.00</td>
<td>52,398.02</td>
<td>14.49</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>920.98</td>
<td>5,849.87</td>
<td>24,175.00</td>
<td>18,325.13</td>
<td>24.20</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>0.00</td>
<td>4,000.00</td>
<td>4,000.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>643.75</td>
<td>3,243.81</td>
<td>9,000.00</td>
<td>5,756.19</td>
<td>36.04</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>50.00</td>
<td>9,730.86</td>
<td>20,475.00</td>
<td>10,744.14</td>
<td>47.53</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>2,400.00</td>
<td>2,400.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E11</td>
<td>Contingency</td>
<td>0.00</td>
<td>0.00</td>
<td>5,100.00</td>
<td>5,100.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E12</td>
<td>Transfers to other funds</td>
<td>0.00</td>
<td>2,531.25</td>
<td>10,125.00</td>
<td>7,593.75</td>
<td>25.00</td>
</tr>
<tr>
<td>431</td>
<td>Public Works Department</td>
<td>3,916.79</td>
<td>34,232.77</td>
<td>136,550.00</td>
<td>102,317.23</td>
<td>25.07</td>
</tr>
<tr>
<td>Revenue Total</td>
<td></td>
<td>-53.09</td>
<td>-3,105.58</td>
<td>-136,550.00</td>
<td>-133,444.42</td>
<td>-0.0227</td>
</tr>
<tr>
<td>Expense Total</td>
<td></td>
<td>3,916.79</td>
<td>34,232.77</td>
<td>136,550.00</td>
<td>102,317.23</td>
<td>0.2507</td>
</tr>
</tbody>
</table>

| 211        | Irrigation Water Fund              | 3,863.70   | 31,127.19  | 0.00         | -31,127.19   | 0.00             |
## General Ledger
### Actual vs Budget Report

*User: msell*
*Printed: 05/11/23 10:30:03*
*Period 04 - 04*
*Fiscal Year 2023*

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>212</td>
<td><strong>Sewer Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R03</td>
<td>Intergovernmental revenue</td>
<td>0.00</td>
<td>6,948.00</td>
<td>-2,831,250.00</td>
<td>-2,824,302.00</td>
<td>0.25</td>
</tr>
<tr>
<td>R04</td>
<td>Charges for services</td>
<td>-64,906.05</td>
<td>-1,088,224.26</td>
<td>-4,299,000.00</td>
<td>-3,210,775.74</td>
<td>25.31</td>
</tr>
<tr>
<td>R06</td>
<td>Interest</td>
<td>0.00</td>
<td>-40,942.14</td>
<td>-26,000.00</td>
<td>14,942.14</td>
<td>157.47</td>
</tr>
<tr>
<td>R08</td>
<td>Miscellaneous</td>
<td>0.00</td>
<td>0.00</td>
<td>-2,000.00</td>
<td>-2,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>-64,906.05</td>
<td>-1,136,114.40</td>
<td>-7,158,250.00</td>
<td>-6,022,135.60</td>
<td>15.87</td>
</tr>
<tr>
<td>433</td>
<td><strong>Sewer</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>48,481.80</td>
<td>193,043.28</td>
<td>689,700.00</td>
<td>496,656.72</td>
<td>27.99</td>
</tr>
<tr>
<td>E02</td>
<td>Personnel services, benefits</td>
<td>22,061.58</td>
<td>117,722.36</td>
<td>295,125.00</td>
<td>177,402.64</td>
<td>39.89</td>
</tr>
<tr>
<td>E03</td>
<td>Purchased professional service</td>
<td>4,274.41</td>
<td>10,764.52</td>
<td>69,500.00</td>
<td>58,735.48</td>
<td>15.49</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased property services</td>
<td>3,001.06</td>
<td>80,597.71</td>
<td>110,025.00</td>
<td>29,427.29</td>
<td>73.25</td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>4,972.19</td>
<td>69,423.34</td>
<td>167,100.00</td>
<td>97,676.66</td>
<td>41.55</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>31,385.32</td>
<td>149,454.20</td>
<td>455,425.00</td>
<td>305,970.80</td>
<td>32.82</td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>60,000.00</td>
<td>60,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E09</td>
<td>Debt service principal</td>
<td>0.00</td>
<td>522,500.00</td>
<td>1,045,000.00</td>
<td>522,500.00</td>
<td>50.00</td>
</tr>
<tr>
<td>E10</td>
<td>Debt interest &amp; bond issuance</td>
<td>0.00</td>
<td>102,540.00</td>
<td>203,225.00</td>
<td>100,685.00</td>
<td>50.46</td>
</tr>
<tr>
<td>E11</td>
<td>Contingency</td>
<td>0.00</td>
<td>0.00</td>
<td>55,150.00</td>
<td>55,150.00</td>
<td>0.00</td>
</tr>
<tr>
<td>E12</td>
<td>Transfers to other funds</td>
<td>0.00</td>
<td>41,250.00</td>
<td>165,000.00</td>
<td>123,750.00</td>
<td>25.00</td>
</tr>
<tr>
<td>433</td>
<td><strong>Sewer</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>114,176.36</td>
<td>1,287,295.41</td>
<td>3,315,250.00</td>
<td>2,027,954.59</td>
<td>38.83</td>
</tr>
<tr>
<td>602</td>
<td><strong>WWTF - Ventilation &amp; Foul Air</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>6,948.00</td>
<td>1,224,300.00</td>
<td>1,217,352.00</td>
<td>0.57</td>
</tr>
<tr>
<td>602</td>
<td><strong>WWTF - Ventilation &amp; Foul Air</strong></td>
<td>0.00</td>
<td>6,948.00</td>
<td>1,224,300.00</td>
<td>1,217,352.00</td>
<td>0.57</td>
</tr>
<tr>
<td>603</td>
<td><strong>Sewer Line Upgrades</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>900,000.00</td>
<td>900,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>603</td>
<td><strong>Sewer Line Upgrades</strong></td>
<td>0.00</td>
<td>0.00</td>
<td>900,000.00</td>
<td>900,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>604</td>
<td><strong>Sewer Line Improvements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>240,000.00</td>
<td>240,000.00</td>
<td>0.00</td>
</tr>
<tr>
<td>604</td>
<td><strong>Sewer Line Improvements</strong></td>
<td>0.00</td>
<td>0.00</td>
<td>240,000.00</td>
<td>240,000.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

---

GL - Actual vs Budget Report (05/11/2023 - 10:30 AM)
<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>607</td>
<td>Treatment System -</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aeration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E07</td>
<td>Capital</td>
<td>0.00</td>
<td>0.00</td>
<td>1,306,950.00</td>
<td>1,306,950.00</td>
<td>0.00</td>
</tr>
<tr>
<td>607</td>
<td>Treatment System -</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aeration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Revenue Total
-64,906.05  -1,136,114.40  -7,158,250.00  -6,022,135.60  -0.1587

Expense Total
114,176.36  1,294,243.41  6,986,500.00  5,692,256.59  0.1852

212        | Sewer Fund            | 49,270.31  | 158,129.01 | -171,750.00 | -329,879.01 | -92.07 |
## General Ledger
### Actual vs Budget Report

**User:** msell  
**Printed:** 05/11/23 10:30:03  
**Period:** 04 - 04  
**Fiscal Year:** 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>215</td>
<td>Trash Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R04</td>
<td>Charges for services</td>
<td>-806.76</td>
<td>-273,266.42</td>
<td>-1,076,000.00</td>
<td>-802,733.58</td>
<td>25.40</td>
</tr>
<tr>
<td>R06</td>
<td>Interest</td>
<td>0.00</td>
<td>-136.57</td>
<td>0.00</td>
<td>136.57</td>
<td>0.00</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>-806.76</td>
<td>-273,402.99</td>
<td>-1,076,000.00</td>
<td>-802,597.01</td>
<td>25.41</td>
</tr>
<tr>
<td>432</td>
<td>Sanitation Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E05</td>
<td>Other purchased services</td>
<td>82,496.80</td>
<td>166,308.20</td>
<td>1,006,000.00</td>
<td>839,691.80</td>
<td>16.53</td>
</tr>
<tr>
<td>E12</td>
<td>Transfers to other funds</td>
<td>0.00</td>
<td>17,500.00</td>
<td>70,000.00</td>
<td>52,500.00</td>
<td>25.00</td>
</tr>
<tr>
<td>432</td>
<td>Sanitation Department</td>
<td>82,496.80</td>
<td>183,808.20</td>
<td>1,076,000.00</td>
<td>892,191.80</td>
<td>17.08</td>
</tr>
</tbody>
</table>

**Revenue Total**

<table>
<thead>
<tr>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>-806.76</td>
<td>-273,402.99</td>
<td>-1,076,000.00</td>
<td>-802,597.01</td>
<td>-0.2541</td>
</tr>
</tbody>
</table>

**Expense Total**

<table>
<thead>
<tr>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>82,496.80</td>
<td>183,808.20</td>
<td>1,076,000.00</td>
<td>892,191.80</td>
<td>0.1708</td>
</tr>
</tbody>
</table>

**215**

| Trash Fund | 81,690.04 | -89,594.79 | 0.00 | 89,594.79 | 0.00 |

---

GL - Actual vs Budget Report (05/11/2023 - 10:30 AM)
## General Ledger
### Actual vs Budget Report

User: msell  
Printed: 05/11/23 10:30:03  
Period 04 - 04  
Fiscal Year 2023  

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>220</td>
<td>Fleet Maintenance Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>0.00</td>
<td>-412,400.00</td>
<td>-412,400.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>R04</td>
<td>Charges for services</td>
<td>0.00</td>
<td>-412,400.00</td>
<td>-412,400.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>000</td>
<td></td>
<td>0.00</td>
<td>-412,400.00</td>
<td>-412,400.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>431</td>
<td>Public Works Department</td>
<td>10,076.00</td>
<td>35,563.44</td>
<td>155,600.00</td>
<td>120,036.56</td>
<td>22.86</td>
</tr>
<tr>
<td>E01</td>
<td>Personnel services, salaries</td>
<td>5,632.54</td>
<td>26,315.76</td>
<td>74,650.00</td>
<td>48,334.24</td>
<td>35.25</td>
</tr>
<tr>
<td>E03</td>
<td>Personnel services, benefits</td>
<td>24.00</td>
<td>582.95</td>
<td>3,500.00</td>
<td>2,917.05</td>
<td>16.66</td>
</tr>
<tr>
<td>E04</td>
<td>Purchased professional service</td>
<td>2,098.97</td>
<td>11,634.13</td>
<td>55,400.00</td>
<td>43,765.87</td>
<td>21.00</td>
</tr>
<tr>
<td>E06</td>
<td>Supplies</td>
<td>5,806.28</td>
<td>37,677.65</td>
<td>108,000.00</td>
<td>70,322.35</td>
<td>34.89</td>
</tr>
<tr>
<td>E11</td>
<td>Contingency</td>
<td>0.00</td>
<td>0.00</td>
<td>15,250.00</td>
<td>15,250.00</td>
<td>0.00</td>
</tr>
<tr>
<td>431</td>
<td>Public Works Department</td>
<td>23,637.79</td>
<td>111,773.93</td>
<td>412,400.00</td>
<td>300,626.07</td>
<td>27.10</td>
</tr>
</tbody>
</table>

**Revenue Total**

<table>
<thead>
<tr>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.00</td>
<td>-412,400.00</td>
<td>-412,400.00</td>
<td>0.00</td>
<td>-1.0000</td>
</tr>
</tbody>
</table>

**Expense Total**

<table>
<thead>
<tr>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fleet Maintenance Fund</td>
<td>23,637.79</td>
<td>111,773.93</td>
<td>412,400.00</td>
<td>300,626.07</td>
<td>0.2710</td>
</tr>
</tbody>
</table>

Fiscal Year 2023
## General Ledger
### Actual vs Budget Report

User: msell  
Printed: 05/11/23 10:30:03  
Period 04 - 04  
Fiscal Year 2023

<table>
<thead>
<tr>
<th>Sort Level</th>
<th>Description</th>
<th>Period Amt</th>
<th>End Bal</th>
<th>Budget</th>
<th>Variance</th>
<th>% Expend/Collect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Total</td>
<td></td>
<td>-1,296,626.31</td>
<td>-8,696,013.39</td>
<td>-34,284,775.00</td>
<td>-25,588,761.61</td>
<td>-0.2536</td>
</tr>
<tr>
<td>Expense Total</td>
<td></td>
<td>1,438,380.06</td>
<td>8,326,317.48</td>
<td>39,513,310.00</td>
<td>31,186,992.52</td>
<td>0.2107</td>
</tr>
</tbody>
</table>
TO: FRUITA CITY COUNCIL AND MAYOR
FROM: SHANNON VASSEN, ASSISTANT CITY MANAGER
DATE: JUNE 6, 2023

AGENDA TEXT: RESOLUTION 2023- 14- A Request to Approve a Resolution Amending the 2023 Budget and Transferring Funds from the Sewer Fund Contingency Account for Emergency Sewer Line Repairs and Emergency Equipment Repairs at the Wastewater Reclamation Facility.

BACKGROUND

This budget amendment transfers $51,150 from the Sewer Fund Contingency Account as follows:

- **Sewer Fund – Sewer Line Repair and Maintenance - $26,500**
  - This budget amendment transfers $26,500 from the Sewer Fund Contingency Account to the Sewer Collections program for emergency sewer line repairs at 107 E. Pabor Avenue.

- **Sewer Fund – Emergency Equipment Repair at the Wastewater Reclamation Facility - $28,650**
  - This budget amendment transfers the remaining $28,650 from the Sewer Fund Contingency Account to the Sewer Treatment program to purchase and replace two assembly units for the vertical drum mixers in one of the oxidation ditches. The bearing assembly that controls the vertical drum mixer failed several weeks ago and staff has been working with the manufacturer to determine what required parts are needed for replacement. This funding is a portion of the funds needed for the replacement, as a future budget amendment will need to be approved (from funds restricted for equipment replacement at the Wastewater Reclamation Facility) from the City Council.

FISCAL IMPACT

- The Sewer Fund contingency account of $55,150 will be reduced by $55,150 to $0.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO THE COUNCIL

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

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

ADOPT RESOLUTION 2023-14 – AMENDING THE 2023 BUDGET AND TRANSFERRING FUNDS FROM THE SEWER FUND CONTINGENCY ACCOUNT FOR EMERGENCY SEWER LINE REPAIRS AND EMERGENCY EQUIPMENT REPAIRS AT THE WASTEWATER RECLAMATION FACILITY.
RESOLUTION 2023-14

A RESOLUTION TRANSFERRING BUDGETED AND APPROPRIATED FUNDS FROM THE SEWER FUND CONTINGENCY ACCOUNT FOR EMERGENCY SEWER LINE REPAIRS AND EMERGENCY EQUIPMENT REPAIRS AT THE WASTEWATER RECLAMATION FACILITY.

WHEREAS, the Fruita City Council finds it necessary to transfer funds from the Sewer Fund Contingency Account to the Sewer Collections program for costs incurred for an emergency sewer line repair at 107 E. Pabor Avenue, and

WHEREAS, the Fruita City Council finds it necessary to transfer funds from the Sewer Fund Contingency Account to the Treatment Program for costs related to emergency repairs of equipment at the Wastewater Reclamation Facility.

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

Section 1: The sum of $55,150 hereby transferred from the Sewer Fund Contingency Account as follows:
  a. Collections Program - Sewer Line Repair and Maintenance ($26,500)
  b. Treatment Program – Wastewater Treatment Plant Repair and Maintenance ($28,650)

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS 6th DAY OF JUNE 2023

ATTEST: City of Fruita

______________________________ ______________________________
City Clerk Joel Kincaid, Mayor
RESOLUTION 2023-15 - A Resolution of the Fruita City Council finding approximately 6.6 acres of property located at 1824 J 2/10 Road eligible to be annexed into the City of Fruita. (1824 J 2/10 Road Annexation)

BACKGROUND

The property owners of 1824 J 2/10 Road have 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 1/6th 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.

At their May 9, 2023 public meeting, the Planning Commission recommended approval of the annexation by a vote of 5-0 to the Fruita City Council. No public comments have been received nor were there any public comments made at the Planning Commission meeting.

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.

There will be services extended with this annexation. Conditions of approval are explained in the Staff Report.

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 2023-15, finding the property eligible for annexation.
2. Deny Resolution 2023-15

RECOMMENDATION

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

APPROVE RESOLUTION 2023-15 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.
RESOLUTION 2023-15

A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.

WHEREAS, the City of Fruita has received a petition to annex property which is described and shown on the attached Exhibit A, and

WHEREAS, the Planning Commission recommended approval of the annexation petition at their May 9, 2023 public meeting.

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

THAT a properly constituted petition signed by 100% of the owners of the real property described and shown on Exhibit A has been submitted to the City of Fruita and an election is not required under C.R.S. 31-12-107, and

THAT the real property described on Exhibit A has at least 1/6 of its perimeter contiguous to existing city limits of the City of Fruita, and

THAT annexation of the property complies with all pertinent requirements of C.R.S. 31-12-104, 105 & 106 to be eligible for annexation, and

THAT all special districts encompassing the subject property were noticed as required under C.R.S. 31-12-108, and

THAT a notice of the public hearing was properly advertised having appeared once per week for four consecutive weeks in a local publication, and

THAT the property shown and described on Exhibit A is eligible for annexation into the City of Fruita.

BE IT FURTHER RESOLVED BY THE FRUITA CITY COUNCIL, that based on the above findings, it is the intent of the City of Fruita to annex the real property described and shown in Exhibit A.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 6th DAY OF MAY, 2023.

ATTEST: City of Fruita

Margaret Sell, City Clerk Joel Kincaid, Mayor
Application #: 2023-14  
Project Name: 1824 J 2/10 Road  
Application: Annexation  
Property Owner: Pete Hitchcock and Anthony Stolarczyk  
Location: 1824 J 2/10 Road  
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
Request: This is a request for approval of the annexation of approximately 6.6 acres into the Fruita City Limits.

PROJECT DESCRIPTION:

The property owners of 1824 J 2/10 Road have applied to annex the property. The subject property is approximately 6.6 acres and is located on the north side of J 2/10 Road, adjacent to the Cottonwoods Subdivision. The property currently contains a single-family dwelling unit on the southwest corner.

FUTURE LAND USE MAP (FLUM)
SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The majority of the surrounding properties are within the city limits. There are a few properties to the east that are still in Unincorporated Mesa County. The map below identifies the various zones in this area.

LOCATION AND ZONING MAP
REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

ANNEXATION

Section 17.17.050 (A) - If the subject property is located within the city’s Urban Growth Boundary (UGB) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

1. The annexation meets the requirements of the applicable State Statutes;
This annexation request meets the requirements of state laws. The property has the required 1/6th contiguity with existing city limits which is required per Section 31-12-104 of the Colorado Revised Statutes (CRS).

Additionally, the Fruita Comprehensive Plan supports this area to be incorporated within the city limits as referenced in the above map. This criterion has been met.

2. **The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;**

Annexation of the subject property will not trigger an extension of city utility services. Sewer, water, and drainage systems are all directly nearby to serve the subject property. If the subject property were to develop, there would be review of existing utilities and added infrastructure associated with residential development.

This criterion can be met as the city has planned for the subject property to be incorporated into the city limits within the Comprehensive Plan.

3. **The area is contiguous with existing urban development;**

The subject property is contiguous with existing urban development, with the Cottonwoods Subdivision to the north and east. The remaining properties nearby that are undeveloped and/or remain in Unincorporated Mesa County are supported for residential development within the City of Fruita.

This criterion has been met.

4. **The area is or can be efficiently served by police and other municipal services;**

The subject property is within the service area for the Fruita Police Department, the Lower Valley Fire District. Since the subject property is already being served by these services, this criterion has been met.

5. **The development is consistent with community goals, principles, and policies as expressed in the Fruita Comprehensive Plan;**

Annexation within the Comprehensive Plan states that the city should, “Approve annexation of parcels within the UGB (Urban Growth Boundary) at the desired densities as described in the FLUM (Future Land Use Map). Annexation should help ensure that new development at the edge of the city is consistent with the goals and policies of this plan.”
Additionally, the city should “Ensure that new development pays its own way and does not burden the existing community with additional capital or operating costs. Ensure that new annexations at the city’s edge share appropriately in the costs of connecting all utility, park, drainage, pedestrian, and road systems.”

Furthermore, the city should “Avoid ‘leapfrog’ developments that leave discontinuous street and utility systems. Consider annexation proposals on the basis of the logical and cost-effective extension of utilities, pedestrian connections, parks, drainage, and road systems. Also consider the fiscal burden of the annexation in terms of major capital investments that would be needed by the City (wastewater, roads).”

Annexation of the subject property has been considered as meeting the intents and purposes of the basis of logical and cost-effective extensions of utilities and road systems.

Annexation of the property is consistent with the Fruita Comprehensive Plan. These approval criteria are intended to implement the goals and policies of the Fruita Comprehensive Plan regarding annexations. It appears that the approval criteria either have been met or can be met, therefore, this annexation is consistent with the Fruita Comprehensive Plan.

6. The annexation is supported by local residents and landowners;

The Fruita Comprehensive Plan (Fruita In Motion: Plan Like A Local) was adopted by the Fruita City Council on February 4, 2020 (Resolution 2020-09). Fruita in Motion: Plan like a Local speaks to the community’s significant role in the planning process. Residents helped shape every element of the plan, from sharing what they valued about Fruita and identifying issues for the plan to address, to reviewing drafts, and providing feedback on goals and policies. The process reached a large swath of the community, through traditional outreach (open houses, an advisory committee) and meeting people where they are, with booths at farmers markets, the art stroll, and other city events and the draft plan tour, where City staff met with HOAs and other local groups to share the plan and hear input from the community.

With regards to the subject property, 89 landowners were noticed of this annexation application. The number of property owners noticed of this application is set forth with the legal notice requirements contained in the Land Use Code. Staff has not received written public comments regarding this application.

The annexation is supported by the landowner and the landowner has signed the annexation petition. This is in accordance with C.R.S 31-12-107.

This criterion has been met.
7. **Water and ditch rights can be provided, as applicable, in accordance with city policies;**

   The city standard is 1 – 1.5 irrigation shares per irrigated acre.

   This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time.

   Additionally, this application was sent to Ute Water and review comments indicate no objections.

   This criterion can be met.

8. **The area will have a logical social and economic association with the city,** and;

   Annexation of the subject property will not provide much with respect to an economic association with the city at this time. Once the subject property is developed, the additional dwelling units should provide for a logical social impact to the city. This criterion can be met.

9. **The area meets or can meet the existing infrastructure standards set forth by the city.**

   The subject property meets or can meet all the existing infrastructure standards set forth by the city. At the time of development, the city will review the subdivision development application in accordance with city standards related to addition infrastructure.

   This criterion can be met.

Based on this information, the annexation of the subject property meets or can meet the approval criteria that must be considered for annexations.

---

**REVIEW COMMENTS:**

No reviewer expressed any issues with the proposed annexation.
PUBLIC COMMENTS:

No written public comments have been received by Staff at this time.

LEGAL NOTICE

<table>
<thead>
<tr>
<th>Legal Notice (minimum of 15 days prior to Planning Commission)</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 19, 2023</td>
</tr>
<tr>
<td>April 12, 2023</td>
</tr>
<tr>
<td>April 19, 2023</td>
</tr>
</tbody>
</table>
**STAFF RECOMMENDATION:**

Staff recommends **approval** of the annexation with no additional conditions.

**SUGGESTED PLANNING COMMISSION MOTION:**

Mr. Chair, I move that we recommend **approval** to City Council, of application #2023-14, the annexation of 1824 J 2/10 Road.

**ANNEXATION SCHEDULE:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 18, 2023</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; Resolution to set a hearing date to determine eligibility.</td>
</tr>
<tr>
<td></td>
<td>1&lt;sup&gt;st&lt;/sup&gt; Ordinance reading – Annexation &amp; Zoning</td>
</tr>
<tr>
<td></td>
<td>Published in Daily Sentinel (4 consecutive weeks)</td>
</tr>
<tr>
<td></td>
<td>• April 21, 2023</td>
</tr>
<tr>
<td></td>
<td>• April 28, 2023</td>
</tr>
<tr>
<td></td>
<td>• May 5, 2023</td>
</tr>
<tr>
<td></td>
<td>• 4. May 12, 2023</td>
</tr>
<tr>
<td>5/9/2023</td>
<td>Planning Commission considers Annexation &amp; Zone</td>
</tr>
<tr>
<td>6/6/2023</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Resolution- finding property eligible</td>
</tr>
<tr>
<td></td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Reading of an Ordinance to Annex</td>
</tr>
<tr>
<td></td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Reading of an Ordinance to Rezone</td>
</tr>
</tbody>
</table>

**Legal Notice (minimum of 15 days prior to Planning Commission)**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/19/2023</td>
<td>Post Cards</td>
</tr>
<tr>
<td>4/12/2023</td>
<td>Sign Posting</td>
</tr>
<tr>
<td>4/19/2023</td>
<td>Legal Ad in the paper</td>
</tr>
</tbody>
</table>
ANNEXATION IMPACT REPORT
CITY OF FRUITA
APRIL 14, 2023

Application #: 2023-14
Project Name: 1824 J 2/10 Road
Application: Annexation
Property Owner: Pete Hitchcock and Anthony Stolarczyk
Location: 1824 J 2/10 Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval of the annexation of approximately 6.6 acres into the Fruita City Limits.

Section 17.17.040 of the Fruita Land Use Code states that any annexation not requiring an election shall be accompanied by an annexation impact report which contains the following elements.

A. Plans of the municipality for extending to or otherwise providing for municipal services;

   The Future Land Use Map (FLUM) within The Fruita In Motion: Plan Like A Local Comprehensive Plan shows the subject property within the City’s Urban Growth Boundary. The Urban Growth Boundary was developed with the anticipation of providing the necessary municipal services. With that said, the city does have plans to provide municipal services to this area.

   Historically, the City of Fruita has not forced the extension of municipal services. The city has been proactive in planning for future extensions of the city limits with regards to providing municipal services to the areas designated in the Urban Growth Boundary. This includes the municipal services provided by the City of Fruita (sanitary sewer and police).

B. The City of Fruita's anticipated financing of the extension of services;

   The City of Fruita will not be financing the extension of services (water, sewer, gas, etc.) to the subject property at this time.
C. The special districts included in the territory to be annexed;

No special districts are included within the territory to be annexed. Below are the agencies or entities that have taxing authority over the territory to be annexed. These agencies will be notified of the annexation application.

1. Lower Valley Fire Protection District.
2. Mesa County School District 51.
4. Grand Valley Mosquito Control District.
5. Mesa County Public Library District.
7. Colorado River Water District.
8. Library District.
9. Mesa County Social Services.

D. The effect of annexation on the public school district system including the estimated number of students generated and capital construction required to educate each student;

The school district boundaries for the recently constructed Monument Ridge Elementary School, Fruita Middle School, Fruita 8/9, and Fruita Monument High School already include the subject property. This implies that no new impacts on the school system would be generated from this annexation application. The impacts to the school district system will be evaluated by the Mesa County Valley School District when this property develops. The School District has been made aware of this annexation.

E. Traffic/pedestrian/bicycle impacts;

Traffic, pedestrian and bicycle impacts should not change with the annexation of the subject property. Traffic, pedestrian and bicycle impacts will remain the same.

F. Wastewater, water, drainage, and irrigation impacts, and;

Impacts on these facilities shouldn’t change with the annexation itself. When the property develops, necessary regulations from review agencies will be reviewed with a land development application.

G. Other relevant information as required by the Community Development Department.

Review Agencies:

1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link
5. Ute Water
6. Grand Valley Drainage District
7. Grand Valley Irrigation Company
8. Mesa County Community Development Department
9. Mesa County Building Department
10. Mesa County Surveyor
11. Mesa County Valley School District (School District 51)
12. 5-2-1 Drainage Authority
13. Lower Valley Fire Protection District
14. Grand River Mosquito District
Map Exhibits:

Present City boundary

- Planned Unit Development (PUD)
- Community Residential (CR)
Proposed City Boundary set forth in the Future Land Use Map (FLUM)

Source: City of Fruita Comprehensive Plan Fruita In Motion: Plan Like A Local. Chapter 3, Page 29. Approved by Resolution 2020-09
AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor
FROM: Planning & Development Department
DATE: June 6, 2023

AGENDA TEXT: ORDINANCE 2023-05, SECOND READING, An Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 6.6 acres of property located 1824 J 2/10 Road to a Community Residential zone.

(1824 J 2/10 Road Rezone)

BACKGROUND

This is a request for approval to zone approximately 6.6 acres of property to Community Residential (CR). The subject property is currently zoned Agricultural, Forestry and Transitional (AFT), which is a Mesa County zoning designation.

In addition to this rezoning application, the property owner has also submitted an annexation application. Typically, annexation applications are accompanied by a rezone application and can run concurrently through the public hearing process.

The applicants are 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 in accordance with Section 17.17.080 of the Land Use Code and Colorado Revised Statutes (CRS) Section 31-12-115 (2).

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.

The Planning Commission recommended approval of this zoning application at their May 9, 2023, public hearing by a vote of 5-0.

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 THE COUNCIL

1. Adopt Ordinance 2023-05, An Ordinance amending the official zoning map of the City of Fruita by zoning approximately 6.6 acres of property located at 1824 J 2/10 Road to a Community Residential zone.

2. Deny Ordinance 2023-05.

RECOMMENDATION

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

ADOPT ORDINANCE 2023-05 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD TO A COMMUNITY RESIDENTIAL ZONE.
ORDINANCE 2023-05

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD TO A COMMUNITY RESIDENTIAL 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, the Planning Commission recommended approval of this zoning request to the City Council at their May 9, 2023, public hearing, 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 17.09.070 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 17.03.030 of the Fruita Land Use Code is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 6.6 acres, is hereby zoned Community Residential (CR).


ATTEST: 

City of Fruita:

__________________________
Margaret Sell, City Clerk

__________________________
Joel Kincaid, Mayor
Legal Description

The East 7 acres of the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado, EXCEPT a strip of land 30 feet wide for roadway, utilities and all other public purposes the Southern line of which is the North line of the Southwest quarter of the Southwest quarter of Section 16, Township 1 North, Range 2 West of the Ute Meridian, being part of the land described in book 3066 and at page 658 in the office of the County clerk and recorder of the County of Mesa, State of Colorado.
Application #: 2023-13
Project Name: 1824 J 2/10 Road
Application: Rezone
Property Owner: Pete Hitchcock and Anthony Stolarczyk
Location: 1824 J 2/10 Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval to zone of approximately 6.6 acres to Community Residential (CR).

PROJECT DESCRIPTION:

This is a request for approval to zone approximately 6.6 acres of property to Community Residential (CR). The subject property is currently zoned Agricultural, Forestry and Transitional (AFT), which is a Mesa County zoning designation.

In addition to this rezoning application, the property owner has also submitted an annexation application. Typically, annexation applications are accompanied by a rezone application and can run concurrently through the public hearing process.

The applicants are 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 in accordance with Section 17.17.080 of the Land Use Code and Colorado Revised Statutes (CRS) Section 31-12-115 (2).

The area in which the subject property is located is supported to have a Community Residential zoning classification as shown on the Future Land Use Map within the City’s Fruita In Motion: Plan Like a Local Comprehensive Plan (Master Plan). The Land Use Code states that the “The purpose of the CR zone is to allow for moderate density detached single-family residential neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g., apartments and townhouses). Innovative neighborhood design is encouraged in this zone district to provide opportunities for housing diversity. This area is served by public utility infrastructure and is appropriate for density of 4-8 du per acre.”
SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The map below identifies the various zones in this area.
2022 AERIAL PHOTOGRAPH
REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

SECTION 17.09.070 AMENDMENT TO OFFICIAL ZONING MAP (REZONING)

A. Applicability and Procedures. The City Council may amend the number, shape, or boundaries of any zone, removing any property from one zone and adding it to another zone, only after recommendation of the Planning Commission. An amendment to the Official Zoning Map may be initiated by the owner of any property for which a rezoning is sought, or upon application of City Council.

B. Approval Criteria. The Official Zoning Map may be amended when the following findings are made:

1. The proposed amendment is compatible with surrounding land uses, pursuant to Section 17.05.080 (C), and is consistent with the city's goals, policies and Master Plan; and

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

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

   With regards to compatibility, the zoning of the subject property and anticipated development from a land use perspective should be compatible with foreseeable allowed land uses in the area. This takes into consideration that if surrounding properties were to be incorporated into the city limits, the allowed uses for those parcels would be compatible with the residential land uses.

   The Community Residential (CR) zone allows for a density range between 4 and 8 dwelling units per gross acre. The CR zone is also the city’s primary residential zoning district. Below is a table of Land Uses contained in Section 17.05.090 and shows uses that are allowed (A), conditionally allowed (C), and not allowed (*).
The Fruita Comprehensive Plan (a major portion of the city's Master Plan) recommends Community Residential (CR) type zoning for this area. 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. The Community Residential zone allows 4-6 dwelling units per acre by right. Density Bonuses may be used to increase the density up to 8 dwelling units per acre. Additional features throughout the subdivision (open space, trails, alley access, mix of housing types) would be required through Density Bonuses in order for the density to be increased.

This criterion has been met.

2. The land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the city's goals, policies and Master Plan; or

This criterion is not applicable because it has not been given a city zoning designation prior to this request.

3. The area for which the amendment is requested has changed substantially such that the proposed zoning better meets the needs of the community; or

Although there have been changes in the area, this criterion is not applicable because the land is not yet in the Fruita city limits.

4. The amendment is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions; or
The Future Land Use Map and associated Comprehensive Plan was recently amended in early 2020. Although this amendment includes this area, the area had been included in past Master Plans and future land use maps. The city has planned for this area to be included in the city limits. This criterion is not applicable because there is no comprehensive revision of the Official Zoning Map for this area.

5. **The zoning amendment is incidental to the annexation of the subject property.**

The requested zoning amendment is incidental to the annexation and, as explained above, the requested CR zone is consistent with the city's goals and policies as expressed in the Master Plan.

Based on this information, the requested CR zone meets the approval criteria that must be considered for a rezone (Official Zoning Map amendment).

**REVIEW COMMENTS:**

No reviewer expressed any issues with the proposed zoning request.

**PUBLIC COMMENTS:**

No written public comments have been received by Staff at this time.

**LEGAL NOTICE (17.07.040 (E)):**

<table>
<thead>
<tr>
<th>Legal Notice (minimum of 15 days prior to Planning Commission)</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 19, 2023</td>
</tr>
<tr>
<td>April 12, 2023</td>
</tr>
<tr>
<td>April 19, 2023</td>
</tr>
</tbody>
</table>
STAFF RECOMMENDATION:

Staff recommends that the subject property be zoned Community Residential.

SUGGESTED MOTION (PLANNING COMMISSION):

Mr. Chair, I move to recommend approval of the zone request to zone the subject property to Community Residential with no conditions to the Fruita City Council.

FRUITA PLANNING COMMISSION: May 9, 2023
FRUITA CITY COUNCIL: June 6, 2023
Project Report - Annexation and Rezone

Hitchcock and Stolarczyk Estate
1824 J 2/10 Road
Fruita, CO 81521

Date: 1/30/2023

Prepared by: Pete Hitchcock, Owner

Submitted to:

City of Fuita, City Planning and Development
325 E Aspen Ave
Fruita, CO 81521

Attn: Kelli McLeand and Henry Hemphill

Project: Annexation and Rezone

Property Address: 1824 J 2/10 Road, Fruita, CO 81521

Tax Schedule Number: 2697-163-00-038
Date of Aerial Photo: 2022

Project Applicants and Owners: Pete Hitchcock and Anthony Stolarczyk
**Hitchcock and Stolarczyk Project Overview:**
This annexation and rezone request is submitted by the owners, Pete Hitchcock and Anthony Stolarczyk. The subject property contains 6.68 acres +/- and is located on J 2/10 Road Fruita, CO 81521. The address is 1824 J 2/10 Road, the parcel number is 2697-163-00-038 and the zoning is AFT.

**Petitioner's Intent:**
The Petitioner's Intent is to Rezone and Annex the property into the city limits of Fruita.

**Current Land Use:**
4.1.2 | AFT Agricultural, Forestry, Transitional District The AFT, Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the Rural Planning Area.

**Future Land Use:**
Community Residential (CR). The purpose of the CR zone is to allow for moderate density detached single-family residential neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g. apartments and townhouses). Innovative neighborhood design is encouraged in this zone district to provide opportunities for housing diversity. This area is served by public utility infrastructure and is appropriate for density of 4-8 du per acre.
Project Narrative: Annexation

This property is within the City's Urban Growth Area and the annexation meets the requirements of State law (Title 31, Article 12). The area to be annexed can be efficiently served by urban services and facilities including police and fire protection, sanitary sewer service, potable water, irrigation water, drainage structures, streets and trails, etc..

New impacts to urban services and facilities will not be created as the existing lot is currently serviced by city water, Grand Valley Power, Xcel Energy, and has a private septic system. The private septic system will be addressed as part of the future subdivision process.

The area to be annexed is contiguous with the existing urban development boundary and is consistent with the City's Master Plan. The annexation is supported by local residents and landowners. We mailed out 89 invites for a neighborhood meeting on 2/23/23. We had 2 people come to the meeting, one commented that family homes would be a good fit for the land and the other had no concerns with our annexation, but wanted it to be known that he didn’t want his property to be forced to annex. The annexation will have a logical social and economic association with the City of Fruita.
Question and Comment Form for the Rezoning and Annexation of 1824 J 2/10 Road

Name: Kitty Tattersall  
Phone #: 970-433-4155

Address: 251 Narrow Leaf Dr  
Date: Feb 23, 2023

Question and/or Comments:
I think family housing would be a good use for the land so close to schools. Best wishes!

Question and Comment Form for the Rezoning and Annexation of 1824 J 2/10 Road

Name: Paul Fiore  
Phone #: 970-379-6377

Address: 1835 570  
Date: 2-23-23

Question and/or Comments:
Only concerns: Force annexation to my property.
• The area meets or can meet the existing infrastructure standards set forth by the City.

Slide 8 – Review Comments & Public Comments

• REVIEW COMMENTS:  
  - No reviewer expressed concerns with this annexation.

• PUBLIC COMMENTS:  
  - No written public comments have been received by Staff at this time.

Slide 9 – Suggested Motion

• Mr. Chair, I move that we recommend approval to City Council, of application #2023-14, the annexation of 1824 J 2/10 Road.

Slide 10 – Next Steps

• City Council on June 6, 2023  
  • If approved the annexation will be effective 30 days after the Ordinance is adopted

Slide 11 – Introduction to 1824 J 2/10 Road Rezone

Slide 12 – Application Details

Application #: 2023-13  
Application Name: 1824 J 2/10 Road  
Application Type: Rezone  
Applicants: Pete Hitchcock & Anthony Stolarczyk  
Location: 1824 J 2/10 Road  
Current Zone: Mesa County Zoning AFT  
Description: This is a request to rezone approximately 6.6 acres from Mesa County Zoning AFT to Community Residential (CR).

Slide 13 – Legal Notice

This slide showed the post cards and buffer zone for the rezone.

Slide 14 – Legal Notice

• Post Cards: April 19, 2023 (20 days prior)  
• Sign Posting: April 12, 2023 (27 days prior)  
• Newspaper: April 19, 2023 (20 days prior)

Slide 15 – Zoning Map and Aerial View
Slide 16 – Future Land Use Map

Slide 17- Close up to the Future Land Use Map

Slide 18 – Review Criteria

Slide 19 Review Comments & Public Comments

- **REVIEW COMMENTS:**
  - No reviewer expressed concerns with this annexation.

- **PUBLIC COMMENTS:**
  - No written public comments have been received by Staff at this time.

Slide 20 – Suggested Motion

- Mr. Chair, I move we recommend **approval** of Application 2023-13, 1824 J 2/10 Road Rezone, zoning the property to Community Residential to the Fruita City Council.

Ms. McLean concluded her presentation.

Commissioner Biddle thanked her and invited the representative to speak.

Mr. Pete Hitchcock went up to speak. He stated that Ms. McLean wrapped things up. He did want to add that they did hold a neighborhood meeting, they had two people show up. One was a neighbor from a block away and his comment was that he was concerned about the City forcing him to annex. Another neighbor wanted to talk about a fence line that had fallen over and she wished them the best and thought single family homes would be good there. They are currently zoned Mesa County AFT and they are wanting to become annexed and rezoned Community Residential. He thanked them.

Commissioner Biddle asked if there was anyone online.

There was not.

Commissioner Biddle closed the public comment portion of the meeting and opened it up to Commissioner discussion.

Commissioner Miller stated that she thought this was straightforward. She asked if the City of Fruita has ever forced annexation?

Mr. Caris responded that they do not, they typically do not force annexation unless it was part of an enclave and in that scenario for consistency for utility service there has been times when they have encouraged or approached property owners to annex to be able to build out the roadways and to extend the sewer service. They have been able to with most of the 60 feet county rights-of-ways not have to do that but it is something that can happen and it is a slightly different path.
than the annexation proceedings that they have experienced this evening. They can do this by resolution.

Commissioner Miller thanked him.

Mr. Caris stated that he wanted to take separate votes, one on the annexation and one on the zone for procedural purposes.

Commissioner Biddle closed Commissioner discussion and asked for a motion.

COMMISSIONER HEARNS MOVED THAT THEY RECOMMEND TO CITY COUNCIL OF APPLICATION #2023-14 THE ANNEXATION OF 1824 J 2/10 ROAD

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

Application #: 2023-13
Application Name: 1824 J 2/10 Road
Application Type: Rezone
Location: 1824 J 2/10 Road
Current Zone: Mesa County Zoning AFT
Description: This is a request to rezone approximately 6.6 acres from Mesa County Zoning AFT to Community Residential (CR).

COMMISSIONER MILLER MOVED TO RECOMMEND APPROVAL OF THE ZONE REQUEST TO ZONE THE SUBJECT PROPERTY TO COMMUNITY RESIDENTIAL WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL.

COMMISSIONER HUMMEL SECONDED THE MOTION

MOTION PASSED 5-0

I. OTHER BUSINESS

1. Community Development Updates

   Mr. Caris spoke about the upcoming Code amendments, potential changes for subdivision applications, and the DMU boundary line.

2. Visitors and Guests
   None

3. Other Business
BACKGROUND

This is a request for approval of a 48-lot subdivision over approximately 15.01 acres located southeast of the intersection of 19 and J 2/10 Road. The subject property was annexed (Ordinance 2022-19) and zoned (Ordinance 2022-20) in August 2022.

The proposed subdivision has primary access coming from the north along J 2/10 Road with an emergency access point from 19 Road. The proposed internal rights-of-ways (ROW) are designed to the city standards of 44 total feet of ROW with curb, gutter, and sidewalk. There is also a street stub to the south to allow for future development on the property to the south. Off-site ROW improvements will be required along J 2/10 Road and a Transportation Impact Fee collected at approval of a Building Permit will be required to be paid. This impact fee is then allocated to 19 Road Improvements in the near future. The City plans to utilize these impact fees to construct 19 Road improvements in a manner that is consistent with the City’s circulation plan. The city intends that 19 Road improvements happen in larger phases as opposed to piecing together smaller development projects as applications get built out over a longer period of time.

Sanitary sewer service is proposed to be extended with this development. There are currently 20 irrigation water shares allocated to the subject property with plans to construct a pressurized irrigation system to serve the subdivision.

The Planning Commission recommended approval of this preliminary plan application by a vote of 5-0 at their May 9, 2023 public hearing. Overall, the Planning Commission was positive about this application, however, the primary points of discussion surrounded the concept of density. The overall density of the application is below 4 dwelling units per acre and the Planning Commission strongly recommended the applicant provide a bit more housing diversity to further the intent of the Comprehensive Plan. The Planning Commission meeting minutes are attached with the packet and the motion is copied below:

COMMISSIONER HUMMEL MOVED TO APPROVE APPLICATION 2023-11 - ADELE’S ACRE PRELIMINARY PLAN TO THE CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS
AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT BE
ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION
WITH THE ADDITION OF APPROXIMATELY 2-3 REVISED LAYOUTS
OF THE PLAN INCLUDING A MIX OF HOUSING TYPES FOR
COUNCIL TO CONSIDER

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

FISCAL IMPACT

Approval of the Preliminary Plan would not create a fiscal impact on the City of Fruita at this point in the application process.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Influenced by the community values expressed on page 2 of the Comprehensive Plan, the Plan Vision states, “The City of Fruita values quality of place. It’s an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that’s responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation.”

Community Values were built into the plan and some to keep in mind for residential development applications include the following:

- Fruita is a place where you run into neighbors, friends, and acquaintances at local stores and restaurants, parks, and the community center. (Community Values, Page 2, Comprehensive Plan)
- Fruita is a community where people are invested and constantly work to make the community better. (Community Values, Page 2, Comprehensive Plan)
- Fruita is committed to a land use pattern and supporting policies that promote access to housing across the income spectrum of its residents. (Community Values, Page 2, Comprehensive Plan)

The City of Fruita’s Master Plan, Fruita In Motion: Plan Like a Local, encourages Efficient Development as one of its Plan Themes. The Plan Themes section is found in in Chapter 1 (page 5) of the plan and states that, “The City of Fruita encourages infill over sprawl and development within the existing city limits and Urban Growth Boundary (UGB). Efficient development reduces the demand for infrastructure and city services, supports community connectivity, and encourages a thriving downtown core.” This subdivision is within the UGB and will meet the intents of creating a definitive city edge. An urban-rural edge defines Fruita as a freestanding community separate from Grand Junction. Undeveloped parcels within the edge are encouraged to develop at higher densities than beyond the edge where rural densities are desired.
OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the Adeles Acres Preliminary Plan application with no conditions.

2. Approve the Adeles Acres Preliminary Plan application with the condition that:
   a. All review comments and issues identified in the Staff Report be resolved with the Final Plat application.

3. Deny the Adeles Acres Preliminary Plan application for reasons specified by the City Council.

RECOMMENDATION

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

APPROVE THE ADELES ACRES PRELIMINARY PLAN APPLICATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE RESOLVED WITH THE FINAL PLAT APPLICATION.
Application #: 2023-11  
Project Name: Adeles Acres Preliminary Plan  
Application: Preliminary Plan  
Representative: River City Consultants  
Location: 1024 19 Road  
Zone: Community Residential (CR)  
Request: This is a request for approval of a Preliminary Plan application for the development of 48 single family lots over approximately 15.01 acres located in the Community Residential (CR) zone.

PROJECT DESCRIPTION:

This is a request for approval of a 48-lot subdivision over approximately 15.01 acres located southeast of the intersection of 19 and J 2/10 Road. The subject property was annexed (Ordinance 2022-19) and zoned (Ordinance 2022-20) in August 2022.

The proposed subdivision has primary access coming from the north along J 2/10 Road with an emergency access point from 19 Road. The proposed internal rights-of-ways (ROW) are designed to the city standards of 44 total feet of ROW with curb, gutter, and sidewalk. There is also a street stub to the south to allow for future development on the property to the south. Off-site ROW improvements will be required along J 2/10 Road and a Transportation Impact Fee collected at approval of a Building Permit will be required to be paid. This impact fee is then allocated to 19 Road Improvements in the near future. The City plans to utilize these impact fees to construct 19 Road improvements in a manner that is consistent with the City’s circulation plan. The city intends that 19 Road improvements happen in larger phases as opposed to piecing together smaller development projects as applications get built out over a longer period of time.

Sanitary sewer service is proposed to be extended with this development. There are currently 20 irrigation water shares allocated to the subject property with plans to construct a pressurized irrigation system to serve the subdivision.
**SURROUNDING LAND USES AND ZONING:**

Surrounding land uses are primarily single family detached residential with some small-scale farming scattered nearby. This is typical of subdivisions built at the city’s edge.
2022 AERIAL PHOTO

REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

PRELIMINARY PLAN (MAJOR SUBDIVISION)

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

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

   *Conformance to the City of Fruita’s Master Plan (Comprehensive Plan):*
Influenced by the community values expressed on page 2 of the Comprehensive Plan, the Plan Vision states, “The City of Fruita values quality of place. It’s an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that’s responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation.”

Community Values were built into the plan and some to keep in mind for residential development applications include the following:

- *Fruita is a place where you run into neighbors, friends, and acquaintances at local stores and restaurants, parks, and the community center.* (Community Values, Page 2, Comprehensive Plan)
- *Fruita is a community where people are invested and constantly work to make the community better.* (Community Values, Page 2, Comprehensive Plan)
- *Fruita is committed to a land use pattern and supporting policies that promote access to housing across the income spectrum of its residents.* (Community Values, Page 2, Comprehensive Plan)

Community Snapshot – The Comprehensive Plan must suit the needs of the current Fruita community and remain relevant as the city changes and grows in the future. Thus, a thorough analysis of city and regional demographic and economic trends was conducted for this plan. This data-driven approach has informed many elements of this plan, from the future land use goals to economic development strategies and education policies. (Community Snapshot, Page 10, Comprehensive Plan).

The City of Fruita’s Master Plan, Fruita In Motion: Plan Like a Local, encourages Efficient Development as one of its Plan Themes. The Plan Themes section is found in in Chapter 1 (page 5) of the plan and states that, “The City of Fruita encourages infill over sprawl and development within the existing city limits and Urban Growth Boundary (UGB). Efficient development reduces the demand for infrastructure and city services, supports community connectivity, and encourages a thriving downtown core.” This subdivision is within the UGB and will meet the intents of creating a definitive city edge. An urban-rural edge defines Fruita as a freestanding community separate from Grand Junction. Undeveloped parcels within the edge are encouraged to develop at higher densities than beyond the edge where rural densities are desired.

Connectivity is another Plan Theme within Fruita’s Master Plan. This Plan Theme reads, “It is easy for vehicles, cyclists, and pedestrians to get around Fruita and to visit local destinations. The City of Fruita offers safe, intuitive, and well connected on- and off-street trail networks for pedestrians and cyclists.” Overall, the proposed subdivision meets the intents and purposes of the connectivity Plan Theme which is ultimately meant to create an overall development pattern that is positive for vehicular and pedestrian movement.
**Conformance to Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations:**

The property is zoned Community Residential (CR). The purpose of the CR zone is to allow moderate density with a mix of housing types. The CR zone has a minimum lot size of 7,000 square feet for subdivisions with up to 6 dwelling units per acre, with a supported density of between 4-6 dwelling units per acre.

The subdivision is proposing an overall density of 3 dwelling units per acre; however, this includes a larger proportion of the property retaining the existing house on approximately 1.77 acres.

The internal streets meet the city’s standards. As part of the development, the developer will be required to construct improvements along J 2/10 Road which include curb, gutter, sidewalk.

The city requires 1-1.5 irrigation water shares per irrigated acre. From the information submitted, it appears that the subject property has 20 shares. The application is proposing to construct a pressurized irrigation system to serve all the lots.

There are two (2) platted access locations and a permanent emergency access location to 19 Road.

With some changes, the proposed development can be in conformance with the city's Master Plan, Land Use Code, and all other city policies and regulations based on the more technical responses as expressed in the Consolidated Review Comments included with the Staff Report.

Review comments from the City Engineer, Planning & Development Department, Ute Water, Grand Valley Power (GVP), Grand Valley Drainage District (GVDD), Lower Valley Fire District (LVFD) and others address technical issues within the development and are attached with this Staff Report. If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

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

The City seeks to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Comprehensive Plan, existing adjacent land uses, applicable zoning district requirements, and other city codes and regulations. Section 17.05.080 (C) of the Code states that for all land uses, “compatibility” is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone.
The primary use surrounding the subject property is single-family detached residential with some secondary small-scale farming nearby. Mesa County allows for residential development nearby. Both Mesa County and the City of Fruita support residential developments in this area. This criterion has been met.

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

It appears that most required services and facilities are available to the subject property and the proposed subdivision. The subdivision is required to extend sanitary sewer to the subject property from 19 Road north.

The irrigation water shares document shows 20 shares, this should be adequate to serve the irrigation needs of the proposed subdivision in accordance with the Land Use Code. It should be noted that private irrigation systems are owned, operated, and maintained by the HOA. In the design and development stage, the City of Fruita is involved to ensure the system will work and that there are adequate water shares.

More technical details pertaining to the roads, drainage facilities, domestic water systems are contained in the review comments. All review agencies have had an opportunity to comment on this application and continued coordination will take place as the application continues to move forward.

If all review comments and issues identified in this Staff Report are adequately resolved with the Final Plat application, this criterion can be met.

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

There doesn’t seem to be any elements of the subject property that are in need of preservation at this time.

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

This criterion can be met.

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

Although some redesign will be necessary in order to meet the minimum requirements of the Land Use Code and other city regulations, it does not appear that resolving concerns necessarily leads to a significant redesign of the development that would require another Preliminary Plan review.
As mentioned before, review comments from the City Engineer, Planning & Development Department, Ute Water, Grand Valley Power (GVP), Grand Valley Drainage District (GVDD), Lower Valley Fire District (LVFD) and others address technical issues within the development and are attached with this Staff Report. If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

Based on this information, the approval criteria that must be considered for Preliminary Plan applications either have been met or can be met if all review comments and issues identified in this Staff Report are adequately resolved with the Final Plat application.

**LEGAL NOTICE:**

<table>
<thead>
<tr>
<th>Legal Notice (minimum of 15 days prior to Planning Commission)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>April 19, 2023 (20 days prior)</td>
<td>Post Cards [17.07.040 (E)(1)(d)]</td>
</tr>
<tr>
<td>April 12, 2023 (27 days prior)</td>
<td>Sign Posting [17.07.040 (E)(1)(c)]</td>
</tr>
<tr>
<td>April 19, 2023 (20 days prior)</td>
<td>Legal Ad [17.07.040 (E)(1)(a)]</td>
</tr>
</tbody>
</table>
REVIEW COMMENTS:

All review comments received are included with this Staff Report. All review comments must be adequately resolved with the Final Plat application.

PUBLIC COMMENTS:

No written public comments been received at this time.

It should be noted that the Land Use Code requires a neighborhood meeting to be held by the applicant in accordance with Section 17.07.040 (D). The applicant held a neighborhood meeting on December 7, 2022. The meeting notes are provided in the application materials.
STAFF RECOMMENDATION:

Staff recommends approval of application 2023-11, Adeles Acres Preliminary Plan, with the condition that all review comments and all issues identified in the Staff Report are adequately resolved with the Final Plat application.

PLANNING COMMISSION SUGGESTED MOTION:

Mr. Chair, I move we (approve/deny) application 2023-11, the Adeles Acres Preliminary Plan to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved with the Final Plat application.

FRUITA PLANNING COMMISSION:  May 9, 2023
FRUITA CITY COUNCIL:  June 6, 2023
Application Type: Preliminary Plan
Application Name: Adeles Acres Subdivision
Application Number: 2023-11
Location: 1024 19 Road

- Application sent out for review: March 20, 2023
- Legal Notice –
  o Paper – 4/19/2023
  o Postcards – 4/19/2023
  o Sign – 4/12/2023
- Planning Commission: May 9, 2023
- City Council: June 6, 2023

Description:

This is a request for approval of a preliminary plan application to create a 48-lot subdivision over approximately 15 acres located at the southeast corner of 19 Road and J 2/10 Road.

General:

1. Access to Lot 48 should now come from Isla Street, interior to the subdivision.
2. Highway 6 & 50 sewer recapture (reception #2898098) applies to this development application.
   a. Each platted lot will be required to pay $2,000 toward this recapture at the time of Building Permit submission.
3. Residential Design Standards require either a street connection or trail connection for every 300-600 linear feet.
   a. Provide a trial connection on the north. Between Lots 11 and 12 may be a good place to add this with an ADA ramp alignment with the Lot 18 intersection.
   b. This must be placed in a Tract dedicated to the HOA.
   c. Must be at least 16 feet wide with a trail surface of at least 8 feet and landscaping on both sides.
4. The existing telecommunications tower on the northwest corner needs to be removed.
5. The water shares document represents 20 shares, please provide a headgate report showing these shares being allocated to the subject property.
6. The Land Use Code states that Community Residential development be between 4-6 dwelling units per acre. The application is proposing less than the minimum supported. The plans show retaining 1.77 acres for the existing house on the northwest corner. Staff...
recommends the development increase the density closer to the minimum of 4 dwelling units per acre.

**Plat**

1. Provide a 14-foot multi-purpose easement along 19 Road and J 2/10 Road.
2. Looks like the subdivision title is spelled “Adaeles” and should be “Adeles”
3. There are references to the Mesa County Land Development Code, these references should be removed.

**Responses to comments must be shown with redlines so the comments addressed can be identified by Staff. This applies to responses to comments where the plan set is to be revised. Revision dates must also be placed on any revised plans. To ensure a timely review of your responses to comments, please redline the construction drawings with any changes from the original plans submitted. Also, you must include a revision date on all your plans to ensure the correct plans are being reviewed. If this is not done, the review of your resubmittal may be delayed.**
PROJECT: Adele’ Acres

Petitioner: 1024 19 Road, LLC
River City Consultants

Reviewer: Sam Atkins

Date: April 26, 2023

REVIEW TYPE: ____ Minor Subdivision  ___ Major Subdivision - Final Plan/Plat
(Check One)  ____ Lot Line Adjustment  ____ Final Plat
          ____ Site Design Review  ____ Conditional Use Permit
          ____ Other:

REVIEW COMMENTS

1. **General:** This application is for a 15.01-acre subdivision located at 1024 19 Road comprised of 48 single family lots.

   **Review Comments**

2. **Plat:**
   a. Drainage and irrigation easements should be a minimum of 10-ft in width and shall not be split by a lot line.
   b. Add a 14-ft MPE along the frontage of lots along J.2 Road and 19 Road.
   c. There does not appear to be a sewer easement through Tract A. Add an easement to the City if this is a public sewer.
   d. Ensure that the ROW fillet at 19 Rd. and J.2 rd. is big enough to accommodate a large flowline radius and the resulting ramp (35’ is specified for this type of intersection).
   e. There are several references to Mesa County which should be the City of Fruita that show up on page 1.
   f. The irrigation easement on Lot 4 has a dimension of 42’ in length but it is not the full length of what is drawn. Verify the dimension.
   g. Add a sanitary sewer/drainage easement through Tract A.

3. **Site Plan:**
   a. Half street road improvements will be required on J.2 Road as it will be the only access to the site.
   b. There are a bunch of dimension labels along the top of lot 34.
   c. There are both 10-ft and 6-foot v-pans within the site. What is the reason? If 10 is to be used, what are the vertical dimensions?
   d. Provide a ramp on the opposite side of tee intersections so there is a way to cross at each intersection without having to go all the way around.

4. **Composite Site Plan:**
   a. What is the shading on the curb, gutter and sidewalk near lots 3, 18, 25, 26, 33 & 36?
b. I did not see where the streetlights were called out. There is one on sheet C49.

c.

5. Utility Composite Plan:
   a. Sewer for this property is to connect to the trunk line in 19 Road. The sewer is on the west side of 19 Road at Iron Wheel Subdivision.
   b. Will the manhole at 19 and J 2/10 Road for irrigation going to end up in a curb ramp when constructed? If so, we would want to relocate the manhole elsewhere by extending the pipe.
   c. Call out storm drains through Tract A as private, no City maintenance.

6. Drainage Report/Grading:
   a. Where in the SWMM does it use a 1-hour storm?
   b. What drainage basin area was used for the storm drain in J Road. It should be for more than just the project drainage.
   c. What is the capacity of the receiving facility. It has been our policy that if there is a GVDD facility that is receiving the discharge from development that the facility needs to be checked for capacity. If it does not have the capacity, then the project needs to release at 50% of historic rate.
   d. The maximum top of concrete elevations are such that driveways will be too steep. Fruita has a maximum driveway grade of 10%. Checking Lot 42 for example, with a Max ToC 4552.71, the 2 front corners are 4548.08 and 4548.47 giving driveway grades of 17.0% and 18.5%. All the TOC elevations should be reviewed and adjusted accordingly.
   e. Corner elevations might suggest the back of the ramp would exceed a 2% cross-slope in some locations. Assuming a square intersection, the maximum elevation difference on a location intersection would be 0.42 ft to keep a straight grade of 2%. I think in cases where those dimensions are greater (both ramps at Isla/Ava) there should be a note added that says the ramp will need to be warped to meet ADA or something like that. I would probably want that information on the plan and profile sheets for the streets and not necessarily on the grading plan because they will build from the profiles.

7. Sanitary Sewer Profiles:
   a. Sewer is to go down 19 Road for this parcel. The sewer from J.2 Road to J Road to be sized at a 12-inch line and from J Road to Iron Wheel Subdivision as a 15-inch line.
   b. Add a manhole to SS Line F as the 459.45’ exceeds our maximum length between manholes.
   c. Add all existing utilities to SD Line N. There has to be at least gas out there. Call out waterline size in profile. Does Ute Water not know the size?
   d. Sewer should be extended to the north boundary of the property.
   e. A recapture would be available for sewer constructed from where you connect to the south end of your project.
8. **Storm Drain Plan & Profile/J Rd.**
   a. Add road edges, utilities, etc. I would think there is a gas line and power at a minimum. The indication is there is an existing waterline but no size is given. I would think Ute Water could provide that information.
   b. 450’ max spacing on storm drains between manholes.

9. **Irrigation Plan:**
   a. Where are the details for the pumphouse and vault?

10. **Traffic Study:**
    a. This new traffic study suggests there is a requirement for a northbound right turn lane to J 2/10 Road. This was not a requirement for previous developments and therefore must be generated based on the need of this project. This project should pay for the construction of this auxiliary lane as the city has a project in the future to construct improvements to 19 Road and constructing this lane now would negatively affect the future project.

**RECOMMENDATION:**

The Engineering and Public Works Departments recommends approval of this Site Plan upon the satisfactory resolution of the items cited above.
ADELES ACRES SUBDIVISION
COSOLIDATED REVIEW COMMENTS

5.1.2023

GVP Comments

1. The project is in the Grand Valley Power (GVP) service area.

2. This review does not start the design process with GVP. Please make an application for service by calling 242-0040 to start the design process, a cost estimate will be prepared. An engineering deposit may be required.

3. 3-phase power is available for this project, along the west side of 19 Road.

4. Need GVP electric layout on FINAL Utility Composite Plan. Showing the locations of street lights, transformers, junction boxes, road crossings (number of conduits, type, size, depth & length), and any other needed equipment.

5. For new projects, some electrical equipment (transformers, metering, etc.) may have an ordering lead time exceeding twelve months. Please plan accordingly.

6. Need 14’ Multi-Purpose Easement along all Roads and streets.

7. No trees are to be planted over the utility portion of the Multi-Purpose Easement.

8. Any Utility / Multi-Purpose Easement that is also used for landscaping will need to have underground power lines buried in a duct system.

9. Irrigation and drainage lines should not be in the utility portion of the Multi-Purpose Easement.

10. Any relocation of existing overhead power lines, poles, guy/anchors, underground lines, transformers, or any other Grand Valley Power equipment is at the developer’s expense.

No further comment.
**Grand Valley Drainage District**

GVDD has reviewed the project and spoken to the Engineer. We understand that the storm water from this development and the subdivision on the west side of 19 Rd will be using new storm water drains in 19 Rd, J Rd that will include replacement of portions of the Coup Drain with 18” RCP to handle the historic drainage and the new MS4 water. Under this scenario the District has no objection.

**Lower Valley Fire District**

LVFD would like for the hydrant at lot 15-16 be relocated to the main entrance off J2/10 Northwest corner. Hydrant at lots 9-10 be relocated to southeast corner of AVA and Isla on the corner of Lot 18. Hydrant between lots 21-22 needs to be moved to corner of Marley and Isla southwest corner of lot 21. Hydrant between lots 31-30 needs to be relocated to corner of Lily and Marley southeast corner of lot 30. Hydrants will follow IFC 2018 Appendix C Table 102.1. Fire flow will follow Appendix B table 105.1 1000 GPM with a 20 psi residual pressure. Road ways along with CUL-DE-SAC will follow IFC 2018 Appendix D D103.1. Subdivision will follow 2018 Appendix D section D107.1

**Mesa County Regional Transportation Planning Office**

RTPO does not have major concerns. The sidewalk connection to 19 Rd and the stub street is appreciated to allow for future connectivity to adjacent properties as development continues in the area. It is interesting to note that the numbers from the RTPO Travel Demand Model show a decrease between 2019 and 2045, this is likely due to the model’s anticipation of improvements to 18 ½ Rd/Freemont Street by the horizon year of 2045.

**Ute Water**

Comments submitted via redline drawings from construction plans submitted. Comments given to the applicant’s representative, River City Consultants.

**Mesa County Stormwater**

Project will require a Mesa County MS4 Construction Stormwater Permit. Application can be completed online at: https://h9.maintstar.co/MesaCounty/portal/#/

Permit Fees will be assessed once application is received. Please note that “Review Fee” must be paid before Stormwater Management Plan and Site Map(s) can be reviewed.

SWMP in initial submittal is acknowledged and will be reviewed once permit application is completed and 'review fee' is paid.

This project meets the criteria of "New Development", therefore permanent Water Quality is required. Please complete a "Post-Construction Stormwater Control Measure Operations and Maintenance" Agreement. Project will need to provide a copy of its State Discharge Permit (CDPHE) to Mesa County Stormwater Division.
Project Narrative  
Name: Adeles Acres Subdivision  
Application: Subdivision  
March 16, 2023

Project Information

Applicant: 1024 19 Rd LLC - Owner  
Representative: Courtney Patch – River City Consultants, Inc.  
Location: 1024 19 Road, Fruita, Colorado 81521  
Parcel No: 2697-153-00-181  
Zoning: Community Residential (CR) within the City of Fruita

Project Description:
The proposed project site is located at the southeast corner of the intersection of 19 Road and J.2 Road in Fruita, Colorado. The current project address is 1024 19 Road, Fruita, CO 81521 (Parcel No. 2697-153-00-181). In more legal terms, the project site is in the north half of the SW ¼ of the SW ¼ of Section 15, Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado.

The proposed project parcel is occupied by a single residence and shows signs of recent livestock activities. Onsite structures include fencing, small sheds, a garage, a house, and a tall cell phone tower near the northwest corner of the property.

The project parcel is approximately 15.01 acres of agricultural use consisting of livestock activities and crop cultivation with a single-family residence present. This parcel is being subdivided into 48 single-family residential lots, with supporting right-of-way (ROW), Homeowner’s Association Tracts, and easements for utility and access agreements. The project parcel is bounded on the west by 19 Road, on the North by J.2 Road, on the east and southeast by the Palmer Subdivision, and on the south by Parcel No. 2697-153-01-001.

Neighborhood Meeting:
A neighborhood meeting was held on December 16th, 2023, virtually via Zoom at 5:30pm pm. The minutes, attendance sheets and exhibits that were presented at the meeting are included with this submittal. Overall, the project was favorably accepted by the public that attended the meeting.

Preliminary Plan

Project compliance with, compatibility with and impacts on:
**Adopted plans and policies**
The project meets the intent of the Fruita Land Use Code, as well as the requirements of the City of Fruita 2020 Comprehensive Plan.

**Land use in surrounding area including parks and open space**
The surrounding area contains a mix of uses, including single family residential and agricultural uses. The proposed project site is zoned Agricultural, along with the parcels located directly to the north, west, south, and northwest. The Palmer Subdivision is located directly to the east and southeast and is zoned Residential.

**Site access and traffic patterns**
Access to the project site will be from the south side of J.2 Road at the proposed entrance for the development (proposed Lily Street). Currently, J.2 Road is a two-way gravel road east of 19 Road, and a two-lane paved road west of 19 Road. 19 Road is a two-way paved road with gravel shoulders.

**Availability of utilities**
All utilities are available and will be extended into the subdivision.

**Special or unusual demands on utilities**
The proposed project will not cause any special or unusual demands on utilities. The infrastructure is in place to support the subdivision.

**Effects on public facilities and services**
There should be minimal impact to the provision of police and fire protection services and other municipal services with this subdivision.

**Site soils and geology**
A geologic hazards and geotechnical investigation was performed on the site by Huddleston-Berry Engineering and Testing in January 2023. The site is suitable for the proposed development.

**Natural areas**
Existing vegetation at the proposed project site consists of desert shrubs and brushes in fair condition (~50% cover), along with several cottonwoods and other deciduous trees dispersed across the property. The existing residence has landscaping and a grass lawn around the house. The property is approximately split into thirds by existing wood and wire fencing. The eastern third of the property appears to be undeveloped rangeland with natural desert vegetation. The western third has a large cell phone tower to be removed, a residence, several sheds, and mostly bare ground. The middle-third of the property shows signs of livestock activities and/or horse boarding.

Web Soil Survey obtained from the NRCS web site shows soils present at the site consist entirely of Fruitland sandy clay loam (0-2% slopes). Fruitland sandy clay loam is classified as Hydrologic Soil Group B. Group B soils have slower infiltration rates than Group A soils, and higher infiltration rates than Group C and Group D soils.
**Existing Drainage**

Earthen berms and private irrigation ditches border the project parcel on the north, east, and parts of the southern boundary. These existing features act as drainage boundaries keeping offsite runoff from entering the proposed project parcel and maintaining historic drainage patterns.

A roadside swale on the east side of the 19 Road corridor carries local runoff to the south along the western boundary of the project parcel. Runoff generated from the project area travels from east-to-west and ultimately discharges at the southwest corner of the parcel into the roadside swale. The swale drains south within the 19 Road corridor to an existing irrigation structure at the northeast corner of the J Road & 19 Road intersection. From there, flows are conveyed west and collected into the Grand Valley Drainage District’s (GVDD) Coup Drain.

The proposed development is entirely within the 117 Major Drainage Basin in Mesa County, CO. The 117 Major Drainage Basin flows to the Colorado River, approximately 1.5 miles south of the site.

**Proposed Drainage**

The proposed project will include lot grading, vertical curb and gutter, back lot drainage, storm drain, and a detention pond with outlet structure. Runoff from the developed areas will sheet flow to the curb and gutter sections of the proposed road or to the back-lot v-pans. From there, runoff will be directed to storm drain inlets where it will be collected and conveyed through the site to the stormwater pond at the western end of the development.

The proposed detention pond is a permanent stormwater solution designed to adequately provide water quality and stormwater detention measures for the Adeles Acres Subdivision. The pond is positioned within HOA Tract A of the development. The pond has been designed to hold the required water quality capture volume (WQCV), while providing detention storage for excess runoff during the 10-year and 100-year storm events.
December 7, 2022
Neighborhood Meeting Notes
Adele’s Acres Subdivision
1024 19 Rd LLC

In attendance was the property owner Darrell Cordova, River City Consultant employee Courtney Patch, and 2 neighbors joined the call.

The meeting was started at 5:30pm via zoom. The group waited approximately 10 minutes before starting the presentation to allow time for callers to join. Courtney started the presentation by describing the project proposal to subdivide the property into 48 single-family residential lots. She showed several maps including a Location Map, Urban Growth Boundary and Zoning Map, Future Land Use Designation Map, Fruita’s Future Land Use Map, and the Fruita Comprehensive Master Plan. The proposed site plan for the subdivision was also presented. All maps listed are attached to the neighborhood meeting notes for the subdivision application submittal. Courtney gave a brief description of the process moving forward and that it is an administrative process per Fruita’s Land Development Code.

Project information given in presentation:

This is a request for a major subdivision of the property located at 1024 19 Rd, Fruita, CO. The property was annexed into the city limits in the summer of 2022. The proposal includes subdividing the existing 15.1 acres into 48 single family residential lots. The existing home in the southwest corner will remain on a single lot included in the proposed 48. The current zoning is Community Residential (4-8 DU/Acre). The property is approximately 15.1 acres which would allow for a range of 60-120 dwelling units. Our proposal includes a density of 3.18 which has been discussed and approved to move forward with by the city of Fruita.

The meeting was then opened for public comments and questions.
The public had no questions.
The meeting was adjourned at 5:50 pm.

Screenshot of those who attended the Zoom call:
Urban Growth Boundary & Zoning
Future Land Use Designation
Fruita Comprehensive Master Plan

RESIDENTIAL 4-8

The Residential 4-8 land use category is intended for undeveloped areas where public infrastructure and services are available and proximal. This land use is also recommended for developed or semi-developed areas that are built out at a minimum of 2 units/acre. In areas that are currently built out at below the minimum density of this zone, it is expected that the minimum density (4 units/acre) is achieved when redevelopment occurs. This plan recognizes that many already-developed areas will remain in their current form for decades to come. However, there are still redevelopment opportunities throughout the city. In areas designated as Residential 4-8, there should be a clear and easily recognized pattern with a regular order to the lots and a recognizable geometry to the spaces between buildings. Innovative neighborhood designs in this land use category are encouraged. Neighborhoods in this area can be developed up to 8 units/acre in order to incentivize developers to provide amenities such as parks and trail connections and different types of housing. Rather than a complex bonus density program to get up to the maximum allowed density, the new Land Use Code should outline the requirements so that up to 8 units/acre can be done as a use-by-right.

TYPICAL FRUITA BLOCK

- DENSITY: APPROX. 5 DU/AC
- LOT SIZES: 7,500 to 10,000 SF
- PRODUCT: SINGLE-FAMILY DETACHED HOMES
- GARAGE: SOME ATTACHED; SOME DETACHED

This view is modeled after a typical block in Fruita. Fruita's traditional neighborhoods have very modest homes, typically around 1,000 square feet. Some blocks have alleys and some do not. This example shows an alley. Even when an alley is present, the majority of homes have driveways. Some garages are attached and some are detached, behind the home.

A typical block in Fruita (source: Google Earth)
11. Summary and Recommendations

- The proposed Project will increase the traffic volumes of the roadway network by 41 AM trips, 53 PM trips, and 529 ADT.
- A northbound to westbound deceleration lane is warranted by both County and TEDS warrant thresholds however, the Project does not contribute any traffic to this movement.
- A northbound to eastbound deceleration lane is warranted per MCDS but not per TEDS. The LOS of the intersection is adequate, and APEX is not recommending construction of an auxiliary lane for this movement.
- All sight distance requirements are met.
- The Project will have minimal impact on the surrounding roadway network.
- The Project will improve J 2/10 Road east of 18 Road.
MOTION PASSED 3-0 (COMMISSIONER MULDER AND COMMISSIONER HUMMEL ABSTAINED FROM THE VOTE AS THEY WERE NOT PRESENT AT THE LAST MEETING)

H. HEARING ITEMS

<table>
<thead>
<tr>
<th>Application #:</th>
<th>2023-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name:</td>
<td>Adele’s Acres</td>
</tr>
<tr>
<td>Application:</td>
<td>Preliminary Plan</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>1024 19 Rd LLC</td>
</tr>
<tr>
<td>Location:</td>
<td>1024 19 Road</td>
</tr>
<tr>
<td>Description:</td>
<td>This is a request for approval of a Preliminary Plan of a 48 lot subdivision on approximately 15.01 acres</td>
</tr>
</tbody>
</table>

Mr. Henry Hemphill, City Planner, gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Application Details

- Preliminary Plan
- 1024 19 Road - Southeast of 19 Road and J 2/10 Road.
- 48 lots over approximately 15.01 acres
- Annexed and Zoned in 2022

Slide 3 – Legal Notice

- All Legal Notice accomplished in accordance with local law.
- Post Cards – April 19, 2023
- Sign Posting – April 12, 2023
- Newspaper – April 19, 2023

Slide 4 – Site Posting and Buffer Zone

Mr. Hemphill explained that the buffer area must be at least a 350’ radius or 20 unique properties. In this case since the area is rural, the area was extended to achieve at least 20 unique properties.

Slide 5 – 2022 Aerial View

Mr. Hemphill pointed out the existing house on the southwest corner of the property which is proposed to remain.

Slide 6 – Zoning Map

Mr. Hemphill mentioned that the property had been zoned for Community Residential (CR).
Slide 7 – Future Land Use Map

Mr. Hemphill said that the Future Land Use Map supported this property to be within the city limits as Community Residential. He pointed out that the subject property sat at the edge of the Urban Growth Boundary.

Slide 8 – Site Plan

Mr. Hemphill showed the lot layout and the right-of-way layout of the subject property in relation to 19 Road and J 2/10 Road. He discussed access to the property. He also talked about an emergency access located in Tract A and 19 Road.

Slide 9 – Review Criteria

• Section 17.21.040 (A)
• 5 criteria to consider.
  • Conformance with Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual
  • Compatibility with surrounding area.
  • Adequate provisions of all required services.
  • Ability to resolve all comments and recommendations without a significant redesign.

Mr. Hemphill spoke about the Pre-Consultation meeting and what is usually discussed. He mentioned sewer lines, water lines, irrigation systems, right of way and improvements. He said that they were looking at improvements on 19 Road with an extension of a sewer line. The proposal is coming from J and Freemont. He talked about the trunk line extension in Highway 6 & 50 that connected from under the railroad tracks along the Highway to 19 Road and through the Iron Wheel Subdivision. He said that there is a recapture along 19 Road north to all of these subject properties that would be developing in accordance with the Future Land Use Map. As far as the right of way improvements, typically they would be required in full sections along 19 Road or minor collectors. He added that it was important to acquire the right of way to do the improvements and that they allocate Transportation Impact Fee Funds for those specific areas. Mr. Hemphill added that it was also important to look at the traffic studies and their recommendations and how they respond to that. He spoke about improvements along J 2/10 Road and would be required in accordance with that street section. As far as sewer, the City relies on the engineering team and their comments.

Mr. Hemphill addressed compatibility with surrounding areas. He stated that this would be the first subdivision around this area. He stated that they needed to look at the Future Land Use Map and what does the Code says about what should be built in this area. He said that this subdivision would be compatible with the surrounding area once it is built out.

Mr. Hemphill talked about the review comment process. He also stated that this application can resolve the comments and recommendations without a significant redesign if they were able to respond to all comments adequately.
Slide 10 – Review Comments & Public Comments

- **REVIEW COMMENTS:**
  - No reviewer expressed any major concerns with the proposed development plan.
- **PUBLIC COMMENTS:**
  - No written public comments have been received by Staff at this time.
  - Neighborhood meeting held on Dec. 7, 2022, by applicant.

Slide 11 – Suggested Motion

- Mr. Chair, I move we (approve/deny) application 2023-11, the Adeles Acres Preliminary Plan to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved with the Final Plat application.

Slide 12 – Next Steps

- Following Planning Commission
  - City Council public hearing – June 6, 2023 @ 7pm.
  - If approved by City Council.
  - Final Plat submitted within 180 days.
  - Final Plat is administrative, this process ensures comments have been addressed.

Mr. Hemphill concluded his presentation.

Commissioner Biddle thanked him and invited the applicant to speak.

Ms. Courtney Patch with River City Consultants, the applicant’s representative, went up to speak. She introduced the project. She showed an aerial photo showing the subject property and where it is located. She mentioned that the property was annexed and zoned in 2022, it was zoned Community Residential and is approximately 15.01 acres. She stated that currently the land uses in this area are large lot agricultural operations and residential. She showed a site plan of the proposed subdivision layout. She pointed out the existing home that is proposing to stay on approximately 1.77 acres and the other lots are approximately 7000-9900 square feet. She showed a photo of the layout and what the subdivision would look like on top of the aerial photo. She said that they did receive comments and she briefly touched on those comments from the first round of review. She said that irrigation was always a big part of the community and development. She added that they have 20 shares of irrigation water on the property and it would be divided up between the lots for irrigation and drainage for the landscaping tracts. She said that there is not flood irrigation happening on the site but in the past it has been. That will cease with the subdivision and with the improvements to the drainage and irrigation system they were going to improve the rates that are leaving the site and less water will be used and less runoff will be generated. She talked about a detention pond that will pump at a low flow rate. She talked about density, the minimum is between 4-6 units and currently they were proposing 3 because the lots are a little bit bigger but also because the existing home is taking up approximately 2 acres of their overall acreage which dropped the unit count down to 3 units per acres versus 4. They will be having discussions internally and with the property owner to see if
they can increase that and bring in planning to see if there was any leeway. She said that Mr. Hemphill mentioned the J 2/10 Road construction improvements and they have been requested to do half street improvements on the south part of J 2/10 Road. They will be working towards that for the Final Plat submittal. She brought up that their engineering team is confident that they can adequately address all the comments that they had received with response to comments. As far as the traffic study, they were going to get their traffic engineer who prepared the traffic study report involved. She said that there was only one comment on the traffic report, and he will get involved to respond to that. The Fire Department had minor suggestions to move fire hydrants within the subdivision and this will be taken care of. Planning mentioned adding a trail connection on the north end and they did mention between lots 11-12 which are in the middle of the northern section of the lot. The telecommunications tower, they are working to get it removed. She concluded her presentation.

Commissioner Biddle thanked her and opened the meeting to public comment.

There was none.

Commissioner Biddle closed the public comment portion of the meeting and opened it to Commissioner discussion.

Commissioner Hearns asked if a Preliminary Plat would be the same thing as a Preliminary Plan?

Mr. Hemphill confirmed it was.

Commissioner Hearns stated that the application was a Preliminary Plan of a major subdivision for single family lots. She asked if this was correct?

Mr. Hemphill said that the Code stated that a Preliminary Plan was required for anything over ten lots in this particular case, yes.

Commissioner Hearns asked if approval of the plan forced the lot lines and doesn’t force what is built on them, is this correct?

Mr. Hemphill confirmed this.

Commissioner Hearns asked if they wanted them to be multi-family for some reason they would have leeway to change that between now and design?

Mr. Hemphill said no.

Commissioner Hearns asked if this would be single family only?

Mr. Hemphill stated that duplexes would work. The proposal is single family detached. If they wanted to change that, they would consider that.
Commissioner Hearns stated that if they did throughout design or as they moved forward with the Final Plat and addressing density acreage, what would the process be if they determined single family or duplexes weren’t working, would it come back as a Preliminary Plan?

Mr. Hemphill stated that if they wanted to go over the allowed by right density in the Code which is 4-6 dwelling units per acre, if they wanted to go above that, the density bonus kicks in and there would be consideration on that.

Commissioner Hummel asked if it was normal that even though there was a question from Staff regarding the density that this plat would be approved and they wouldn’t go through another round so that they could get that updated before it came before Planning Commission again? He didn’t feel that this would be a minor redo.

Mr. Hemphill verified that Commissioner Hummel was asking what was considered a major redesign that would kick it back through the public hearing process?

Commissioner Hummel confirmed this. He added that if they were changing from 48 to 54 lots that would significantly redraw this plat.

Mr. Hemphill said that an increase in the amount of lots, a decrease in open space or an adjustment to the construction specifications like if they wanted a smaller street section that would kick it back through in accordance with the Land Use Code.

Commissioner Hummel asked why was Staff recommending approval if it was below what the Code specified for this area?

Mr. Hemphill stated that they could put a duplex on one of the lots which would be two units. They could get the density by decreasing the 1.7-acre parcel by a little bit and get closer to the four.

Commissioner Hummel asked if they had seen this historically?

Mr. Hemphill said no. It would be up to the applicant and the design team to come up with that.

Commissioner Hummel said that if they give the go ahead based on the 3 units, it could stay at that unless they hinge a statement to the end of the approval that it would only be approved if they have the density 4-6 which is what the code requires.

Mr. Hemphill added it was as proposed and that the property owner was present at the meeting.

Mr. Caris said that what was tricky is that they don’t have any density minimums codified in the Code. They have a range that is allowed by future land use not necessarily specifically by zone district and what is tricky for them is what is dissimilar to other agencies throughout the valley they ask for quite a bit of engineering to come before the Planning Commission and Council. Sometimes these things are not necessarily ferreted out but they also have a very prescriptive by right use code in the zoning classifications. He continued that it was hard to hold up a
development when there is lot coverage maximums and setbacks and density that is afforded to a zone district. From their perspective they won’t materially change the zoning that is already afforded to this property by drawing a different lot line. He added that they would if they were to drop it to 3500 square feet because then there are some prescriptive amenities that are required to achieve that density bonus that would have to go through a public hearing process to be afforded. Sure, it would change the redesign and the Planning Commission could contemplate that this would be a compatibility issue, but they have development and property rights under the zone district to begin with. They either ask for a layout and hope the design could work or they ask for the engineering and they sacrifice a little clarity as to where everything is going to land. They would have to prove it to the public.

Commissioner Hummel said that this made sense and he thanked Mr. Caris. He said that the way he looked at the range, and he felt that this was a good example of why the range could exist, they are taking out a parcel and it is a larger square footage, and it is going to remain a single family independent of the rest of the development. The 4-6 range for the entire development seems like there is a good place for that. He continued that this all made sense being able to go to a higher density, a duplex for example, on some of those lots would be compatible with the Comp Plan having innovative neighborhood design that has a mix of uses. He continued that in the general planning review comments 3A it had trail misspelled as trial, he hoped to get this updated.

Mr. Hemphill thanked him for pointing that out.

Commissioner Hummel wondered what the rest of the Commission thought about the density. He would like to have a caveat attached to the approval if that was the way they decided to go so that they reached that land use requirement.

Commissioner Hearns stated that she was feeling similarly. She added that the criteria start with the word conformance with the plans and codes. She didn’t disagree with Staff, the Staff report had portions that conform but there are portions of the plan that she felt that don’t conform particularly goal 4 and 9. Those are the ones that are encouraging housing diversity so what they were getting at that data has shown that they have 81% of occupied homes are all single family and 97% are that way and goal 9 is economic sustainability. If they don’t have diversity in housing, they are drawing the types of people to live in Fruita that they want to have here. She thought that this subdivision at 3 dwelling units per acre is an excellent candidate for encouraging that through some sort of addition. This is what she came here wanting to talk about.

Commissioner Miller agreed and would like to see some duplexes thrown in there. She added that they needed to be careful that they are not stepping on those rights. They have met the basic criteria and have met the Comp Plan. They could encourage it, it would be wonderful to see some of those put in there but she didn’t feel comfortable requiring it.

Commissioner Biddle agreed. He would not want to require it but encourage it absolutely.
Commissioner Mulder said that this development is new in that area and as this builds out it is going to determine what happens in the future around it. The developer is indicating that they’re dealing with a little higher density in the development. He thought is what Mr. Hemphill has said and what Commissioner Hearns and Commissioner Hummel has said it is up to Staff to take the review agency comments and apply it to this location. He didn’t think they could put down a hard cut and dry density now. It is not working for them yet. He did think that in the future as this builds out, they will see what is going to happen in this area. He liked what Ms. Patch said and Mr. Hemphill said that as it builds out it is going to determine what happens within the Code.

Mr. Hemphill commended Commissioner Mulder for bringing it up about the edge and what stuck out to him is his recollection is when they were going through the Comprehensive Plan update was a long workshop about how the community wanted to see an edge. Did they want to see a soft edge where density feathers or a distinct edge where they decide where Fruita is? The City wanted a hard edge, identifiable as to where the city limits were. That is what the Code allows to happen in addition to a broad spectrum of different housing types. They were building single family detached housing for a while and it was copy and paste. There are still opportunities afforded to private property owners and developers alike to build duplexes, triplexes, apartment buildings in the core which is supported on the Future Land Use Map as infill projects but also how they were going to develop the edge. This is the proposal that they have seen, they can still do single family detached housing, ADUs are allowed, and they will have housing type within this area if that is the community and neighborhood that wants to be built out. He was glad that they talked about the edge because that is where this is.

Commissioner Hummel said he was concerned that they were going back to a model with a reduced density of feathering the edge and he preferred not to go back to that because we heard differently from the community. If they can require the 4-6 then he would like to see some kind of strong emphasis on point number 6 and Staff’s comments which is that density increases and further discussion with Council as part of the project as it builds out further with Staff.

Commissioner Miller asked what that would look like with the big piece taken out? She wanted to know where they were at in the subdivision piece. She felt like that would change the picture.

Mr. Hemphill responded that there were an additional 4 lots that would need to be included or units. He said that this was insignificant.

Commissioner Miller said that it was stated that they would be working towards this.

Mr. Hemphill said that they were trying to get 2 more units. The property owner had stated that they would like the opportunity for rebuttal.

Commissioner Biddle asked them to come up and state their name.

Mr. Darryl Cordova, one of the owners of 1024 19 Road LLC, said that the 1.77 acres belonged to Gary and he will retain ownership of it after they divide. He said that his thought was he would like to put 3 duplexes on that piece of ground, future growth. He said that he didn’t know
if it would fly with the City of Fruita but they could split that ground and put 3 duplexes on it. He said that they were just throwing it out there. They are open to suggestions and that is one of them and the lot may open and eliminate the density problem. He thanked them for their time.

Commissioner Hearns asked if this were platted as proposed and they wanted to change the subdivision or the applicant wanted to change the subdivision to have 3 duplexes on that parcel, what is that process?

Mr. Hemphill stated that it would be a minor subdivision application.

Commissioner Hearns asked if this was administrative?

Mr. Hemphill confirmed this. He stated that what the Code would allow, they could approve up to 60 units with the 4 times the 15 and then move on and say as long as you can get sewer there, work with Staff, City Engineering and Public Works on right of way improvements and they irrigation, there is enough. All those things can align with the impetus that if they want the density there approve up to the 60 units total and then if they came in and want one of the bigger lots allocated as a duplex then as Staff as they are reviewing those building permits they have a process for that.

Commissioner Hearns asked if the up to language, is that in case they wildly wanted to change something and it something like 80 or 100 they just haven’t done the design to ensure the utilities are sufficient so that is why it would be capped?

Mr. Hemphill said yes.

Commissioner Hearns asked about criteria 2. It is the compatibility with surrounding land uses, she agreed that the surrounding land use is single family and zoned that way but she didn’t know if there was some leeway to consider surrounding land use with its density. If they were looking at the current picture they are talking about massive density where there isn’t any so it doesn’t feel like infill and it doesn’t feel like an edge just yet. She asked if this was in the criteria or is the criteria specifically surrounding land use?

Mr. Hemphill said that existing land uses, applicable zoning district requirements, and other City codes and regulations really take into consideration land use compatibility. When they are thinking about the Comprehensive Plan where the future zoning is going to be, how does it look, how does it get built out? They need to compare it to transportation standards; can they get there and serve the area with the density they envision happening there? Once time goes by and they see a development application and they start to review it, those kinds of things have already been considered and they were there tonight to talk about if they were proposing something wild and crazy that doesn’t meet the Comp Plan or Code? When they are proposing 48 single family detached lots that meet the lot size criteria and is honed in on their application, then that is when compatibility can be considered as being met with what could be there in the Comprehensive Plan or what is currently there which they would use for some infill projects. Balancing those together it does make sense to have residential uses in this location.
Commissioner Hearns agreed. She mentioned a comment on considering this when it is built out. She was thinking about the next one that comes, if this is up to 60 lots then the next one will be compared to this one, are they comfortable with that? She thinks she is. It was in reading the criteria, it doesn’t talk about density just the use.

Mr. Hemphill said that they have the lot size limitation which is density by design to a point where if you have 7000 square foot minimum lot sizes you are going to get 4 dwelling units per acre on average. When applications come in single family detached and attached with property line down the middle or duplexes, those are all single family uses. They work well together.

Commissioner Hearns had a question on criteria 4. She said it was omitted on the presentation. It was on natural uses and environmental protection. Is that because the definition here is there is nothing particularly unique, they don’t have to care about the cottonwoods, so it is not applicable?

Mr. Hemphill stated that he didn’t believe there were any cottonwoods left. He said that they were going to be repurposed. There is no need to preserve any unique feature there. No eagles nest, no historic structure or landmark.

Commissioner Hummel pointed out that these were good points if this is what we are comparing things towards then they are also going to be comparing their approval. Future developments will look to their approval of this subdivision. He would feel better about the approval if they mentioned something about the 4-6 density as well as the housing mix and referencing the Code.

Commissioner Mulder asked if he could state that in the motion?

Commissioner Hearns said that she thought there were some disagreements on property rights and adding that to the motion.

Commissioner Hummel said that he would not say requiring, he was saying encouraging item number 6 of the general plan review comments and on an emphasis on a mix of housing types per what the Land Use Code sections reference to that would be.

Mr. Hemphill stated that what he was hearing was that they are encouraging the applicant to relook at how some of these things are built out once it goes through that process and that they were relying on Staff to make sure that they are considering those talking with the applicant and the property owner to discuss future options but to also include that every single minor change needs to come back through because it is inherently allowed in the Land Use Code to have 4-6 and to have a mix of housing types.

Commissioner Hummel confirmed that this was correct.

Commissioner Biddle stated that he would be fine with that.

Commissioner Mulder added that they had to remember the hard edge/soft edge conversation that they had and in the past. This is going to determine a lot of what goes on afterwards.
Commissioner Hearns stated that this was a concern with just encouragement. The way in which she read the word conformance for criteria 1 and the way in which she read Fruita in Motion, they want a hard edge, this is at it not even close to it, it literally is the edge. She added that the plan gave little developments at what it could be at 8 dwellings and talks about if it were 5 dwelling units per acre that they would meet the goals for anticipated growth within the community. She didn’t feel that it conforms to the plan and then she asked what does a conformance of a list mean? Is it your favorite things on the list? Is it 51% of the things on the list or is it all of the things on the list? For this application for her, it is all the things on the list hitting the edge and hitting diversity. She also recognized the property rights of the owner. She didn’t believe that it conformed to the plan.

Mr. Caris stated that it sounded like they were talking about density minimums. To implement the Comp Plan, they want to codify that this was a minimum. He added that it sounded like potentially prescriptively requires certain housing variations to be constructed. Whether implemented at Planning Commission level or Council level, in its truest form, that is implementation of the plan. He noted that this was a broader policy related question that would need to be discussed. He stated that they support that, and it is not foreign as the City of Grand Junction has implemented density minimums in their residential zone districts. He was unsure that they wanted to set that policy with an application but that they would want to do that as part of a broader conversation. He added that implementing the Comp Plan we would do through zoning. Not through changing the future land use, they would do it through implementing 4-8.

Commissioner Hummel mentioned the innovative neighborhood designs and this and while he would be good with dialing back the recommendation from strict requirements, his question with the plan in general was what is the innovative component of this design? Is it the future housing mix that goes on it? Is it the view corridor? What is innovative about this design?

Ms. Patch answered that they understood where they were going to with the density and what proposal is looking like now and with the edge conversation, those are all things they are taking into consideration. They are not necessarily trying to cram this crazy dense subdivision right on the border of these nice agricultural open lots that are right along the buffer zone with the county. The views are great too, that is the property owner’s intent was to try to keep some larger lots for single family residential and as Mr. Hemphill and Mr. Caris are mentioning single family residential does include duplexes that can be attached or detached. They are allowed to have ADUs if that is something they want to do. If they were looking for more affordable or a mix of housing, these are all things that they can consider but it is hard to see if it can be forced on their application as they are mentioning as well. They are willing to try and up their density by using duplexes or look at another idea that was briefly brought up earlier, the redesign of the larger lot or do a minor subdivision to take that out of the density calculation. This would give them more leeway on the proposed lots and not look at that acreage that is not being upped with houses right now. These are things that they discussed with their supervisors and the applicant, and they plan on have that further discussion with the City of Fruita, but the plan is as proposed now. They hoped to stick with the larger lots and be able to let Gary keep his house on 1.7 acres. The area and the buffer zone are taken into consideration.
Mr. Caris added that by requiring or by encouraging an applicant to incorporate certain things in their development that are outside of the zone district is not allowed. These things are allowed. They are in the zone district that they are in. When the zoning decision was made, he did not want to conflate the two things, they are talking about neighborhood design, they have these entitlements. They are allowed multifamily and duplexes. Requesting that they incorporate these into their design is their prerogative. He thought it would be appropriate to encourage those things that are allowed and they have those entitlements and potentially some flexibility with regards to lot size which might be difficult to achieve if they were in the 7000 square foot box.

Commissioner Hearns stated that this was helpful because she was struggling with what they could and could not do. She appreciated the representative mentioning that they looked at the edge and they read and were aware of them. She appreciates how challenging it must’ve been for something with nothing near it. She felt strongly that it just isn’t perfect yet. She said that she would like to add what Mr. Caris’ last suggestion was and ask for a few potential layouts that are amenable to the property owners when Council sees this for a decision.

Commissioner Hummel said that with focusing on housing mixes, let the density go for the moment because they are more interested in the housing mixes because the density is already achieved?

Commissioner Hearns affirmed this.

Commissioner Hummel liked this idea.

Commissioner Hearns thought the suggested motion is vague. She wanted to add something similar, with the condition that all Commissioners comments tonight are addressed in some kind of site plan layouts. She asked if this was sufficient language?

Mr. Hemphill asked if it was to show the how the applicant is attempting to meet the minimum density or for a mix of housing?

Commissioner Miller said it was for the mix of housing. She said the 1.7 makes it harder.

**COMMISSIONER HUMMEL MOVED TO APPROVE APPLICATION 2023-11 ADELE’S ACRE PRELIMINARY PLAN TO THE CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION WITH THE ADDITION OF APPROXIMATELY 2-3 REVISED LAYOUTS OF THE PLAN INCLUDING A MIX OF HOUSING TYPES FOR COUNCIL TO CONSIDER**

**COMMISSIONER MULDER SECONDED THE MOTION**

**MOTION PASSED 5-0**
AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor
FROM: Planning & Development Department
DATE: June 6, 2023

AGENDA TEXT: ORDINANCE 2023-04, SECOND READING, An Ordinance annexing approximately 6.6 acres of property located at 1824 J 2/10 Road into the City of Fruita.

(1824 J 2/10 Road Annexation)

BACKGROUND

The property owners of 1824 J 2/10 Road have 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 1/6th 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 recommended approval of this annexation application at their May 9, 2023, public hearing by a vote of 5-0.

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.

There will be services extended with this annexation. Conditions of approval are explained in the Staff Report.

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. Adopt Ordinance 2023-04, An Ordinance annexing approximately 6.6 acres of property located at 1824 J 2/10 Road into the City of Fruita.

2. Deny Ordinance 2023-04.

RECOMMENDATION

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

ADOPT ORDINANCE 2023-04 ANNEXING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD INTO THE CITY OF FRUITA.
ORDINANCE 2023-04

AN ORDINANCE ANNEXING APPROXIMATELY 6.6 ACRES OF PROPERTY LOCATED AT 1824 J 2/10 ROAD 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. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.


ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor
Application #: 2023-14
Project Name: 1824 J 2/10 Road
Application: Annexation
Property Owner: Pete Hitchcock and Anthony Stolarczyk
Location: 1824 J 2/10 Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval of the annexation of approximately 6.6 acres into the Fruita City Limits.

PROJECT DESCRIPTION:

The property owners of 1824 J 2/10 Road have applied to annex the property. The subject property is approximately 6.6 acres and is located on the north side of J 2/10 Road, adjacent to the Cottonwoods Subdivision. The property currently contains a single-family dwelling unit on the southwest corner.

FUTURE LAND USE MAP (FLUM)
Section B, Item 1)
SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The majority of the surrounding properties are within the city limits. There are a few properties to the east that are still in Unincorporated Mesa County. The map below identifies the various zones in this area.

LOCATION AND ZONING MAP
REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

ANNEXATION

Section 17.17.050 (A) - If the subject property is located within the city’s Urban Growth Boundary (UGB) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

1. The annexation meets the requirements of the applicable State Statutes;
This annexation request meets the requirements of state laws. The property has the required 1/6th contiguity with existing city limits which is required per Section 31-12-104 of the Colorado Revised Statutes (CRS).

Additionally, the Fruita Comprehensive Plan supports this area to be incorporated within the city limits as referenced in the above map. This criterion has been met.

2. **The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;**

Annexation of the subject property will not trigger an extension of city utility services. Sewer, water, and drainage systems are all directly nearby to serve the subject property. If the subject property were to develop, there would be review of existing utilities and added infrastructure associated with residential development.

This criterion can be met as the city has planned for the subject property to be incorporated into the city limits within the Comprehensive Plan.

3. **The area is contiguous with existing urban development;**

The subject property is contiguous with existing urban development, with the Cottonwoods Subdivision to the north and east. The remaining properties nearby that are undeveloped and/or remain in Unincorporated Mesa County are supported for residential development within the City of Fruita.

This criterion has been met.

4. **The area is or can be efficiently served by police and other municipal services;**

The subject property is within the service area for the Fruita Police Department, the Lower Valley Fire District. Since the subject property is already being served by these services, this criterion has been met.

5. **The development is consistent with community goals, principles, and policies as expressed in the Fruita Comprehensive Plan;**

Annexation within the Comprehensive Plan states that the city should, “Approve annexation of parcels within the UGB (Urban Growth Boundary) at the desired densities as described in the FLUM (Future Land Use Map). Annexation should help ensure that new development at the edge of the city is consistent with the goals and policies of this plan.”
Additionally, the city should “Ensure that new development pays its own way and
does not burden the existing community with additional capital or operating costs.
Ensure that new annexations at the city’s edge share appropriately in the costs of
connecting all utility, park, drainage, pedestrian, and road systems.”

Furthermore, the city should “Avoid ‘leapfrog’ developments that leave
discontinuous street and utility systems. Consider annexation proposals on the
basis of the logical and cost-effective extension of utilities, pedestrian
connections, parks, drainage, and road systems. Also consider the fiscal burden of
the annexation in terms of major capital investments that would be needed by the
City (wastewater, roads).”

Annexation of the subject property has been considered as meeting the intents and
purposes of the basis of logical and cost-effective extensions of utilities and road
systems.

Annexation of the property is consistent with the Fruita Comprehensive Plan.
These approval criteria are intended to implement the goals and policies of the
Fruita Comprehensive Plan regarding annexations. It appears that the approval
criteria either have been met or can be met, therefore, this annexation is consistent
with the Fruita Comprehensive Plan.

6. The annexation is supported by local residents and landowners;

The Fruita Comprehensive Plan (Fruita In Motion: Plan Like A Local) was
adopted by the Fruita City Council on February 4, 2020 (Resolution 2020-09).
Fruita in Motion: Plan like a Local speaks to the community’s significant role in
the planning process. Residents helped shape every element of the plan, from
sharing what they valued about Fruita and identifying issues for the plan to
address, to reviewing drafts, and providing feedback on goals and policies. The
process reached a large swath of the community, through traditional outreach
(open houses, an advisory committee) and meeting people where they are, with
booths at farmers markets, the art stroll, and other city events and the draft plan
tour, where City staff met with HOAs and other local groups to share the plan and
hear input from the community.

With regards to the subject property, 89 landowners were noticed of this
annexation application. The number of property owners noticed of this application
is set forth with the legal notice requirements contained in the Land Use Code.
Staff has not received written public comments regarding this application.

The annexation is supported by the landowner and the landowner has signed the
annexation petition. This is in accordance with C.R.S 31-12-107.

This criterion has been met.
7. **Water and ditch rights can be provided, as applicable, in accordance with city policies;**

The city standard is 1 – 1.5 irrigation shares per irrigated acre.

This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time.

Additionally, this application was sent to Ute Water and review comments indicate no objections.

This criterion can be met.

8. **The area will have a logical social and economic association with the city,**

and;

Annexation of the subject property will not provide much with respect to an economic association with the city at this time. Once the subject property is developed, the additional dwelling units should provide for a logical social impact to the city. This criterion can be met.

9. **The area meets or can meet the existing infrastructure standards set forth by the city.**

The subject property meets or can meet all the existing infrastructure standards set forth by the city. At the time of development, the city will review the subdivision development application in accordance with city standards related to addition infrastructure.

This criterion can be met.

Based on this information, the annexation of the subject property meets or can meet the approval criteria that must be considered for annexations.

---

**REVIEW COMMENTS:**

No reviewer expressed any issues with the proposed annexation.
PUBLIC COMMENTS:

No written public comments have been received by Staff at this time.

LEGAL NOTICE

<table>
<thead>
<tr>
<th>Date</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 19, 2023</td>
<td>Post Cards</td>
</tr>
<tr>
<td>April 12, 2023</td>
<td>Sign Posting</td>
</tr>
<tr>
<td>April 19, 2023</td>
<td>Legal Ad</td>
</tr>
</tbody>
</table>
STAFF RECOMMENDATION:

Staff recommends approval of the annexation with no additional conditions.

SUGGESTED PLANNING COMMISSION MOTION:

Mr. Chair, I move that we recommend approval to City Council, of application #2023-14, the annexation of 1824 J 2/10 Road.
### ANNEXATION SCHEDULE:

**1824 J 2/10 ROAD ANNEXATION SCHEDULE**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/18/2023</td>
<td>- 1st Resolution to set a hearing date to determine eligibility.</td>
</tr>
<tr>
<td></td>
<td>- 1st Ordinance reading – Annexation &amp; Zoning</td>
</tr>
<tr>
<td></td>
<td>Published in Daily Sentinel (4 consecutive weeks)</td>
</tr>
<tr>
<td></td>
<td>- April 21, 2023</td>
</tr>
<tr>
<td></td>
<td>- April 28, 2023</td>
</tr>
<tr>
<td></td>
<td>- May 5, 2023</td>
</tr>
<tr>
<td></td>
<td>- May 12, 2023</td>
</tr>
<tr>
<td>5/9/2023</td>
<td>Planning Commission considers Annexation &amp; Zone</td>
</tr>
<tr>
<td>6/6/2023</td>
<td>2nd Resolution- finding property eligible</td>
</tr>
<tr>
<td></td>
<td>2nd Reading of an Ordinance to Annex</td>
</tr>
<tr>
<td></td>
<td>2nd Reading of an Ordinance to Rezone</td>
</tr>
</tbody>
</table>

**Legal Notice (minimum of 15 days prior to Planning Commission)**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/19/2023</td>
<td>Post Cards</td>
</tr>
<tr>
<td>4/12/2023</td>
<td>Sign Posting</td>
</tr>
<tr>
<td>4/19/2023</td>
<td>Legal Ad in the paper</td>
</tr>
</tbody>
</table>
ANNEXATION IMPACT REPORT
CITY OF FRUITA
APRIL 14, 2023

Application #: 2023-14
Project Name: 1824 J 2/10 Road
Application: Annexation
Property Owner: Pete Hitchcock and Anthony Stolarczyk
Location: 1824 J 2/10 Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval of the annexation of approximately 6.6 acres into the Fruita City Limits.

Section 17.17.040 of the Fruita Land Use Code states that any annexation not requiring an election shall be accompanied by an annexation impact report which contains the following elements.

A. Plans of the municipality for extending to or otherwise providing for municipal services;

The Future Land Use Map (FLUM) within The Fruita In Motion: Plan Like A Local Comprehensive Plan shows the subject property within the City’s Urban Growth Boundary. The Urban Growth Boundary was developed with the anticipation of providing the necessary municipal services. With that said, the city does have plans to provide municipal services to this area.

Historically, the City of Fruita has not forced the extension of municipal services. The city has been proactive in planning for future extensions of the city limits with regards to providing municipal services to the areas designated in the Urban Growth Boundary. This includes the municipal services provided by the City of Fruita (sanitary sewer and police).

B. The City of Fruita's anticipated financing of the extension of services;

The City of Fruita will not be financing the extension of services (water, sewer, gas, etc.) to the subject property at this time.
C. The special districts included in the territory to be annexed;

No special districts are included within the territory to be annexed. Below are the agencies or entities that have taxing authority over the territory to be annexed. These agencies will be notified of the annexation application.

1. Lower Valley Fire Protection District.
2. Mesa County School District 51.
4. Grand Valley Mosquito Control District.
5. Mesa County Public Library District.
7. Colorado River Water District.
8. Library District.
9. Mesa County Social Services.

D. The effect of annexation on the public school district system including the estimated number of students generated and capital construction required to educate each student;

The school district boundaries for the recently constructed Monument Ridge Elementary School, Fruita Middle School, Fruita 8/9, and Fruita Monument High School already include the subject property. This implies that no new impacts on the school system would be generated from this annexation application. The impacts to the school district system will be evaluated by the Mesa County Valley School District when this property develops. The School District has been made aware of this annexation.

E. Traffic/pedestrian/bicycle impacts;

Traffic, pedestrian and bicycle impacts should not change with the annexation of the subject property. Traffic, pedestrian and bicycle impacts will remain the same.

F. Wastewater, water, drainage, and irrigation impacts, and;

Impacts on these facilities shouldn’t change with the annexation itself. When the property develops, necessary regulations from review agencies will be reviewed with a land development application.

G. Other relevant information as required by the Community Development Department.

Review Agencies:

1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link  
5. Ute Water  
6. Grand Valley Drainage District  
7. Grand Valley Irrigation Company  
8. Mesa County Community Development Department  
9. Mesa County Building Department  
10. Mesa County Surveyor  
11. Mesa County Valley School District (School District 51)  
12. 5-2-1 Drainage Authority  
13. Lower Valley Fire Protection District  
14. Grand River Mosquito District
Map Exhibits:

Present City boundary
Proposed City Boundary set forth in the Future Land Use Map (FLUM)

Source: City of Fruita
Comprehensive Plan Fruita
In Motion: Plan Like A Local. Chapter 3, Page 29.
Approved by Resolution 2020-09
Project Report - Annexation and Rezone

Hitchcock and Stolarczyk Estate
1824 J 2/10 Road
Fruita, CO 81521

Date: 1/30/2023

Prepared by: Pete Hitchcock, Owner

Submitted to:

City of Fuita, City Planning and Development
325 E Aspen Ave
Fruita, CO 81521

Attn: Kelli McLeand and Henry Hemphill

Project: Annexation and Rezone

Property Address: 1824 J 2/10 Road, Fruita, CO 81521

Tax Schedule Number: 2697-163-00-038
Date of Aerial Photo: 2022

Project Applicants and Owners: Pete Hitchcock and Anthony Stolarczyk
**Hitchcock and Stolarczyk Project Overview:**
This annexation and rezone request is submitted by the owners, Pete Hitchcock and Anthony Stolarczyk. The subject property contains 6.68 acres +/- and is located on J 2/10 Road Fruita, CO 81521. The address is 1824 J 2/10 Road, the parcel number is 2697-163-00-038 and the zoning is AFT.

**Petitioner's Intent:**
The Petitioner's Intent is to Rezone and Annex the property into the city limits of Fruita.

**Current Land Use:**
4.1.2 | AFT Agricultural, Forestry, Transitional District The AFT, Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the Rural Planning Area.

**Future Land Use:**
Community Residential (CR). The purpose of the CR zone is to allow for moderate density detached single-family residential neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g. apartments and townhouses). Innovative neighborhood design is encouraged in this zone district to provide opportunities for housing diversity. This area is served by public utility infrastructure and is appropriate for density of 4-8 du per acre.
Project Narrative: Annexation

This property is within the City's Urban Growth Area and the annexation meets the requirements of State law (Title 31, Article 12). The area to be annexed can be efficiently served by urban services and facilities including police and fire protection, sanitary sewer service, potable water, irrigation water, drainage structures, streets and trails, etc..

New impacts to urban services and facilities will not be created as the existing lot is currently serviced by city water, Grand Valley Power, Xcel Energy, and has a private septic system. The private septic system will be addressed as part of the future subdivision process.

The area to be annexed is contiguous with the existing urban development boundary and is consistent with the City's Master Plan. The annexation is supported by local residents and landowners. We mailed out 89 invites for a neighborhood meeting on 2/23/23. We had 2 people come to the meeting, one commented that family homes would be a good fit for the land and the other had no concerns with our annexation, but wanted it to be known that he didn't want his property to be forced to annex. The annexation will have a logical social and economic association with the City of Fruita.
Kitty Tattersall

251 Narrow Leaf Dr

Feb 23, 2023

I think family housing would be a good use for the land so close to schools. Best wishes!

Paul Fiore

1835 S 2/10

2.23.23

Only concerns: force annexation to my property.
LEGAL DESCRIPTION AND ENCUMBRANCES OF ESTATE

1. Dale Maberto and Anthony Thompson are the owners of the enclosed property, including any public streets and parks, and the

2. This plat is in the State of Colorado, and it is subject to the provisions of the Colorado Revised Statutes, and the rules of the

3. From the premises laid out in the above bearings and distances, the

4. The Broomfield County Surveyor is acknowledged before me on the day of

5. I, __________________________, do hereby certify that the

6. This plat has been prepared in accordance with the rules and regulations of the City of

7. Further notice that the exterior boundaries of the property shown in the plat have been established by the plat.

BASIS OF SURVEY STATEMENT

Survey points are based on the Meade County Local Coordinate System, and the monuments are described as follows:

STATE OF COLORADO

COUNTY OF MEADE

The final certification has been executed before me on the day of

I, __________________________, do hereby certify that the plat is true and correct, and that

by the undersigned.

________________________

SIGNATURES
Application #: 2023-14
Application Name: 1824 J 2/10 Road
Application Type: Annexation
Location: 1824 J 2/10 Road
Current Zone: Mesa County Zoning AFT
Description: This is a request to annex approximately 6.6 acre into the city limits.

Kelli McLean, Planning Technician, gave a combined Staff presentation for both the annexation and rezone applications. Although the presentation was combined, the applications would go through separate hearing processes. She stated that the annexation would go first as the rezone was contingent upon the annexation.

Slide 1 – Introduction of 1824 J 2/10 Road Annexation

Slide 2 – Application Details

Application #: 2023-14
Application Name: 1824 J 2/10 Road
Application Type: Annexation
Applicants: Pete Hitchcock & Anthony Stolarczyk
Location: 1824 J 2/10 Road
Current Zone: Mesa County Zoning AFT
Description: This is a request to annex approximately 6.6 acre into the city limits.

Slide 3 – Legal Notice

This slide showed postcards and the 350’ Buffer Zone for the Annexation.

Slide 4 – Legal Notice

- Post Cards: April 19, 2023 (20 days prior)
- Sign Posting: April 12, 2023 (27 days prior)
- Newspaper: April 19, 2023 (20 days prior)

Slide 5 – Zoning Map and Aerial View

Slide 6 – Future Land Use Map

Slide 7 – Review Criteria

- Section 17.17.050 (A)
- 9 criteria to consider.
  - Must meet the requirements of State Statutes -1/6th contiguity.
  - Must be within the UGB.
  - Can be served with police and other municipal services.
• The area meets or can meet the existing infrastructure standards set forth by the City.

Slide 8 – Review Comments & Public Comments

• REVIEW COMMENTS:
  • No reviewer expressed concerns with this annexation.
• PUBLIC COMMENTS:
  • No written public comments have been received by Staff at this time.

Slide 9 – Suggested Motion

• Mr. Chair, I move that we recommend approval to City Council, of application #2023-14, the annexation of 1824 J 2/10 Road.

Slide 10 – Next Steps

• City Council on June 6, 2023
  • If approved the annexation will be effective 30 days after the Ordinance is adopted

Slide 11 – Introduction to 1824 J 2/10 Road Rezone

Slide 12 – Application Details

Application #:  2023-13
Application Name:  1824 J 2/10 Road
Application Type:  Rezone
Applicants:  Pete Hitchcock & Anthony Stolarczyk
Location:  1824 J 2/10 Road
Current Zone:  Mesa County Zoning AFT
Description:  This is a request to rezone approximately 6.6 acres from Mesa County Zoning AFT to Community Residential (CR).

Slide 13 – Legal Notice

This slide showed the post cards and buffer zone for the rezone.

Slide 14 – Legal Notice

• Post Cards: April 19, 2023 (20 days prior)
• Sign Posting: April 12, 2023 (27 days prior)
• Newspaper: April 19, 2023 (20 days prior)

Slide 15 – Zoning Map and Aerial View
Slide 16 – Future Land Use Map

Slide 17- Close up to the Future Land Use Map

Slide 18 – Review Criteria

Slide 19 Review Comments & Public Comments

- **REVIEW COMMENTS:**
  - No reviewer expressed concerns with this annexation.

- **PUBLIC COMMENTS:**
  - No written public comments have been received by Staff at this time.

Slide 20 – Suggested Motion

- Mr. Chair, I move we recommend **approval** of Application 2023-13, 1824 J 2/10 Road Rezone, zoning the property to Community Residential to the Fruita City Council.

Ms. McLean concluded her presentation.

Commissioner Biddle thanked her and invited the representative to speak.

Mr. Pete Hitchcock went up to speak. He stated that Ms. McLean wrapped things up. He did want to add that they did hold a neighborhood meeting, they had two people show up. One was a neighbor from a block away and his comment was that he was concerned about the City forcing him to annex. Another neighbor wanted to talk about a fence line that had fallen over and she wished them the best and thought single family homes would be good there. They are currently zoned Mesa County AFT and they are wanting to become annexed and rezoned Community Residential. He thanked them.

Commissioner Biddle asked if there was anyone online.

There was not.

Commissioner Biddle closed the public comment portion of the meeting and opened it up to Commissioner discussion.

Commissioner Miller stated that she thought this was straightforward. She asked if the City of Fruita has ever forced annexation?

Mr. Caris responded that they do not, they typically do not force annexation unless it was part of an enclave and in that scenario for consistency for utility service there has been times when they have encouraged or approached property owners to annex to be able to build out the roadways and to extend the sewer service. They have been able to with most of the 60 feet county rights-of-ways not have to do that but it is something that can happen and it is a slightly different path
than the annexation proceedings that they have experienced this evening. They can do this by resolution.

Commissioner Miller thanked him.

Mr. Caris stated that he wanted to take separate votes, one on the annexation and one on the zone for procedural purposes.

Commissioner Biddle closed Commissioner discussion and asked for a motion.

COMMISSIONER HEARNS MOVED THAT THEY RECOMMEND TO CITY COUNCIL OF APPLICATION #2023-14 THE ANNEXATION OF 1824 J 2/10 ROAD

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

Application #:  2023-13
Application Name: 1824 J 2/10 Road
Application Type: Rezone
Location: 1824 J 2/10 Road
Current Zone: Mesa County Zoning AFT
Description: This is a request to rezone approximately 6.6 acres from Mesa County Zoning AFT to Community Residential (CR).

COMMISSIONER MILLER MOVED TO RECOMMEND APPROVAL OF THE ZONE REQUEST TO ZONE THE SUBJECT PROPERTY TO COMMUNITY RESIDENTIAL WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL.

COMMISSIONER HUMMEL SECONDED THE MOTION

MOTION PASSED 5-0

I. OTHER BUSINESS

1. Community Development Updates

   Mr. Caris spoke about the upcoming Code amendments, potential changes for subdivision applications, and the DMU boundary line.

2. Visitors and Guests

   None

3. Other Business
AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor
FROM: Planning & Development Department
DATE: June 6, 2023
AGENDA TEXT: ORDINANCE 2023-06, 1st Reading – An Ordinance amending certain sections of Chapter 17.47 of the Fruita Land Use Code concerning Impact Fees for publication of public hearing on July 18, 2023 – Planning & Development Director Dan Caris

BACKGROUND

This is a request for approval of amendments to the Land Use Code concerning the timing of payment of impact fees for residential, non-residential, and multifamily developments. An amendment to the Parks, Health, Recreation, Open Space, and Trails (PHROST) Impact Fee Base Value is proposed as well as clarifying a base rate adjustment based on a 10-year average of how the Transportation Impact Fees are calculated.

TIMING OF PAYMENT:

For residential developments, (single-family, townhomes, and condominiums as defined in Section 17.57 Definitions and Rules of Interpretations of the Land Use Code) impact fees will be due in full at the time of permit approval for a Planning Clearance.

For non-residential and multifamily developments, impact fees are currently due at Planning Clearance approval. Staff is proposing these fees be calculated and due at the time of the issuance of a Certificate of Occupancy.

Also, the Ordinance states that all accessory dwelling units are excluded from paying impact fees.

PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEES:

With regard to the PHROST Fee itself, City Council directed Staff to conduct an Impact Fee Study (in accordance with the PHROST Master Plan) for the implementation and determine the appropriate impact fee based on level of service and cost factors. The fees represent the highest amount supportable for each type of housing unit, which represents new growth’s fair share of the cost for capital facilities. For Single Family, the maximum supported fee is $3,179 and for Multifamily, its $2,154. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an
increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

TRANSPORTATION IMPACT FEE:

As for the Transportation Impact Fees, the Ordinance proposes adding additional language regarding the basis for which the Transportation Impact Fee values are set. The ordinance proposes a 10-year rolling average of the Colorado Department of Transportation’s Construction Cost Index. The purpose of this is to avoid large increases or decreases year-over-year for the City’s Transportation Impact Fee values.

The modifications to this section also include removing an old phasing schedule related to the implementation of the Transportation Impact Fee when amendments took place in 2020.

The Planning Commission will be reviewing these proposed amendments at their June 13, 2023, public hearing.

FISCAL IMPACT

Staff does not expect any negative fiscal impacts associated with these amendments.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Goal #1: Ensure Access to Programs and Events and the Places for Them

Fruita residents enjoy being active and gathering for events and festivals. Ensuring that these remain affordable, are adequately funded, and effectively reflect community interests is necessary.

Policy 1.1 Support financial strategies that allow for the provision of adequate facilities and programs into the future.

1.1.1: Develop short-term cost recovery percentages with the goal of establishing resource allocation/cost recovery philosophy and policy using a community-informed model for all fees charged by FPR.

1.1.2: Prioritize the funding of large capital parks and recreation facilities such as completing primary trails development, Reed Park Renovation, Little Salt Wash Park Expansion, Lagoon Development Area, future land acquisition in the southeast area of the Urban Development Boundary (UDB), and Etchart Park Design and Construction by further evaluating Chapter 17.19, Section 17.19.090 of the Fruita Municipal Code to update development costs which will result in the per household maximum combined parkland and trail impact fee.

1.1.3: Evaluate land values and current construction costs to update the POST Impact Fee.

(Page 111, Fruita Parks, Health, Recreation, Open Space, and Trails Master Plan)

Additionally, it is a commitment of Staff to continue to review the Land Use Code to help ensure that the regulations reflect the best promotion of Fruita’s Core Services.
OPTIONS AVAILABLE TO THE COUNCIL

1. Publish a synopsis of Ordinance 2023-06, an Ordinance amending certain section of Title 17.47 of the Fruita Land Use Code concerning Impact Fees for publication of public hearing on July 18, 2023.

2. Deny Ordinance 2023-06.

RECOMMENDATION

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

PUBLISH A SYNOPSIS OF ORDINANCE 2023-06, 1ST READING, AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 17.47 OF THE FRUITA LAND USE CODE CONCERNING IMPACT FEES FOR PUBLIC HEARING ON JULY 18, 2023.
ORDINANCE NO. 2023-06

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 17.47 OF THE FRUITA LAND USE CODE CONCERNING IMPACT FEES.

WHEREAS, Title 17.47 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth the purposes and applicability of Public Dedications and Impact Fees;

WHEREAS, the Land Use Code has been established for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the community;

WHEREAS, City staff has proposed amendments to the Land Use Code for consideration; and

WHEREAS, the Planning Commission will be reviewing the proposed amendments at their June 13, 2023, public hearing; and

WHEREAS, this Ordinance was introduced at first reading on June 6, 2023, pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

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

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

TIMING OF PAYMENT:

Section 2. Amendments to Chapter 17.47.025 (A), (B), and (C). Chapter 17.47.025 (A), (B), and (C) are hereby amended to read as follows:

A. Notwithstanding any provision contained in this Chapter to the contrary, any vacant building lot within the city created prior to January 1, 1980, shall be subject to the impact fees/land dedications set forth in this Chapter. Fees for such lots shall be calculated based on the impact fees in effect and payable at the time of Planning Clearance approval. Accessory dwelling units shall be excluded from payment of impact fees.
B. For single-family dwelling units, townhomes, and condominiums, as defined in Section 17.57, impact fees are calculated and due in full at the time of Planning Clearance.

C. For multi-family dwelling units, as defined in Section 17.57, and non-residential projects, impact fees will be established at the time the complete application is submitted and due at issuance of Certificate of Occupancy.

Section 3. Amendments to Chapter 17.47.040 (B). Chapter 17.47.040 (B) is hereby amended to read as follows:

B. In the event no general standard or formula has been adopted relating to a certain type of dedication or impact fee, the owner/developer may voluntarily agree to comply with the dedication or fee recommended by the city staff or request a review and determination by City Council in a public hearing. Unless the owner/developer affirmatively requests the city to implement the provisions of subsection C of this Section, at the pre-application conference prior to submittal of a subdivision Concept Plan.

Section 4. Amendments to Chapter 17.47.070 (H). Chapter 17.47.070 (H) is hereby amended to read as follows:

H. The City Council may, in its sole discretion and by an affirmative vote of all members of the Council, waive, suspend, defer or alter all or some of the impact fees imposed by this Chapter, or agree to pay some or all of the impact fees imposed on a proposed development or redevelopment from other funds of the city that are not restricted to other uses upon finding such waiver, suspension, alteration or payment is necessary to promote the economic development of the city or public health, safety and general welfare of its residents. Any resolution adopted by the City Council providing for the waiver, suspension, deferment or altering of impact fees shall contain specific findings of fact supporting the waiver, suspension, deferment or alteration or payment.

PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS:

Section 5. Amendments to Chapter 17.47.090. Chapter 17.47.090 is hereby amended to read as follows:

17.47.090 PUBLIC PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION.

A. The City of Fruita has determined that new residential developments cause financial impacts to the city’s public park, open space, and trail systems necessitating capital improvements that would not be required without such development. The city has adopted a Parks, Health, Recreation, Open Space,
and Trails Master Plan which provides general policy guidelines and planning recommendations for provision of public parks, open space, and trails. The purpose of this section is to implement and be consistent with the City’s Master Plan, specifically, the parks, open space, and trails section of the Master Plan, by requiring all new residential development to contribute a proportionate share of the public parks, open space, and trails necessary to accommodate any impacts or need for such facilities through the dedication of land and/or fees in lieu of land dedications. It is intended for the PHROST Master Plan to be a guiding document by identifying the initiatives, partnerships, and infrastructure needed by the community to create the playing grounds for success. Fruita leads the Grand Valley in parks, health, recreation, open space, and trails. The city drives local efforts for world-class outdoor recreation opportunities and regional connectivity. Recreational programming, events, and outdoor recreation opportunities bring the community together around a lifestyle to positively impact the community’s health. The City takes the initiative to protect the natural environment within and surrounding Fruita. Fruita residents value their access to outdoor recreation and the ability to walk and bike safely around the City. The City should act as a trailhead, where residents and visitors can easily walk/ride out of their door to surrounding trail systems or city destinations.

Parks and recreational facilities are important spaces for Fruita residents to be active and gather. As Fruita continues to develop and grow, providing sufficient parks and recreational facilities in addition to expanding existing facilities will be increasingly important.

The payment of the cash equivalent will enable the city to provide parks in the proper location and of the proper size to serve the citizens of the city. This regulation also is adopted to help discourage the proliferation of small parcels, tracts, and outlots that are ostensibly created as open space and/or parks but are not sized, located or maintained as functional sites for these uses.

Consistent with this Section and with Chapter 17.43 of this Title, every residential development which increases the number of dwelling units above that which was approved as of the effective date of this title shall include a dedication of land to the city or other entity, as determined by the City Council, to be used for public parks, open space, and/or trails and/or payment of a public parks, open space, and trails fee in lieu of such dedication, as provided herein. Accessory dwelling units are not subject to this fee.

B. Payment in Lieu of Dedication and Improvements.
Figure PR6 shows the cost factors for each component of the City of Fruita’s Parks and Recreation Impact Fee. Impact fees for parks and recreation are based on persons per housing unit and are only assessed against residential development. The fees for park improvements are calculated per person, so
by multiplying the total cost per person by the housing unit size calculates the maximum supportable fee.

The fees represent the highest amount supportable for each type of housing unit, which represents new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure PR6. Maximum Supportable Park & Recreation Impact Fee

<table>
<thead>
<tr>
<th>Fee Component</th>
<th>Cost per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Land</td>
<td>$187</td>
</tr>
<tr>
<td>Improvements</td>
<td>$1,127</td>
</tr>
<tr>
<td>Gross Total</td>
<td>$1,314</td>
</tr>
<tr>
<td>Credit for Debt Payments</td>
<td>$0</td>
</tr>
<tr>
<td>Net Total</td>
<td>$1,314</td>
</tr>
</tbody>
</table>

**Residential**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Persons per Housing Unit</th>
<th>Maximum Supportable Fee</th>
<th>Current Maximum Fees</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>2.42</td>
<td>$3,179</td>
<td>$1,860</td>
<td>$1,319</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1.64</td>
<td>$2,154</td>
<td>$1,860</td>
<td>$294</td>
</tr>
</tbody>
</table>

**Single-Family:** Single-Family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides. Also included in the definition is Single family attached (townhouse), which is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

**Multi-Family:** 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with “2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments.”

C. The above land values and development costs are based on average land values in Fruita and data on recent park and trail construction costs in the region for 2022 PHROST Impact Fee Study (TischlerBise, May 31, 2022). The base rate may be adjusted by resolution of the City Council annually for inflation based on the construction cost index published by the Engineering News Record.
D. The city may require the applicant to dedicate other land owned by the applicant for use as a public park, open space, or trail. If the city determines to accept other land not within the development instead of, or as partial payment toward, the land dedication/fee payment required hereunder, the amount of land dedication shall be the same amount of land that would otherwise be dedicated within the proposed development.

E. The proceeds from a fee in lieu of land dedication shall be placed in a public parks, open space, and trails fund established by the city and maintained for the acquisition and improvement of land for public parks, open space, and trails, which may benefit the residents of the city in general, as well as those of the proposed development.

TRANSPORTATION IMPACT FEES:

Section 6. Amendments to Chapter 17.47.130 (D)(2). Chapter 17.47.130 (D)(2) is hereby amended to read as follows:

2. The base rate for residential subdivisions with single family and duplex dwelling units for which no traffic impact analysis is performed, shall be six thousand seven hundred sixty-three dollars ($6,763.00) per dwelling unit. The base rate fees may be adjusted by resolution of the City Council annually for inflation based on the latest 10-year average of the Colorado Department of Transportation Construction Cost Index, published quarterly by CDOT. For multi-family dwelling units in excess of two units, the base rate of six thousand seven hundred sixty-three dollars ($6,763.00) shall be multiplied by a factor of 0.68 per unit for the fee per dwelling unit. Said fees are based upon traffic impact analysis performed according to subsection (D)(1) of this Section and adjusted to reflect recent actual costs incurred on local road projects.

Section 7. Amendments to Chapter 17.47.130 (D)(3). Chapter 17.47.130 (D)(3) is hereby amended to remove the outdated Retail/Commercial impact fee phasing schedule.

Section 8. Codification of Amendments. The codifier of the City’s Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors. Such corrections may also include naming references as well as references to studies.

Section 9. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect
other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 10. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita Home Rule Charter.

Section 11. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 12. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS 18TH DAY OF JULY 2023.

__________________________
CITY OF FRUITA

____________________________
Joel Kincaid, Mayor

ATTEST:

____________________________
Margaret Sell, City Clerk
Parks, Health, Recreation, Open Space, and Trails Impact Fee Study

Prepared for:
City of Fruita, Colorado

May 31, 2022

Prepared by:
TischlerBise
4701 Sangamore Road
Suite S240
Bethesda, Maryland 20816
800.424.4318
www.tischlerbise.com
# TABLE OF CONTENTS

## EXECUTIVE SUMMARY ......................................................................................................................... 1

- **COLORADO IMPACT FEE ENABLING LEGISLATION** ............................................................................. 1
- **ADDITIONAL LEGAL GUIDELINES** ......................................................................................................... 2
- **PROPOSED MAXIMUM SUPPORTABLE IMPACT FEE** ............................................................................. 3
  - Figure 1. Summary of City of Fruita Impact Fees .................................................................................. 3
  - **MAXIMUM SUPPORTABLE IMPACT FEES** ....................................................................................... 3
  - Figure 2. Maximum Supportable Impact Fee ....................................................................................... 3

## GENERAL METHODS FOR IMPACT FEES ......................................................................................... 4

- **Cost Recovery Method (past improvements)** ....................................................................................... 4
- **Incremental Expansion Method (concurrent improvements)** ............................................................... 4
- **Plan-Based Method (future improvements)** ....................................................................................... 4

## EVALUATION OF POSSIBLE CREDITS ............................................................................................. 5

## PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEE ................................... 6

- **Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology** .................. 7

## PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS LEVEL OF SERVICE AND COST FACTORS .................................................................................................................... 8

- **Figure PR2. Park Land Level of Service** ............................................................................................... 8
- **Figure PR3. Park Improvements Level of Service** ............................................................................... 9

## PROJECTION OF GROWTH-RELATED PARK LAND AND IMPROVEMENT NEEDS ................................ 10

- **Figure PR4. 10-Year Park Land Needs to Accommodate Growth** ....................................................... 10
- **Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth** ........................................ 11

## PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEE ................................... 12

- **Figure PR6. Maximum Supportable Park & Recreation Impact Fee** .................................................... 12

## REVENUE FROM PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEE ........ 13

- **Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee** ................................................................. 13

## IMPLEMENTATION AND ADMINISTRATION ....................................................................................... 14

- **CREDITS AND REIMBURSEMENTS** ....................................................................................................... 14
- **SERVICE AREA** ..................................................................................................................................... 14

## APPENDIX A: LAND USE ASSUMPTIONS ......................................................................................... 15

- **OVERVIEW** ........................................................................................................................................ 15
  - Figure A1: Fruita Municipal Boundary ............................................................................................... 15
- **POPULATION AND HOUSING CHARACTERISTICS** .............................................................................. 16
  - Figure A2: City of Fruita Persons per Housing Unit ............................................................................ 16
- **BASE YEAR POPULATION AND HOUSING UNITS** ............................................................................ 16
  - Figure A2: City of Fruita Building Permit History .............................................................................. 17
  - Figure A3: City of Fruita Base Year Population and Housing Units ....................................................... 17
- **PROJECTED POPULATION AND HOUSING UNITS** ........................................................................... 17
  - Figure A4: City of Fruita Residential Development Projections ............................................................ 18

---

**Figure 1. Summary of City of Fruita Impact Fees**

**Figure 2. Maximum Supportable Impact Fee**

**Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology**

**Figure PR2. Park Land Level of Service**

**Figure PR3. Park Improvements Level of Service**

**Figure PR4. 10-Year Park Land Needs to Accommodate Growth**

**Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth**

**Figure PR6. Maximum Supportable Park & Recreation Impact Fee**

**Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee**

---

**Figure 1. Summary of City of Fruita Impact Fees**

**Figure 2. Maximum Supportable Impact Fee**

**Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology**

**Figure PR2. Park Land Level of Service**

**Figure PR3. Park Improvements Level of Service**

**Figure PR4. 10-Year Park Land Needs to Accommodate Growth**

**Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth**

**Figure PR6. Maximum Supportable Park & Recreation Impact Fee**

**Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee**

---

**Figure 1. Summary of City of Fruita Impact Fees**

**Figure 2. Maximum Supportable Impact Fee**

**Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology**

**Figure PR2. Park Land Level of Service**

**Figure PR3. Park Improvements Level of Service**

**Figure PR4. 10-Year Park Land Needs to Accommodate Growth**

**Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth**

**Figure PR6. Maximum Supportable Park & Recreation Impact Fee**

**Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee**

---

**Figure 1. Summary of City of Fruita Impact Fees**

**Figure 2. Maximum Supportable Impact Fee**

**Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology**

**Figure PR2. Park Land Level of Service**

**Figure PR3. Park Improvements Level of Service**

**Figure PR4. 10-Year Park Land Needs to Accommodate Growth**

**Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth**

**Figure PR6. Maximum Supportable Park & Recreation Impact Fee**

**Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee**

---

**Figure 1. Summary of City of Fruita Impact Fees**

**Figure 2. Maximum Supportable Impact Fee**

**Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology**

**Figure PR2. Park Land Level of Service**

**Figure PR3. Park Improvements Level of Service**

**Figure PR4. 10-Year Park Land Needs to Accommodate Growth**

**Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth**

**Figure PR6. Maximum Supportable Park & Recreation Impact Fee**

**Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee**
APPENDIX B: LAND USE DEFINITIONS

RESIDENTIAL DEVELOPMENT
**EXECUTIVE SUMMARY**

Impact fees are one-time payments for new development’s proportionate share of the capital cost of infrastructure. The following study addresses the City of Fruita’s Parks, Health, Recreation, Open Space, and Trails facilities. Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive funding strategy to ensure provision of adequate public facilities. Impact fees may only be used for capital improvements or debt service for growth-related infrastructure. They may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies. Although Colorado is a “home-rule” state and home-rule municipalities were already collecting “impact fees” under their home-rule authority granted in the Colorado Constitution, the Colorado Legislature passed enabling legislation in 2001, as discussed further below.

**Colorado Impact Fee Enabling Legislation**

For local governments, the first step in evaluating funding options for facility improvements is to determine basic options and requirements established by state law. Some states have more conservative legal parameters that basically restrict local government to specifically authorized actions. In contrast, “home-rule” states grant local governments broader powers that may or may not be precluded or preempted by state statutes depending on the circumstances and on the state’s particular laws. Home rule municipalities in Colorado have the authority to impose impact fees based on both their home rule power granted in the Colorado Constitution and the impact fee enabling legislation enacted in 2001 by the Colorado General Assembly.

Impact fees are one-time payments imposed on new development that must be used solely to fund growth-related capital projects, typically called “system improvements”. An impact fee represents new growth’s proportionate share of capital facility needs. In contrast to project-level improvements, impact fees fund infrastructure that will benefit multiple development projects, or even the entire service area, as long as there is a reasonable relationship between the new development and the need for the growth-related infrastructure.

According to Colorado Revised Statute Section 29-20-104.5, impact fees must be legislatively adopted at a level no greater than necessary to defray impacts generally applicable to a broad class of property. The purpose of impact fees is to defray capital costs directly related to proposed development. The statutes of other states allow impact fee schedules to include administrative costs related to impact fees and the preparation of capital improvement plans, but this is not specifically authorized in Colorado’s statute. Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive portfolio to ensure adequate provision of public facilities. Because system improvements are larger and costlier, they may require bond financing and/or funding from other revenue sources. To be funded by impact fees, Section 29-20-104.5 requires that the capital improvements must have a useful life of at least five years. By law, impact fees can only be used for...
capital improvements, not operating or maintenance costs. Also, impact fees cannot be used to repair or correct existing deficiencies in existing infrastructure.

**Additional Legal Guidelines**

Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is the protection of public health, safety, and welfare by ensuring development is not detrimental to the quality of essential public services. The means to this end is also important, requiring both procedural and substantive due process. The process followed to receive community input (i.e., stakeholder meetings, work sessions, and public hearings) provides opportunities for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an “essential nexus” between the exaction and the interest being protected (see Nollan v. California Coastal Commission, 1987). In a more recent case (Dolan v. City of Tigard, OR, 1994), the Court ruled that an exaction also must be “roughly proportional” to the burden created by development.

There are three reasonable relationship requirements for impact fees that are closely related to “rational nexus” or “reasonable relationship” requirements enunciated by a number of state courts. Although the term “dual rational nexus” is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, TischlerBise prefers a more rigorous formulation that recognizes three elements: “need,” “benefit,” and “proportionality.” The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the Dolan case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Impact fees may be used to cover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The Nollan decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle likely applies to impact fees. In this study, the impact of development on infrastructure needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.
The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the Dolan case and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development (e.g., persons per household).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. The calculation of impact fees should also assume that they will be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available exclusively to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. Procedures for the earmarking and expenditure of fee revenues are discussed near the end of this study. All of these procedural as well as substantive issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements.

**Proposed Maximum Supportable Impact Fee**

The Parks, Health, Recreation, Open Space, and Trails impact fee is based on the actual levels of service and includes components for improvements and park land. The impact fee is only calculated for residential development. A summary of methodologies used in the analysis is provided in Figure 1.

**Figure 1. Summary of City of Fruita Impact Fees**

<table>
<thead>
<tr>
<th>Fee Category</th>
<th>Service Area</th>
<th>Incremental Expansion</th>
<th>Plan-Based</th>
<th>Cost Recovery</th>
<th>Cost Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks, Health, Recreation, Open Space, and Trails</td>
<td>Citywide</td>
<td>Improvements, Park Land</td>
<td>N/A</td>
<td>N/A</td>
<td>Population</td>
</tr>
</tbody>
</table>

**Maximum Supportable Impact Fees**

Figure 2 provides a schedule of the maximum supportable impact fee for Parks, Health, Recreation, Open Space, and Trails facilities. The fees represent the highest amount supportable for each type of residential unit, which represents new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

**Figure 2. Maximum Supportable Impact Fee**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Persons per Housing Unit</th>
<th>Maximum Supportable Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>2.42</td>
<td>$3,179</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1.64</td>
<td>$2,154</td>
</tr>
</tbody>
</table>
GENERAL METHODS FOR IMPACT FEES

There are three general methods for calculating impact fees. The choice of a particular method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages and disadvantages in a particular situation and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss three basic methods for calculating impact fees and how those methods can be applied to City of Fruita.

Cost Recovery Method (past improvements)
The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new development will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

Incremental Expansion Method (concurrent improvements)
The City of Fruita impact fees use the incremental expansion method to document current level-of-service (LOS) standards for the infrastructure types included in the study, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development. The incremental expansion methodology is used for the parks and recreation impact fee. This is a conservative approach, which limits the City’s General Fund exposure. If a plan-based approach were utilized, reliance on long-range growth projections would be likely, which could force the City to spend more General Fund dollars to implement the plan if growth does not occur as projected.

Plan-Based Method (future improvements)
Although not used in City of Fruita, the plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: 1) total cost of a public facility can be divided by total service units (average cost), or 2) the growth-share of the public facility cost can be divided by the net increase in service units over the planning timeframe (marginal cost).
Evaluation of Possible Credits

Regardless of the methodology, a consideration of “credits” is integral to the development of a legally defensible impact fee methodology. There are two types of “credits” with specific characteristics, both of which should be addressed in impact fee studies and ordinances. The first is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the Fire impact fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for construction of system improvements. This type of credit is addressed in the administration and implementation of the development impact fee program.

*Please note, calculations throughout this report are based on an analysis conducted using MS Excel software. Results are discussed in the memo using one- and two-digit places (in most cases). Figures are typically either truncated or rounded. In some instances, the analysis itself uses figures carried to their ultimate decimal places; therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown, not in the analysis).*
The Parks, Health, Recreation, Open Space, and Trails Impact Fee is based on the incremental expansion methodology. The impact fee methodology assumes the City will construct additional recreation improvements and acquire additional park land. The study includes the replacement costs of improvements to park and recreational facilities and the expansion of park land. No revenue credit is necessary to avoid double payments as there is no current debt obligations for the park improvements included in the impact fee calculations. There are two components to the Parks, Health, Recreation, Open Space, and Trails Impact Fee:

- Park Land
- Park Improvements

Figure PR1 diagrams the general methodology used to calculate the Parks, Health, Recreation, Open Space, and Trails impact fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The Parks, Health, Recreation, Open Space, and Trails impact fee is derived from the product of persons per housing unit (by type of unit) multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components included in the fee.
Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology

PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEE

Residential Development

Persons per Housing Unit by Type of Unit

Multiplied By Net Capital Cost per Person

Park Land Cost per Person

Park Improvements Cost per Person
Parks, Health, Recreation, Open Space, and Trails Level of Service and Cost Factors

The Parks, Health, Recreation, Open Space, and Trails Impact Fee is based on an inventory of Community and Neighborhood Park land and current values of park improvements throughout the city. The impact fee does not include a land component for other park types as it is assumed the Parks and Recreation Department’s focus over the next 5-10 years will be the buildout of Community and Neighborhood parks. Improvement costs have been estimated by TischlerBise staff. The use of existing standards means there are no existing infrastructure deficiencies. New development is only paying its proportionate share for growth-related infrastructure.

Park Land and Improvements Level of Service

Figure PR2 lists the current inventory of Community and Neighborhood Park land owned by the City of Fruita. Figure PR3 lists the current inventory of park improvements and their replacement costs. In total there is currently 37 acres of Community and Neighborhood Park land, and 65 park improvements.

To calculate the current park land level of service, the existing Community and Neighborhood Park land acreage, (37) is divided by the current population (13,654). This results in level of service standards of 2.71 acres of park land per 1000 persons.

The park land cost per acre ($68,970) is then utilized to generate a cost per person factor which is calculated by applying the level of service factor to the cost per acre. As shown in Figure PR2, 2.71 acres per 1000 persons / 1000 x $68,970 per acre = $187 per person.

Figure PR2. Park Land Level of Service

<table>
<thead>
<tr>
<th>Community and Neighborhood Parks</th>
<th>Acres [1]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Salt Wash Park</td>
<td>23.0</td>
</tr>
<tr>
<td>Heritage Park</td>
<td>4.0</td>
</tr>
<tr>
<td>Olga Anson Park</td>
<td>5.0</td>
</tr>
<tr>
<td>Prospector Park</td>
<td>2.0</td>
</tr>
<tr>
<td>Reed Park</td>
<td>3.0</td>
</tr>
<tr>
<td>Total</td>
<td>37</td>
</tr>
</tbody>
</table>

Level-of-Service Standards

Residential Share | 100%
Share of Acreage  | 37.0
2021 Population   | 13,654

Cost Analysis

<table>
<thead>
<tr>
<th>Acres per 1,000 Persons</th>
<th>2.71</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Cost per Acre [2]</td>
<td>$68,970</td>
</tr>
<tr>
<td>Capital Cost Per Person</td>
<td>$187</td>
</tr>
</tbody>
</table>

[1] Source: Fruita Parks PHROST Master Plan
[2] Source: Fruita Parks PHROST Master Plan
To calculate the current park improvements level of service, the existing park improvements, (65) is divided by the current population (13,654). This results in level of service standards of 4.76 improvements per 1000 persons.

The weighted average cost per improvement ($15,384,135 total cost / 65 total improvements = $236,679) is then utilized to generate a cost per person factor which is calculated by applying the level of service factor to the cost per improvement. As shown in Figure PR3, 4.76 improvements per 1000 persons / 1000 x $236,679 per improvement = $1,127 per person.

Figure PR3. Park Improvements Level of Service

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquatics, Lap Pool</td>
<td>1</td>
<td>$8,894,082</td>
<td>$8,894,082</td>
</tr>
<tr>
<td>Basketball Court</td>
<td>1</td>
<td>$45,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>Basketball, Practice</td>
<td>1</td>
<td>$38,117</td>
<td>$38,117</td>
</tr>
<tr>
<td>Bike Course</td>
<td>2</td>
<td>$769,000</td>
<td>$1,538,000</td>
</tr>
<tr>
<td>Diamond Field</td>
<td>4</td>
<td>$450,000</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>Disc Golf</td>
<td>2</td>
<td>$20,000</td>
<td>$40,000</td>
</tr>
<tr>
<td>Event Space</td>
<td>1</td>
<td>$80,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Fitness Course</td>
<td>1</td>
<td>$25,412</td>
<td>$25,412</td>
</tr>
<tr>
<td>Horseshoe Court</td>
<td>7</td>
<td>$2,000</td>
<td>$14,000</td>
</tr>
<tr>
<td>Loop Walk</td>
<td>3</td>
<td>$80,000</td>
<td>$240,000</td>
</tr>
<tr>
<td>Natural Area</td>
<td>4</td>
<td>$114,352</td>
<td>$457,410</td>
</tr>
<tr>
<td>Open Turf</td>
<td>9</td>
<td>$31,765</td>
<td>$285,881</td>
</tr>
<tr>
<td>Passive Node</td>
<td>8</td>
<td>$9,529</td>
<td>$76,235</td>
</tr>
<tr>
<td>Picnic Ground</td>
<td>1</td>
<td>$25,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>Playground, Local</td>
<td>7</td>
<td>$150,000</td>
<td>$1,050,000</td>
</tr>
<tr>
<td>Rectangular Field, Large</td>
<td>1</td>
<td>$115,000</td>
<td>$115,000</td>
</tr>
<tr>
<td>Shelter, Large</td>
<td>2</td>
<td>$127,058</td>
<td>$254,117</td>
</tr>
<tr>
<td>Shelter, Small</td>
<td>9</td>
<td>$31,765</td>
<td>$285,881</td>
</tr>
<tr>
<td>Skate Park</td>
<td>1</td>
<td>$120,000</td>
<td>$120,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>65</strong></td>
<td><strong>$236,679</strong></td>
<td><strong>$15,384,135</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level-of-Service Standards</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Share</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Share of Improvements</td>
<td>65.0</td>
<td></td>
</tr>
<tr>
<td>2021 Population</td>
<td>13,654</td>
<td></td>
</tr>
<tr>
<td><strong>Improvements per 1,000 Persons</strong></td>
<td><strong>4.76</strong></td>
<td></td>
</tr>
</tbody>
</table>

Cost Analysis

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvements per 1,000 Persons</td>
<td>4.76</td>
</tr>
<tr>
<td>Average Cost per Improvement</td>
<td>$236,679</td>
</tr>
<tr>
<td><strong>Capital Cost Per Person</strong></td>
<td><strong>$1,127</strong></td>
</tr>
</tbody>
</table>

[1] Source: Fruita Parks PHROST Master Plan
Projection of Growth-Related Park Land and Improvement Needs

To estimate the 10-year growth needs for park land, the current level of service (2.71 acres 1000 persons) is applied to the projected park population growth. Fruita is projected to increase by 2,108 residents over the next ten years (see Appendix A). As shown in Figure PR4, it is projected that the City will need to acquire 5.7 acres of park land to accommodate the needs generated by new development. By applying the cost for park land ($68,970 per acre), the estimated growth-related expenditure is approximately $394,000.

Figure PR4. 10-Year Park Land Needs to Accommodate Growth

<table>
<thead>
<tr>
<th>Type of Infrastructure</th>
<th>Level of Service</th>
<th>Demand Unit</th>
<th>Cost / Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Land</td>
<td>Residential</td>
<td>2.71</td>
<td>Acres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Residential Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base</td>
<td>2021</td>
<td>13,654</td>
</tr>
<tr>
<td>Year 1</td>
<td>2022</td>
<td>13,865</td>
</tr>
<tr>
<td>Year 2</td>
<td>2023</td>
<td>14,076</td>
</tr>
<tr>
<td>Year 3</td>
<td>2024</td>
<td>14,286</td>
</tr>
<tr>
<td>Year 4</td>
<td>2025</td>
<td>14,497</td>
</tr>
<tr>
<td>Year 5</td>
<td>2026</td>
<td>14,708</td>
</tr>
<tr>
<td>Year 6</td>
<td>2027</td>
<td>14,919</td>
</tr>
<tr>
<td>Year 7</td>
<td>2028</td>
<td>15,130</td>
</tr>
<tr>
<td>Year 8</td>
<td>2029</td>
<td>15,340</td>
</tr>
<tr>
<td>Year 9</td>
<td>2030</td>
<td>15,551</td>
</tr>
<tr>
<td>Year 10</td>
<td>2031</td>
<td>15,762</td>
</tr>
</tbody>
</table>

Ten-Year Increase: 2,108 acres = 5.7 acres

Projected Expenditure: $393,966

Growth-Related Expenditures for Park Land: $393,966

To estimate the 10-year growth needs for park improvements, the current level of service (4.76 improvements per 1000 persons) is applied to the projected population growth. Fruita is projected to increase by 2,108 residents over the next ten years (see Appendix A). As shown in Figure PR5, it is projected that the City will need 10 additional park improvements to accommodate the needs generated by new development. By applying the weighted average cost for improvements ($236,679 per improvement), the estimated growth-related expenditure is approximately $2.37 million.
Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth

<table>
<thead>
<tr>
<th>Type of Infrastructure</th>
<th>Level of Service</th>
<th>Demand Unit</th>
<th>Cost / Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvements</td>
<td>Residential</td>
<td>4.76</td>
<td>Improvements per 1,000 persons $236,679</td>
</tr>
</tbody>
</table>

### Growth-Related Need for Improvements

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Residential improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base</td>
<td>2021</td>
<td>13,654</td>
</tr>
<tr>
<td>Year 1</td>
<td>2022</td>
<td>13,865</td>
</tr>
<tr>
<td>Year 2</td>
<td>2023</td>
<td>14,076</td>
</tr>
<tr>
<td>Year 3</td>
<td>2024</td>
<td>14,286</td>
</tr>
<tr>
<td>Year 4</td>
<td>2025</td>
<td>14,497</td>
</tr>
<tr>
<td>Year 5</td>
<td>2026</td>
<td>14,708</td>
</tr>
<tr>
<td>Year 6</td>
<td>2027</td>
<td>14,919</td>
</tr>
<tr>
<td>Year 7</td>
<td>2028</td>
<td>15,130</td>
</tr>
<tr>
<td>Year 8</td>
<td>2029</td>
<td>15,340</td>
</tr>
<tr>
<td>Year 9</td>
<td>2030</td>
<td>15,551</td>
</tr>
<tr>
<td>Year 10</td>
<td>2031</td>
<td>15,762</td>
</tr>
</tbody>
</table>

Ten-Year Increase: 2,108

Projected Expenditure: $2,374,631

Growth-Related Expenditures for Improvements: $2,374,631
Figure PR6 shows the cost factors for each component of the City of Fruita’s Parks and Recreation Impact Fee. Impact fees for parks and recreation are based on persons per housing unit and are only assessed against residential development. The fees for park improvements are calculated per person, so by multiplying the total cost per person by the housing unit size calculates the maximum supportable fee.

The fees represent the highest amount supportable for each type of housing unit, which represents new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

**Figure PR6. Maximum Supportable Park & Recreation Impact Fee**

<table>
<thead>
<tr>
<th>Fee Component</th>
<th>Cost per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park Land</td>
<td>$187</td>
</tr>
<tr>
<td>Improvements</td>
<td>$1,127</td>
</tr>
<tr>
<td><strong>Gross Total</strong></td>
<td><strong>$1,314</strong></td>
</tr>
<tr>
<td>Credit for Debt Payments</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Net Total</strong></td>
<td><strong>$1,314</strong></td>
</tr>
</tbody>
</table>

**Residential**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Persons per Housing Unit</th>
<th>Maximum Supportable Fee</th>
<th>Current Maximum Fees</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>2.42</td>
<td>$3,179</td>
<td>$1,860</td>
<td>$1,319</td>
</tr>
<tr>
<td>Multifamily</td>
<td>1.64</td>
<td>$2,154</td>
<td>$1,860</td>
<td>$294</td>
</tr>
</tbody>
</table>
Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee

Revenue from the City’s Parks, Health, Recreation, Open Space, and Trails Impact Fee is estimated in Figure PR7. The impact fee revenue projection is based on projected units in the City of Fruita over the next ten years. By multiplying the projected residential growth in the City by the impact fee amounts, we estimate projected impact fee revenue of approximately $2.76 million. Projected expenditures total $2.76 million.

Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee

Infrastructure Costs for Park Facilities

<table>
<thead>
<tr>
<th></th>
<th>Total Cost</th>
<th>Growth Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Expenditures</td>
<td>$2,768,597</td>
<td>$2,768,597</td>
</tr>
</tbody>
</table>

Projected Development Impact Fee Revenue

<table>
<thead>
<tr>
<th>Year</th>
<th>Single Family $3,179 per unit</th>
<th>Multifamily $2,154 per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Housing Units</td>
<td>Housing Units</td>
</tr>
<tr>
<td>Base</td>
<td>2021</td>
<td>5,086</td>
</tr>
<tr>
<td>Year 1</td>
<td>2022</td>
<td>5,167</td>
</tr>
<tr>
<td>Year 2</td>
<td>2023</td>
<td>5,248</td>
</tr>
<tr>
<td>Year 3</td>
<td>2024</td>
<td>5,329</td>
</tr>
<tr>
<td>Year 4</td>
<td>2025</td>
<td>5,410</td>
</tr>
<tr>
<td>Year 5</td>
<td>2026</td>
<td>5,491</td>
</tr>
<tr>
<td>Year 6</td>
<td>2027</td>
<td>5,572</td>
</tr>
<tr>
<td>Year 7</td>
<td>2028</td>
<td>5,653</td>
</tr>
<tr>
<td>Year 8</td>
<td>2029</td>
<td>5,734</td>
</tr>
<tr>
<td>Year 9</td>
<td>2030</td>
<td>5,815</td>
</tr>
<tr>
<td>Year 10</td>
<td>2031</td>
<td>5,896</td>
</tr>
<tr>
<td>Ten-Year Increase</td>
<td>810</td>
<td>90</td>
</tr>
</tbody>
</table>

Projected Revenue => $2,574,724 $193,873

Projected Revenue => $2,768,597

Total Expenditures => $2,768,597

Non-Impact Fee Funding => $0
IMPLEMENTATION AND ADMINISTRATION

Impact fees should be periodically evaluated and updated to reflect recent data. If cost estimates or demand indicators change significantly, the City should redo the fee calculations. Colorado’s enabling legislation allows local governments to “waive an impact fee or other similar development charge on the development of low or moderate income housing, or affordable employee housing, as defined by the local government.”

Credits and Reimbursements

A general requirement that is common to development impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time development impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements. The determination of revenue credits is dependent upon the development impact fee methodology used in the cost analysis and local government policies.

Policies and procedures related to site-specific credits should be addressed in the resolution or ordinance that establishes the development impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against development impact fees. If a developer constructs a system improvement included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees due from that particular development. The latter option is more difficult to administer because it creates unique fees for specific geographic areas.

Service Area

A development impact fee service area is a region in which a defined set of improvements provide benefit to an identifiable amount of new development. Within a service area, all new development of a type (single-family, commercial, etc.) is assessed at the same development impact fee rate. Land use assumptions and development impact fees are each defined in terms of this geography, so that capital facility demand, projects needed to meet that demand, and capital facility cost are all quantified in the same terms. Development impact fee revenue collected within a service area is required to be spent within that service area.

Implementation of a large number of small service areas is problematic. Administration is complicated and, because funds collected within the service area must be spent within that area multiple service areas may make it impossible to accumulate sufficient revenue to fund any projects within the time allowed.

As part of our analysis of the City and the type of facilities and improvements included in the development impact fee calculation, TischlerBise has determined that a citywide service area is appropriate for the City of Fruita for the Parks, Health, Recreation, Open Space, and Trails impact fee.
Overview

The City of Fruita, Colorado, retained TischlerBise to analyze the impacts of development on its Parks, Health, Recreation, Open Space, and Trails facilities and to calculate impact fees based on that analysis. The population and housing unit, projections contained in this document provide the foundation for the impact fee study. To evaluate demand for growth-related infrastructure from various types of development, TischlerBise prepared documentation on demand indicators by type of housing unit development. These metrics (explained further below) are the demand indicators to be used in the impact fee study.

Impact fees are based on the need for growth-related capital improvements, and they must be proportionate by type of land use. The demographic data and development projections are used to demonstrate proportionality and to anticipate the need for future infrastructure. Demographic data reported by the U.S. Census Bureau, and data provided by Fruita staff, are used to calculate base year estimates and annual projections for a 10-year horizon. Impact fee studies typically look out five to ten years, with the expectation that fees will be updated every three to five years.

Figure A1: Fruita Municipal Boundary
Population and Housing Characteristics

Impact fees often use per capita standards and persons per housing unit or persons per household to derive proportionate share fee amounts. Housing types have varying household sizes and, consequently, a varying demand on City infrastructure and services. Thus, it is important to differentiate between housing types.

When persons per housing unit (PPHU) is used in the development impact fee calculations, infrastructure standards are derived using year-round population. In contrast, when persons per household (PPHH) is used in the development impact fee calculations, the fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. Thus, TischlerBise recommends that fees for residential development in Fruita be imposed according to persons per housing unit.

Based on housing characteristics, TischlerBise recommends using two housing unit categories for the impact fee study: (1) Single Family, and 2) Multifamily. Each housing type has different characteristics which results in a different demand on City facilities and services. Figure A2 shows the US Census American Community Survey 2015-2019 5-Year Estimates data for the City of Fruita. Single family units have a household size of 2.42 persons and multifamily units have a household size of 1.64 persons.

Figure A2 illustrates the persons per housing unit factors that will be included in the impact fee analysis. The population and housing unit totals listed in the figure are not involved in the analysis, separate base year population and housing units are estimated in the next section.

**Figure A2: City of Fruita Persons per Housing Unit**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Persons</th>
<th>Housing Units</th>
<th>Persons per Housing Unit</th>
<th>Households</th>
<th>Persons per Household</th>
<th>Housing Unit Mix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family [1]</td>
<td>12,317</td>
<td>5,080</td>
<td>2.42</td>
<td>4,769</td>
<td>2.58</td>
<td>91%</td>
</tr>
<tr>
<td>Multifamily [2]</td>
<td>830</td>
<td>506</td>
<td>1.64</td>
<td>506</td>
<td>1.64</td>
<td>9%</td>
</tr>
<tr>
<td>Total</td>
<td>13,147</td>
<td>5,586</td>
<td>2.35</td>
<td>5,275</td>
<td>2.49</td>
<td></td>
</tr>
</tbody>
</table>

[1] Includes detached and attached single family homes as well as mobile homes
[2] Includes structures with 2+ units
Source: U.S. Census Bureau, 2019 American Community Survey 5-Year Estimates

Base Year Population and Housing Units

To illustrate the growth in the City, annual building permit data is listed in Figure A2. Over the past four years, the City has seen a total of 362 new housing units constructed. On average, there has been 81 single family units and 9 multifamily units constructed annually.
Figure A2: City of Fruita Building Permit History

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>Total</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family [1]</td>
<td>96</td>
<td>63</td>
<td>84</td>
<td>82</td>
<td>325</td>
<td>81</td>
</tr>
<tr>
<td>Multifamily</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>37</td>
<td>37</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>96</td>
<td>63</td>
<td>84</td>
<td>119</td>
<td>362</td>
<td>91</td>
</tr>
</tbody>
</table>

Source:
[1] Single Family building permits include manufactured housing units
Source: City of Fruita

Population and Housing units for the base year of 2021 is based off 2020 U.S. Census data and 2021 housing permit data. The 2020 Census population estimate is 13,395 residents. Additionally, according to U.S. Census data there are a total of 5,502 housing units. The housing unit mix from the 2015-2019 ACS is applied to this total to get a total of 5,004 single family units and 498 multifamily units in the City. 2021 housing permits are then added to these totals, and the persons per housing unit TischlerBise derived is used to estimate the population increase. The base year population is then estimated to be 13,654 with a total of 5,621 housing units, with 5,086 single family units and 535 multifamily units.

Figure A3: City of Fruita Base Year Population and Housing Units

<table>
<thead>
<tr>
<th></th>
<th>Fruita, CO</th>
<th>2020</th>
<th>Base Year 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family [2]</td>
<td>5,004</td>
<td>5,086</td>
<td></td>
</tr>
<tr>
<td>Multifamily</td>
<td>498</td>
<td>535</td>
<td></td>
</tr>
<tr>
<td>Total Housing Units [1]</td>
<td>5,502</td>
<td>5,621</td>
<td></td>
</tr>
</tbody>
</table>

[1] Source: U.S. Census
[2] Includes detached and attached single family homes as well as mobile homes

Projected Population and Housing Units

Housing unit projections are based off of the residential permitting data that was provided by city staff. New construction is expected to continue at the pace of the previous four years, with 81 new single family units and 9 multifamily units being added each year, for a total increase of 900 housing units in the next 10 years.

Population projections are the result of persons per housing unit factors being applied to the housing unit projections. In total, the City of Fruita is projected to increase by 2,108 residents of the next ten years, an increase of 15.4 percent from the base year.
### Figure A4: City of Fruita Residential Development Projections

<table>
<thead>
<tr>
<th></th>
<th>Base Year</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>2030</th>
<th>2031</th>
<th>Total Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent Increase</td>
<td>1.5%</td>
<td>1.5%</td>
<td>1.5%</td>
<td>1.5%</td>
<td>1.5%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>1.4%</td>
<td>15.4%</td>
<td></td>
</tr>
<tr>
<td>Housing Units [2]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family</td>
<td>5,086</td>
<td>5,167</td>
<td>5,248</td>
<td>5,329</td>
<td>5,410</td>
<td>5,491</td>
<td>5,572</td>
<td>5,653</td>
<td>5,734</td>
<td>5,815</td>
<td>5,896</td>
<td>810</td>
</tr>
<tr>
<td>Multifamily</td>
<td>535</td>
<td>544</td>
<td>553</td>
<td>562</td>
<td>571</td>
<td>580</td>
<td>589</td>
<td>598</td>
<td>607</td>
<td>616</td>
<td>625</td>
<td>90</td>
</tr>
<tr>
<td>Total Housing Units</td>
<td>5,621</td>
<td>5,711</td>
<td>5,801</td>
<td>5,891</td>
<td>5,981</td>
<td>6,071</td>
<td>6,161</td>
<td>6,251</td>
<td>6,341</td>
<td>6,431</td>
<td>6,521</td>
<td>900</td>
</tr>
</tbody>
</table>
APPENDIX B: LAND USE DEFINITIONS

Residential Development

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Fruita will collect development fees from all new residential units. One-time development fees are determined by site capacity (i.e. number of residential units). This category also contains mobile homes and recreational vehicles.

**Single-Family:** Single-Family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides. Also included in the definition is Single family attached (townhouse), which is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

**Multi-Family:** 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with “2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments.”
AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MIKE BENNETT, CITY MANAGER
DATE: JUNE 6, 2023

AGENDA TEXT: RESOLUTION 2023-13 – Rescinding the City Manager’s Declaration of Local Emergency of March 24, 2020 and Resolution 2020-20 – Extending the City of Fruita Emergency Declaration of March 24, 2020

BACKGROUND

As authorized by Section 24-33.5-709(1), C.R.S., City Manager Mike Bennett issued a Declaration of Local Disaster Emergency on March 24, 2020 in response to the Novel Coronavirus 2019 (COVID-19) pandemic that caused widespread human and economic impacts to the City of Fruita, Mesa County, the state of Colorado, across the United States and across the world. An intended effect of the declaration of disaster was to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to seek and authorize the furnishing of aid and assistance under such plans. Copies of the declaration were filed with the Mesa County Emergency Manager, Colorado Office of Emergency Management, Mesa County Clerk and Recorder and City Clerk.

Pursuant to state law, a City Manager’s Declaration of Local Disaster Emergency is only effective for seven days unless extended by City Council. On March 26, 2020, the City Council adopted Resolution 2020-20 to extend the declaration until such time as City Council determines COVID-19 no longer poses an imminent threat to the Fruita community. Resolution 2020-20 was also filed with the Mesa County Emergency Manager, Colorado Office of Emergency Management and Mesa County Clerk and Recorder.

A little over three years later, the threat and impacts of COVID-19 have lessened to the point that on May 11, 2023, both the Federal Government and State of Colorado ended their emergency declarations related to the virus. As such, staff recommends that the City Council rescind both the Declaration of Local Disaster Emergency of March 24, 2020 and Resolution 2020-20 that extended the declaration.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita strives to align all efforts to positively impact the Quality of Place, Economic Health, and Lifestyle of the community and finds that rescinding the Declaration of Local Disaster Emergency and Resolution 2020-20 is in the best interests of the public health, safety, and welfare.

OPTIONS AVAILABLE TO THE COUNCIL
1. Adopt Resolution 2023-13 - Rescinding the City Manager’s Declaration of Local Emergency of March 24, 2020 and Resolution 2020-20 – Extending the City of Fruita Emergency Declaration of March 24, 2020

2. Deny Resolution 2023-13 by not rescinding the City Manager’s Declaration of Local Emergency of March 24, 2020 and Resolution 2020-20 – Extending the City of Fruita Emergency Declaration of March 24, 2020

RECOMMENDATION

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

RESOLUTION 2023-13

A RESOLUTION OF THE CITY OF FRUITA, COLORADO CITY COUNCIL
RESCINDING THE CITY MANAGER’S DECLARATION OF LOCAL EMERGENCY
OF MARCH 24, 2020 AND CITY OF FRUITA RESOLUTION 2020-20 – EXTENDING
THE CITY OF FRUITA EMERGENCY DECLARATION OF MARCH 24, 2020

WHEREAS, the City Manager of the City of Fruita issued a “City Manager’s Declaration of Local Emergency” on March 24, 2020 attached hereto as Exhibit A, and

WHEREAS, on March 26, 2020, the Fruita City Council ratified the City Manager’s Declaration of Local Emergency with the adoption of Resolution 2020-20 – Extending the City of Fruita Emergency Declaration of March 24, 2020 until such time as the City Council terminates such declaration attached hereto as Exhibit B, and

WHEREAS, the purpose of the aforementioned Declaration of Emergency and Resolution 2020-20 was to allow the City of Fruita to address the needs arising out of the Novel Coronavirus (COVID-19) Pandemic that caused widespread human and economic impacts to the City of Fruita, Colorado, and

WHEREAS, the impacts of COVID-19 have lessened tremendously across the United States as well as Mesa County, and

WHEREAS, on May 11, 2023, both the Federal Government and State Government ended emergency declarations related to COVID-19, and

WHEREAS, the City of Fruita wishes to now adopt a Resolution to rescind the City Manager’s March 24, 2020 Declaration of Local Emergency declaring a local disaster for the City of Fruita as well as Resolution 2020-20 extending the same.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1: The foregoing recitals are incorporated herein by reference as findings and determinations of the City of Fruita.

Section 2: The City Manager’s Declaration of Local Emergency and the extension of the same, Resolution 2020-20, are hereby rescinded and repealed in their entirety.

Section 3: Severability. If any part, section, subsection, sentence, clause of phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 4: Effective Date. That this Resolution shall take effect upon its adoption by the Fruita City Council.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
ON THE 6th DAY OF JUNE, 2023

City of Fruita

____________________________________
Joel Kincaid, Mayor

ATTEST:

____________________________________
City Clerk
WHEREAS, the City Fruita is threatened with serious injury and damage, consisting of widespread human and economic impact caused by the Novel Coronavirus 2019 (COVID-19); and

WHEREAS, COVID-19 is a highly contagious virus that has spread throughout the United States, including the City of Fruita, Colorado (the “City”); and

WHEREAS, COVID-19 may cause serious illness and death, especially with respect to elderly persons or those with underlying health conditions; and

WHEREAS, the World Health Organization declared the worldwide outbreak of COVID-19 a “public health emergency of international concern” on January 30, 2020; and

WHEREAS, the United States Department of Health and Human Services declared COVID-19 a public health emergency on January 31, 2020; and

WHEREAS, the State of Colorado identified its first positive case of COVID-19 on March 5, 2020, and

WHEREAS, the Mesa County Emergency Operations Plan was activated in response to the emerging threat March 9, 2020; and

WHEREAS, Governor Polis declared a state of emergency in response to the spread of COVID-19 on March 10, 2020; and

WHEREAS, the City of Fruita activated its COVID-19 Response Plan on March 10, 2020; and

WHEREAS, President Donald J. Trump declared a National Emergency on March 13, 2020, in response to the COVID-19 event; and

WHEREAS, the many public health and safety recommendations and/or orders issued in response to minimizing the spread of COVID-19 have resulted in severe economic hardships on Fruita residents and multiple local businesses in Fruita; and

WHEREAS, there are a reported 912 reported cases of COVID-19 in Colorado as of March 24, 2020; and

WHEREAS, the Mesa County Public Health Department has reported 5 cases of COVID-19 in Mesa County as of March 24, 2020, and anticipates the number of confirmed cases in the
County will continue to increase and the County will see more cases of the virus and its transmission within the community; and,

WHEREAS, the Mesa County Emergency Services Director has recommended that all municipalities in the County declare a local emergency; and

WHEREAS, pursuant to the Colorado Disaster Emergency Act, the City has identified a local disaster currently present in the City in connection with the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19 requiring emergency action to avert danger or damage and to protect public health; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of COVID-19 is far in excess of the City’s available resources; and

WHEREAS, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the City to take immediate actions for public safety, health and welfare; and

WHEREAS, pursuant to §24-33.5-709(1), C.R.S., the City Manager, as chief executive officer of the City, pursuant to Section 4.05 of the City’s Home Rule Charter, is authorized to declare a local disaster emergency.

NOW, THEREFORE, THE CITY MANAGER OF THE CITY OF FRUITA HEREBY DECLARES THE FOLLOWING:

Section 1. There is a local disaster emergency in the City of Fruita, Colorado arising from the spread of COVID-19 which has resulted in the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property requiring emergency action to avert danger or damage.

Section 2. The effect of this declaration of disaster shall be to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to seek and authorize the furnishing of aid and assistance under such plans.

Section 3. City of Fruita residents, businesses and visitors are encouraged to remain informed and follow the guidance provided by the U.S. Center for Disease Control, the State of Colorado, Mesa County and the City of Fruita for mitigation strategies for communities with local COVID-19 transmission.

Section 4. This declaration shall be effective upon the date and time given below and shall remain in effect for a period not to exceed seven days thereafter except by or with the consent of a majority of the members of the City Council. Two copies will be filed promptly with the Mesa County Emergency Manager, the Colorado Office of Emergency Management, the Mesa County Clerk and Recorder and the City Clerk.
Dated: March 24, 2020, Time: 9:20 p.m.

THE CITY OF FRUITA

Michael P. Bennett, City Manager

ATTEST

Deb Woods, Deputy City Clerk
RESOLUTION 2020-20
EXTENDING THE CITY OF FRUITA EMERGENCY DECLARATION OF MARCH 24, 2020

WHEREAS, the City Fruita is threatened with serious injury and damage, consisting of widespread human and economic impact caused by the Novel Coronavirus 2019 (“COVID-19”); and

WHEREAS, COVID-19 is a highly contagious virus that has spread throughout the United States, including the City of Fruita, Colorado (the “City”); and

WHEREAS, COVID-19 may cause serious illness and death, especially with respect to elderly persons or those with underlying health conditions; and

WHEREAS, the World Health Organization declared the worldwide outbreak of COVID-19 a “public health emergency of international concern” on January 30, 2020; and

WHEREAS, the United States Department of Health and Human Services declared COVID-19 a public health emergency on January 31, 2020; and

WHEREAS, the State of Colorado identified its first positive case of COVID-19 on March 5, 2020, and

WHEREAS, the Mesa County Emergency Operations Plan was activated in response to the emerging threat March 9, 2020; and

WHEREAS, Governor Polis declared a state of emergency in response to the spread of COVID-19 on March 10, 2020; and

WHEREAS, the City of Fruita activated its COVID-19 Response Plan on March 10, 2020; and

WHEREAS, President Donald J. Trump declared a National Emergency on March 13, 2020, in response to the COVID-19 event; and

WHEREAS, the many public health and safety recommendations and/or orders issued in response to minimizing the spread of COVID-19 have resulted in severe economic hardships on Fruita residents and multiple local businesses in Fruita; and

WHEREAS, there are a reported 912 reported cases of COVID-19 in Colorado as of March 24, 2020; and
WHEREAS, the Mesa County Public Health Department has reported 5 cases of COVID-19 in Mesa County as of March 24, 2020, and anticipates the number of confirmed cases in the County will continue to increase and the County will see more cases of the virus and its transmission within the community; and,

WHEREAS, the Mesa County Emergency Services Director has recommended that all municipalities in the County declare a local emergency; and

WHEREAS, pursuant to the Colorado Disaster Emergency Act, the City has identified a local disaster currently present in the City in connection with the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19 requiring emergency action to avert danger or damage and to protect public health; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of COVID-19 is far in excess of the City’s available resources; and

WHEREAS, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the City to take immediate actions for public safety, health and welfare; and

WHEREAS, pursuant to §24-33.5-709(1), C.R.S., the City Manager, as chief executive officer of the City, pursuant to Section 4.05 of the City’s Home Rule Charter, declared a local disaster emergency on March 24, 2020, attached hereto as Exhibit A; and

WHEREAS, pursuant to § 24-33.5-709 (1), C.R.S., the declaration shall not be continued or renewed for a period in excess of seven days except with the consent of the City Council; and

WHEREAS, the City Council finds that it is appropriate and in the interests of the public health, safety, and welfare and would further protect property, for the City Council to ratify the actions of the City Manager and to extend the declaration until such time as the City Council terminates such declaration.

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

Section 1. The City Council hereby confirms, determines, and declares that the spread of COVID-19 virus through Fruita, Colorado, poses an imminent threat of widespread or severe damage, injury or loss of life or property requiring emergency action to avert danger or damage.

Section 2. The effect of this declaration of disaster shall be to continue the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans, including, but not limited to aid and assistance requested or required to support Mesa County, Colorado, and to avail the City to

Res 20-___ Declaration of Local Emergency
Page 2 of 4
any financial assistance available from Mesa County, the State of Colorado or the United federal government.

**Section 3.** The City Manager is directed and authorized to continue coordination with internal and external partners and to direct City staff as appropriate and necessary to address the local disaster emergency.

**Section 4.** That the City Council directs the City Manager to implement steps for long term continuity of government services.

**Section 5.** That the City Council hereby ratifies and adopts the actions of the City Manager and hereby extends the Declaration of Local Disaster Emergency until such time as the City Council terminates such declaration.

**Section 6.** That the City Clerk is directed to ensure this resolution and declaration is promptly filed with the Mesa County Clerk and Recorder, the Colorado Office of Emergency Management and the Mesa County Emergency Manager.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO THIS 26TH DAY OF MARCH 2020.**

\[
\text{CITY OF FRUITA} \\
\text{Joel Kincaid, Mayor} \\
\text{ATTEST:} \\
\text{Margaret Sell}
\]
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)
ANNOUNCEMENT NO. 1

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

It's June 6, 2023 and the time is ______________. For the record, I am the Mayor, Joel Kincaid. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

______________________________________________________________

This is an Executive Session for the following purposes:

1. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pursuant to C.R.S. Sec. 24-6-402(4)(e) with regard to a proposal for the City’s lagoon property redevelopment; and

2. For the purpose of discussing the possible sale of a two acre parcel (Mesa County Parcel ID: 3223-053-00-002) and a four acre parcel (Mesa County Parcel ID: 3223-053-00-001), both owned by the City, pursuant to C.R.S. Sec. 24-6-402(4)(a), instructing negotiators regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(e), and a conference with the City Attorney regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(b); and

3. For the purpose of instructing negotiators regarding a request by IndiBuild, LLC for an Impact Fee waiver or possible loan for the affordable housing Fruita Mews Project pursuant to C.R.S. Sec. 24-6-402(4)(e), and a conference with the City Attorney regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(b).

I caution each participant to confine all discussion to the stated purposes of the Executive Session, and that no formal action may occur in the Executive Session.

If at any point in the Executive Session any participant believes that the discussion is going outside the proper scope of the Executive Session, please interrupt the discussion and make an objection.
AGENDA TEXT: EXECUTIVE SESSION – To convene in Executive Session for:

1. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pursuant to CRS Sec. 24-6-402(4)(e) with regard to a proposal for the City’s lagoon property redevelopment; and

2. For the purpose of discussing the possible sale of a two acre parcel (Mesa County Parcel ID: 3223-053-00-002) and a four acre parcel (Mesa County Parcel ID: 3223-053-00-001), both owned by the City, pursuant to C.R.S. Sec. 24-6-402(4)(a), instructing negotiators regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(e), and a conference with the City attorney regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(b); and

3. For the purpose of instructing negotiators regarding a request by IndiBuild LLC for an Impact Fee waiver or possible loan for the affordable housing Fruita Mews Project pursuant to C.R.S. Sec. 24-6-402(4)(e), and a conference with the City Attorney regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(b).

BACKGROUND

The City Council has reason to convene in Executive Session for all three purposes above. 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
RECOMMENDATION

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

- MOVE TO CONVENE IN EXECUTIVE SESSION FOR:

1. DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO C.R.S. SEC. 24-6-402(4)(E) WITH REGARD TO A PROPOSAL FOR THE CITY’S LAGOON PROPERTY REDEVELOPMENT; AND

2. FOR THE PURPOSE OF DISCUSSING THE POSSIBLE SALE OF A TWO ACRE PARCEL (MESA COUNTY PARCEL ID: 3223-053-00-002) AND A FOUR ACRE PARCEL (MESA COUNTY PARCEL ID: 3223-053-00-001), BOTH OWNED BY THE CITY, PURSUANT TO C.R.S. SEC. 24-6-402(4)(A), INSTRUCTING NEGOTIATORS REGARDING THE SAME PURSUANT TO C.R.S. SEC. 24-6-402(4)(E), AND A CONFERENCE WITH THE CITY ATTORNEY REGARDING THE SAME PURSUANT TO C.R.S. SEC. 24-6-402(4)(B); AND

3. FOR THE PURPOSE OF INSTRUCTING NEGOTIATORS REGARDING A REQUEST BY INDIBUILD LLC FOR AN IMPACT FEE WAIVER OR POSSIBLE LOAN FOR THE AFFORDABLE HOUSING FRUITA MEWS PROJECT PURSUANT TO C.R.S. SEC. 24-6-402(4)(E), AND A CONFERENCE WITH THE CITY ATTORNEY REGARDING THE SAME PURSUANT TO C.R.S. SEC. 24-6-402(4)(B).