FRUITA CITY COUNCIL
JUNE 1, 2021
7:00 P.M.

Public Link to Meeting
When: June 1, 2021 7:00 PM Mountain Time (US and Canada)
Topic: City Council Meeting – 06/01/21

The link to join the join the meeting electronically will be posted on 06/01/21 prior to the meeting at https://www.fruita.org/citycouncil/page/city-council-meeting-463 under City Council meetings. You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting.

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – The Wellspring Project presentation by Fruita Arts and Culture Board members Pavia Justinian and Nancy Patterson

B. PRESENTATION – 2021 Community Survey presentation by Ryan Murray of the ETC Institute

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 May 18, 2021 Regular City Council Meeting

B. MINI GRANT AWARD – A request to approve a recommendation from the Fruita Tourism Advisory Council for one Mini-Grant award for the Kids Adventure Games event

C. ORDINANCE 2021-14 – First Reading – An introduction of an Ordinance annexing approximately 15.17 acres of property located at 1123 19 Road into the City of Fruita for publication of public hearing on July 6, 2021 (Patron Annexation)

D. ORDINANCE 2021-15 – First Reading – An introduction of an Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 15.17 acres of property located at 1123 19 Road to a Community Residential Zone for publication of public hearing on July 6, 2021 (Patron Zoning)

7. PUBLIC HEARINGS

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

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

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

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

  1) **Staff presentation** Staff will present the comments and reports received from review agencies and offer a recommendation.
  2) **Applicant Presentation** (15 minutes max) The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all 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 2021-15 - Finding approximately 15.17 acres of property located at 1123 19 Road eligible to be annexed into the City of Fruita and initiating annexation procedures (Patron Annexation) – *City Planner Henry Hemphill*

2) PRELIMINARY PLAN – A request to approve the Rose Creek Subdivision Preliminary Plan – *City Planner Henry Hemphill*

3) NEW LIQUOR LICENSE APPLICATION – A request to approve an application for a Fermented Malt Beverage (FMB) off-premises liquor license for the Fruita Consumers Cooperative Association (Fruita Co-Op) located at 1650 Highway 6 & 50 – *Deputy City Clerk Deb Woods*

4) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A request to approve a Special Event Liquor Permit Application for the Fruita Rotary Club to serve beer at the Partners of Mesa County Cornhole Tournament fundraiser in Civic Center Memorial Park located at 325 E. Aspen Avenue on Saturday, June 12, 2021 from 2:30 to 8:30 pm - *Deputy City Clerk Deb Woods*

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER'S REPORT

10. COUNCIL REPORTS AND ACTIONS

A. Discussion and possible action to reschedule the August 24, 2021 City Council workshop meeting to August 31, 2021 due to a conflict with the Mesa County Commissioners' Town Hall being held in Fruita on the same date

B. Council Reports and Actions

11. ADJOURN

FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

FROM: **TURE NYCUM, PARKS AND RECREATION DIRECTOR**

DATE: **JUNE 1, 2021**

RE: **PRESENTATION - WELLSPRING PROJECT PRESENTATION BY FRUITA ARTS AND CULTURE BOARD MEMBERS PAVIA JUSTINIAN AND NANCY PATTERSON**

BACKGROUND

In early 2020, the Arts and Culture Board applied for and successfully received an Arts in Society grant to fund a week-long youth camp that focuses on Water in the West (a social issue requirement for the grant) and provides a piece of art for the community which will be a mural in the Highway 6/50 underpass along the Little Salt Wash Trail. Nancy Patterson (Chair) and Pavia Justinian from the Arts and Culture Board will present the Wellspring Program. Presentation will include an overview of the program and youth camp as well as a review of the draft mural that will be painted. Please see attached materials which include the grant application, camp itinerary, draft mural, this evening's presentation, and an article from Spoke and Blossom that features the Wellspring Project. Council feedback will be accepted.

Project Title

The Wellspring Project

01/04/2020

by **Marian Heesaker** in **Arts in Society Proposal 2020**

dmhclapp@msn.com

id. 14824231

Original submission

01/04/2020

Lead Organization or Collective (if applicable)	**City of Fruita Arts and Culture Board**
The lead applicant is a:	**Arts organization**
Project Lead's Name	**Marian Heesaker**
Project Lead's Email Address	**dmhclapp@msn.com**
Project Lead's Phone Number	**7192250527**
Describe the type of area in which your project takes place:	**Rural**
In which region of the state will your project take place?	**Western Slope**
Please select the Colorado counties in which your project will take place.	**Mesa**
In which Colorado city(ies) and/or neighborhood(s) will your project take place?	**Fruita. (Field trips will take place in Palisade and Grand Junction as well)**
Which topics does your project seek to address?	**Civic Engagement** **Environment** **Education** **Youth Development**
If OTHER, please specify.	n/a

Which art forms will your project employ?	**Visual Arts** **Film/Media** **Multi-disciplinary** **Design/Architecture** **Literary Arts** **Other**
If OTHER, please specify.	**Participants will begin the intensive with sketch books and journaling. They will create art that will include painting, writing, sculpture. The final design project may include muraling, design of sculpted display boards, it will be determined through collaboration amongst the participating artists.**
Requested Amount	**$25,140.00**
Total Project Cost	**$27, 755.00 (Fruita providing classrooms and transportation valued at $2615.00. Fruita is also providing liability insurance, staff time, marketing at no cost to the project)**
Project Dates (Start & End)	**April 2020 to April 2022**
What is the societal/community issue that this project is seeking to address through the arts?	**Water use in the West. The Colorado River runs through the community of Fruita, our farms and ranches are a way of life. Climate change, growth, increasing demands for water and competing interests from multiple stakeholders contribute to its complexity and require collaboration to address its future.**
If the lead applicant is a non-arts organization, who are the lead artists involved and/or who is providing the arts expertise?	**not applicable**
If the lead applicant is an artist or arts organization, what are the partnering organizations that will provide expertise related to the cross-sector work?	**District 51 Fruita Middle School-art educator Vanessa Nuanes** **Ruth Powell Hutchins Water Center at Colorado Mesa University-Hannah Holm** **Bureau of Land Management-McInnis Canyons National Conservation Area-Collin Ewing** **Local Farmer and Water Engineer-Luke Gingerich** **Eureka Science Museum-Jenn Moore** **Ute Water Municipality-Andrea Lopez** **RiversEdge West-Shannon Wades** **Colorado Canyons Association-Dawn Cooper and Meril Wallace** **Bureau of Reclamation-Fruita City Council Member-Amanda Ewing** **Colorado Fish and Wildlife Service-Michael Gross**

Please provide a brief 3-sentence synopsis of your project. (who, what, where, when, and why)	**Fruita Middle School students will attend a 7 day summer 2021 intensive that will address the complexity of water use in the West. Starting with 2 days on the Colorado River then moving downstream from where it is first diverted to the farms, ranches, municipalities and canyons that it flows through, students will gain an appreciation for the importance of working together to create long lasting solutions to address this dwindling resource.**
Project Purpose/Intent	**Fields of experts are working at solutions to address our dwindling water supply. However, the sector of our population that will most likely experience the successes or failures of these initiatives are the generation that do not currently have a seat at the table. Youth look at issues through a different lens. Their innocence allows them to be fearless and bold in their approaches and ideas. They see possibilities in a way that adults often do not. By including them in this project we hope to build a foundation of heightened awareness, foster a synergy between the organizations, and work to create a wellspring of ideas and conversations that will carry on the important work that will be needed to care for and preserve one of the very foundations of life.** **The Wellspring Project will elevate this issue as an important one that requires all of us to be a part of the solution. Regular project updates will be communicated through the City of Fruita and the middle school. The artists involved will collaborate with the students to conceptualize, design and create permanent displays of artwork that will become part of the fabric of our community. These works will be on display at the school, at the annual Art Stroll and at the unveiling and proclamation when complete. A panel discussion led by the students will invite the community to participate in the conversation.**
Tell us about your project. Succinctly describe how this project will be implemented.	**Once funded, our volunteer board will contact all of our partnering agencies and artists and work toward implementing The Wellspring Project the summer of 2021. This includes confirming a date for the summer intensive and securing art studio and classroom space. Working with the art educator from Fruita Middle School, they will work to have us included in Back to School night to present The Wellspring Project and get students and parents talking about this initiative. The principal has agreed to provide updates on the project in his regular emails sent to parents through the school year.** **An update to the Fruita City Council about the project will be scheduled and regular updates throughout the life of the grant will be carried out. Our City Manager Mike Bennett has agreed to include information about the project in his regular Friday email blast as well as on the City of Fruita website.** **Advertising and registration for the Wellspring Project will be done through the Parks and Recreation department for the City of Fruita. Liability insurance for the entire intensive will be sponsored by the City of Fruita in addition to providing transportation to and from all field trips during the week-long session.** **The project will kick off with a 2 day, one night raft trip down the Colorado River through Ruby and Horsethief Canyon. During those two days on the river, the students will learn about water, riparian zones, invasive species and conservation efforts from the**

hydrologist, biologists and conservationists that will be provided by the Bureau of Land Management, RiversEdge West and Colorado Canyons Associations place based educators. Our participating artists will provide each student with a sketch book and through journaling and sketching, preliminary concepts, feelings and ideas will be given the freedom to develop and ultimately manifest themselves through art during the three days that will be spent in the studio.

Following the raft trip, the next two days will consist of field work, observing and learning first hand the ways that water travels, is diverted, called for and used throughout our valley. This will include a visit to the roller dam, a tour of a working farm, the municipal water/wastewater plant, endangered fish hatchery, the Eureka Science museum water exhibit and a few hours spent at a local tributary observing habitat, riparian zones and water quality through a variety of interactive exercises.

The final three days will be spent in the studio. Working with our three artists with involvement by the artists on our Fruita Arts and Culture board, the students will be given the opportunity to create drawings, paintings, poetry, stories, sculpture from all they have observed and learned about water through their experiences with this project. These produced works will be on exhibit at the school and at the Arts and Culture board annual Art Stroll.

The artists that have agreed to lead the final 3 days will work together along with the students to create a final piece or pieces of artwork that will culminate this project. Ideas may include a mural that will be added to by each subsequent camp to be held annually through the City of Fruita, metal work designed to hold information about water use in the west, written prose created by students during this intensive.

Tell us about your community. Please note that we define broadly to include geography and relational terms. A project must work with a community of people who share something in common (interest, geography, heritage, etc.).

Geographically, Fruita is located on the western slope of the Rockies, nestled in between the Book Cliffs and the Colorado National Monument, in what's known as the Grand Valley. Ten miles west of Grand Junction and seventeen miles from the Colorado-Utah border on I-70, Fruita is often referred to as the gateway to Colorado. Historically, the city was founded along the Colorado River as an agricultural center and remains surrounded by working ranches and family farms despite receiving only ten inches of rain annually. Fruita's 300+ days of sunshine per year, as well as direct access to juniper-pinyon canyon country, has led our town to becoming an outdoor recreational community and visitor destination, and as such, now ranks as one of the top destinations in the United States for world class mountain biking, rock climbing, rafting and hiking.

With a population of over 12,500 people according to the 2010 census, Fruita has worked diligently to maintain its small-town atmosphere and charm, while navigating the growing pains inherent to being considered a gem of the New West. Community members are encouraged to get to know their neighbor and you'll regularly see locals gathering outside their favorite coffee shop, on the riverfront trail taking their dog for a walk, or at one of many recent community meetings seeking feedback on the comprehensive plan for Fruita. The vibe in Fruita is one of inclusivity, fun, respect and authenticity.

Our community will be involved in the Wellspring Project by means of working with the city to find classroom/art studio space. Professionals working within the water and artistic community will lend their talents and expertise by interacting with our students. Parents and students will likely carry on a conversation around the dinner table about the Wellspring Project, garnering interest and possible attendance at this summer intensive. The entire community will be invited to the venues that will showcase the students work through art.

This project is relevant to our community because Fruita is a steward of the Colorado River and the lands it makes its way through. Inviting all stakeholders who have an interest in how water is allocated and distributed is an important component to ensuring that the community has a say in how this issue is approached, discussed and managed for years to come. Having students as the central audience in this project intends to start a conversation that will ignite enthusiasm for a topic that will likely continue to generate concern in the future due to population growth, climate change and political discourse.

Each participating agency that has agreed to work with The Wellspring Project is currently engaged in initiatives that address water use in the West. From the Colorado State Compact of 1922 that outlines water law, to the annual Upper Colorado River Basin Water Forum sponsored by the Hutchins Water Center at Colorado Mesa University, to the work being done by RiversEdge West to restore riparian lands, there are many opportunities for this issue to be discussed. What sets our project apart is that it is the only initiative that will bring middle school students to the table to lead the discussion and will culminate in permanent displays that will serve as catalysts for being ever mindful of the need for continued work and generative conversation around this important topic.

Please list the names of the artists involved in the project. Why did you choose them and what are their roles in the project?	**The artists involved in our project are Pavia Justinian, Jonathan Cooley, and Kyle Harvey. They each bring a unique background in the arts to our community and to this project. We consider ourselves fortunate to have their expertise in bringing this project to fruition.** **Pavia is an award-winning mixed media sculptor and muralist who has been an artist in residence and worked with young people on numerous projects. She brings a youthful, exuberant attitude to everything she does, and we believe she is a great fit for working with this age group in a number of different mediums.** **Jonathan is an educator and sculptor, experienced working with groups in the outdoors as well as the classroom. He is a can do sort of person who is a natural at creating with enthusiasm. Jonathan is also an experienced river rafter who can assist the guides from Colorado Canyons during the overnight trip.** **Kyle is an award winning poet and multi talented filmmaker/photographer/musician. His thoughtful insights and calm demeanor draw people to him. He is able to engage with kids through the written word as well as music. We believe that in addition to filming the week long experience he can help participants harness ideas and express these ideas through a number of mediums.**
Please list the names of partnering organizations or individuals. Why did you choose them? What is their role in the project?	**The City of Fruita Arts and Culture board is submitting this grant proposal on behalf of Fruita. As a volunteer board, it is fundamental that we have the support of our city in order to sponsor the Wellspring Project. They have agreed to provide space, transportation, staff time, liability insurance, marketing and organizational expertise.** **Fruita Middle School will provide the means to find our participants and engage faculty and parents in the plan for this summer intensive. In addition to having an Art Studio, their arts educator and principal have committed time to plan and carry out this curriculum.** **The Bureau of Land Management oversees the public lands that the Colorado River runs through. We feel it important to start with the river when teaching about water use in the west, and a river trip is the means in which to draw thought, inspiration and conversation about this resource and to generate ideas to represent it through artistic means.** **Ute Water Conservancy District represents how municipalities obtain, use and conserve their water. Bringing an understanding of how water appears from a faucet when turned on is fundamental to our understanding of how complicated this subject is. They will provide education and tours of their facility.** **RiversEdge West focuses on restoring riparian areas along the rivers edge and works to mitigate invasive species which change the hydrology of rivers and the overall health of the river corridor. They will provide the interactive river education curriculum.**

Project Evaluation	**Just as a river begins as a trickle from its headwaters, over time defining its shape by the landscape through which it passes and with every tributary which joins it, the success of The Wellspring Project will be most greatly defined by creating the space for generative conversation which leads to a permanent display. Though not yet designed, this permanent display will continue to inspire deep thought and meaningful conversation, while reminding us to be ever-mindful in seeking solutions to our community's concerns regarding water. The project will welcome dialogue from all stakeholders with an interest in how water is distributed and used.** **• Fruita middle schools have an interest in adding water use in the west to their curriculum** **• Colorado Canyons wishes to replicate the Wellspring Project into future valley wide camps** **• artwork created is to be dynamic and of a means to invite future camp participants the opportunity to "add to"** **• our local bookstore has expressed an interest in co-sponsoring a water event on an annual basis** **Once funded, a press release announcing the grant will be created. Regular updates about the project will find a home on the City of Fruita website. Digital photography and videography of the rafting trip, field trips, art studio work, commissioning and final art pieces will document the process and will be shared via social media, as well as the City of Fruita's weekly email update and quarterly City Link pamphlet mailed to every home in Fruita.**
Website Link	**www.fruitaart.com**

Project Budget

Wellspring_2020_Budget.xlsx

Up to 3 artist bios

Bio-Pavia_Justinian.docx

JC_Bio_Wellspring4405.pdf

Kyle_Harvey_Bio_and_Selected_Works_.docx

Up to 10 artwork samples

PJustinian_King_of_the_Trail_Mural.jpg

PJustinian_Sculptural_Bench_of_Iris_the_Dog.jpg

PJustinian_Zafira.jpg

Cooley_sculpture_3_edit.jpg

Cooley_sculpture_1_edit.jpg

Cooley_sculpture_2_edit.jpg

Kyle_Harvey_selected_works.pdf

Bios of up to 3 key individuals involved in the project

Bio-Shannon_Wades-RiversEdge_West.docx

Bio-Tom_Casal_City_of_Fruita.docx

Bio-Vanessa_Nuanes-art_educator_D51.docx

Letters of Support

2019_REW_LOS_Wellspring_Project_Final.docx.pdf

City_of_Fruita_ACB_Wellspring_support_letter_2019.pdf

Signed_CoF_letter_of_Support-Kincaid.pdf

LetterofSupportFMS.pdf

Ute_Water_Letter_of_Support_-_Wellspring_Project.pdf

(Nonprofits only) P&L and Balance Sheet for previous fiscal year	n/a

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Current or previous grantee reports and support documents	n/a

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Wellspring Project

Itinerary

Saturday, June 12, 2021

8:45 a.m. Students will be dropped off at Loma boat launch by their family, for 2-day, one night raft trip through Ruby-Horsethief Canyon.

Sunday, June 13, 2021

4:00 p.m. Students will be picked up at the Loma boat launch by their family.

(Transportation from take out at Westwater to Loma is provided by Colorado Canyons Association and the City of Fruita).

Monday, June 14, 2021

8:00 a.m. Students depart from Fruita Community Center

9:00 a.m. Students arrive at the roller dam at the Cameo exit and tour the facility

9:45 a.m. Students are transported to Orchard Mesa Canals -Palisade for tour

11:00 a.m. Students are transported to Avant Vineyards/Farm-Palisade for tour, lunch break

1:00 p.m. Students are transported to Ute Water for tour of water plant

2: 30 p.m. Students depart for Las Colonias-RiversEdgeWest presentation

3:30 p.m. Depart for FCC

4:00 p.m. Students arrive at Fruita Community Center-dismissed

Tuesday, June 15, 2021

8:00 a.m. Students depart from Fruita Community Center

8:30 a.m. Arrive at Eureka Science Museum

9:00 a.m. Depart for Kannah Creek Field Study utilizing Eureka vans

1:00 p.m. Return to Eureka Science Museum/Lunch

1:30 p.m Leave for Fish Hatchery

2:00-3:00 p.m. Tour of Fish Hatchery

3:00 p.m.	Depart for Fruita Community Center
3:30 p.m.	Activity
4:00 p.m.	Dismissed

Wednesday, June 16, 2021

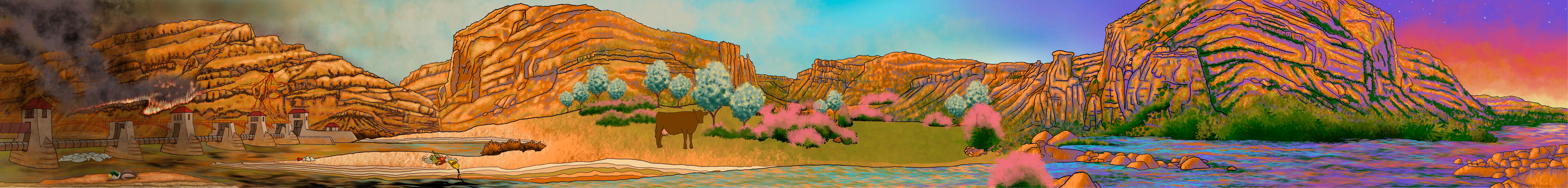
8:00 a.m.	Students arrive at Fruita Community Center-walk to mural site
8:30-10:00 a.m.	Guest artist Kyle Harvey
10:00-12 p.m.	Mural site with artist Pavia Justinian
12:30-1:45 p.m.	Art with Andrea Stolarcyzk
2:00-4:00 p.m.	Mural site with artist Pavia Justinian
4:00 p.m.	Students dismissed

Thursday, June 17, 2021

8:00 a.m.	Students arrive at Fruita Community Center
8:30-12:00	Guest artist Jonathan Cooley-FCC/Lunch
	Visit from www.waterbicycle.org
12:00-4:00 p.m.	Mural site with artist Pavia Justinian
	Art project with Nancy Patterson

Friday, June 18, 2021

8:00 a.m.	Students arrive at Fruita Community Center
8:30-10:30 a.m.	Mural site with artist Pavia Justinian
10:30 a.m	Visit by Mesa County Libraries
11:00-12:30 p.m.	Art project with Lyndsay Olish/Lunch
1:00-3:00 p.m.	Mural site with artist Pavia Justinian
3:30-4:00	Celebration and wrap up. Students dismissed



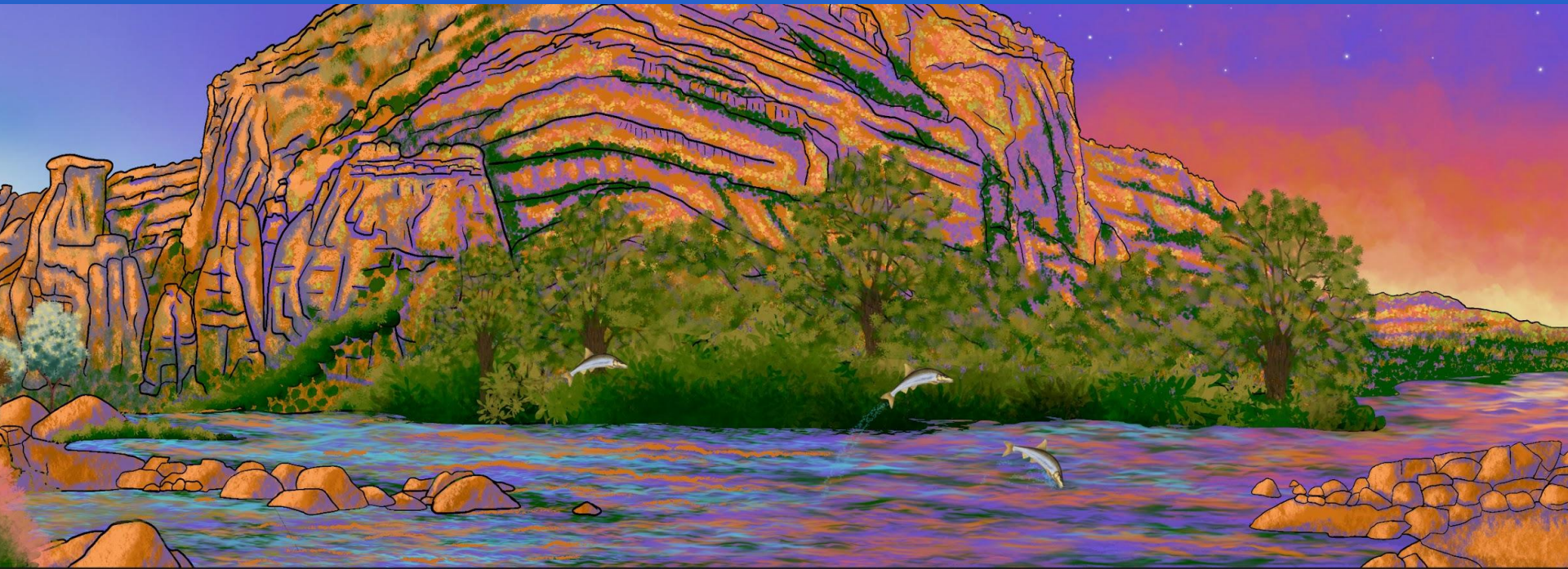
The Wellspring Mural

A Story of Water in the West

The mural can be “read” from either direction, but the majority of people will likely be starting and ending their ride in Fruita, so it will officially begin on the west side at the north end as you ride from Fruita to Kokopelli.

It will tell a story even to someone riding fast through the tunnel. We will use the space to show how quickly rivers and wild places can disappear if we do not actively work to save them.

The mural begins on the Fruita side of the trail with the Colorado River looking pristine at sunset. Everything seems possible as the light peeks over the horizon. The river is filled with leaping fish and surrounded by tall cottonwood trees. This is the ideal, the river we want to protect.



This mural is a performative piece - as the viewer moves through the tunnel, they actively begin to degrade the river and surrounding landscape. Just as in real life, the damage we do may not be apparent at first glance. As invasive tamarisk and Russian olive begin to dominate the scene, the landscape becomes more dry and the cottonwoods less numerous, turning brown and losing foliage.

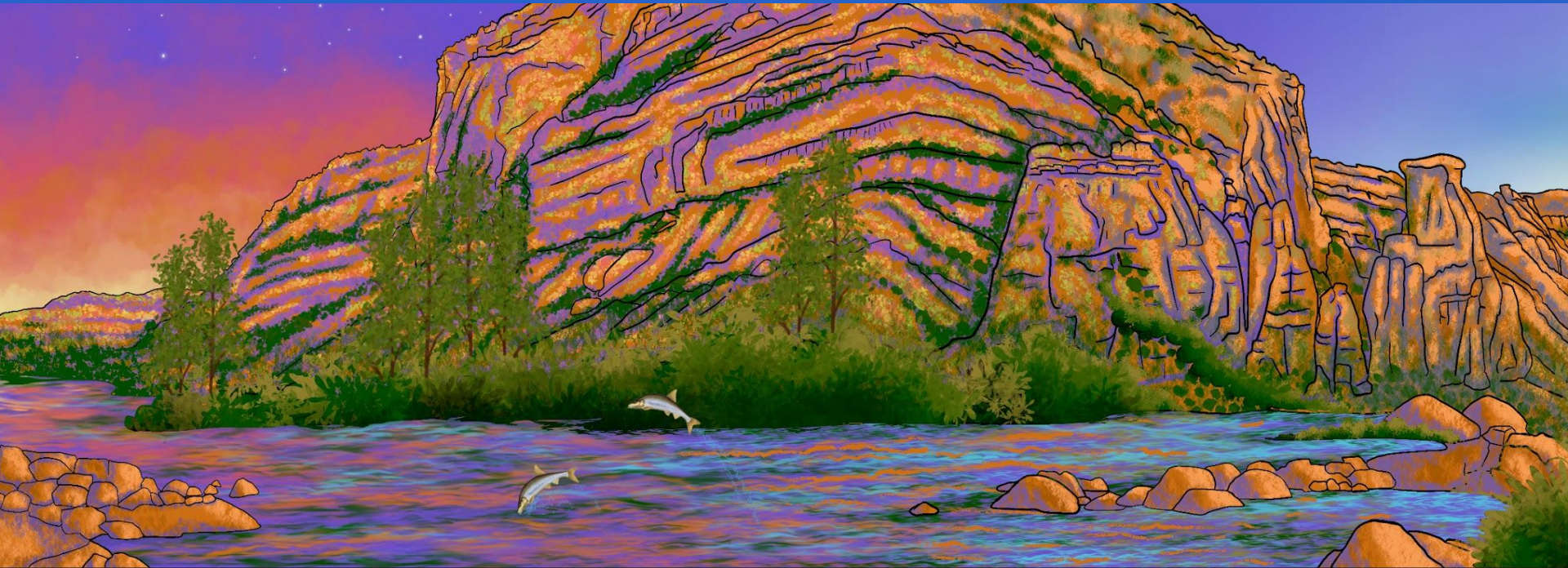
At the end of the west panel, the river is in peril. Wildfires rage across the dry land, and what is left of the river moves sluggishly. The water is so low that fish cannot pass through the dam, and they wash up dead onto dry land which until now has been underwater for thousands of years. Invasive tamarisk have made the land dry, salty, and inhospitable to native species. Perhaps this scene will give riders something to consider as they enjoy the trails.

As riders return to Fruita, they will begin to have an opposite effect, actively healing the landscape as they move back through the tunnel. The mural will come full circle, ending on a hopeful note with the river being restored to its pristine and wild state. Together the two panels will create an immersive sense of space in the tunnel.

Moving back through along the east panel, the viewer begins to heal the river. The wildfire is put out, leaving only a scar across the land. Water begins to move through the dam again, and surviving fish make their way back to the water.

Moving forward, the viewer continues to heal the river. Russian olive trees are removed and replaced with new cottonwood saplings, which spring up with new life around the skeleton of the mother tree. Tamarisk beetles consume the tamarisk and the river level again begins to rise.

The mural ends at sunrise - a new beginning. The new cottonwood saplings and other native species thrive along the river, which is again filled with fish. This mural focuses on the effects we all have on our environment, for better and for worse.



PAVIA JUSTINIAN

FRUITA STUDENTS EXAMINE WATER USE IN THE WEST THROUGH AN ARTISTIC LENS

THE WELLSPRING PROJECT

Words by Lexi Reich

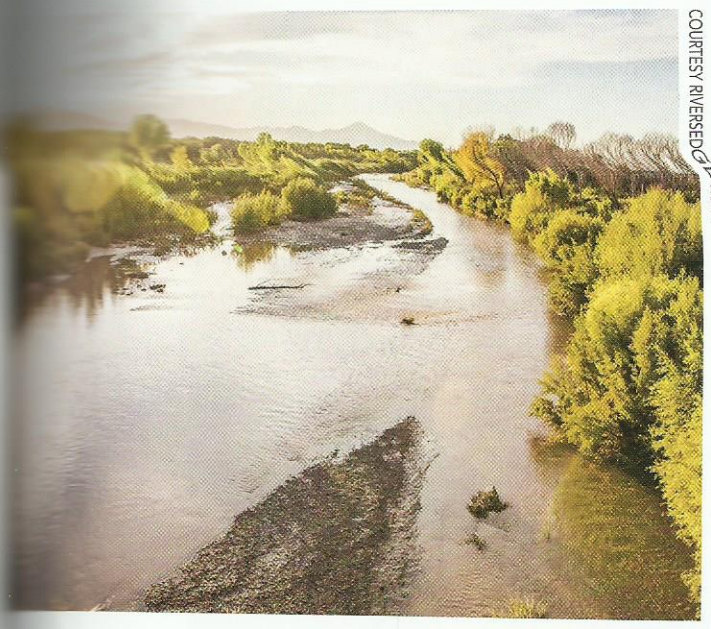
The goal of The Wellspring Project is to blend artistic expression with environmental advocacy for Fruita Middle School students. Hosted by the City of Fruita Arts and Culture Board, this summer initiative consists of a rafting trip, educational intensive and art project. It will be held in Fruita from June 12 to 18, 2021 and is funded by Arts in Society and Western Colorado Community Foundation.

Water is crucial to life in the West and beyond. The City of Fruita Arts and Culture Board wants students to examine the environmental and social issues surrounding water use through the lens of art and culture. Students will have the opportunity to learn about water and its complexity from multiple stakeholders who have an interest in its protection.

The week-long program is divided into three phases. The first two days are devoted to the Colorado River, where students will learn firsthand the importance of maintaining a healthy river corridor, protection of endangered fish, mitigation of invasive plant species and hydrology. Managed by the Colorado Canyons Association, reflection exercises — including journaling, sketching and conversing — will be central to understanding the surrounding landscape and wildlife.

"This is the first opportunity for them to connect science to art in a manner that serves to inspire them, while also allowing them to think of how to turn this project over through the community," shares Marian Heesaker, City of Fruita Arts and Culture Board member.

On Monday, June 14, students will venture to the Grand Valley Diversion Dam where the Colorado River diverts into a complex canal system. There will be discussion around water



COURTESY RIVERSEDGE WEST

law from a historical perspective. Students will then visit Avant Vineyards and Farm, learning first-hand the challenges they face with changing weather patterns. Students will also learn about water rights and what decisions the farm makes to produce food for our tables. The day will finish at Ute Water municipality to uncover how water makes its way from the river to our tap.

The next day, participants will head to Kannah Creek with Eureka! Science Museum to gather water samples and learn about water behavior, health and conservation. The last stop will be with Colorado Fish and Wildlife for a presentation on their endangered fish program.

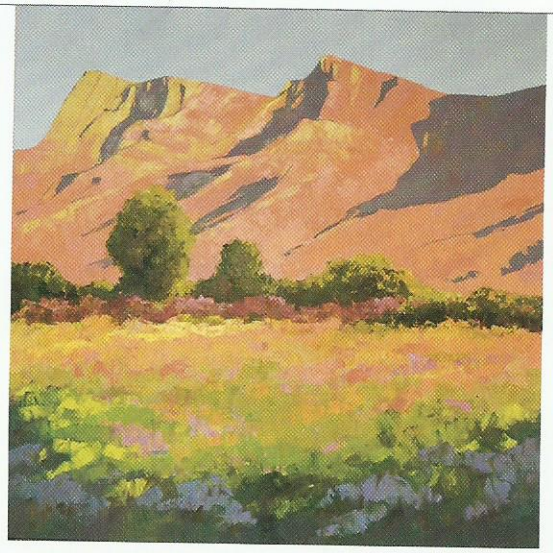
The final three days will be spent in an art studio with local artists Jonathan Cooley and Kyle Harvey, who specialize in sculpture, poetry and journaling. Pavia Justinian, a local sculptor and muralist, will also be creating two 75-foot murals along the riverfront trail in Fruita with the students. The goal is for students to create art that represents how they view the issue, with the hopes that the final pieces promote dialogue around water conservation.

"Many have heard the phrase, 'Water is life.' Because water and life are both cyclical, we have a great opportunity to tell these parallel stories," says Justinian. "I'd like to get the kids' input too, but right now I'm thinking the murals will feature local mascots Greta the Dinosaur and Mike the Headless Chicken embarking on a river trip together. We will see different stages of their journey, telling parallel stories about water and life and how they are intertwined. I am really looking forward to working with the kids, and I hope this project inspires them to continue using their art to speak up and speak out."

The City of Fruita Arts and Culture Board believes the youth seek possibility in new ways that adults often do not. In a statement, the board said, "We hope that through this project, they will find an awareness around this issue that will encourage them to be bold and fearless in their approach to it."

The board emphasizes the importance of working together with stakeholders engaged in water use in the West. By collaborating creatively and proactively, the hope is that despite differences, respect and inclusivity will be at the forefront as the community tackles this issue. ✚

Registration will be through the Fruita Parks and Recreation website in March. Learn more at *fruita.org/acb.*



DESERT MOUNTAINS OIL, 48X48

BARBARA CHURCHLEY FINE ART

IMPRESSIONISTIC OILS AND PASTELS OF THE WESTERN LANDSCAPE
barbarachurchley.com

Redstone Art Gallery
Redstone, Colorado / redstoneart.com

Ago Gallery
Ouray, Colorado / agogallery.com

FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

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

DATE: **JUNE 1, 2021**

RE: **PRESENTATION – 2021 COMMUNITY SURVEY PRESENTATION BY RYAN MURRAY OF ETC INSTITUTE**

BACKGROUND

The City of Fruita administers a Community Survey every four years and is in the process of wrapping up the 2021 Community Survey. The survey is designed to give the City Council and staff feedback on a wide range of issues including resident satisfaction with core services, priority areas moving forward, how to better communicate with the public, and more. For this year, the City Council decided to administer the survey earlier in the year, to better prepare for the 2022 budget cycle and to use the results to inform decision making.

After being sent to every household in the Fruita, the 2021 Community Survey was closed for public comment earlier this month. The purpose of this agenda item is for the City Council to receive a presentation on the results of the community survey by the consultant hired to administer it. Ryan Murray, the Assistant Director of Community Research for ETC Institute, will provide the presentation to the City Council. Once the presentation is concluded, the consultant will finalize a report of the results which will be posted on the City's website and shared in future communication efforts.

FRUITA CITY COUNCIL
VIRTUAL MEETING
MAY 18, 2021
7:00 P.M.

1. CALL TO ORDER AND ROLL CALL

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

Present:

Mayor Joel Kincaid
Mayor Pro Tem Lori Buck
City Councilor Kyle Harvey
City Councilor Heather O'Brien
City Councilor Matthew Breman
City Councilor Karen Leonhart

Excused Absent:

City Councilor Ken Kreie

Also present:

City Manager Mike Bennett
City Clerk/Finance Director Margaret Sell
Management Analyst Shannon Vassen
Deputy City Clerk Deb Woods
City Planner Henry Hemphill
Public Works Director Kimberly Bullen
City Engineer Sam Atkins
Municipal Court Judge Dan Robinson (virtually)
City Attorney Paul Wisor
Fruita Rotary Club Event Manager Lou Mudd
Members of the public

2. PLEDGE OF ALLEGIANCE

Mayor Kincaid led in the Pledge of Allegiance.

3. AGENDA – ADOPT/AMEND

Mayor Kincaid asked if there were any additions or changes to the agenda. Deputy City Clerk Deb Woods responded that there were no changes to the agenda.

- **COUNCILOR BUCK MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAIMING THE WEEK OF MAY 16 – 23, 2021 AS "NATIONAL PUBLIC WORKS WEEK" IN THE CITY OF FRUITA TO BE ACCEPTED BY PUBLIC WORKS DIRECTOR KIMBERLY BULLEN

The Proclamation was read by Councilor Matthew Breman. Public Works Administrative Technician Amanda Downie and Public Works Superintendent John McBride accepted the Proclamation on behalf of the Public Works Department. Mr. McBride explained that Public Works Director Kimberly Bullen was not present to accept the Proclamation as originally planned because she wasn't feeling well. He thanked the Council for the Proclamation.

5. PUBLIC PARTICIPATION

Mary Redeker, 209 W. Sunset Drive *(member of the in-person audience)*, said she was opposing the promotion of the book *Rising Out of Hatred: The Awakening of a Former White Nationalist* by Eli Saslow. She feels that the book assumes that because some people are white, they may have white supremist thoughts and need retraining. She said this leads to race-shaming of the white population and that it is that mentality that is in line with some of those in the BLM movement who are trying to usher in neo-Marxism and who are using "divide and conquer" tactics. She implored the community not to fall prey to those ideas because she came from St. Louis, MO, where these same ideas have had a huge grip on the community for years. Ms. Redeker stressed that she knows it leads to further racial division.

Mrs. Redeker suggested that instead, Fruita should start by helping the underprivileged gain the necessary skills to be successful people, use resources and talent to promote other peoples' success and show them that they do not have to be victims of society, but rather, successful and prosperous community members.

Mrs. Redeker concluded by saying that race-shaming and guilt-tripping of an entire group of people is racist in and of itself and does nothing to promote unity.

Debra Moreland, 254 N. Mulberry Street *(member of the in-person audience)*, asked that the City of Fruita remove itself from the social agenda activities of Fruita for Equality because although she has been assured that the group does not promote Critical Race Theory, she knows what has happened in other cities where these consciousness-raising activities escalate until demands (such as defunding the police) are satisfied. Ms. Moreland said rioting begins if those demands are not met.

Ms. Moreland noted that Fruita for Equality is encouraging the whole community to read the book *Rising Out of Hatred: The Awakening of a Former White Nationalist*, which uses the divisive race-baiting term "white nationalist" as a synonym for racism even though the term actually means a white person who believes in nationalism or patriotism as opposed to selling out their country to globalism.

Ms. Moreland went on to say that the left has tried to redefine language by making the term "white nationalist" synonymous with racism so that it can be generalized to all patriotic white conservatives, who she said do not divide people up according to color; they come together based on conservative values, belief in the US Constitution and in supporting law enforcement.

Ms. Moreland pointed out that Councilor Karen Leonhart is directly involved in Fruita for Equality and that in addition, she belongs to the Rotary Club, which also appears to be involved with the group. She added that most concerning was that Councilor Leonhart is also on the Police Commission (as the Council Liaison to the board). She said according to Police Chief Dave Krouse, Fruita for Equality has already given a presentation to the Fruita police, but that both he and Finance Director/City Clerk Margaret Sell have assured her that there has not been any pressure to change or defund the police; however, in the interest of objectivity and any appearance of bias, she and her supporters were asking that Councilor Leonhart be replaced on the Police Commission with a Council member who is not involved with social agenda activities.

Ms. Moreland then stated that Councilor Kyle Harvey is Manager of the Lithic Bookstore, which is involved in selling books, so he has a conflict of interest also. She made the argument that both Councilors Leonhart and Harvey have a right to free speech and involvement as citizens, but not as City Council members. She pointed out that on the Fruita for Equality Proclamation, it says that the City of Fruita has signed a letter of support to promote the social agenda activities.

Ms. Moreland stated that she would like to see the Fruita City Council and City staff cease endorsing Fruita for Equality by not putting the City logo on "woke" social agenda activities and instead just run the City and put on great festivals to bring all neighbors together like Fruita has always done.

Ms. Moreland concluded by asking if everyone could just have a break from the pot-stirring agendas and come together to heal after an incredibly stressful year.

Andrea Barber, 334 Crystal Court *(member of the in-person audience)*, expressed concern about the City's involvement with the "partisan group, Fruita for Equality." She said she was surprised to see the City lending credence to the cause by highlighting their events in the most recent community newsletter (the *City Link*).

Mrs. Barber continued that she wholeheartedly believes that the equality movement is rooted in far-left Marxist ideology, which does nothing to heal or unite communities. She added that equality ideology shuts down free speech by labeling any opposition to the movement as "hate speech," which she said is responsible for "cancel culture," which tragically leads to the end of debate, discourse and the free exchange of ideas.

Mrs. Barber's other prepared statements included the following:

- Equality ideology moves to eradicate systems of meritocracy, replacing them with systems that try to ensure equality of outcomes.
- It forces people to look at each other through the lens of race, gender and class, rather than one's individual abilities, achievements and worth.

- These are not the values of the majority of Americans, Fruita residents and certainly not of the majority of parents.
- Although she doesn't agree with the mission of Fruita for Equality, she 100% supports their right to assemble and to free speech.
- As a private citizen, however, it concerns her to see her local government getting involved in partisan ideologies and issues.
- Knowing the Fruita City Council supports far-left ideology, it makes her wonder if they would also support a community-based Constitutional Civics Class.
- What about upcoming pro-life issues and events? She guessed probably not, and in reality, doesn't want the Fruita City Council doing any of the above because those things fall way outside their job descriptions.
- According to the City's own website, the Council is to:
    - Adopt the Budget
    - Determine the City tax levy
    - Adopt Ordinances and Resolutions
    - Ratify appointments made by the Mayor
    - Appoint a City Manager and enact necessary legislation required for the operation of the City Council members.
- Nowhere does it mention that the Council should be promoting partisan ideologies bent on transforming the culture.
- As elected officials, the City Council gains their ability to govern from the people and she for one, has not given her consent to be governed in such a way.
- This diminishes her confidence in the Council's ability to work through issues in a truly fair and balanced way.
- She was present at the meeting to hold the Council accountable to their elected roles.
- She is further dismayed by the appearance of impropriety at work: two City Council members are also involved with the other two entities sponsoring Fruita for Equality:
    - Kyle Harvey manages Lithic Bookstore
    - Karen Leonhart is part of the Rotary Club
    - This is an obvious conflict of interest for them to be a part of the sponsoring groups and endorsing their support from their elected positions.

In conclusion, Mrs. Barber requested that the Council formally withdraw its support from Fruita for Equality and refrain from getting involved in the social justice movement. She said that Fruita is a wonderful, caring, inclusive community that values the freedom endowed to each individual "by our creator and protected by our Constitution."

Glen Warner, 530 Amethyst Drive *(member of the in-person audience)*, said that he attended a few of the Fruita for Equality events the previous week and it reeks with socialism and is a "wolf in sheep's clothing." He thinks that Fruita is diverse, people get along, people work their problems out and once, the City was voted one of the ten safest cities in Colorado. Mr. Warner formally requested that the Council withdraw any support from Fruita for Equality.

Tray Downey, 272 N. Mesa Street *(member of the in-person audience)*, stated that he is an active and proud member of Fruita for Equality, and thinks it is very important for the City and Council to understand that the main point of the entire group was to include more people in the conversation. He

said at every single meeting, there has been a discussion about how the group can get more people to join them whether they agree with the group or not, so it is not so much about the group trying to force something on somebody else; they are trying to have a conversation with people who might not understand people different from themselves.

Mr. Downey stated if people truly don't understand others, Fruita for Equality provides the opportunity for people to get together, be good neighbors and have conversations with one another. He said he is fourth generation in Fruita and does love it here, but growing up as a gay man in Fruita, he lived with being bullied, taunted and called names every single time he was on the bus and so, that is not the town that everyone should live in. He said it's not that Fruita for Equality concerns itself with what people can and cannot do; if someone wants to say those words, that is their right, but having conversations about those things and having an open forum where people can learn what they should or shouldn't say is a great opportunity. Mr. Downey concluded by saying that it is completely imperative that Fruita's Council members who are a part of Fruita for Equality are allowed to remain on it and that just because they choose to represent their City does not mean that they lose their freedom of speech.

Wendy Wood, 1891 J 6/10 Road *(member of the in-person audience)*, said she does believe that the purpose of Fruita for Equality is to bridge a gap and that she thinks that a lot of people have good intentions at their core; however, she thinks that oftentimes, things snowball and become bigger than what was intended and then they usually get twisted and corrupted.

Ms. Wood continued that she attended the Fruita for Equality event the previous Wednesday evening and had the pleasure of talking with Shanachie Carroll. She said it was a good conversation and she appreciates his heart, but at the same time, she has a lot of concerns for the same reasons that people spoke about earlier. She said if a person is white and proud of this county, the book that is being promoted would say that the person is close to being a racist or at least a white supremacist. She asked why the group didn't pick a book that would be inclusive and speakers that aren't in support of shaming white people.

Ms. Wood concluded by saying that it is now well known that Black Lives Matter is a Marxist movement. She also echoed the previous statements about the conflicts of interest and asked the Council remove its support of Fruita for Equality as the City of Fruita and as City Council members.

Samantha Wyatt, 165 S. Peach Street *(member of the in-person audience),* said that Fruita for Equality is just trying to start a conversation about trying to learn who we are as a community and that she would encourage everyone to start questioning why they are not in support of that because that says more about a person than it does about the community.

Jerry Wood, 1891 J 6/10 Road *(member of the in-person audience),* said that nobody was trying to shut down communication or discussion, but if the interest is in having discussion, launching with an ideology that starts defaming and slandering your neighbors by calling them white supremacists is not a good way to start a conversation or open dialogue.

Mr. Wood continued that he agreed with so many things that had been said and also agreed that the community needs an open dialogue, but that he and others cannot support the ideology, and that he would urge the Council to look at where the ideology has flourished in this country and the many big cities which are burning, have been looted and are continuing to be destroyed.

Mr. Wood added that the ideology brings hatred and violence, so if the City is backing it, that is what they are voting for.

Perry Tally, 122 Almond Circle *(member of the in-person audience)*, said she was in support of the things that had been said previously concerning the City not providing any support or logos for Fruita for Equality and that she knew there would be a lot more people at the meeting that couldn't attend because of the high school graduation ceremony.

Ms. Tally noted that it seemed that there was a lot more support for having the City not be involved in Fruita for Equality and that she was shocked to see City, Rotary and library logos on some materials for the group's events. She said she knew there were many people who felt the same way.

Stacey Pottorff, 165 S. Peach *(member of the in-person audience)*, said she wanted to throw her support behind the equality work. She said she has actually read the book and called it fantastic. She said she wasn't sure how many people actually read it, but it isn't shaming white people; it is just a conversation about a man who maybe learned some stuff, so she wasn't sure why the conversation should be shut down when everyone could learn and grow. Stacey added that she doesn't think anyone has a nefarious agenda and she appreciates the opportunity that has been given to her to read the book because it is lovely.

Mike Redeker, 209 W. Sunset Drive *(member of the in-person audience)*, stated that he didn't get a chance to read the whole book, but he did read the summary, which was written by the author. He said he is all for equality, but not the way that Critical Race Theory has been approaching it. Mr. Redeker stated that traditional definitions are being redefined, that he is against white supremacy and he doesn't like being labeled a white supremacist. Mike said that even though it is very subtle in the book, it is still there. He gave an example of a discussion question near the end in the summary section that reads: "#12. In 2012, the Republican party had essentially decided to forfeit the minority vote."

Mr. Redeker said he wasn't sure if that was true or not, but the premise or assumption made in the book was that "as once predicted, Republicans will become an overwhelmingly white party and now the decisive question of the election was whether enough white voters remain." He strongly asserted that that is just not true.

Mr. Redeker continued that in Chapter 7, Page 141 reads: "Derek's white nationalist revolution is coming to fruition. In 2012, the ideology is gaining mainstream acceptance and major politicians are adopting it. After President Obama wins a second term, racial tensions among the populace explode. The Republican party embraces disaffected white voters and becomes a de facto political party of white nationalists in the United States."

Mr. Redeker said the book was assuming that all Republicans are white supremacists. He went on to say that in Ibram X. Kendi's books, the only way to become an anti-racist is also then to become an activist because if you are not an activist, then you are racist.

Mr. Redeker said there's got to be a better way because it was all about judging people on their skin color or gender issues instead of character. He said he thought that the Council probably shouldn't get involved into that kind of thing.

Michelle Boyd, 1367 E. Carolina *(member of the in-person audience)*, stated that she feels very hurt that Fruita as a community has gotten here because we are better than this. She has lived in Fruita for 20 years and came here to give her daughters a better life. She said they both went to college on full-ride, character-based scholarships that they earned from Fruita schools.

Mrs. Boyd said she doesn't understand where the socialist vein came from; she attended last week's Fruita for Equality event, which was "Healing from Trauma," because her best friend of 34 years is on the opposite side of her politically and she wanted to know how to speak with her so that they can continue the friendship.

Mrs, Boyd said she has not read the book, but that the Fruita for Equality initiative is bigger than a book or ideas about racism. She said that everyone makes her very sad when she hears things like she is "putting people in a box" because she is not doing that; she is basing every single interaction on who a person is and she hopes and prays that people would do the same for her.

Mrs. Boyd said everyone should also consider that the Rotary supports scholarships for children and the rodeo and many different diversified events that are important to the community and the success of the children.

Pavia Justinian, 1199 Wolf Creek Court *(member of the in-person audience)*, stated that she is a member of Fruita for Equality, and she was present to lend her support and clarify a few things. She said she was hearing a lot of people thinking that the book or the group is trying to say that all white people are racist, but they are not saying that at all. She said the book is about one person named Derek Black, who is the son of the former Grand Wizard of the KKK and the godson of David Duke, who was also the Grand Wizard of the KKK. She recommended that everyone read the book because it is not talking about everyone.

Ms. Justinian added she heard a lot of people in the meeting say that if a person is white and patriotic, then that makes them a "white nationalist." She said that term is actually a sanitized term that white supremacists and the KKK uses to make themselves sound more palatable to a whiter audience. She said the Fruita for Equality group is not saying that patriotism is bad or white people are bad or that everyone is a racist; the book is about one man who started off with very racist, extremist views and it goes through his process of changing through open conversation and dialogue. Ms. Justinian said that is all Fruita for Equality is trying to do; just have a conversation.

Jamie Fuller, 1129 E. Carolina *(member of the in-person audience)*, said that she has not yet read the book but wanted to lend her support to the Fruita for Equality group. She said she keeps hearing that believing that equality is for everyone is somehow socialist or Marxist and that she would very much disagree with that because one of the first things that the Constitution says is that "all men are created equal." She said that basically, the goal for the country is that everyone should have the expectation of being treated equally.

Ms. Fuller concluded that she thinks the public library is an excellent place to have conversation and find places where people can agree because she thinks that most people, whichever side they were on, would agree that everyone should have equal rights.

Jesse Goryl, 700 Sandstone *(joined the meeting virtually)*, said he also has not read the book nor has he attended any Fruita for Equality events, but he wanted to applaud the City Council for taking the steps necessary to try to address equality. Mr. Goryl stated that that he moved to Fruita two years ago from another small town in Colorado, so he doesn't have a whole lot invested here in Fruita, but he does really like it here because it has been a really great and welcoming community for him and his wife.

Mr. Goryl stated that he would love for Fruita to be a welcoming environment for anybody that chooses to live or visit here. He said it was a little concerning to hear other fellow Fruita members talk about the ideology and their concern with Fruita being affiliated with any sort of ideology with the group, which he understood to not be affiliated with any partisan politics or movements like Black Lives Matter. Mr. Goryl said he looks forward to any further events that Fruita for Equality may have and that he was going to pick up a copy of the book.

Kelly Corn, 1681 Ruby Lee Drive *(member of the in-person audience)*, encouraged the Council to think about the Fruita for Equality movement and discount it; to nip it in the bud. She agreed with a lot of the opposition that had been heard already and added that the Fruita community is a biking community that has the Hot Tomato, biking trails and Dinosaur Journey and those are the things that make Fruita "Fruita."

Ms. Corn concluded that all mean *have* been created equal and asked why Fruita needs an equality movement to come to Fruita. She asked why not read a book about John Wesley Powell: *Down the Great Unknown*? She said that's a conversation that could be had and that there's so many other books out there that the Fruita community could have a conversation about besides something that appears to be racist.

Shanachie Carroll, 324 N. Coulson Street *(member of the in-person audience)*, Mr. Carroll stated that he works for Mesa County Libraries, is a member of Fruita for Equality and was present because he wanted to hear everyone's thoughts, even though he hadn't planned on speaking.

Mr. Carroll said that for the folks who are concerned about Fruita for Equality's intentions, he wanted to invite them to come to one of the committee meetings or events. He also encouraged people to read the book because he would love to hear what they think about it and have mindful discussion about the community's values and where Fruita is coming from. He said everyone knows that Fruita is changing and asked why not have a mindful discussion about that?

Shanachie also stated that the topics that Fruita for Equality was currently discussing are topics that have been discussed in the community before the committee existed and are topics that are currently being discussed across the country. He again strongly urged those in opposition to the group to come to the meetings or events of Fruita for Equality, and that afterward, if a person still feels like the group has a socialist or Marxist agenda, then he would just need to agree to disagree.

Shanachie said the group is not there to change hearts and minds and that if those who were opposing the group are in attendance at any of the meetings or events, then those people will be able to make sure that the group doesn't go down any of the slopes that they are concerned about.

Shanachie announced that Fruita for Equality has a few events coming up this month; one being an author talk with Eli Saslow, author of the book that the group has been discussing.

Shanachie thanked everyone for coming and said that it warms his heart to see so many people in the community turn out for discussion, whether or not everyone agrees.

Shelly Warner, 537 Amethyst Drive *(member of the in-person audience)*, said that she disagrees with the Fruita City Council being a part of Fruita for Equality. She said she was actually curious about the group and so she went to a couple of events because she does believe in discussion and one of the first things that caught her eye is the design of the group's logo. Mrs. Warner described the horizontal bars and said they are the same thing that is being used by Black Lives Matter in its logo. She stated that she does not believe in having Critical Race Theory in schools or communities and does not agree with having a socialist, Marxist or Totalitarian agenda, although she does agree with everybody having a voice and being listened to.

Mrs. Warner continued that she has people of all walks of life in her neighborhood and they all talk and support each other. She stated that she is a legal immigrant and has her green card and that Fruita has welcomed her with open arms.

Mrs. Warner concluded by saying that she loves Fruita and supports all the discussion being had at the meeting.

Matt Barber, 334 Crystal Court Drive *(member of the in-person audience)*, said he wasn't present to speak towards ideologies one way or the other, but agreed that conversations need to take place freely and openly no matter what side anybody is on concerning any sort of issue.

Mr. Barber stated that his concern was more of a structural, organizational perspective that the Council finds itself in. He noted that the Mayor and Council members were given the great responsibility of running the City and added that the very fact that everyone was having the conversation that they were having showed that there is a bi-partisan disagreement.

Mr. Barber said that what the Council was doing could lead towards a snowball effect and asked what would happen when someone wants to talk next about religious views? He said the Council was already setting the tone that it would be okay.

Mr. Barber continued that there is a time, place and an organizational structure for those types of discussions and he did not want to see the Fruita City Council get to the point where the City is getting involved in so many different beliefs and discussions that what they have to say becomes watered down. He said he didn't think it was the place or the responsibility for the Council to get involved because it is a slippery slope and then they will have to give a voice and support to every single cause that comes before them. Mr. Barber said that is unfair for the people on the Council and it is unfair for the taxpayers and residents.

Hearing no further comments, Mayor Kincaid closed the Public Participation Section of the agenda.

6. CONSENT AGENDA

A. MINUTES – A REQUEST TO APPROVE THE MINUTES OF THE MAY 4, 2021 REGULAR CITY COUNCIL MEETING

B. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF MARY MIDGETT TO THE BOARD OF ADJUSTMENTS FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2024

C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF AARON HANCEY TO THE PLANNING COMMISSION AS AN ALTERNATE MEMBER TO FULFILL AN UNEXPIRED TERM TO EXPIRE IN JUNE OF 2025

D. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF TROY HAYES TO THE PLANNING COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2024

E. FINANCIAL REPORTS – A REQUEST TO APPROVE THE APRIL 2021 FINANCIAL REPORTS

F. RESOLUTION 2021-13 – INCORPORATING PROPERTY INTO THE CITY OF FRUITA IRRIGATION SYSTEM (ASH STREET IRRIGATION)

G. RESOLUTION 2021-14 – APPROVING THE FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR THE BRANDON ESTATES FILING 3, PHASE 2C SUBDIVISION

Mayor Kincaid opened the Consent Agenda to public comments. Hearing none, he closed the public hearing and referred the Consent Agenda to the Council.

- **COUNCILOR BUCK MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

7. PUBLIC HEARINGS

A. LEGISLATIVE HEARINGS

1) RESOLUTION 2021-12 – AMENDING THE 2021 ANNUAL BUDGET WITH A TRANSFER OF MONEY BETWEEN FUNDS AND SUPPLEMENTAL APPROPRIATION OF THOSE FUNDS FOR EXTENSION OF THE NORTH MAPLE STREET SEWER AND STREET IMPROVEMENTS PROJECT AND NORTH ASH STREET IRRIGATION LINE EXTENSION

City Clerk/Finance Director Margaret provided staff's presentation on Resolution 2021-12. She explained that the budget amendment appropriates additional funds for the North Ash Street portion of

the Sewer and Irrigation Improvements Project, for which the actual costs came in a little higher than was originally budgeted for the irrigation portion. It also transfers overall savings from that project to the Capital Projects Fund for sewer line improvements to Aspen Avenue as an extension of the North Maple Sewer Improvements Project that is currently underway due to a large amount of infiltration from the North Maple sewer line into the sewer system. This concluded Mrs. Sell's presentation.

Mayor Kincaid opened the public hearing. Hearing no comments, he closed the public hearing and referred the matter to the Council for their comments, questions, concerns or a motion.

- **COUNCILOR BREMAN MOVED TO ADOPT RESOLUTION 2021-12 – TRANSFERRING AND APPROPRIATING MONEYS BETWEEN FUNDS TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE ASH STREET IRRIGATION LINE EXTENSION AND REPLACEMENT OF THE ASPEN STREET SEWER LINE. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. QUASI-JUDICIAL HEARINGS

1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – CO2UT GRAVEL RACE - A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO SELL BEER ON SATURDAY, MAY 22, 2021 FROM 11:30 AM TO 7:30 PM IN CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE.

Deputy City Clerk Deb Woods gave staff's PowerPoint presentation that consisted of five slides containing the application description, diagram of proposed licensed premises at Civic Center Park, a list of supporting documents that must be filed by the applicant with the City Clerk's Office and staff's recommendation (with conditions).

Conditions of Council approval were as follows:

- No alcohol shall be brought into or out of the licensed premises.
- The Fruita Rotary Club will be solely responsible for the enforcement of liquor laws.
- All other procedures presented by the Fruita Rotary Club will be followed.

Ms. Woods added that perimeter fencing around the licensed premises and one entrance/exit near the parking lot at the Civic Center were being proposed for the beer garden. She said it was worth noting that Fruita Police Chief Dave Krouse did not have any concerns regarding the Rotary Club's application for the Special Event Liquor Permit.

Mr. Lou Mudd, Event Manager for the Fruita Rotary Club, introduced himself as the lifetime permit person for the Fruita Rotary Club and noted that he files Special Event Permit applications regularly (except for 2020) with the City Clerk's Office. He pointed out that these events are the sole way that the Fruita Rotary makes funds for the scholarships and all the other things that they support throughout the community. Mr. Mudd also noted that the Rotary Club has a good track record for beer service

without any incidents over the years that he's been doing it and therefore, was requesting approval of the Rotary's application for the Special Event Permit.

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

Councilor Leonhart recused herself because she is a member of the Fruita Rotary Club.

- **COUNCILOR BUCK MOVED TO APPROVE THE SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB TO SELL BEER ON SATURDAY, MAY 22, 2021 FROM 11:30 AM TO 7:30 PM IN CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. COUNCILOR O'BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

8. ADMINISTRATIVE AGENDA

A. CAPITAL PROJECTS UPDATE – *SAM ATKINS, CITY ENGINEER*

City Manager Mike Bennett prefaced the update by saying that even though it is only half-way through the year, he still thought it would be beneficial for the Council to hear about which projects have been completed, which have run into delays and which are upcoming.

City Engineer Sam Atkins provided the following update on Capital Projects:

- 2021 Street Overlays - $200,000 Budget ($239,000 bid/$169,460 without Kiefer)
  - Mulberry – Pabor to Ottley
  - Sycamore – Aspen to Pine
  - Kiefer – Sycamore to Pine (removed to be within budget)
  - S. 18 ½ Rd. next to Adobe Creek Golf Course

- Sidewalk Replacement - $30,000 Budget
  - Sidewalk Replacement - $15,000
  - Concrete Grinding - $7,500
  - ADA Ramps - $7,500
  - Fall construction

- Pine Street Bridge - $2,125,000 Budget ($1,526,000 under contract with GA Western)
  - Preliminary in a week or two
  - Still have right-of-way acquisitions to achieve
  - Fall 2021/Spring 2022

- Maple Street Sewer Replacement - $622,000 Budget ($415,965 bid from Sorter Construction)
  - Pabor to McCune
  - One service got missed, back flow preventers, paving with Aspen

- Aspen Avenue Sewer Replacement - $320,000 cost
  - Aspen – Maple to Ash
  - Already installing main
  - Abandoned line with connections

- Ash Street Sewer Replacement - $262,500 Budget ($180,044 bid)
  - Final $155,076
  - Project complete

- 16 Road Rail Crossing - $190,000
  - Grant received from Mesa County Federal Mineral Lease District
  - Plan submitted to Public Utility Commission/UPRR
  - Construct in winter/spring 2022

- Highway 340 Gateway Enhancement - $108,650 original Budget
  - Rebid $208,226
  - Final Contract $203,600
  - Complete except remaining four pieces of art by Jeff Bates
  - Aim to complete before the Mike the Headless Chicken Festival

- Sewer Collection System - $225,000
  - H2S Gas mitigation in sewer lines
  - Deterioration of manholes
  - Staff still working on permanent solution

- Little Salt Wash Basin Master Plan - $100,000 (November grant submission)
  - $50,000 with $50,000 CO Water Conservation Board
  - Will incorporate recreational opportunities

- Wayfinding Signage - $45,500 Budget
  - Created four routes
  - Nearing design completion
  - Summer construction

- Fremont Street Design - $250,000 Budget
  - Complete by end of 2021

- Active Circulation Plan - $90,000 Budget
  - Complete by fall of 2021
  - Public Survey complete
  - Project development and prioritize this month

- Reed Park/Little Salt Wash Park Design - $100,000 for design
  - Engineering staff will provide civil support
  - Expansion of grass field area and parking, putting in Pickleball courts at LSW

- Skate park, new pavilion to the north, new basketball court, new bathroom and storage facilities at Reed Park
- Send out RFQ/RFP this summer for design

- Big Salt Wash Trail Connections - $57,000 Budget ($45,710 bid)
  - Professional Pipeline
  - Under construction, but done in a few weeks

B. MUNICIPAL COURT UPDATE – *JUDGE DANIEL ROBINSON*

Municipal Court Judge Dan Robinson appeared before the Council virtually to give an update on Fruita Municipal Court. Information he provided included:

- Municipal Court budget is on target
- Court is still being conducted remotely (he invited Council members to attend)
- Judge would like to transition to hybrid court session of both virtual and in-person
- Key issue is how effective court is in getting people to comply with the sentence and return to court and Fruita Municipal Court is celebrated as one of the best
- Pending legislation: HB 1175 will allow offenders for traffic violations to pay fines to non-profit organizations instead of the City (most courts are opposing, include Judge Robinson)
- Pending legislation: SB 21062 will prohibit bonds for municipal offenses and requires three failures to appear before warrant will be issued (Judge Robinson opposes)
- Pending legislation regarding the Victim's Rights Act
- How the Fruita court monitors cases to make sure victims' rights are considered
- Parent's responsibility concerning Fruita's curfew Ordinance
- Fruita's Ordinance concerning permission required to deal with minors
- Parent's responsibility regarding loitering by minors
- A proposed Ordinance from other jurisdictions concerning parents being responsible for fines of minors
- A proposed Ordinance concerning the duty of parents to appear in court
- A proposed Ordinance regarding parents' responsibility when kids are involved in gangs

Judge Robinson reported that there is a trend with municipalities to try to strengthen the responsibility of parents towards their kids and holding them accountable.

Judge Robinson reflected upon a recent case that was drawn out for six months about a homeless person's dog who bit someone and then bit another person the following day and what it cost the City of Fruita. He said it would be very helpful if Fruita's Ordinance concerning dogs biting twice was streamlined to be addressed more quickly. The Judge also spoke about the City addressing the homeless issue and out of state parking tickets.

Mayor Kincaid noted that he found the Judge's statistics that the Judge was unsuccessful in presenting virtually at the beginning of his presentation and he emailed them to Shannon Vassen to share with the Council via email so that they have the information.

Judge Robinson said he wanted to mention another issue of concern, but he would save it for his upcoming Informal Review.

9. CITY MANAGER'S REPORT

City Manager Mike Bennett reported on the following:

- Councilor Ken Kreie (excused absent) has been appointed the Mesa County Municipal Board Member for the Associated Governments of Northwestern Colorado (AGNC) beginning in June. He has worked out his schedule so that he will be able to make all the meetings except May and September this year.

- He (Mike) and Mayor Kincaid will be participating in the "State of the Grand Valley," an annual event hosted by the Grand Junction Area Chamber of Commerce tomorrow (May 19th). He noted that there were still opportunities for the Council members to sign up for the luncheon at the CMU Ballroom.

- Staff has been working with 14K Media, who has been preparing a *State of the City* video that will be released annually each May. Mayor Kincaid requested that Mike email the Council the link to the video.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL MEETINGS – DISCUSSION AND POSSIBLE ACTION TO CANCEL THE MAY 25, 2021 WORKSHOP MEETING AND SCHEDULE A VISIT TO MOON FARM FOR THE CITY COUNCIL ON MAY 25, 2021 AT 6:30 PM

Mayor Kincaid noted that he will be absent for the visit to Moon Farm on May 25th. Most if not all Council members indicated that they would be able to make it.

- **COUNCILOR O'BRIEN MOVED TO CANCEL THE MAY 25, 2021 WORKSHOP MEETING AND SCHEDULE A VISIT TO MOON FARM ON MAY 25, 2021 AT 6:30 PM. COUNCILOR BREMAN SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

B. COUNCIL REPORTS AND ACTIONS

<u>COUNCILOR MATTHEW BREMAN</u>

Matthew reported that the Grand Junction Economic Partnership (GJEP) would be meeting in the morning at 7:30.

<u>COUNCILOR HEATHER O'BRIEN</u>

Heather pointed out that the Council had a visit to the Wastewater Treatment Facility scheduled when COVID hit so it was canceled and she asked Deputy City Clerk Deb Woods to reschedule it. She also asked Deb to send out the information about how to remote into the Fruita Municipal Court on Wednesdays because she was also interested in doing that.

MAYOR PRO TEM LORI BUCK

Lori said that in talking with Moon Farm, they are intending to close on June 2nd and that they are $60,000 short. They asked her where they could get the money and Lori said she told them she would start asking people what kind of funding mechanisms there may be out there. Lori stated that if Council or staff knew of something, Moon Farm would really like to hear about it.

MAYOR JOEL KINCAID

Joel reported that he attended the Fruita Area Chamber of Commerce Board meeting and they are moving forward with Fruita Fall Festival. It will be a two-day event.

Joel also reported that he was on the news again for the Mike the Headless Chicken Festival. The car show is coming back this year and the Chamber did a video shoot at Munchies about it.

C. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) – (MUNICIPAL COURT JUDGE INFORMAL REVIEW) ***(MOVED FROM 5/4/21 COUNCIL MEETING DUE TO THE LENGTH OF THE DWELL PUD PRELIMINARY PLAN PUBLIC HEARING)***

Mayor Kincaid noted that Judge Robinson was still online and was going to attend the Executive Session virtually.

- **COUNCILOR BREMAN MOVED TO MEET IN EXECUTIVE SESSION FOR THE INFORMAL REVIEW OF THE MUNICIPAL COURT JUDGE, WHICH IS A DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F). COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

The Council convened into Executive Session at 8:45 p.m. The regular meeting was reconvened at 8:55 p.m.

D. EXECUTIVE SESSION – DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO COVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 24-6-402(4)(B) AND (E) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS,

AND INSTRUCTING NEGOTIATORS WITH RESPECT TO AFFORDABLE HOUSING FINANCING AND OPERATIONS

- **COUNCILOR BUCK MOVED TO MEET IN EXECUTIVE SESSION PURSUANT TO SECTION 24-6-402(4)(B) AND (E) FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS WITH RESPECT TO AFFORDABLE HOUSING FINANCING AND OPERATIONS. COUNCILOR LEONHART SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

The Council convened into Executive Session at 9:05 p.m. The regular meeting was reconvened at 10:06 p.m.

With no further business before the Council, the Mayor adjourned the meeting at 10:06 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita

FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: **FRUITA MAYOR AND CITY COUNCIL**

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

DATE: **JUNE 1, 2021**

RE: **A REQUEST TO APPROVE A RECCOMENDATION FROM THE FRUITA TOURISM ADVISORY COUNCIL FOR ONE MINI GRANT AWARD FOR THE KIDS ADVENTURE GAMES EVENT**

BACKGROUND

In the 2021 Budget, the Fruita City Council approved $2,000 in funding in the Marketing and Promotion Fund to be used for mini grants that support smaller events and promote tourism in Fruita. These mini grants are recommended for funding by the Fruita Tourism Advisory Council ("FTAC") after an application process and are awarded on a first-come first serve basis. These grants are paid on a reimbursement basis.

The FTAC recently received and reviewed one mini grant application for the "Kids Adventure Games" event in Fruita. The Kids Adventure Games is an event for kids ages 6-16, where kids, in teams of two compete together, on a 3.5-5 miles course featuring multiple obstacles. For the first time, the Kids Adventure Games will host an event at Highline Lake State Park from June 4, 2021 to June 6, 2021. The Kids Adventure Games has requested a $1,000 grant to help with operational and marketing costs. It is estimated that there will be 150 participants at this event.

At the FTAC's regular meeting on May 27, 2021, the FTAC discussed the application and made the following recommendation to the City Council: Kids Adventure Games receive up to $500 in mini grant funding to be used for reimbursement of marketing and operational expenses. This motion was approved unanimously by the FTAC.

FISCAL IMPACT

If this recommendation is approved, the balance of the mini-grant line-item will decrease from $2,000 to $1,500 for the rest of this year. This is the first mini-grant application that the FTAC has received in 2021.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This event promotes tourism to Fruita and has the ability to become a multi-year event. Also, one of the performance measures identified in the 2021 Budget for the Marketing and Promotion

Fund, is to award at least three mini grants annually. If approved, this mini grant will be the first of three, and this performance measure is meant to support the goal of promoting unique festival and tourism related events in Fruita.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the recommendation from the Fruita Tourism Advisory Council for one mini grant award to the Kids Adventure Games event for marketing and operational expenses.
2. Advise staff to revise grant funding amount/request.

RECOMMENDATION

Staff recommends approving the recommendations from the Fruita Tourism Advisory Council for one mini grant award to the Kids Adventure Games event for marketing and operational expenses.

2021 Mini-Grant Application Form

Contact Information

Name: Klds Adventure Games Affiliation/Organization: _____

Contact Person: Helene Mattison Phone Number(s): 9704013804

Address: 5047-A Ute Lane, Vail, CO 81657

Email(s): helene@kidsadventuregames.com

Type of Project/Event

Please provide a summary describing your project or event. Please address the following (if applicable) in the description: type of event/project (block party, marketing materials), event location, material distribution, event dates, products, impact on the local community and surrounding area, estimated number of attendees, and printed materials.

Please SEE ATTACHED

See attached

Budget

Please provide a summary of your proposed budget for the event/project:

Description:	Total:	Cash Match Request
Supplies/Material:	Operations $500 -equipment rental, signage production, bibs etc	$1,000
Printing:	Advertising and Marketing $500 -email campaign, social media advertising, poster and flyer design and print, distribution	
Entertainment:	x	
Other:		

FRUITA
COLORADO

Supplemental Questions

Please provide brief responses to the following questions:

How is this event unique and how will this event benefit the City of Fruita?

See attached

Is there anything else that you would like to add?

We are thrilled to be coming to Fruita with this event. It has been on our radar for years.

This will be an anual event, and it is set to grow substanially each year.

THis event will attract families from all over the Stat, Utah and beyond.

Thank you for your consideration. I realise this is not 60 days out.

We got the officila go ahead and all permits and insurance in place somewhat recently.

KInd Regards, Helene Mattison

Applications are due no later than 5 p.m. 60 days before the event. Please submit completed applications to:

ATTN: Fruita Tourism Advisory Council
City of Fruita, Colorado
325 E. Aspen Ave
Fruita, Co 81521
svassen@fruita.org

KIDS ADVENTURE GAMES

ENGAGE *With* ACTIVE FAMILY

FRUITA, COLORADO
DESERT EDITION
June 4 - 6, 2021
Highline Lake State Park

Designed exclusively for kids ages 6−17, The Kids Adventure Games is a nation wide race series, where kids, in teams of two compete together on bike, in water and on foot on a 3.5 − 5 mile adventure course featuring unique obstacles including ziplines, cargonets, mud pits, rope scourses, giant slip-and-slides and more.

We give brands the chance to reach a highly targeted and engaged audience of affluent families who enjoy an activelifestyle, at destination locations across thecountry.

We offer easy plug-and-play sponsorship packages, featuring our effective multi-channel marketing efforts, on-site brand awareness, and activationat our Family Adventure Zone, featured at each location. We can also work with you todesign a custom package that maximizes your sponsorship goals andinvestment.

10K Estimated 2021 Attendance

64% Intend to purchase sponsor product in the future

77% Of audience have household income of $100k or more

91% Likely to return in 2022

92% Customer satisfaction (2018+2019)

89% Bachelor's degree or higher

2021 PER EVENT LOCAL SPONSORSHIP

	PLATINUM $2.5K max 3	GOLD $1,250 max 4	SILVER $1000	BRONZE $750	SUPPORT $350
ENTITLEMENT & DESIGNATION					
EXCLUSIVE PARTNER	■				
NAMING RIGHTS TO AN ON-COURSE OBSTACLE	■	■			
LOGO INCLUSION					
WEBSITE WITH ACTIVE LINK	■	■	■		
ATHLETE T-SHIRT	■	■	■		
RACE MAPS	■	■	■	■	
BRAND ASSETS FOR EVENT PROMOTION	■	■	■	■	■
MARKETING & PR					
DEDICATED KIDS ADVENTURE GAMES PRESS RELEASE	■				
SPECTATOR GUIDE	FULL PAGE	1/2 PAGE	1/2 PAGE	1/4 PAGE	1/4 PAGE
SOCIAL MEDIA & EMAIL					
INCLUSION IN A NON-DEDICATED EMAIL TO A TARGETTED LIST	2	1			
PRE-EVENT DEDICATED CUSTOM ACTIVATION/SWEEPS POST (CHANNELS DETERMINED BY KIDS AG)	2	1	1		
TAGGING W/ ANY TITLED EVENT OR VENUE MESSAGING	■	■	■	■	
ACTIVATION & SIGNAGE					
LOGO ON SNOW FENCING	■				
CUSTOM ACTIVATION (IN PARTNERSHIP WITH KIDS AG)	■	■			
EXPO TENT	CUSTOM	10X10/10X20	10X10		
EVENT SCHEDULE (PRINTED COLLATERAL + SIGNAGE)	■	■	■	■	■
CUSTOM ACTIVATION LISTED ON ONLINE SCHEDULE	■	■	■	■	■
BANNERS (3' X 8')	6	5	4	3	2
LODGING & HOSPITALITY					
ROOM NIGHTS IN VAIL ($200/NIGHT)	2	1			
COMPED EVENT ENTRIES	4	3	2	2	1
PRODUCT INCLUSION					
PODIUM PRIZES	1 ST PLACE	2 ND PLACE	3 RD PLACE		
VOLUNTEERS AND ATHLETE GIFT BAGS (1500+ RECIPIENTS)	■	■	■	■	■
MULTIMEDIA					
ACCESS TO HIGH-RESOLUTION MEDIA PHOTOS	■	■	■	■	■
PA ANNOUNCEMENTS (MIN. 1X PER DAY)	■	■	■	■	■

The staff of the Kids Adventure Games™ are always willing to discuss new activation ideas. Please contact us for more information.

Hélène Mattison
Kids Adventure Games
helene@kidsadventuregames.com
C: 970.401.3804
kidsadventuregames.com

2021

KIDS ADVENTURE GAMES

SPONSORSHIP OPPORTUNITY

ALIGN WITH THE
TOUGHEST KIDS ADVENTURE
RACE ON THE PLANET
KIDS ADVENTURE GAMES

KIDS
ADVENTURE
GAMES
1108
1108
2031

OUR MISSION

As outdoor professionals with a passion for a lifestyle which takes us nature bound, it is our continued mission to promote a more active and confident generation of kids.

Set in an environment of healthy competition and challenging obstacles, we teach lifelong values of teamwork, sportsmanship, problem-solving, overcoming adversity, and joy and appreciation for the environment.

THE RACE SERIES

The Kids Adventure Games™ is the premiere kids adventure race series in the country, featuring 3+ mile obstacle courses staged in picturesque, destination locations.

In teams of two, kids aged 6-14 bike, climb, trek and race through mud pits, cargo nets, zip lines and more. Each stop in the series hosts a Family Adventure Zone, featuring skills clinics, interactive demos, a sponsor village, and recreational activities for the whole family.

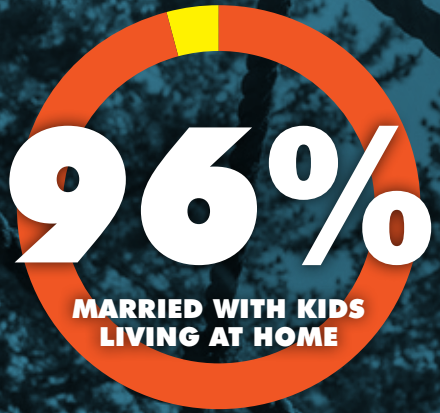
GREAT AUDIENCE HIGH ROI

The outdoor and adventurous environment we create is an ideal opportunity to connect with an engaged audience and present your brand to parents and kids in a positive, active and exciting setting.

Each of our sponsorship packages are customized to meet the specific needs of each strategic partner in order to ensure maximum exposure for the brand and an attractive and solid ROI.

A TARGETED AND DESIRABLE AUDIENCE

A gender balanced audience, the parents of Kids Adventure Games™ participants are affluent, well educated and sponsor loyal.

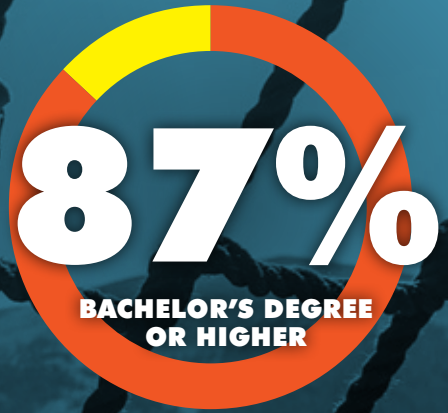


MARRIED WITH KIDS LIVING AT HOME

UP TO

64%

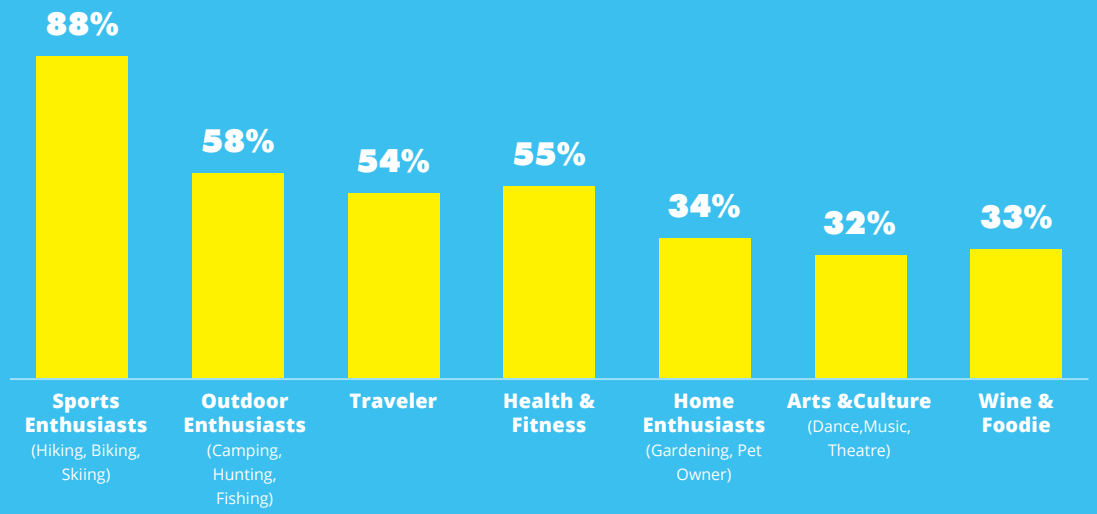
LIKELY OR EXTREMELY LIKELY TO PURCHASE SPONSOR PRODUCT IN THEFUTURE

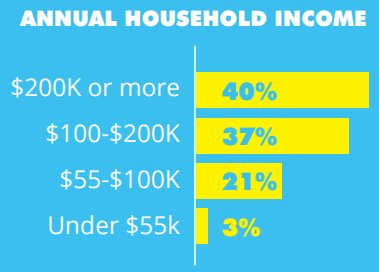


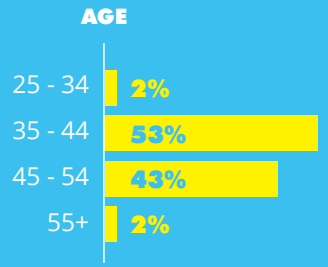
BACHELOR'S DEGREE OR HIGHER

*Based on 2015 - 2019 Survey Results

AUDIENCE LIFESTYLE & GREAT TARGET DEMOGRAPHICS





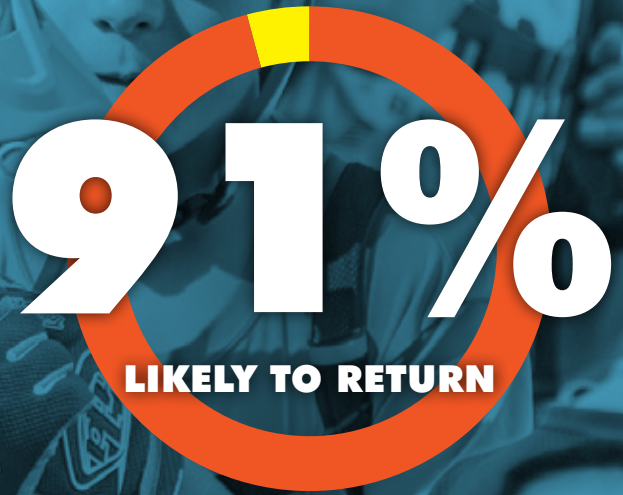


*Based on 2015 - 2019 Survey Results

ANTICIPATING A BIGGER GROWTH

Since 2014 the Kids Adventure Games™ has grown an average of 25% each of the last 5 years. We anticipate even bigger growth in 2022.

CUSTOMER SATISFACTION 5 YEARS IN A ROW



LIKELY TO RETURN

*Based on 2015 - 2019 Survey Results

THE NUMBERS

6.919

1.228

1,373

12,028

5

RACE SEASONS

17

DESTINATIONS

10

STATES

25,000

PARTICIPANTS

100,000+

ATTENDEES

4 MILLION

ATHLETES PARTICIPATE IN OBSTACLE COURSE RACING EVERY YEAR
THE FASTEST GROWING SPORT IN THE U.S.

1,250 ATHLETES

PER RACE

4.0 SPECTATORS

PER ATHLETE

AVG. 3 YEARS

ATHLETES RETURN TO RACE

*Based on 2015 - 2019 Survey Results

SAMPLING OF STRATEGIC PARTNERS

KEEN
NVEnergy
TOYOTA
DARN TOUGH VERMONT
HORIZON ORGANIC
b4 ADVENTURE
slackers
RXBAR
CLIF KID
lonely planet
SMASH MALLOW
kidsport
GoPro
TIMEX
PIRATE'S BOOTY
L.L.Bean
Honest KIDS
Hydro Flask

PREMIER DESTINATIONS

VAIL Like nothing on earth.™
UTAH OLYMPIC LEGACY
TOWN OF VAIL
Sun Valley
BIG SKY MONTANA
PARK CITY
COPPER MOUNTAIN
Snowshoe
Mammoth
WILMOT
STEVENS
Trapp Family Lodge
snowbird
CANYONS PARK CITY, UTAH
BIG BEAR MOUNTAIN RESORT
NORTHSTAR CALIFORNIA
LOST VALLEY
SQUAW VALLEY
Stowe MOUNTAIN RESORT
KIDS ADVENTURE GAMES

“

I watched my 7 year old daughter face numerous fears and compete in a challenge I honestly didn’t know if she’d try, much less finish... But she’s taught me to **NEVER UNDERESTIMATE** her and that she is **TRULY CAPABLE OF ANYTHING SHE PUTS HER MIND TO.**

“

Exhausted and angry, hot and hungry, frustrated they lost their map but they did run across the finish (barely). Through my tears of immense proudness, I told them that they did **AWESOME** and **WORKED TOGETHER** to finish. After a slice of pizza and a drink... They proclaimed “we are going to get all our friends to do this next year and we are going to kickbutt!”

“

Everyone and at every level enjoyed themselves and left the weekend feeling pumped, confident, happy, and energized. What was cool is that despite the fact that no one won their heat, everyone experienced a championship moment by being part of one of the best Kids Adventure Games on earth thank you for making it possible!

2021 SCHEDULE

FRUITA, CO
DESERT EDITION

June 4 - 6, 2021

Highline Lake State Park

VAIL, CO
MOUNTAIN EDITION

August 11 - 15, 2021

Maliot Park, Minturn

ITINERARY

Standard weekly schedule leading up to the event, subject to change.

*Three days of exposure to families

TUESDAY
Kids A.G. team arrives on site Perform initial site walk through

WEDNESDAY
Course and site set-up

THURSDAY
Course and site set-up

FRIDAY*
Registration
AM + PM Skills Clinic Family Expo
Final course set:up and inspection

SATURDAY*
Family Expo
Race Day 1 Wave 1 9:00 AM
Race Day 1 Wave 2 10:30 AM
Race Day 1 Wave 3 12:00 PM
Award Ceremony 3:30 PM

SUNDAY*
Family Expo
Race Day 2 Wave 1 9:00 AM
Race Day 2 Wave 2 10:30 AM
Race Day 2 Wave 3 12:00 PM
Award Ceremony 3:30 PM
Course and expo break-down

MONDAY
Kids A.G. departure

SPONSORSHIPS PACKAGES

SAMPLE BENEFITS

EBLASTS | SOCIAL MEDIA | SWAG BAGS INCLUSION

ADVERTISING | GRASS ROOTS OUTREACH | BLOG

PRINTED PROMOTIONAL | RADIO | PR | WEBSITE

ONSITE ACTIVATION | SAMPLING | COWBELLS

PER EVENT

We also have opportunities for PRESENTING and TITLE sponsorships available.

	PLATINUM $5K max 3	GOLD $2.5K max 4	SILVER $1,250	BRONZE $850	SUPPORT $350
ENTITLEMENT & DESIGNATION					
EXCLUSIVE PARTNER	■				
NAMING RIGHTS TO AN ON-COURSE OBSTACLE	■	■			
LOGO INCLUSION					
WEBSITE WITH ACTIVE LINK	■	■	■		
ATHLETE T-SHIRT	■	■	■		
RACE MAPS	■	■	■	■	
BRAND ASSETS FOR EVENT PROMOTION	■	■	■	■	■
MARKETING & PR					
DEDICATED KIDS ADVENTURE GAMES PRESS RELEASE	■				
SPECTATOR GUIDE	FULL PAGE	1/2 PAGE	1/2 PAGE	1/4 PAGE	1/4 PAGE
SOCIAL MEDIA & EMAIL					
INCLUSION IN A NON-DEDICATED EMAIL TO A TARGETTED LIST	2	1			
PRE-EVENT DEDICATED CUSTOM ACTIVATION/SWEEPS POST (CHANNELS DETERMINED BY KIDS AG)	2	1	1		
TAGGING W/ ANY TITLED EVENT OR VENUE MESSAGING	■	■	■	■	

PER EVENT

We also have opportunities for PRESENTING and TITLE sponsorships available.

	PLATINUM $5K max 3	GOLD $2.5K max 4	SILVER $1,250	BRONZE $850	SUPPORT $350
ACTIVATION & SIGNAGE					
LOGO ON SNOW FENCING	■				
CUSTOM ACTIVATION (IN PARTNERSHIP WITH KIDS AG)	■	■			
EXPO TENT	CUSTOM	10X10/10X20	10X10		
EVENT SCHEDULE (PRINTED COLLATERAL + SIGNAGE)	■	■	■	■	■
CUSTOM ACTIVATION LISTED ON ONLINE SCHEDULE	■	■	■	■	■
BANNERS (3' X 8')	6	5	4	3	2
LODGING & HOSPITALITY					
ROOM NIGHTS IN VAIL ($200/NIGHT)	2	1			
COMPED EVENT ENTRIES	4	3	2	2	1
PRODUCT INCLUSION					
PODIUM PRIZES	1 ST PLACE	2 ND PLACE	3 RD PLACE		
VOLUNTEERS AND ATHLETE GIFT BAGS (1500+ RECIPIENTS)	■	■	■	■	■
MULTIMEDIA					
ACCESS TO HIGH-RESOLUTION MEDIA PHOTOS	■	■	■	■	■
PA ANNOUNCEMENTS (MIN. 1X PER DAY)	■	■	■	■	■

ALMOST 40% OF THE PARENTS ATTENDING OUR EVENTS EARN OVER $100K A YEAR.

40% earn over $200K annually!

OUR TEAM

The event takes a big team to execute and our A-Team are outdoor pursuit professionals who are driven to pass on their love for adventure to all kids.

Our founders, an award winning, dynamic duo, Billy & Hélène Mattison, have been promoting, designing and directing (adventure) race courses for over 17 years through their company, Grand Traverse Adventures, Inc.

Eco-Challenge Champion, Race Director and Course Designer, Billy exemplifies unwavering determination, inherent mental strength and inspiring enthusiasm for outdoor adventure. A natural born leader and story teller, Billy is a master at enticing kids to go farther than they thought possible and make them want to do it again.

Hélène, originally from The Netherlands, has a Degree in Physical Education, with a background in accounting, database management, and computer technology. Having worked on numerous adventure race team support crews across the globe in exotic and challenging locations, Hélène is well versed in race logistics.

Grand Traverse Adventures has been race directing for the GoPro™ Mountain Games and World T.E.A.M. Sports, before creating the Kids Adventure Games™.

A MEMORABLE PARTNERSHIP

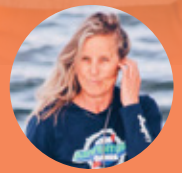
At the Kids Adventure Games™ we're committed to instilling positive values and facilitating fun experiences during the most formative years of kids lives.
Our participants leave with, not only a huge sense of accomplishment, but memories that last a lifetime.
We invite you to join us in promoting fun, active lifestyles and experiences to be remembered forever!

BE A PART OF SOMETHING SPECIAL!

VIEW ALL KIDS ADVENTURE GAMES PHOTOS

KIDS ADVENTURE GAMES

JOIN THE ADVENTURE



Hélène Mattison
Kids Adventure Games
helene@kidsadventuregames.com
C: 970.401.3804
kidsadventuregames.com

FRUITA TOURISM ADVISORY COUNCIL
REGULAR MEETING MINUTES
May 27, 2021
11:00 a.m. – 11:30 p.m.

Members in Attendance:	**Eric Mello, Kayla Brown, Orilee Witte, Kelley Griffin, Denise Hight**
Members Absent:	**Joel Kincaid and Kristy Driver (both excused absent)**
Staff in Attendance:	**Shannon Vassen**
Guest in Attendance:	**Kaylene Weingardt of Slate Communications**

1. Call to Order/Roll Call

Eric Mello, Chair of the Fruita Tourism Advisory Council ("FTAC"), called the meeting to order at 11:03 a.m. A quorum was present at the meeting.

2. Public Comment

Mr. Mello opened the meeting for public comment. After seeing none or anyone that wanted to provide a comment to the FTAC, Mr. Mello closed this item.

3. Consider Minutes from April 29, 2021 Meeting

The FTAC discussed the minutes from the previous meeting on April 29, 2021. The FTAC recommended no changes to the minutes. Kayla Brown motioned to approve the minutes as presented. Denise Height seconded the motion. All that were present were in favor and the motion carried unanimously.

4. Update from Slate Communications

Kaylene Weingardt, Marketing Manager for Slate Communications, shared a brief update to the FTAC on current advertising and promotion efforts. Slate is currently working on a full summary of the retreat, along with action items and next steps. Slate will go over the recap in detail at the June FTAC meeting. Some of the takeaways from the retreat, Ms. Weingardt shared, is that Slate is going to focus on awareness, conversions, families, and opportunities to draw from other areas. To conclude, Ms. Weingardt stated that current campaigns are doing well, and Slate continues to send segmented emails between in-state and out of state audiences. Slate has also been using the photo and video assets that they created back in May, and those are performing well.

DRAFT

5. Mini-Grant Application – Kids Adventure Games

For this agenda item, Shannon Vassen provided a brief overview of the mini-grant application for the Kids Adventure Games. Mr. Vassen began by sharing that the Kids Adventure games is a weekend event that will take place at Highline Lake from June 4-6, 2021. The Kids Adventure games is where kids ages 6-7, will compete in teams of two, on a 3.5-to-5-mile course featuring several obstacles. Mr. Vassen explained that the organizer has applied for a $1,000 in mini-grant funding, to be used for operational and marketing expenses.

After a discussion on the demographics of the event and the costs to participate, the FTAC recommended that a $500 mini grant be awarded to the Kids Adventure Game for the 2021 event. Kelley Griffin made a motion to approve the $500 mini-grant for the Kids Adventure Games. Orilee Witte seconded the motion. All that were present were in favor and the motion carried unanimously.

To conclude the agenda item on the Kids Adventure Games, the FTAC asked staff to look into a potential sponsorship or scholarship program for a few local kids to participate in the game next year, if possible. Staff will report back at this at a future meeting if this turns into a multi-year event.

6. Staff Report

For the staff report, Mr. Vassen wanted to share a few of statistics. The staff report is summarized here:

- Financial Reports – At previous meetings, the FTAC asked for regular updates on the City's financial reports. To begin, Mr. Vassen shared that the lodging tax was up 134% in March of 2021 when compared 2020, and up 33% from March 2019 (to compare to a non-pandemic year). Year to date, the lodging tax is up 50%. Mr. Vassen stated that this is very encouraging, especially considering, that the budget forecasted relatively flat revenues from last year. Also of note, Mr. Vassen shared that the sales tax is up 13% this year (and up in retail trade and food and beverage-based businesses), and county sales tax was up 40% in March.
- Trail Counts – Mr. Vassen also shared the updated 2020 trail and visitor counts for the Colorado National Monument, the BLM trailheads (Kokopelli, North Fruita Desert), and more. All areas saw increases in visitors during last year.
- Palisade Marketing Partnership – Finally, Mr. Vassen shared that the Town of Palisade Tourism Advisory Board recently reach out to him to apply for an upcoming grant through the Colorado Tourism Office. The program is the Restart Destinations Program and provides for tourism destinations to participate in a one-day planning workshop to implement recovery focused projects. Mr. Vassen stated that the grant application from Fruita and Palisade would be competitive, and if awarded, would help create a plan for the "bookends" marketing partnership. The FTAC approved of moving forward with applying for the grant with the Town of Palisade. To conclude on this, Mr. Vassen also

DRAFT

shared that the Palisade Plunge is opening this weekend, and it is going to an incredible asset for the Grand Valley.

7. Other Items

There were no other items.

8. Adjourn

The meeting adjourned at 11:32 p.m.

DRAFT

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

FROM: **PLANNING & DEVELOPMENT DEPARTMENT**

DATE: **JUNE 1, 2021**

RE: **ORDINANCE 2021-14, FIRST READING – AN INTRODUCTION OF AN ORDINANCE ANNEXING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JULY 6, 2021.**

(PATRON ANNEXATION, APPLICATION #2021-12)

BACKGROUND

Fiddlers Grove, LLC, the owner of 1123 19 Road, has submitted an annexation application to the City of Fruita. The subject property contains approximately 15.17 acres and is located northwest of the intersection of 19 Road and Ottley Avenue (K Road) and east of the Brandon Estates Subdivision, and southeast of the newly constructed Monument Ridge Elementary School. Currently, there is a single-family dwelling unit on the property.

Staff has reviewed this annexation request and finds that the property meets current State Statutes for annexation including the required 1/6th contiguity with existing City limits and it is within the City's Urban Growth Boundary. The City Council approved Resolution 2021-10 on April 20, 2021 which set the hearing date to determine the eligibility for this application. This Resolution is required by section 31-12-107 of the Colorado Revised Statutes.

At their May 11, 2021 public meeting, the Planning Commission recommended approval of the annexation petition by a vote of 6-0 to the Fruita City Council after receiving public input.

Conditions of said annexation include:

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

Additional conditions may be placed on the annexation ordinance upon further review.

FISCAL IMPACT

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

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The city's primary goal is to protect the health, safety and welfare of the city's residents. Annexation ensures that the city has some control over development which might otherwise occur outside the city limits and drain city resources and infrastructure.

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

OPTIONS AVAILABLE TO COUNCIL

1. Publish a synopsis of Ordinance 2021-14, An introduction of an Ordinance annexing approximately 15.17 acres of property located at 1123 19 Road into the City of Fruita for publication of public hearing on July 6, 2021.

2. Deny Ordinance 2021-14.

RECOMMENDATION

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

> **PUBLISH A SYNOPSIS OF ORDINANCE 2021-14 ANNEXING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD INTO THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JULY 6, 2021.**

ORDINANCE 2021-14

AN ORDINANCE ANNEXING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 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. Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.
2. Ottley Avenue (K Road) to have a total of 35 feet from the section line.
3. 19 Road to have a total of 50 feet from the section line.
4. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

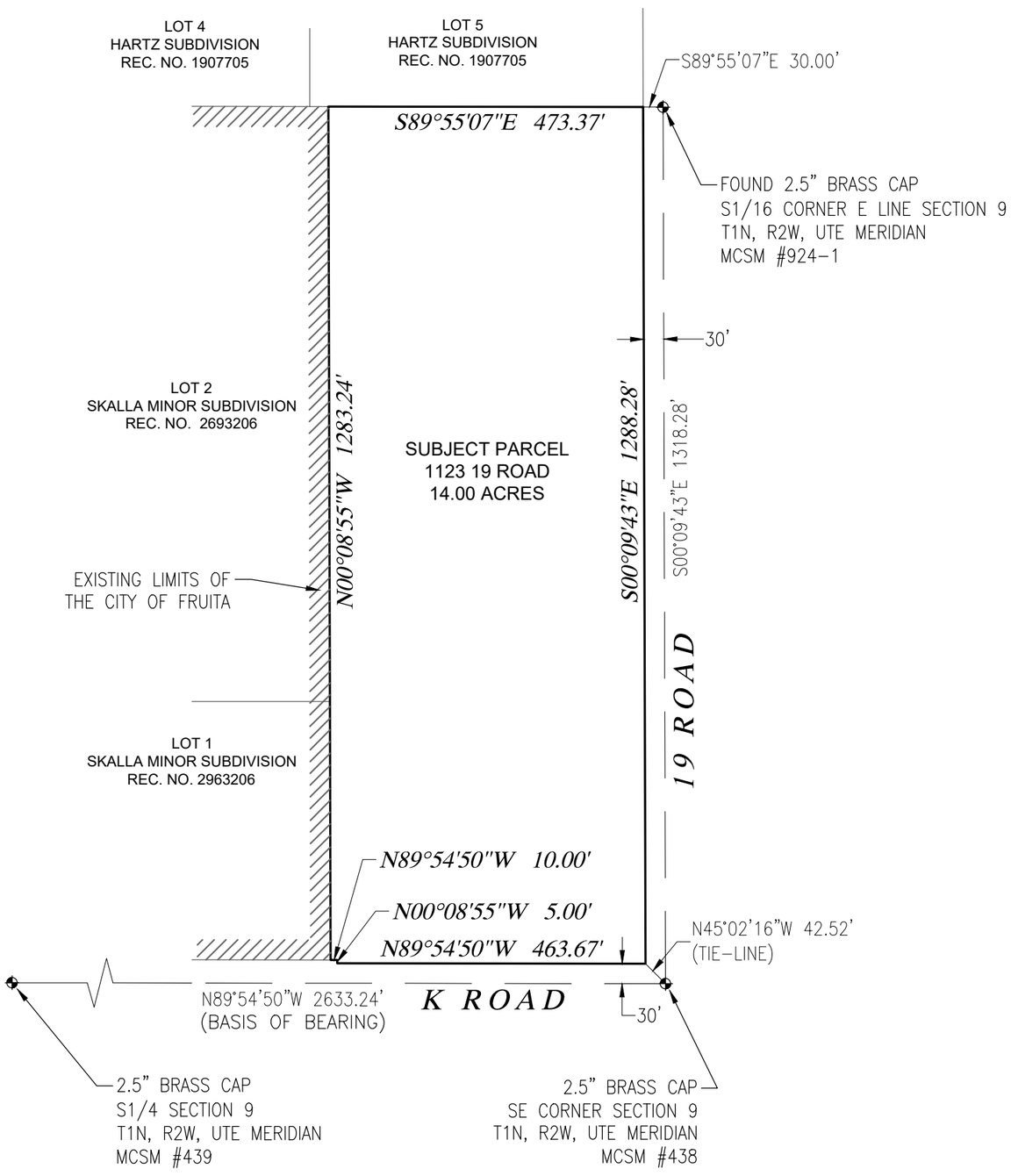
PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS 6TH DAY OF JULY 2021.

ATTEST: City of Fruita:

_____ _____

Margaret Sell, City Clerk Joel Kincaid, Mayor

Exhibit A



PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SE1/4SE1/4 OF SECTION 9, T1N, R2W, UTE MERIDIAN, CITY OF FRUITA, MESA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SECTION 9, T1N, R2W, UTE MERIDIAN, FROM WHICH THE S1/4 OF SECTION 9 BEARS N89°54'50"W 2633.24 FEET, RUNNING THENCE N45°02'16"W 42.52 FEET TO THE POINT OF BEGINNING.

RUNNING THENCE N89°54'50"W 463.67 FEET; THENCE N00°08'55"W 5.00 FEET; THENCE N89°54'50"W 10.00 FEET; THENCE N00°08'55"W 1283.24 FEET TO THE S1/16 LINE OF SAID SECTION 9; THENCE ALONG SAID S1/16 LINE S89°55'07"E 473.37 FEET; THENCE S00°09'43"E 1288.28 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 14.00 ACRES.

LEGEND

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

TABLE OF ABBREVIATIONS

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

N

SCALE IN FEET

200 100 0 200 400

1" = 200'

Rev.	Date	Comment	By

VORTEX ENGINEERING, INC.
• CONSTRUCTION MANAGERS & SITE PLANNERS
• PROJECT MANAGERS
• CIVIL & CONSULTING ENGINEERS
861 Rood Avenue
Grand Junction, Colorado 81501
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ALEXANDRE B. LHERITIER
PROFESSIONAL LAND SURVEYOR
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EXHIBIT

ANNEXATION EXHIBIT

PATRON ANNEXATION
1123 19 ROAD
FRUITA, COLORADO 81521

SCALE: 1"=200'
DATE: 01/29/2021
PROJECT NO: F20-094
CAD ID: patron annexation exhibit.dwg

~SHEET~
A

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

FROM: **PLANNING & DEVELOPMENT DEPARTMENT**

DATE: **JUNE 1, 2021**

RE: **ORDINANCE 2021-15, FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD TO A COMMUNITY RESIDENTIAL ZONE FOR PUBLICATION OF PUBLIC HEARING ON JULY 6, 2021.**

BACKGROUND

This application consists of zoning approximately 15.17 acres of property located at 1123 19 Road to a Community Residential (CR) Zone as supported in the Fruita Comprehensive Plan. The subject property is currently zoned Agricultural Forestry – Transition (AFT) within Unincorporated Mesa County.

The property is located within the Urban Growth Boundary and is supported by the Future Land Use Map and the Fruita Comprehensive Plan to be incorporated into the City Limits.

The property owner is requesting a Community Residential (CR) zone. The first step in the process to zone a property that is not in 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.

At their May 11, 2021 public meeting, the Fruita Planning Commission recommended approval of the zoning application by a vote of 6-0 to the Fruita City Council.

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.

OPTIONS AVAILABLE TO COUNCIL

1. Publish a synopsis of Ordinance 2021-15, an Ordinance amending the official zoning map of the City of Fruita by zoning approximately 15.17 acres of property located at 1123 19 Road to a Community Residential zone for publication of public hearing on July 6, 2021.

2. Deny Ordinance 2021-15

RECOMMENDATION

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

> **PUBLISH A SYNOPSIS OF ORDINANCE 2021-15 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD TO A COMMUNITY RESIDENTIAL ZONE FOR PUBLICATION OF PUBLIC HEARING ON JULY 6, 2021.**

ORDINANCE 2021-15

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 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, newly annexed property must be zoned in accordance with applicable law, and

WHEREAS, a public hearing will be held by the City Council on July 6, 2021, for the annexation and zoning request, and

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

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

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

THAT the Official Zoning Map adopted pursuant to Section 17.07.020 of the Fruita Land Use Code is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 15.17 acres, is hereby zoned Community Residential.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS 6TH DAY OF JULY 2021.

ATTEST:

City of Fruita:

_____
Margaret Sell, City Clerk

_____
Joel Kincaid, Mayor

Exhibit A to Ordinance 2021-XX

Property Legal Description:

E15AC OF SE4SE4 SEC 9 1N 2W EXC 30FT ON S FOR RD & ALSO INC E 10FT LOT 1 PAULSMINOR SUB SD SEC 9 - 14.96 AC

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

FROM: **PLANNING & DEVELOPMENT DEPARTMENT**

DATE: **JUNE 1, 2021**

RE: **RESOLUTION 2021-15 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.**

(PATRON ANNEXATION, APPLICATION #2021-12)

BACKGROUND

Fiddlers Grove, LLC, the owner of 1123 19 Road, has submitted an annexation application to the City of Fruita. The subject property contains approximately 15.17 acres and is located northwest of the intersection of 19 Road and Ottley Avenue (K Road) and east of the Brandon Estates Subdivision, and southeast of the newly constructed Monument Ridge Elementary School. Currently, there is a single-family dwelling unit on the property.

Staff has reviewed this annexation request and finds that the property meets current State Statutes for annexation including the required 1/6th contiguity with existing City limits and it is within the City's Urban Growth Boundary. The City Council approved Resolution 2021-10 on April 20, 2021 which set the hearing date to determine the eligibility for this application. This Resolution is required by section 31-12-107 of the Colorado Revised Statutes.

At their May 11, 2021 public meeting, the Planning Commission recommended approval of the annexation petition by a vote of 6-0 to the Fruita City Council after receiving public input.

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.

OPTIONS AVAILABLE TO COUNCIL

1. Approve Resolution 2021-15

2. Deny Resolution 2021-15

RECOMMENDATION

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

> **ADOPT RESOLUTION 2021-15 - A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD ELIGIBLE TO BE ANNEXED INTO THE CITY OF FRUITA.**

RESOLUTION 2021-15

A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 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 11, 2021 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.

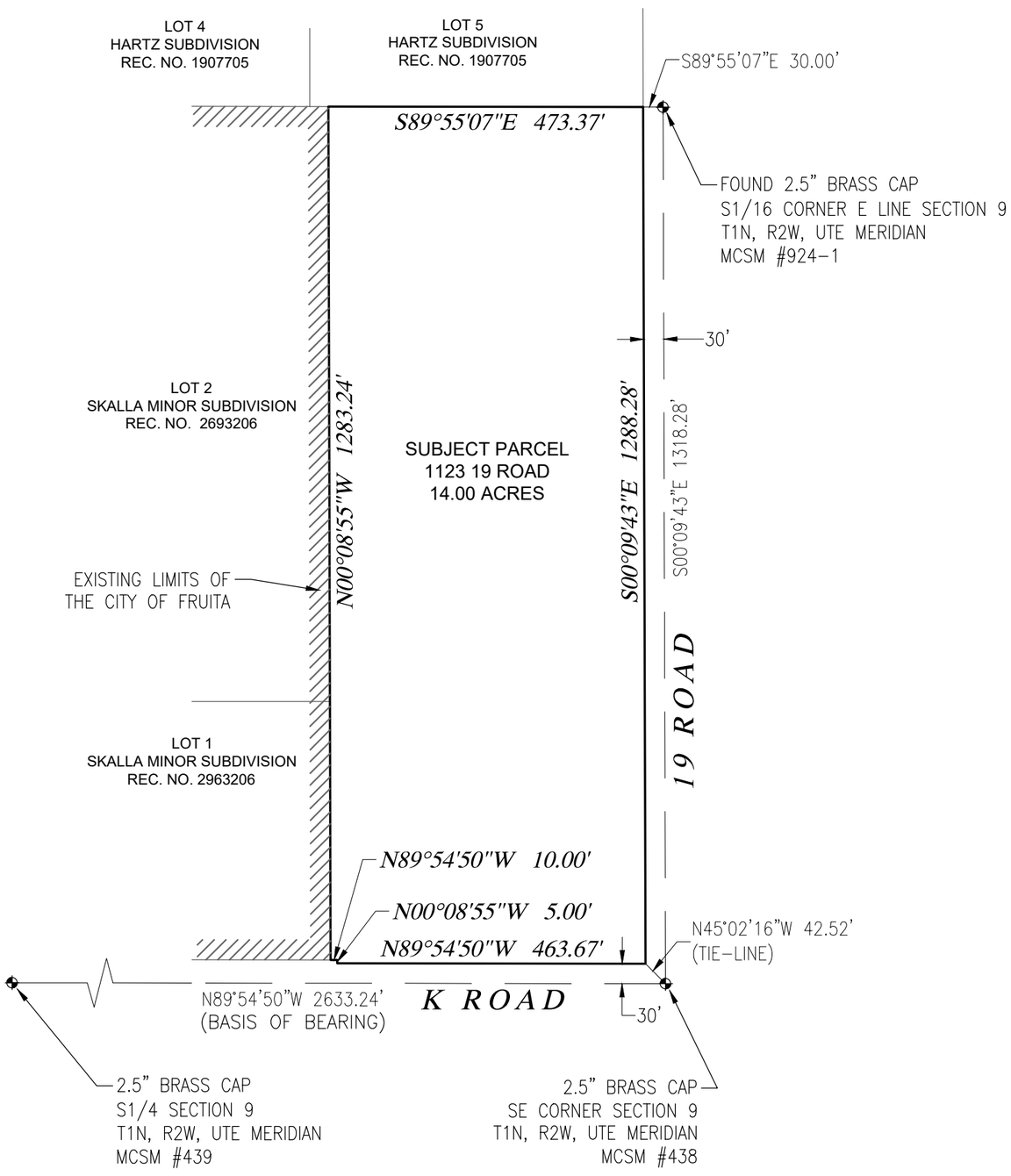
PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS 1ST DAY OF JUNE 2021.

ATTEST: City of Fruita

_____ _____

Margaret Sell, City Clerk Joel Kincaid, Mayor

Exhibit A



PROPERTY DESCRIPTION

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COMMENCING AT THE SE CORNER OF SECTION 9, T1N, R2W, UTE MERIDIAN, FROM WHICH THE S1/4 OF SECTION 9 BEARS N89°54'50"W 2633.24 FEET, RUNNING THENCE N45°02'16"W 42.52 FEET TO THE POINT OF BEGINNING.

RUNNING THENCE N89°54'50"W 463.67 FEET; THENCE N00°08'55"W 5.00 FEET; THENCE N89°54'50"W 10.00 FEET; THENCE N00°08'55"W 1283.24 FEET TO THE S1/16 LINE OF SAID SECTION 9; THENCE ALONG SAID S1/16 LINE S89°55'07"E 473.37 FEET; THENCE S00°09'43"E 1288.28 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 14.00 ACRES.

LEGEND

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

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REC. NO. –	RECEPTION NUMBER

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SCALE IN FEET

200 100 0 200 400

1" = 200'

Rev.	Date	Comment	By

VORTEX ENGINEERING, INC.
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Fax (970) 245-7639

ALEXANDRE B. LHERITIER
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EXHIBIT

ANNEXATION EXHIBIT

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SCALE: 1"=200'
DATE: 01/29/2021
PROJECT NO: F20-094
CAD ID: patron annexation exhibit.dwg

~SHEET~
A

FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

FROM: **PLANNING & DEVELOPMENT DEPARTMENT**

DATE: **JUNE 1, 2021**

RE: **ROSE CREEK SUBDIVISION – PRELIMINARY PLAN.**

BACKGROUND

This is a request for approval of a Preliminary Plan application to subdivide approximately 7.9 acres of land into 36 single family detached residential lots in the Community Residential (CR) zone for an overall density of just under 5 dwelling units per acre.

The subject property is located directly east of the Brandon Estates Subdivision. Lot sizes range between 6,000 – 9,300 square feet and access to the subdivision is proposed from existing street stubs of both Myers Lane and Powis Lane. The subdivision is proposing street stubs to continue access to the east property with both Myers and Powis Lane.

At their May 11, 2021 public hearing, the Planning Commission recommended approval of this application with conditions to the City Council by a vote of 6-0.

FISCAL IMPACT

This Preliminary Plan is a technical review of the subdivision. At this point, no fiscal impact is generated. If the subdivision is to proceed to construction, the fiscal impact would take place when the city takes over maintenance of the sewer and streets.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This Preliminary Plan meets a number of the goals and policies set forth in the Fruita In Motion: Plan Like a Local Comprehensive Plan (the City's Master Plan). Specific details related to the Comprehensive Plan are contained in the Staff Report.

OPTIONS AVAILABLE TO THE COUNCIL:

1. Approve the proposed Rose Creek Subdivision Preliminary Plan.
2. Approve the proposed Rose Creek Subdivision Preliminary Plan with conditions.
3. Deny the proposed Rose Creek Subdivision Preliminary Plan.

RECOMMENDATION:

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

> **APPROVE THE PROPOSED ROSE CREEK SUBDIVISION PRELIMINARY PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION.**

PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
MAY 11, 2021

Application #:	**2021-11**
Project Name:	**Rose Creek**
Application:	Preliminary Plan
Representative:	Vortex Engineering, Inc.
Location:	Lot 2 of the Skalla Minor Subdivision. Directly east of Brandon Estates Subdivision. Parcel #2697-094-79-002
Zone:	Community Residential (CR)
Request:	This is a request for approval of a Preliminary Plan application to subdivide approximately 7.9 acres of land into 36 single-family detached residential lots.

PROJECT DESCRIPTION:

This is a request for approval of a Preliminary Plan application to subdivide approximately 7.9 acres of land into 36 single family detached residential lots in the Community Residential (CR) zone for an overall density of just under 5 dwelling units per acre. The subject property is located directly east of the Brandon Estates Subdivision. Lot sizes range between 6,000 – 9,300 square feet and access to the subdivision is proposed from existing street stubs of both Myers Lane and Powis Lane. The subdivision is proposing street stubs to continue access to the east property with both Myers and Powis Lane.

SURROUNDING LAND USES AND ZONING:

Single family residential uses exist on all sides of the subject property. Some surrounding properties are large and may contain small-scale agricultural types of uses in conjunction with residential.

ZONING MAP

ZONING
Community Residential
Planned Unit Development
Unincorporated Mesa County - AFT
Subject property
LYRA DR
MYERS LN
ELMONT CT
LOIS DR
19 ROAD
JUSTMAN ST
LEO AVE
POWIS LN
18 1/2 ROAD
LOLA CT
BRANDON DR
K ROAD

2020 AERIAL PHOTO

REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

PRELIMINARY PLAN

Section 17.15.070 (C) of the Land Use Code states that at a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Preliminary Plan application according to the Sketch Plan criteria in Section 17.15.060(C) and also the following criteria:

1. Adequate resolution of all review comments; and

As discussed below, it appears that review comments can be adequately resolved without a significant redesign of the proposed development. This criterion can be met if all review comments are resolved with the Final Plat application.

2. Compliance with conditions of approval on the Sketch Plan, if any.

No Sketch Plan application was submitted or required for this proposed development. This criterion does not apply.

Section 17.15.060 (C) states, at a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Sketch Plan application according to 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:

The City of Fruita's Master Plan, Fruita In Motion: Plan Like a Local, does support residential development in this area. The Future Land Use Map (FLUM) supports a Community Residential 4-8 density in this area. Based on the submittal the approximate gross density of the proposed Rose Creek Subdivision is just under 5 dwelling units per acre.

The Fruita In Motion Master Plan as stated above contains the Future Land Use Map and within Chapter 3 of the Plan calls out goals, policies and actions to achieve the Plan Themes. Goal #1 contained on page 36 states, "remain a 'freestanding' community within Mesa County, with distinct municipal boarders and a clear separation from other communities in the Grand Valley." Because "A distinct border contributes to Fruita's identity as a small town separate from other communities in the Grand Valley. An "edge" where one side is more developed, and the other side is more rural allows for a clear understanding of where development is appropriate and where agricultural lands, open space, and preservation are prioritized." Staff believes this goal serves as direction for the public, Staff, appointed and elected officials in making decisions for growth on the City's edges. In this case, the developed city edge is Brandon Estates with the Urban Growth Boundary supporting the edge to be extended to the west side of 19 Road. This proposed plan does meet this goal of creating a distinct city edge with the residential development potential moving to the east property along 19 Road.

Additionally, Goal #2 in Chapter 3 recommends to "prioritize infill development over development at the edge of the city limits." Because "There is enough vacant and undeveloped land within the city limits and the UGB to absorb the growth that is projected over the next ten to twenty years. Development within the city boundary is less costly for both the developer and those providing infrastructure and services such as

sewer and roads." Although this is not considered to be an infill type of development, this application is utilizing existing street stubs and proposing development within the Urban Growth Boundary (UGB). This proposed subdivision meets this goal because this goal includes development within the existing UGB.

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 CR zone has a minimum lot size of 7,000 square feet for developments with the amount of density proposed. This application is proposing lot sizes between 6,000 – 9,300 square feet with an overall gross density of just under 5 dwelling units per acre. Nearly 56% of the lots within this subdivision are below the minimum (20 out of 36). This must be addressed with the Final Plat application.

From the headgate report submitted (dated November 11, 2020), the property appears to have up to 10 irrigation shares allocated to it. This is based on the knowledge that the property was previously owned by Justin Skalla. The property was sold and subdivided into two lots (Skalla Minor Subdivision, Land Development Application 2020-17). The applicant and property owner understand that irrigation shares must be provided and that the Land Use Code requires that 1 – 1.5 irrigation shares be provided per irrigated acre. It should be noted that the City of Fruita does not maintain private irrigation systems, however, it is important to the City of Fruita that irrigation systems have the necessary capacity and function to adequately serve those who utilize this irrigation service.

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, Xcel Energy, Ute Water, 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 17.07.080;

Section 17.07.080 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.

There does not appear to be any portion or element within this subdivision that would be considered as being incompatible with surrounding land uses. Land uses in the Community Residential zone are mainly regulated are Home Occupation Businesses which is defined in the Land Use Code as follows, "A Home Occupation is a commercial or business use within a dwelling unit by the residents thereof, which is incidental or secondary to the principle use of the dwelling for residential purposes."

This criterion can be 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. However, there are a few required services and facilities that have not been incorporated into the subdivision.

Adequate resolution of all review comments will contribute to this application meeting this criterion.

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

During the annexation of the subject property, there were concerns from neighboring property owners to the north about the potential visual impacts any proposed development might have. Staff believes that preservation of the natural features, mostly tall established trees, could serve as a buffer between this development and the existing properties to the north. Staff is strongly encouraging the preservation of any alive trees along the north side of this development.

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 required 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. It should be noted that if the subdivision were to be modified

for the original proposal, Section 17.05.090 of the Land Use Code allows for the Community Development Director (Planning & Development Director) to determine whether or not the modifications or amendments to the development are minor or major.

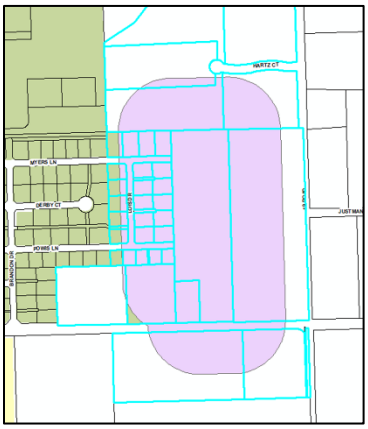
If the modification or amendment is considered major, the application will go back to Planning Commission and City Council. A major modification would be one that increases the number of lots or dwelling units or proposes modifications to any of the street standards or other public improvement requirements. Lot layout, a decrease in residential lots, or an increase in the amount of open space could constitute a minor amendment or deviation.

As mentioned before, review comments from the City Engineer, Planning & Development Department, Xcel Energy, Ute Water, 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:

	Y	N	DATE
Postcards	☒	☐	4/22/2021
Paper	☒	☐	4/22/2021
Property	☒	☐	4/21/2021



NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a **VIRTUAL** public hearing **Tuesday, May 11, 2021** at **6:00 p.m**. This meeting may be held in person subject to public health orders or by City Council direction. Details on how to access this meeting will be found at www.fruita.org. If the meeting is held in person, the virtual link will remain open for public participation. The following item will be presented at the public hearings. The Planning Commission will formulate a recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on **Tuesday, June 1, 2021 at 7:00 p.m.** Please check www.fruita.org for more details. If you have an interest on the item please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

Application #	2021-11
Application Name	Rose Creek Preliminary Plan
Application Type	Preliminary Plan
Location	Parcel North of 1892 K Road
Parcel #	2697-094-79-002
Current Zone	Community Residential (CR)
Description	This is a request for approval of a Preliminary Plan for a 36-lot subdivision on approximately 7.95 acres.

Physically disadvantaged persons who wish to obtain information or need assistance in attending the Public Hearing, may call (970) 858-0786, the hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: www.fruita.org

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 have been received by Staff at the time this Staff Report was published.

STAFF RECOMMENDATION:

Staff recommends approval of application 2021-11, Rose Creek 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.

FRUITA PLANNING COMMISSION: MAY 11, 2021
FRUITA CITY COUNCIL: JUNE 1, 2021

Planning & Development Department
Review Comments – Round 1
May 3, 2021

Application Type: Preliminary Plan
Application Name: Rose Creek Subdivision
Application Number: 2021-11
Location: Lot 2 of the Skalla Minor Subdivision
Current Zone: Community Residential (CR)

- Pre-Application meeting: 2/3/2021
- Application submitted: 2/19/2021
- Letter of acceptance: 4/8/2021
- Application sent out for review: 3/26/2021
- Legal Notice –
    - Paper – 4/22/2021; Postcards – 4/22/2021; Sign – 4/21/2021
- Planning Commission: 5/11/2021
- City Council: 6/1/2021

Description: This is a request for approval of a Preliminary Plan application for the development of 36 single family detached lots over approximately 7.9 acres located in the Community Residential (CR) zone.

General:

1. Project narrative states 37 lot subdivision, the plans submitted show 36 lots.
2. Access standards for the shared driveways are set forth in Section 17.43.050 (C) 1 & 2.
3. The responses to Comments from the Skalla Minor Subdivision dated January 22, 2021 represent improvements to Ottley Avenue and the extension of sewer to Lot 1 of the Skalla Minor Subdivision. This was not included in this submittal. Please provide information on how this is going to be completed.
4. Tract C must be landscaped in accordance with Section 17.07.070 (I)(2). Drought tolerant landscaping in encouraged.
5. Preservation of the trees on the north boarder (Lots 1-7) is strongly encouraged where applicable. This could act as a natural buffer between these new homes and existing homes to the north.
6. The CCR's should take a position on Short-Term Rentals.
7. Section 21 in the CCR's state that the association has 20 irrigation shares, is this accurate or a typo?

8. The minimum lot size in Community Residential is 7,000 square feet. Lots 8, 9, 10, 11, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, and 36 are all below the minimum. See Section 17.07.014 (B) below for reference.

DENSITY AND DIMENSIONAL STANDARDS TABLE							
ZONE DISTRICT	**MAX RES. DENSITY (GROSS) (A)**	**MIN LOT AREA (B)**	**MIN FRONT/ STREET YARD (C)**	**MIN SIDE YARD (D)**	**MIN REAR YARD (E)**	**MAX STRUCTURE HEIGHT (F)**	**MAX LOT COVERAGE (G)**
Community Residential (CR)**	6 DU/acre by right 8 DU/acre thru Density Bonus	For properties with up to 6 DU/acre: 7,000 sq ft For properties with 7 to 8 DU/acre: 3,500 sq ft	15 feet for properties with alley loaded garages 25 feet for all facades with a garage opening facing the street 20 feet for elevations other than garage opening	16 feet total 5 feet for primary structures 3 feet for accessory structures except 0' where common wall or zero-lot line dev. allowed	15 feet for primary structures 3 feet for accessory structures	35 feet for primary structures 16 feet for accessory structures	60%

Dedication:

1. Dedicate all water shares – recording information to be written on Plat.
2. Tracts A, B, C – recording information to be written on Plat.
3. Easements – recording information to be written on Plat.
4. Water shares (2) dedicated to Lot 1 of the Skalla Minor Subdivision – as stated in the project narrative.

Recording:

1. A Composite Site Plan is required to be recorded.
2. A surveyors certificate is required. This is received by the County Surveyor upon satisfactory review of the Plat.

CITY OF FRUITA
CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

PROJECT: Rose Creek Subdivision – Preliminary Plan

Petitioner: Fiddlers GJ, LLC, John Davis
Vortex Engineering & Architecture, Inc. Robert Jones

Reviewer: Sam Atkins

Date: May 5,2021

REVIEW TYPE: (Check One)

____ Minor Subdivision
__X Major Subdivision - Preliminary Plan
____ Lot Line Adjustment
____ Final Plat
____ Site Design Review
____ Conditional Use Permit
____ Other: Public Purpose Subdivision

REVIEW COMMENTS

1. General: This application is for a residential subdivision for 37 single family dwelling units on 7.8 acres located at parcel number 2697-094-79-002.

2. Site Plan:
   a. Remove the 25 MPH speed limit signage.
   b. Do not show easements passing through the right of way.
   c. May need to add no outlet at both Myers and Powis after Rose Petal Road.
   d. At tee intersections, provide 1 curb ramp on the through leg curb and gutter. Place such that it minimizes conflict with a future driveway location.

3. Grading
   a. There are ridge lines along lots 30,31, 33, 34, and 35 but there is no defined change in the contours.
   b. What is the outlet device for the detention pond?
   c. How does runoff enter the pond?
   d. The grading notes show contact names as ####.
   e. May need to add no outlet at both Myers and Powis after Rose Petal Road.
   f. At tee intersections, provide 1 curb ramp on the through leg curb and gutter. Place such that it minimizes conflict with a future driveway location.
   g. Now that I have reviewed further into the construction drawings, the inlet and storm drain piping shows up. It should be located on the grading plan as well.

4. Street Plan and Profiles:
   a. There are missing VPI and/or vertical curve data on the profiles.
   b. There are callouts in the profiles that point to a location below the profile line that I am not sure what are.

5. Irrigation:
   a. I see a layout, but there is no irrigation design report.

b. You indicate this is a pressurized irrigation system that is connecting to Brandon Estates. You will have to demonstrate:
   i. Brandon Estates will enter an agreement to accept this subdivision on their system.
   ii. Their system has the capacity to add this services area.

6. Sewer Plan and Profiles:
   a. Call out the sewer service stationing.
   b. All services should be installed perpendicular to the main unless in a curve or cul-de-sac for future locating purposes.

7. Stormwater Plan and Profiles:
   a. There is some confusion as to which inlet is double and which is single. The graphics are opposite the callouts.
   b. Show other utilities in your profiles to ensure there are no conflicts.
   c. Show HGL in profiles.

8. Drainage Report:
   a. There is some confusion as to which inlet is double and which is single. The graphics are opposite the callouts.
   b. Show other utilities in your profiles to ensure there are no conflicts.
   c. If the 4560 is the top of pond excluding the 1-ft freeboard, you are proposing slightly less than the required volume as calculated. Later it shows in the outlet detail a 10-year water surface of 4560.05. Show this in your volume calculation to verify volume. Additionally, if your volume is so close in design, you may not be able to construct this that accurately so you will have a hard time getting the as-builts to show you have the design volume.
   d. The outlet detail and profiles of the outlet pipe should be shown in the construction drawings as well as the drainage report.
   e. Dimension the offset to the property line for the storm drain south of the subdivision to Ottley Ave.

Engineering recommends approval of this Preliminary Subdivision Plan upon adequately addressing these review comments.

2021-11 Rose Creek Preliminary Plan
Consolidated Review Comments

Grand Valley Drainage District

The District has reviewed the documents for Rose Creek Subdivision. The District will require a Discharge License for the detention pond the outfalls int the K Road Drain. The District understands that the developer is intending to convey the pond discharge by way of a 15in RCP pipe and new MH's with the final run of pipe being a new crossing on K Rd. tying into a new MH to be installed by them on the K Road Drain. The existing crossing evidently ties into the K Road Drain without a MH, and this tailpipe will need to be retained. Therefore, the District will need to review these details in the next set of civil plans.

Lower Valley Fire District

Review comments:2021-11 Rose Creek

Install a fire hydrant between lots 15 & 16 to provide shared drive lots to be within 250 feet of a hydrant.

Locate fire hydrants on Rose Petal intersections closer to Powis and Meyers.

Mesa County Building Department

MCBD has no objections to this project.

A copy of the soil report, drainage plan and a TOF must be delivered to our office in paper form.

Mesa County Planning Department

Thank you for the opportunity to review this proposal. However, at this time Mesa County Planning does not have any comments.

Xcel Energy

Xcel has no objections; however the Developer needs to be aware that at the time of submitting an application with Xcel the following will be required and could happen:

1. Accurate BTU loads for the new homes will be required.

2. If determined by area engineer that reinforcement is needed to Xcel's gas main to support added loads from subdivision, said reinforcement will be at Developers expense.

3. Reinforcement costs are required to be paid prior to installation.

4. Tariff changes have taken effect as of 10/1/2019 affecting the cost of subdivision lots averaging less than 60'. They will have a standard cost per lot.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor,

and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement.

FRUITA COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Rose Creek Subdivison
Project Location: No Assigned Address
Current Zoning District: CR Requested Zone: N/A
Tax Parcel Number(s): 2697-094-79-002 Number of Acres: 7.8
Project Type: Major Subdivision

Property Owner: Fiddlers GJ, LLC
Property Owner:
Address: 1023 24 Road
City/State/Zip: Grand Junction,CO 81505
Phone: 970-640-4320 Fax:
E-mail: jdavis@bluestarindustries.com

Developer: Fiddlers GJ, LLC
Contact: John Davis
Address: 1023 24 Road
City/State/Zip: Grand Junction,CO 81505
Phone: 970-640-4320 Fax:
E-mail: jdavis@bluestarindustries.com

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: Vortex Engineering & Architecture, Inc
Contact: Robert W. Jones II
Address: 861 Rood Avenue
City/State/Zip: Grand Junction,CO 81501
Phone: 970-245-9051 Fax: 970-245-7639
E-mail: rjones@vortexeng.us

Engineer: Vortex Engineering & Architecture, Inc
Contact: Robert W. Jones II
Address: 861 Rood Avenue
City/State/Zip: Grand Junction,CO 81501
Phone: 970-245-9051 Fax: 970-245-7639
E-mail: rjones@vortexeng.us

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

Name of Legal Owner	Signature	Date
John Davis		02/16/2021

STATE OF COLORADO)
) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 16 day of February, 2021

My Commission expires: 10/21/2024 Notary Public

STEPHEN EDWARD SWINDELL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20204036690
My Commission Expires October 21, 2024

Project Report
for
Rose Creek Subdivision
Preliminary-Final Plan

Date: February 18, 2021

Prepared by: Stephen E. Swindell, P.E.
Vortex Engineering and Architecture, Inc.
861 Rood Avenue
Grand Junction, CO 81501
(970) 245-9051
VEAI# F20-070

Submitted to: City of Fruita
325 E. Aspen Avenue
Fruita, CO 81521

Type of Design: Major Subdivision: Preliminary-Final Plan

Property Owner: Fiddlers Grove, LLC
1023 24 Road
Grand Junction, CO 81505

Property Address: Parcel north of 1892 K Road
Fruita, CO 81521

Tax Parcel No: 2697-094-12-003 (portion of)

1. Project Intent

This application is made to request approval of the Preliminary-Final Plan for property annexed into the City on January 5, 2021. The applicant's intent is to construct a subdivision in a manner that is consistent with the goals and policies of the recently adopted Fruita Comprehensive Plan and the CR zone district.

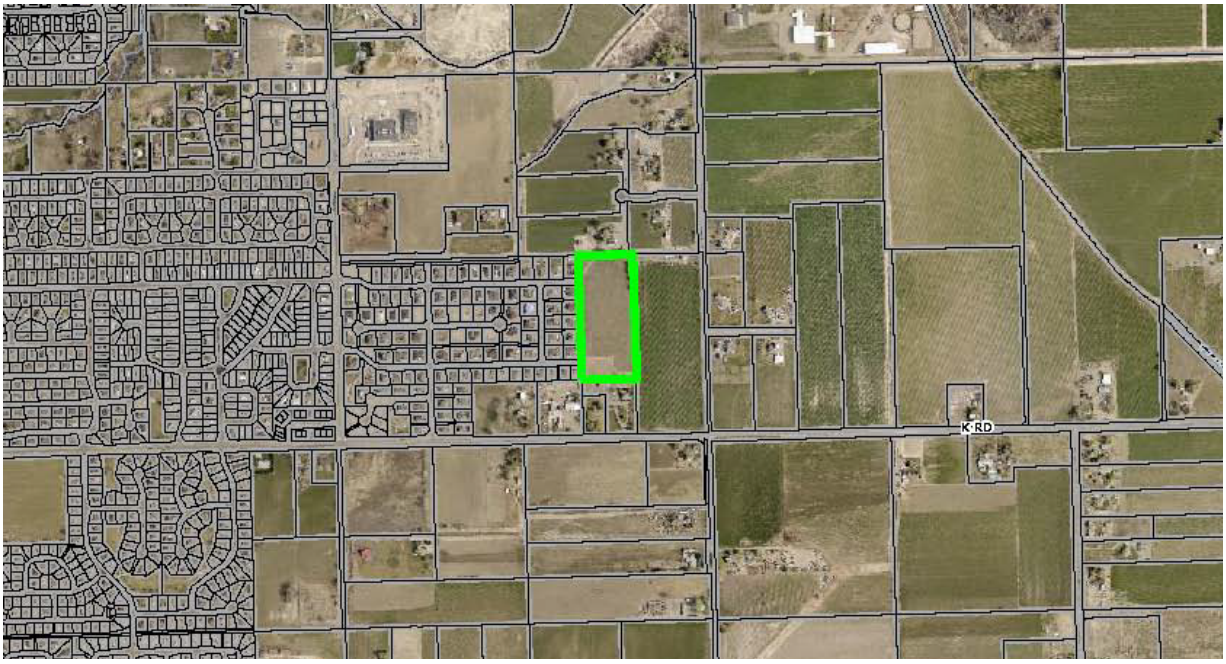
2. Project Description

The subject property is approximately 7.9 acres, located north of 1892 K Road and east of Brandon Estates at the end of Myers Lane and Powis Lane. The property was zoned CR (Community Residential) on January 5, 2021 by City Council upon annexation into the City limits.

The applicant is requesting Preliminary-Final Plan approval for a 37-lot subdivision for single-family homes. Internal streets will be constructed as urban residential streets with a 44' right-of-way and will extend to the eastern property line for future access to the vacant property on the east property line.

The density of the proposed Rose Creek subdivision is 4.6 dwelling units per acre which is at the bottom of the density range anticipated by the City's Comprehensive Plan but is compatible with adjacent single-family development.

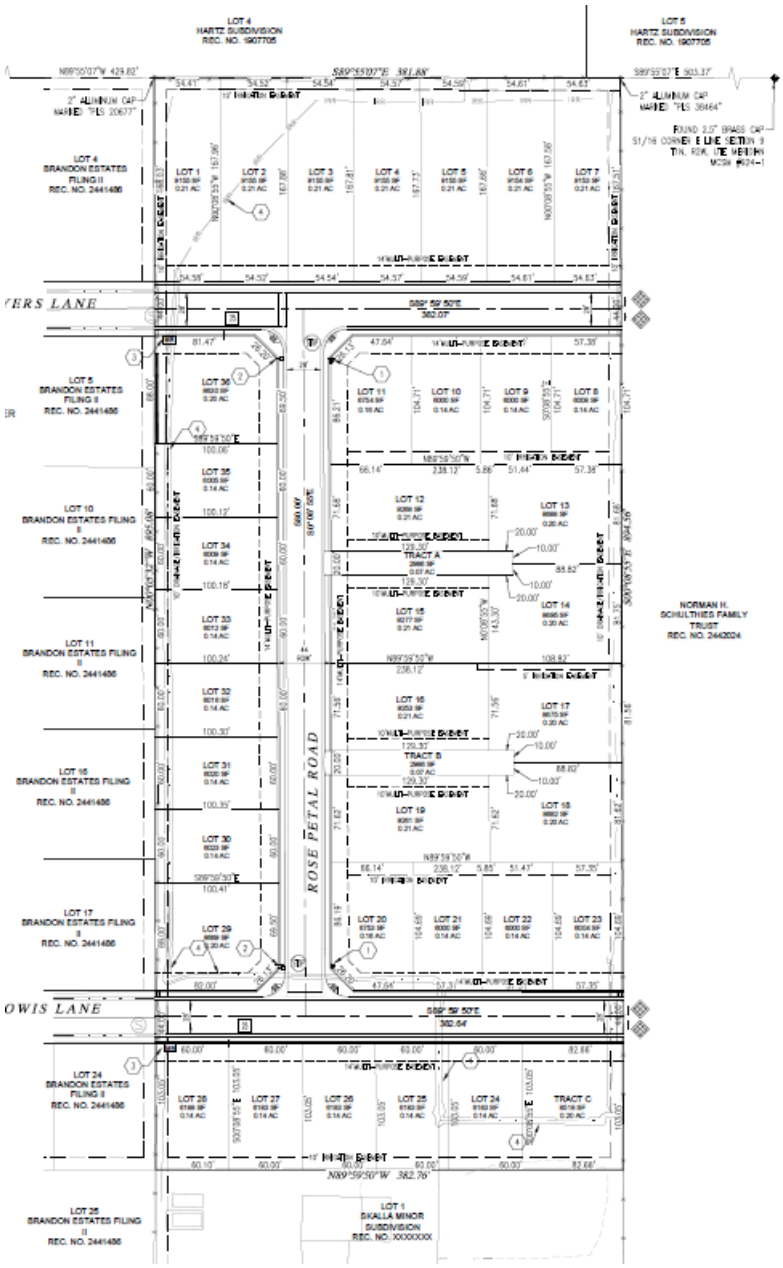
The subject property is shown on the aerial map below.



Legal Description

The legal description of the 7.9-acre parcel is:

Lot 2, Skalla Minor Subdivision, Situated in the SE1/4SE1/4 of Section 9, Township 1 North, Range 2 West, Ute Meridian, City of Fruita, Mesa County, Colorado.



PROPOSED LAND USE TABLE				
USE	AREA	AC	% OF TOTAL	OWNER
SINGLE FAMILY LOTS (37 TOTAL)	278,593 S.F.	6.396	81.43%	PRIVATE
TRACTS (PRIVATE DRIVES)	5,600 S.F.	0.129	1.64%	PUBLIC
RIGHT-OF-WAY	57,916 S.F.	1.330	16.93%	CITY
TOTAL SITE AREA	342,109 S.F. – 7.855 AC			

3. Public Notice

Public notice for this application will be provided in accordance with the Fruita Land Use Code, including posting the subject property on public rights-of-way.

4. Comprehensive Plan

The recently adopted Fruita Comprehensive Plan contains several goals, policies and key themes to achieve the vision of the Plan. The Comprehensive Plan is the City's guiding document towards land use and other community development decisions. The goals, policies, and actions of the plan are intended to support and preserve the community values. Based on these values, the following key themes emerged:

Efficient Development-
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.

Response: The property was recently annexed into the City and is within the Urban Growth Boundary. Annexation and eventual development of this property is consistent with this goal as it will allow development that is more efficient than sprawling development farther away from existing City infrastructure. The resulting development will be more compact, urban development as anticipated by the City's new Comprehensive Plan.

A key finding of Chapter Two, Community Snapshot, of the Comprehensive Plan stated that housing growth in Mesa County is accelerating, but Fruita's housing stock is growing relatively slowly. Grand Junction issued an average of 280 new construction building permits annually from 2010 to 2018. In 2018, there were nearly 500 new housing starts there. In Unincorporated Mesa County, there were nearly 200 new housing starts annually during this time period and nearly 300 in 2018. In contrast, Fruita has issued an average of 62 new construction building permits per year, with 95 in 2018.

Development of this property will support efficient, compact development in the City and provide needed housing for City residents.

Community First, Tourism Second-
The City of Fruita prioritizes its residents and provides them a high quality of life. Tourists are attracted to Fruita for this and the opportunity to "play like a local."

Response: Annexation of the subject property was the first step in positioning the property for future residential development within the City limits. The City's Comprehensive Plan has

identified a need to increase Fruita's housing stock. The residential development of the subject property will support the community by providing needed housing for City residents to live and work in Fruita which supports this goal of the Comprehensive Plan.

A Thriving Downtown-
The City of Fruita supports a thriving downtown with strong local businesses, an inviting streetscape, and events and places that encourage the community to gather. Flexible design standards support creative uses of downtown spaces, and higher-than-existing surrounding residential densities creates a variety of housing units and types for residents to frequent businesses.

Response: The applicant's intent is to develop a residential subdivision that meets the density anticipated by the Comprehensive Plan's new land use classification of Residential 4-8 dwelling units per acre which supports this goal of the Comprehensive Plan.

The Comprehensive Plan's Future Land Use Map shows the subject property as Residential 4-8 dwelling units per acre. Based on the City's intent to encourage infill and discourage sprawl, the applicant requested annexation with the intent to provide future development at a density that is consistent with the future land use classification. New development will likely occur at higher-than-existing residential densities. Providing needed housing will allow City residents to live and work in Fruita as well as supporting existing businesses in the downtown area.

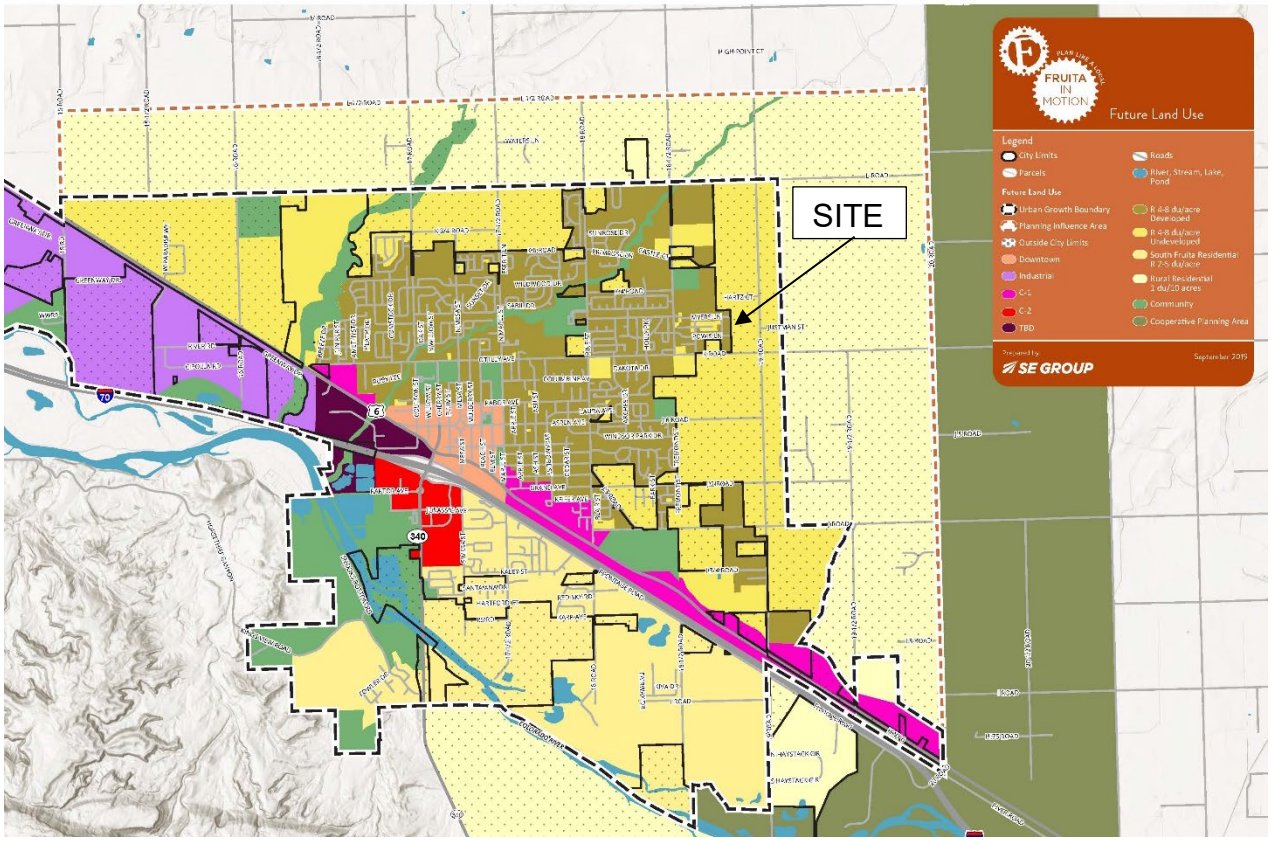
Connectivity-
It is easy for vehicles, cyclists, and pedestrians to get around Fruita and to visit local destinations. The City of Fruita offers a safe, intuitive, and well connected on- and off-street trail network for pedestrians and cyclists.

Response: The proposed development will include sidewalks and pedestrian trails (where applicable) to extend the City's existing transportation network. Extending pedestrian and bicycle facilities (even if only on public streets) will enhance the City's multi-modal network and help the City achieve this goal.

Strategic Economic Development-
Fruita's approach to economic development focuses on expanding existing businesses while also making Fruita an attractive place to live and do business. Rather than compete with Grand Junction, Fruita is strategic in recruiting businesses that are well-suited for the Fruita community.

Response: Development of the subject property will provide more opportunity for housing that supports local businesses and their employees to be able to live within the City limits. Creating additional housing units will enable Fruita to provide a community where residents can live and work and lessen the impact of being a "bedroom community" for neighboring communities where Fruita residents travel to work.

Development with the CR zone district, which is designed to implement the new land use classification of Residential 4-8 dwelling units per acre, will help achieve the goals and vision of the recently adopted Comprehensive Plan.



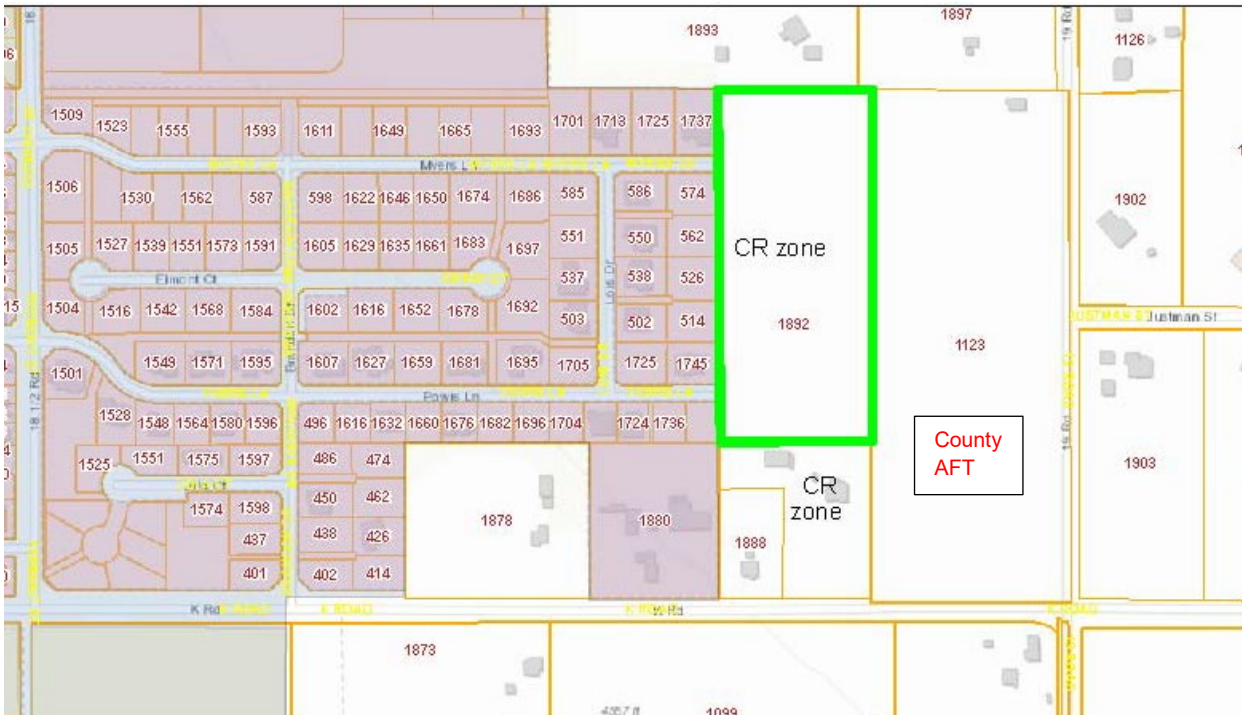
5. Zoning and Surrounding Areas

The property was zoned to CR, Community Residential, on January 5, 2021 upon annexation into the City of Fruita. 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).

The City of Fruita is currently updating the CR zone district to implement the new Comprehensive Plan Future Land Use Map designation of Residential 4-8 dwelling units per acre. The current zoning is consistent with and supports the Comprehensive Plan's Future Land Use Map classification of Residential 4-8 dwelling units per acre and will help the City achieve its goal for infill and higher urban density within the City.

Surrounding area zoning and land uses include:

North – Mesa County AFT with single family residential and agricultural land uses
South – City of Fruita CR with single family land use
West – City of Fruita Planned Development (PD) with single family residential land uses
East – Mesa County AFT with agricultural land use



6. <u>Access, Traffic and Circulation</u>

Access is provided through the extension of Myers Lane and Powis Lane, two existing public streets from the Brandon Estates subdivision. Both of the streets will be extended to the eastern property line to provide access for future development of the vacant lot on the eastern side of the subdivision. Internal streets will be constructed as urban residential streets with a 44' right-of-way.

There is a north-south street that will also be constructed as an urban residential street and two private drives. The private drives will be located in tracts that will be owned and maintained by the HOA. Private drives shall be constructed to Fruita specifications and standards.

7. <u>Geotechnical Investigation</u>

The Geotechnical and Geologic Hazards Investigation dated January 6, 2021 was conducted by Huddleston-Berry Engineering and Testing, LLC (HBET) has been included with this application. The field study consisted of five test pits, excavated on November 19, 2020. The test pits generally encountered native sand and silt soils with clay layers. Groundwater was not encountered in the subsurface at the time of the investigation. The native sand and silt soils are non-plastic and are anticipated to be slightly collapsible. The native clay soils are slightly plastic and slightly expansive. Although no geologic hazards were identified which would preclude development of this property, moisture sensitive soils were encountered during the subsurface

investigation and these materials may impact the design and construction of foundations, pavements, etc. The report makes recommendations for both foundations and pavement.

Based upon the available data sources, field investigation and nature of the proposed construction, the HBET engineer does not believe that there are any geologic conditions which should preclude subdivision or development of the site. However, foundations, pavements, and earthwork will have to consider the impacts of moisture sensitive soils at the site. See the report for specific information on the field work, recommendations and lab results.

8. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for the development have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve development on this site within 1-2 miles.

Utility providers for the site are as follows:

Sewer: City of Fruita
Water: Ute Water Conservation District
Drainage: Grand Valley Drainage District
Electric: Xcel Energy
Irrigation: Grand Valley Irrigation Company

All utilities shall be constructed to meet the service providers specifications. See the Utility plan sheet for specific details.

9. Drainage, Stormwater Management and Irrigation Water

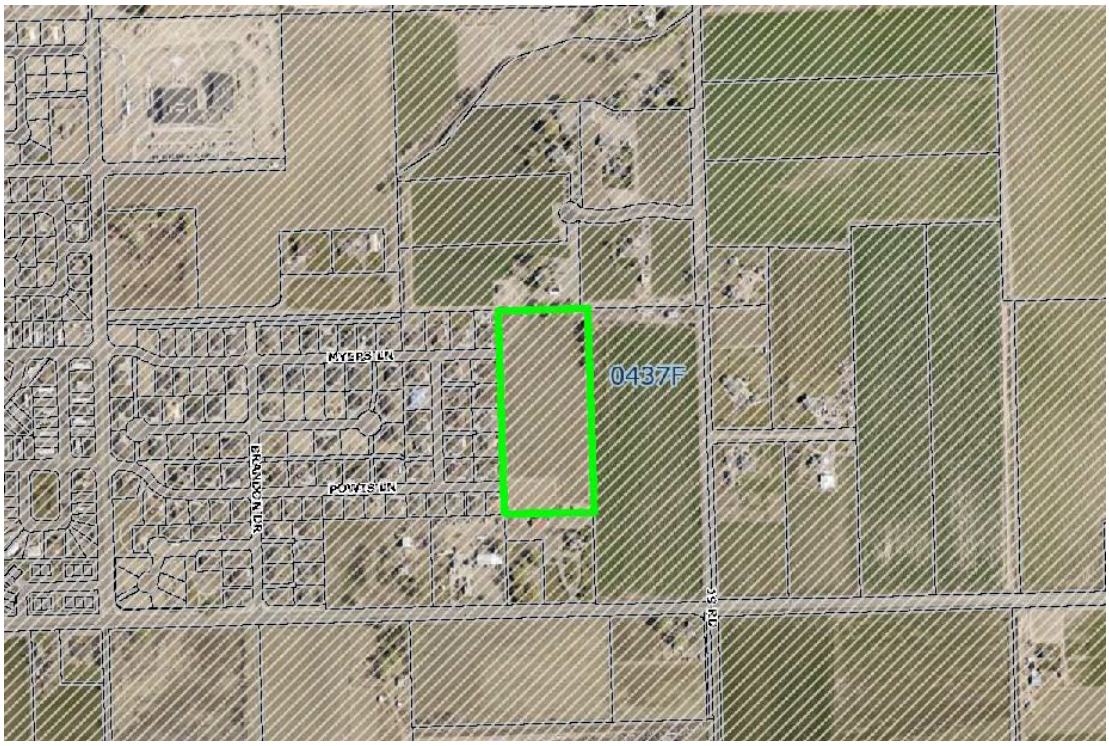
The topography of the site is generally flat with a high point of 4566' at the northeastern corner of the property and a low point of 4560 at the southwestern corner.

Drainage will follow this slope from north to south, with a detention pond in the southwestern corner. The pond will outfall through a culvert in an existing easement within the property immediately south, then tie-in to an existing storm manhole in K Road.

The property has approximately 10 shares of irrigation water. There is a 10" PVC main on the northern property line that runs from the west side of the property to the east side. As part of the subdivision process, a 4" irrigation line will be installed along the eastern property line from the 10" line down to the new lot at the southern end to provide irrigation water to the existing house (1892 K Road). Approximately 2 irrigation water shares will be conveyed to the new lot with the existing house at the time of the minor subdivision.

10. Wetlands and Floodplain

There are no known wetlands or floodplains associated with the subject property. The property is located on FEMA Panel 0437F.



11. Approval Criteria

Section 17.15.060, Sketch Plan approval criteria:
At a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Sketch Plan application according to 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.
Response: The design, plans and supporting reports and analyses have been prepared in accordance with Fruita's Comprehensive Plan, Land Use Code, Design Criteria and Construction Specifications Manual. All review comments will be addressed and resolved through the review and approval process to ensure that the construction plans and plat for the proposed subdivision will be in accordance with Fruita's design and development regulations.
This criterion can be met.

2. Compatibility with the area around the subject property in accordance with Section 17.07.080.

Response: Section 17.07.080 states "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."

The proposed Rose Creek subdivision has been designed in accordance with all Fruita development regulations and specifications; any potentially negative impacts have been mitigated through the design process through compliance with the bulk standards of the CR zone. The Comprehensive Plan's Future Lane Use Map anticipates residential development above the density proposed by Rose Creek subdivision; therefore the proposed development will be compatible with surrounding development because the Comprehensive Plan shows that 4-8 dwelling units per acre is compatible residential density.
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.).
Response: All necessary and required utilities and municipal services shall be provided with the proposed Rose Creek subdivision. Municipal services such as sewer, police service and stormwater facilities shall be provided by Fruita. Domestic water is available through Ute Water Conservation District and fire protection shall be provided by the Lower Valley Fire District.
This criterion can be met.

4. Preservation of natural features and adequate environmental protection; and
Response: There are no natural features shall as a stream or wash on the property. The property has been used for agricultural purposes in recent years; therefore, most of the site has been in cultivation.
This criterion is not applicable.

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

Response: The proposed Rose Creek subdivision has been designed in accordance with the anticipated type of housing and density of the Comprehensive Plan, the bulk standards of the CR zone district and the design specifications of Fruita's development regulations. Plans will be revised as needed in response to review comments from review agencies and city staff.
This criterion can be met.

Section 17.15.070(C), Preliminary-Final Plan approval criteria:
At a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Preliminary-Final Plan application according to the Sketch Plan criteria in Section 17.15.060(C) and also the following criteria:

1. Adequate resolution of all review comments; and
   Response: All review comments shall be resolved through the review process of the applicants' request for approval of the Preliminary-Final Plan for the proposed Rose Creek subdivision.
   This criterion can be met.

2. Compliance with conditions of approval on the Sketch Plan, if any.
   Response: As permitted by the Fruita Land Use Code, the applicants have requested approval for the Preliminary-Final Plan rather than prepare a Sketch Plan.
   This criterion is not applicable.

<u>Section 17.17.080, Land Use Compatibility Criteria</u>, states that 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.

Response: The applicant requested the CR zone district as part of the annexation and zoning process in order to meet the density requirements of the Comprehensive Plan's Residential 4-8 dwelling units per acre land use classification for the subject property.

The City recently assigned the Residential 4-8 dwelling units per acre land use classification with adoption of the Comprehensive Plan's Future Land Use Map with the intention of encouraging infill, more urban density and to discourage sprawl. The proposed development is consistent with the Plan's goal of achieving higher residential density.

In assigning the Residential 4-8 dwelling units per acre land use classification, the City has demonstrated that residential development within this range will be considered compatible with existing residential development that has the same land use classification. This land use classification is being used to implement the City's goal of achieving more urban density and infill development within the City limits.

12. Conclusion

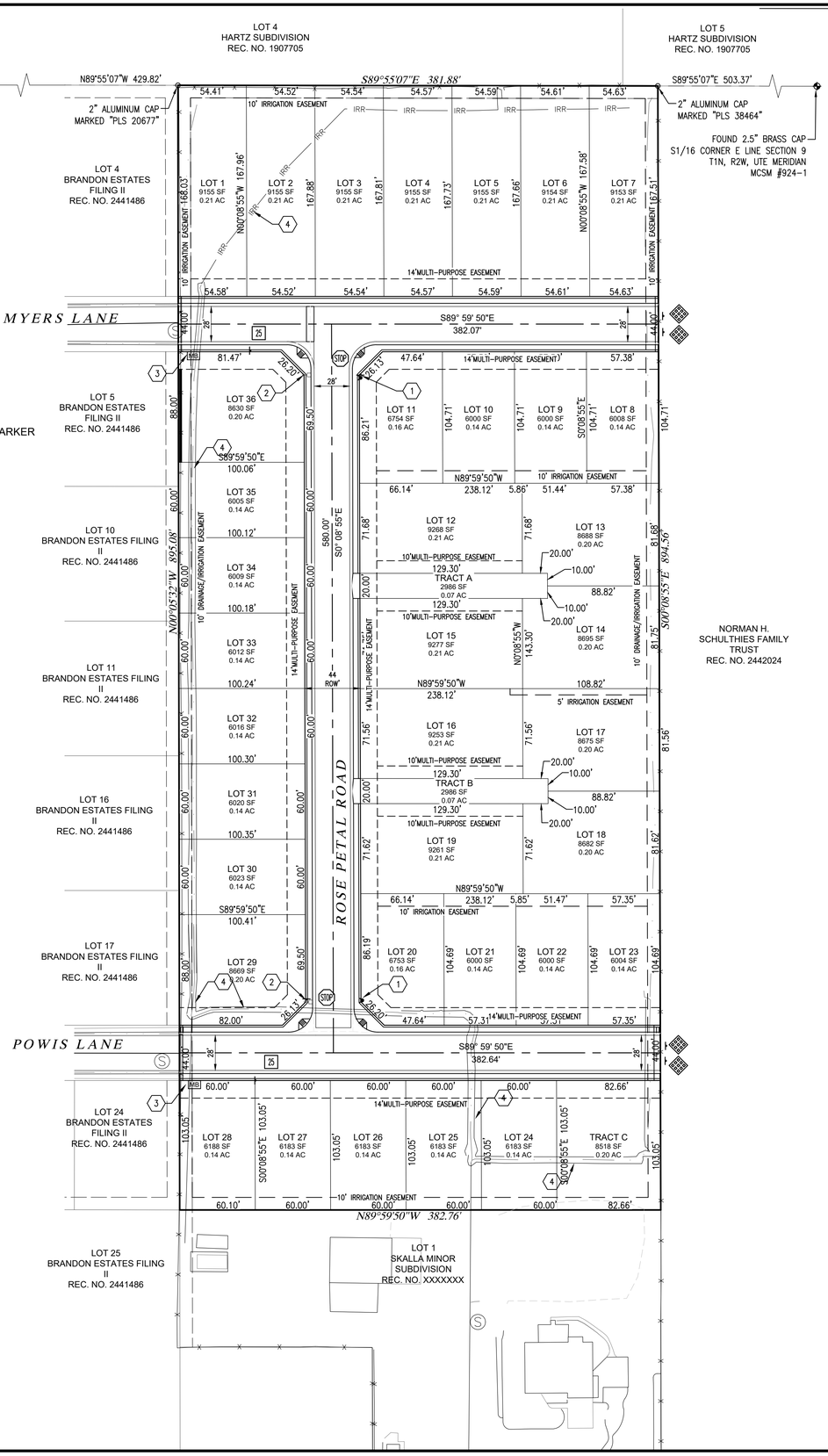
After demonstrating how the proposed Rose Creek Subdivision meets the goals and objectives of the Comprehensive Plan, the Fruita Land Use Code and other city development regulations, the applicant respectfully requests approval of the Preliminary-Final Plan.

13. Limitations/Restrictions

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by City of Fruita, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner's and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.



CONSTRUCTION NOTES:

1. PROPOSED FIRE HYDRANT
2. PROPOSED LIGHT POLE BY XCEL ENERGY
3. PROPOSED MAILBOX LOCATION
4. REMOVE EXISTING IRRIGATION DITCH AND ASSOCIATED APERTURES

SIGN SCHEDULE

STOP SIGN (30"x30") & D3-1 STREET SIGN COMBINED

25 MPH SPEED LIMIT SIGN R2-1

"RED DIAMOND" TYPE 4 OBJECT MARKER OM4-2

ALL SIGN POST MOUNTING AND PLACEMENT SHALL BE PER MUTCD OR MESA COUNTY SPECIFICATIONS. CONTRACTOR TO CONTACT MESA COUNTY TRAFFIC PRIOR TO INSTALLATION OF SIGNS.

UTILITY PROVIDERS INFORMATION		
UTILITY	*PROVIDER*	*PHONE NUMBER*
SANITARY SEWER	CITY OF FRUITA	970-250-1554
DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT	970-242-4343
DOMESTIC WATER	UTE WATER CONSERVANCY DISTRICT	970-242-7491
IRRIGATION	GRAND VALLEY IRRIGATION	970-242-2762
ELECTRICITY	XCEL ENERGY	800-895-4999
NATURAL GAS	XCEL ENERGY	800-895-4999
TELEPHONE	CENTURYLINK	800-603-6000
CABLE TELEVISION	SPECTRUM	833-780-1880

PROPOSED LAND USE TABLE				
USE	*AREA*	*AC*	*% OF TOTAL*	*OWNER*
SINGLE FAMILY LOTS (37 TOTAL)	278,593 S.F.	6.396	81.43%	PRIVATE
TRACTS (PRIVATE DRIVES)	5,600 S.F.	0.129	1.64%	PUBLIC
RIGHT-OF-WAY	57,916 S.F.	1.330	16.93%	CITY
TOTAL SITE AREA	342,109 S.F. - 7.855 AC			

GENERAL NOTES:

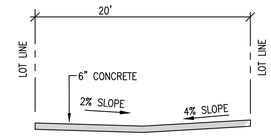
1. ALL CONSTRUCTION TO CONFORM TO THE CURRENT CITY OF FRUITA DEPARTMENT OF PUBLIC WORKS AND PLANNING STANDARDS AND SPECIFICATIONS.
2. CONTRACTOR MUST CONTACT CITY OF FRUITA TRAFFIC OPERATIONS SUPERVISOR PRIOR TO CONSTRUCTION OR PLACEMENT OF TRAFFIC CONTROL DEVICES/FEATURES (STRIPING, SIGNALS, MEDIANS, ETC.) FOR CONSTRUCTION IN THE RIGHT-OF-WAY ONLY.
3. REFER TO THE GEOTECHNICAL INVESTIGATION BY Value, PROJECT # Value DATED Value, FOR RECOMMENDATIONS REGARDING PAVEMENT, SLABS, FOUNDATIONS AND GROUNDWATER MITIGATION REQUIREMENTS.
4. MINIMUM PRINCIPAL BUILDING SETBACKS:
   FRONT = 20'
   SIDE = 8' (DETACHED) 0' (ATTACHED)
   REAR = 15'
5. ALL SANITARY SEWER MANHOLES ARE 48" I.D.
6. LIGHTING TO BE DESIGNED BY UTILITY PROVIDER. (XCEL)

SOILS NOTES:

THE NATIONAL COOPERATIVE SOIL SURVEY STATES THAT THE ENTIRE PROPERTY IS MADE UP OF TURLEY CLAY LOAM, 0 TO 2 PERCENT SLOPES.

PROJECT BENCHMARK

BASIS OF BEARING: USING THE MESA COUNTY REAL TIME VIRTUAL REFERENCE NETWORK, A BEARING AND DISTANCE OF N89°55'07"W AND 1315.07 FEET BETWEEN A THE S1/16 CORNER ON THE EAST LINE OF SECTION 9 MARKED WITH A 2.5" BRASS CAP (MCSM #924-1) AND THE SE1/16 CORNER OF SECTION 9 MARKED WITH A 3" ALUMINUM CAP 6' WITNESS CORNER (MCSM #925-1).

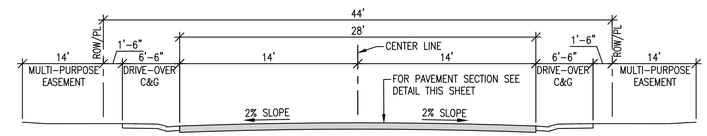


THIS PAVEMENT SECTION WAS BASED UPON A PROVIDED GEOTECHNICAL INVESTIGATION PREPARED BY HUDDLESTON-BERRY ENGINEERING & TESTING, LLC. REFER TO PROJECT #00545-0066, DATED JANUARY 6, 2021. ALL RECOMMENDATIONS AND SPECIFICATIONS PROVIDED IN THE GEOTECHNICAL INVESTIGATION SHALL BE ADHERED TO. DEVIATIONS FROM THE REPORT RECOMMENDATIONS AND SPECIFICATIONS ARE TO BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER PRIOR TO IMPLEMENTING.

SHARED DRIVEWAY

N.T.S.

SEE DETAIL ON SHEET C3.0



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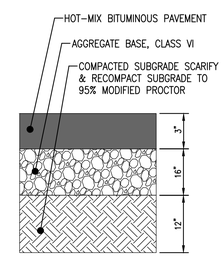
URBAN RESIDENTIAL STREET

N.T.S.



NOTE: ALL THICKNESSES SHOWN ARE THE MINIMUM FOR COMPACTED MATERIAL.

PAVEMENT SECTION

N.T.S.

ACCEPTED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE

ACCEPTANCE OF THESE PLANS DOES NOT RELIEVE THE DEVELOPER, CONTRACTOR, OR THE ENGINEER FROM CONFORMANCE WITH THE CITY OF FRUITA DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS MANUAL.

CITY OF FRUITA ENGINEERING DIVISION REPRESENTATIVE DATE

VORTEX ENGINEERING, INC.
• CONSTRUCTION MANAGERS & SITE PLANNERS
• PROJECT MANAGERS
• CIVIL & CONSULTING ENGINEERS
861 Rood Avenue
Grand Junction, CO 81501
Phone: (970) 245-9051
Fax (970) 245-7639

STEPHEN E. SWINDELL
PROFESSIONAL ENGINEER
COLORADO LICENSE No. 57688

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REV. DATE	COMMENT	BY

FOR REVIEW - NOT FOR CONSTRUCTION

Site Plan
Rose Creek Subdivision Final
1892 Ottley (K Road)
Fruita, CO 81521

PROJECT NO: F20-070
DATE: 11-3-20
site f20-070.dwg

~SHEET~
C1.0

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

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

DATE: **JUNE 1, 2021**

RE: **NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE AN APPLICATION FOR A FERMENTED MALT BEVERAGE (FMB) OFF-PREMISES LIQUOR LICENSE FOR THE FRUITA CONSUMERS COOPERATIVE ASSOCIATION (FRUITA CO-OP) LOCATED AT 1650 HIGHWAY 6 & 50**

BACKGROUND

The Fruita Consumers Cooperative Association (Fruita Co-Op) has submitted an application to be granted a Fermented Malt Beverage (FMB) Off-Premises Liquor License at 1650 Highway 6 & 50 in Fruita and has requested a concurrent review with the Liquor Enforcement Division and paid the appropriate fee to the Colorado Department of Revenue Liquor Enforcement Division for the concurrent review.

The following section from the Colorado Liquor Rules outlines the provisions for a concurrent review on a liquor license application.

Regulation 47-324. Concurrent Application Review.

A. A local licensing authority, or a license applicant with local authority approval, can request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application. Local licensing authorities who permit a concurrent review will continue to independently review the applicant's license application for the purpose of establishing the reasonable requirements of the neighborhood, the suitability of the character, record and reputation of the applicant and its principals, the fitness of the applicant's premises for occupancy in compliance with the provisions of Articles 46 and Article 47 of Title 12 C.R.S., and any other provisions required for local authority determination as provided for in these articles.

B. When conducting a concurrent application review, the state licensing authority will advise the local licensing authority of any items that it finds that could result in the denial of the license application. Upon correction of the noted discrepancies, the state licensing authority will notify the local licensing authority of its conditional approval of the license application subject to the final approval by the local licensing authority. The state licensing

authority will then issue the applicant's state liquor license upon receiving evidence of final approval by the local licensing authority.

C. All applications submitted for concurrent review must be accompanied by all applicable state license and application fees. Any applications that are later denied or withdrawn will allow for a refund of license fees only. All application fees provided by an applicant shall be retained by the respective licensing authority.

Background checks were conducted with the Fruita, Palisade and Grand Junction Police Departments, as well as The Mesa County Sheriff's Department and the Colorado Bureau of Investigation. None of these law enforcement agencies found anything of concern that would hinder the issuance of the license. The Preliminary Findings Report, law enforcement agencies' background check results, Needs of the Neighborhood Survey, "Order of Hearing Procedures," Colorado Liquor License Application and diagram are attached hereto.

The following is a list of questions and guidelines to aid the Council in the decision-making process to determine if the liquor license should be approved. These guidelines are from Colorado State Statutes and the Colorado Liquor Rules.

Colorado Liquor Rules
Regulation 47-310 Application – General Provisions

E. When a licensing authority (the City Council in this case) is required to make a determination as to the character, record and reputation of the applicants for new licenses, the City Council may consider the following factors when assessing the character of the applicants, which may include but not be limited to the following:

1. The applicant or licensee has submitted false applications, made willful misrepresentations and/or committed fraudulent acts:

2. The application or licensee has a criminal history of crimes of moral turpitude. By way of example, crimes of moral turpitude shall include but not be limited to, murder, burglary, robbery, arson kidnapping, sexual assault, illegal drugs or narcotics convictions;

3. The applicant or licensee has had previous alcohol beverage licenses denied, suspended or revoked as a result of violations of law;

4. The applicant or licensee has been found to be delinquent in the payment of any state or local taxes, and record of such tax delinquency has been filed in a court having jurisdiction, or has been made a public record by some other lawful means;

5. The applicant or licensee has an established pattern of multiple statutory violations which resulted in the revocation or denial of any other professional license.

6. The finding of a person who is not of good moral character by any licensing authority.

Pursuant to 44-3-307(1)(a), C.R.S., no license shall be issued to or held by:

1. Any person until the annual fee therefor has been paid;

2. Any person who is not of good moral character;

3. Any corporation, any of whose officers, directors, or stockholders holding ten percent or more of the outstanding and issued capital stock thereof are not of good moral character;

4. Any partnership, association, or company, any of whose officers, or any of whose members holding ten percent or more interest therein, are not of good moral character;

5. Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;

6. Any person unless the person's character, record, and reputation are satisfactory to the respective licensing authority;

7. Any natural person under twenty-one years of age.

ISSUANCE OF A NEW LIQUOR LICENSE

When acting on the issuance of a new liquor license, in addition to the moral character of the applicants, the City Council shall consider following issues when deciding whether or not to issue a license:

1. The reasonable requirements of the neighborhood;

2. The desire of the adult inhabitants as evidenced by petitions, remonstrance's or otherwise;

3. All other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority. (City Council)

FISCAL IMPACT

Unknown

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The consideration of the issuance of a new Fermented Malt Beverage (FMB) Off-Premises Liquor License by the City Council ensures that the proposed establishment is desired in the neighborhood and the applicant is of good moral character.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approve the Fermented Malt Beverage (FMB) Off-Premises Liquor License for the Fruita Consumers Cooperative Association (Fruita Co-Op) located at 1650 Highway 6 & 50 as proposed.

2. Approve Fermented Malt Beverage (FMB) Off-Premises Liquor License for the Fruita Consumers Cooperative Association (Fruita Co-Op) located at 1650 Highway 6 & 50 with additional requirements.

3. Deny the issuance based on the requirements of the needs of the neighborhood and the desires of its adult inhabitants and/or the character of the applicant.

RECOMMENDATION

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

- **APPROVE THE APPLICATION FOR A FERMENTED MALT BEVERAGE (FMB) OFF-PREMISES LIQUOR LICENSE TO THE FRUITA CONSUMERS COOPERATIVE ASSOCIATION (FRUITA CO-OP) LOCATED AT 1650 HIGHWAY 6 & 50**

325 E Aspen
Fruita, CO 81521
(970) 858-3663

CITY OF FRUITA LOCAL LICENSING AUTHORITY, MESA COUNTY COLORADO

PRELIMINARY FINDINGS AND REPORT UPON APPLICATION FOR AN APPLICATION FOR A FERMENTED MALT BEVERAGE (FMB) OFF-PREMISES (CITY) LIQUOR LICENSE

IN RE: Fruita Consumers Cooperative Association (Fruita Co-Op)
1650 Highway 6 & 50
Fruita, CO 81521

TO THE APPLICANT NAMED ABOVE AND OTHER INTERESTED PARTIES:

You are hereby advised that with regard to your application for a Fermented Malt Beverage (FMB) Off-Premises (City) Liquor License, an investigation has been made and based on the results thereof the following has been determined:

1. That the application was filed on April 22, 2021.

2. That the Notices of Public Hearing on this matter were posted by the applicant on April 23, 2021 and publication was made in the Grand Junction Daily Sentinel on May 19, 2021 for the hearing date of June 1, 2021.

3. There has not been, within two years preceding the date of your application, a denial of an application by the County Commissioners of Mesa County, the State Licensing Authority, or the Local Licensing Authority of the City of Fruita for a Fermented Malt Beverage (FMB) Liquor License at the location for which you make application for the reason that the reasonable requirements of the neighborhood and the desires of the inhabitants have been satisfied by the existing outlets.

4. It appears from the evidence submitted by you that you will be entitled to possession of the premises where you propose to exercise the license applied for.

5. Employees serving alcohol shall attend an Alcohol Server Responsibility class (provided by the City of Grand Junction) at the applicant's earliest opportunity (subject to class availability). This is a four-hour class on Colorado laws pertaining to but not limited to: serving alcohol, identifying intoxicated persons, and how to identify those of age to drink alcoholic beverages. All employees that serve alcohol should be trained either prior to beginning employment or within 30 days of employment. To take advantage of this free and informative class, please register online at www.gjcity.org, by calling the City Clerk's Office at (970) 244. 1509 or by emailing cityclerk@gjcity.org. Proof of attendance by employees selling alcohol must be submitted to the Fruita City Clerk's office and will be

kept on file.

6. The proposed establishment is located in a General Commercial Zoning District. Food Service, Restaurant (including alcohol) is an allowed use in this zone. A certificate of occupancy, a food establishment permit and any other applicable licenses and permits must be issued prior to commencement of operations including Planning Clearances from the City of Fruita Planning Department.

7. The building and grounds where you propose to exercise the privilege of serving alcohol do not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

8. Within a one mile radius from the building and grounds where you propose to sell malt, vinous and spirituous and manufacture malt liquor on the licensed premises, there are the following Fermented Malt Beverage (FMB) License establishments:

   CF Altitude, LLC
   Dba Alta #6317
   555 W. Raptor Road
   Fruita, CO 81521

   Dillon Companies, Inc.
   Dba City Market #13
   135 S. Plum
   Fruita, CO 81521

9. The following criminal history information has been brought to the attention of the authority:

   Applicant (including partners, officers, directors over 10% shareholders)

   President: Christopher Scott Gillaspie - All clear
   Director: Daryl Kim Albertson – All clear
   Sec/Treas: Brad Brophy – All clear

   Source of information:

   Colorado Bureau of Investigation (Exhibit A)
   Mesa County Sheriff's Office (Exhibit B)
   Grand Junction Police Department (Exhibit C)
   Fruita Police Department (Exhibit D)
   Palisade Police Department (Exhibit E)

10. The results of the petition circulated with respect to this application are as follows:

    Total Signatures obtained by applicant: 36 (Exhibit F)

For:	36
Against:	0
No Opinion:	0

11. The public hearing on your application will be held on June 1, 2021 at 7:00 p.m. at the Fruita Civic Center located at 325 E. Aspen Avenue. At said hearing you shall have the opportunity to be heard regarding all matters related to your application, including all matters set forth herein.

12. At the public hearing, and pursuant to CRS 12-46-108, as amended, you have the burden of proving that you are qualified to hold the license applied for and that your character, record and reputation are satisfactory; that the neighborhood needs this license and that the residents of the neighborhood desire that this license be granted.

13. A copy of the "Order of Hearing" procedures used by the Local Licensing Authority of the City of Fruita for use and guidance in holding hearings on liquor license applications is attached for your information and review. (Exhibit G)

Dated this 19th Day of May, 2021.

Deb Woods

Debra Woods, Deputy City Clerk
for the Local Licensing Authority

COLORADO
Bureau of Investigation
Department of Public Safety

Biometric Identification and Records Unit
690 Kipling Street, Suite 4000
Lakewood, CO 80215
303-239-4208

CITY OF FRUITA
325 E ASPEN
FRUITA, CO 81521

Date: 04/28/2021 08:53:51(MT)

RE: GILLASPIE, CHRISTOPHER SCOTT DOB: [redacted] SOC: XXXXX[redacted]

No Colorado Record of arrest has been located based on information provided.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records (except those allowed per state statute 24-72-703), and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
John Camper, Director
Colorado Bureau of Investigation

COLORADO
Bureau of Investigation
Department of Public Safety

Biometric Identification and Records Unit
690 Kipling Street, Suite 4000
Lakewood, CO 80215
303-239-4208

CITY OF FRUITA
325 E ASPEN
FRUITA, CO 81521

Date: 04/28/2021 08:56:05(MT)

RE: BROPHY, BRADLEY JAMES DOB: [redacted] SOC: XXXXX[redacted]

No Colorado Record of arrest has been located based on information provided.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records (except those allowed per state statute 24-72-703), and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
John Camper, Director
Colorado Bureau of Investigation

COLORADO
Bureau of Investigation
Department of Public Safety

Biometric Identification and Records Unit
690 Kipling Street, Suite 4000
Lakewood, CO 80215
303-239-4208

CITY OF FRUITA
325 E ASPEN
FRUITA, CO 81521

Date: 04/28/2021 08:57:50(MT)

RE: ALBERTSON, DARYL KIM DOB: [redacted] SOC: XXXXX[redacted]

No Colorado Record of arrest has been located based on information provided.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records (except those allowed per state statute 24-72-703), and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
John Camper, Director
Colorado Bureau of Investigation

Mesa County Sheriff's Office

Sheriff Matt Lewis

215 Rice Street
P.O. Box 20,000
Grand Junction, CO 81502

970-244-3500 Phone
970-244-3503 Fax
sheriff.mesacounty.us

EXHIBIT
B
1 OF 3

Date: May 4, 2021

To Whom It May Concern:

Name: GILLASPIE, Christopher Scott
DOB: [redacted]

The Mesa County Sheriff's Office has checked for arrest record information on the above referenced individual and has found the following:

(X) No record of arrest with this agency.

( ) Record of arrest with this agency as noted (see attached):

( ) This person did not present any personal identification. This person may or may not be the person holding this document.

This background check does not include any contacts made for Civil Process. For Civil Process information please contact our Civil Unit at 970-244-3521.

Lorene Hernandez
Law Enforcement Specialist
Mesa County Sheriff's Office
(970) 244-3505

Mesa County Sheriff's Office

Sheriff Matt Lewis

215 Rice Street
P.O Box 20,000
Grand Junction CO 81502

970-244-3500 Phone
970-244-3503 Fax
sheriff.mesacounty.us

EXHIBIT
B
2 OF 3

Date: May 4, 2021

To Whom It May Concern:

Name: BROPHY, Bradley James
DOB: [redacted]

The Mesa County Sheriff's Office has checked for arrest record information on the above referenced individual and has found the following:

(X) No record of arrest with this agency.

( ) Record of arrest with this agency as noted (see attached):

( ) This person did not present any personal identification. This person may or may not be the person holding this document.

This background check does not include any contacts made for Civil Process. For Civil Process information please contact our Civil Unit at 970-244-3521.

Lorene Hernandez
Law Enforcement Specialist
Mesa County Sheriff's Office
(970) 244-3505

Mesa County Sheriff's Office

Sheriff Matt Lewis

215 Rice Street
P.O. Box 20,000
Grand Junction, CO 81502

970-244-3500 Phone
970-244-3503 Fax
sheriff.mesacounty.us

EXHIBIT
B
3 OF 3

Date: May 4, 2021

To Whom It May Concern:

Name: ALBERTSON, Daryl Kim
DOB: [redacted]

The Mesa County Sheriff's Office has checked for arrest record information on the above referenced individual and has found the following:

(X) No record of arrest with this agency.

( ) Record of arrest with this agency as noted (see attached):

( ) This person did not present any personal identification. This person may or may not be the person holding this document.

This background check does not include any contacts made for Civil Process. For Civil Process information please contact our Civil Unit at 970-244-3521.

Lorene Hernandez
Law Enforcement Specialist
Mesa County Sheriff's Office
(970) 244-3505

EXHIBIT
C

Debra Woods

From: PDRecords <PDRecords@gjcity.org>
Sent: Monday, April 26, 2021 4:59 PM
To: Debra Woods
Subject: Re: Background checks request

GJPD does not have a record for any of these people.

Thanks,

Pam

From: Debra Woods <dwoods@fruita.org>
Sent: Monday, April 26, 2021 4:54 PM
To: PDRecords <PDRecords@gjcity.org>
Subject: Background checks request

** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - **

Hello, please see my attached request. Thanks!

Deb Woods
Deputy City Clerk
City of Fruita
325 E. Aspen Ave.
Fruita, CO 81521
(970) 858-3663
dwoods@fruita.org

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

EXHIBIT
D

FRUITA
COLORADO

POLICE DEPARTMENT
157 S Mesa St, Fruita, CO 81521
Phone (970) 858-3008 / Fax (970) 858-3665
fpdrecords@fruita.org

MEMO

To: Deb Woods
From: Paula Rajewich
Date: April 29, 2021
Re: **Local Records Check**

The following background information check was completed through local computer records with the Fruita Police Department and the results will be listed below.

I have checked the local criminal history for the person(s) listed below and there have not been any contacts of concern with the Fruita Police Department and these individuals.

Christopher Scott Gillaspie
715 Ivanhoe Way
Grand Junction, CO 81506

Daryl Kim Alberston
1376 20 Road
Fruita, CO 81521

Bradley James Brophy
3916 Hickman Road
Palisade, CO 81526

Thank you,

Paula Rajewich

Fruita Police Department
157 S. Mesa St.
Fruita, CO 81521
970-858-3008 ext. 6104

EXHIBIT
E

Debra Woods

From: Caroline Coughran <ccoughran@townofpalisade.org>
Sent: Tuesday, April 27, 2021 10:35 AM
To: Debra Woods
Subject: RE: Individual background checks

Hello Deb,

I did a local check on the three individuals listed in your request, Gillaspie, Albertson and Brophy. I have no records on these individuals pertaining to any issue with liquor licensing.

Caroline Coughran
Records Manager
Palisade Police Department
175 E. Third St., Palisade, CO 81526
970.464.5601

From: Debra Woods <dwoods@fruita.org>
Sent: Tuesday, April 27, 2021 9:47 AM
To: Caroline Coughran <ccoughran@townofpalisade.org>
Subject: Individual background checks

Hello,
Please see my request attached as well as your Records Request Forms and let me know if you need anything else to complete my request.
Thank you!

Deb Woods
Deputy City Clerk
City of Fruita
325 E. Aspen Ave.
Fruita, CO 81521
(970) 858-3663
dwoods@fruita.org

FRUITA
COLORADO

SURVEY

EXHIBIT
F

An application has been filed with the City of Fruita for a liquor license. In its consideration of this application, the Fruita City Council must consider the reasonable requirements of the neighborhood and the desires of the inhabitants. An "inhabitant" is an individual who resides in a given neighborhood or community for more than six months each year. The "neighborhood" is defined generally as the area between L Road to the North and the Colorado National Monument to the South, and between 15 ½ Road to the West and 20 Road to the East. A public hearing will be advertised and held on this application in the Council Chambers at the Fruita Civic Center, 325 E. Aspen, Fruita, Colorado on the first and third Tuesdays of the month at 7:00 pm.

Do not sign this survey unless you are 21 years or older and reside within the area bounded on the north by L Road, on the south by Colorado National Monument, on the west by 15 ½ Road, and on the 20 Road to the East.

As an owner of property in the neighborhood, an employee or business lessee of property in the neighborhood and/or an inhabitant who resides in the neighborhood for more than six months each year:

Question 1. *I believe the reasonable requirements of the neighborhood are already being met by other existing outlets. (Yes or No)*

As an inhabitant who resides in the neighborhood for more than six month each year:

Question 2. *It is my desire that the license be issued. (Yes or No or Not Applicable (N/A))*

Name (signature)	Address	Business (B) Residence (R)	Question 1 Yes	Question 1 No	Question 2 Yes	Question 2 No	N/A	Date
[illegible]	506 S Road Mack	B/R	X		X			4/14/21
[illegible]	785 S 1/2 Rd Mack			X	X			4/14/21
[illegible]	1307 13 Road Loma	R		X	X			4/14/21
[illegible]	1336 M ½ Rd	B		X	X			4/14/21
[illegible]	[illegible]	B		X	X			4/14/21
[illegible]	138 ½ Mantle	B/R	X		X			4-14-21
[illegible]	1942 K RD	R		X	X			4-14-21
[illegible]	1215 18 Rd	R		X	X			4/14/21
[illegible]	1681 15 Rd	R	X		X			4/14/21
[illegible]	840 Jasper Drive	R		X	X			4/14/21
[illegible]	1518 M Road	R		X	X			APR 14/21
[illegible]	540 Juniper St	R		X	X			4/14/21
[illegible]	1287 19 Rd	R		X	X			4/14/21
	1973 N Rd	R		X	X			4/14/21

Question 1. *I believe the reasonable requirements of the neighborhood are already being met by other existing outlets. (Yes or No)*

As an inhabitant who resides in the neighborhood for more than six month each year:

Question 2. *It is my desire that the license be issued. (Yes or No or Not Applicable (N/A))*

Name (signature)	Address	Business (B) Residence (R)	Question 1 Yes	Question 1 No	Question 2 Yes	Question 2 No	N/A	Date
[illegible]	1386 G Rd	R/B		X	X			4/15/21
[illegible]	1459 14 Rd.	B		X	X			4/15/21
[illegible]	1223 13 Rd	R/B		X	X			4/15/21
[illegible]	1236 L Rd	R/B		X	X			4-15-21
[illegible]	1133 Laurel Ct	R		X	X			4/15/21
[illegible]	1158 W Paradise Way	R		X	X			4-15-21
[illegible]	1158 W. Paradise Way	R		X	X			4-15-21
[illegible]	1215 Main St	R		X	X			4-15-21
[illegible]	1026 MacLaren Ave	R		X	X			4-15-21
[illegible]	1960 [illegible]	R		X	X			4-15-21
[illegible]	1417 Aquarius Ave	R		X	X			4-15-21
[illegible]	1329 G Rd	R		X	X			4-15-21
[illegible]	1142 E. Carolina Ave	R		X	X			4-15-21
[illegible]	1847 7Rd Mack	R		X	X			4/19/21
[illegible]	1068 Highland Ave	R		X	X			4-19-21
[illegible]	962 18 Rd	R		X	X			4-19-21
[illegible]	792 R Rd	R		X	X			4-19-21
[illegible]	1640 17 Rd	R		X	X			4-20-21
[illegible]	1574 P Rd	R		X	X			4-20-21
[illegible]	2038 Pawn Dr	R		X	X			4-20-21
[illegible]	844 30 1/2 Rd	R		X	X			4/20/21
[illegible]	2992 Fenwick Ln	R		X	X			4/20/21

AFFIDAVIT OF
CIRCULATOR

I, Chris Gillespie, who resides at 715 Tamarac Way Grand Jct, CO
(print name) (print address)

do hereby certify that:

I circulated the foregoing survey for a Off Premise - Retail Fermented Malt Bev.
(print type of license)

Liquor license application within the area described as the neighborhood, on the date(s) of 4/14 - 4/15 - 4/19 - 4/20, 2021, and that;

I personally witnessed each signature appearing on the petition.

To the best of my knowledge and belief, each of the person signing was, at the time of signing, an owner of the property in the neighborhood, an employee or business lessee of property in the neighborhood for more than six (6) months each year, and;

Each person who signed the petition represented him/herself to be 21 years of age or older and;

Each person who signed the petition were not paid and will not be paid, directly or indirectly, any money or other thing of value for the purpose of inducing or causing signature of this survey. I also hereby affirm that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was completely free and voluntarily given.

Circulator

STATE OF COLORADO)
) SS.
COUNTY OF MESA)

Subscribed and sworn to before me this 21 day of April, 2021.

MELANIE L. HATCH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20194007562
My Commission Expires February 22, 2023

Melanie L. Hatch
Notary Public

February 22, 2023
My commission expires

FRUITA
COLORADO

NEIGHBORHOOD DEFINED

DATE: **February 1, 2019**

The Fruita City Council amended the "neighborhood" definition for purposes of surveys for new liquor license applications at their regular meeting of October 5, 1999. The neighborhood is now defined as the 201 Boundary, with the east border of the 201 Boundary located north of the Colorado River extended from 19 Road to 20 Road. The map below indicates the boundary of the neighborhood.

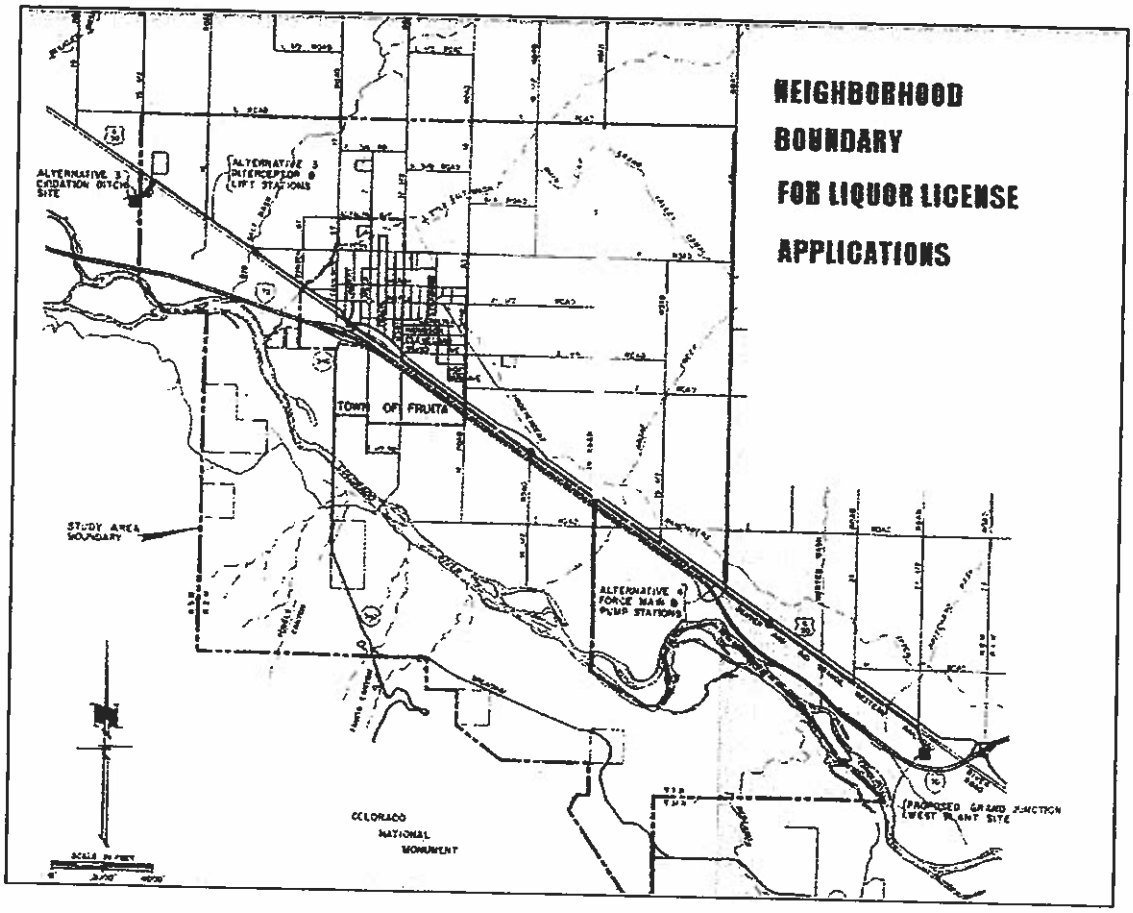


EXHIBIT
G

- **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.

DR 8403 (09/25/19)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
(303) 205-2300

Colorado Fermented Malt Beverage License Application

☒ New License ☐ New-Concurrent ☐ Transfer of Ownership

- **All answers must be printed in black ink or typewritten**
- **Applicant must check the appropriate box(es)**
- **Local license fee $** 1,000 00
- **Applicant should obtain a copy of the Colorado Liquor and Beer Code:** *www.colorado.gov/enforcement/liquor*

1. Applicant is applying as a/an

☐ Corporation ☐ Partnership (includes Limited Liability and Husband and Wife Partnerships)

☐ Individual ☐ Limited Liability Company ☒ Association or Other

2. Applicant(s) If an LLC, name of LLC; if partnership, at least 2 partners' names; if corporation, name of corporation		FEIN
Fruita Consumers Cooperative Association		84-0207895
2a. Trade Name of Establishment (DBA)	State Sales Tax No. 00403589-0001	Business Telephone 970-858-3667

3. Address of Premises (specify exact location of premises)
1650 Highway 6 & 50

City	County	State	ZIP Code
Fruita	Mesa	CO	81521

4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
1650 Highway 6 & 50	Fruita	CO	81521

5. Email Address
chris@fruitacoop.com

6. If the premises currently has a liquor or beer license, you MUST answer the following questions

Present Trade Name of Establishment (DBA)	Present State License No.	Present Class of License	Present Expiration Date

Section A Nonrefundable Application Fees

- ☐ Application Fee for New License $1,550.00
- ☒ Application Fee for New License - w/Concurrent Review $1,650.00
- ☐ Application Fee for Transfer $1,550.00

Section B Fermented Malt Beverage Beer License Fees

- ☐ Retail Fermented Malt Beverage On-Premises (City) $96.25
- ☐ Retail Fermented Malt Beverage On-Premises (County) $117.50
- ☒ Retail Fermented Malt Beverage Off-Premises (City) $96.25
- ☐ Retail Fermented Malt Beverage Off-Premises (County) $117.50
- ☐ Retail Fermented Malt Beverage On/Off-Premises (City) $96.25
- ☐ Retail Fermented Malt Beverage On/Off-Premises (County) $117.50
- ☐ Master File Location Fee ..... $25.00 x _____ To _____
- ☐ Master File Background ..... $250.00 x _____ Total _____

Questions? Visit *www.colorado.gov/enforcement/liquor* **for more information**
Do Not Write In This Space - For Department Of Revenue Use Only

Liability Information

License Account Number	Liability Date:	License Issued Through: (Expiration Date)	**Total** $

Application Documents Checklist and Worksheet

Instructions: This check list should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

Questions? Visit: *www.colorado.gov/enforcement/liquor* **for more information.**

Items Submitted, Please Check all Appropriate Boxes Completed or Documents Submitted

I. Applicant Information

- ☒ A. Applicant/Licensee identified
- ☒ B. State sales tax license number listed or applied for at time of application
- ☒ C. License type or other transaction identified
- ☒ D. Submit originals to local authority
- ☐ E. Additional information required by the local licensing authority

II. Diagram of the Premises

- ☒ A. No larger than 8 1/2" X 11"
- ☒ B. Dimensions included (does not have to be to scale). Exterior areas should show control (fences, walls, etc.)
- ☒ C. Separate diagram for each floor (if multiple levels)
- ☒ D. Bold/Outlined licensed premises

III. Proof of Property Possession (One Year Needed)

- ☒ A. Deed in name of the applicant ONLY (or) (matching question #2) date stamped/filed with County Clerk
- ☐ B. Lease in the name of the applicant ONLY (matching question #2)
- ☐ C. Lease Assignment in the name of the applicant (ONLY) with proper consent from the Landlord and acceptance by the applicant
- ☐ D. Other agreement if not deed or lease

IV. Background Information (DR 8404-I) and Financial Documents

- ☒ A. Individual History Record(s) (Form DR 8404-I) Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members)
- ☒ B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved state vendor. Master File applicants submit results to the State.

  The Vendors are as follows:
  IdentoGO – *https://uenroll.identogo.com/*
  Phone: (844) 539-5539 (toll-free)
  IdentoGO FAQs: *https://www.colorado.gov/pacific/cbi/identification-faqs*

  Colorado Fingerprinting – *http://www.coloradofingerprinting.com*
  Appointment Scheduling Website: *http://www.coloradofingerprinting.com/cabs/*
  Phone: (720) 292-2722
  Toll Free: (833) 224-2227
- ☒ C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license
- ☒ D. List of all notes and loans.

V. Sole Proprietor/Husband and Wife Partnership (if applicable)

- ☐ A. Form DR 4679
- ☐ B. Copy of State Issued Driver's License or Identification Card for each Applicant

VI. Corporate Applicant Information (If Applicable)

- ☐ A. Certificate of Incorporation
- ☐ B. Certificate of Good Standing
- ☐ C. Certificate of Authorization if foreign corporation (out of state applicants only)

VII. Partnership Applicant Information (If Applicable)

- ☐ A. Partnership Agreement (general or limited).
- ☐ B. Certificate of Good Standing

VIII. Limited Liability Company Applicant Information (If Applicable)

- ☐ A. Copy of Articles of Organization
- ☐ B Certificate of Good Standing
- ☐ C. Copy of Operating Agreement (if applicable)
- ☐ D. Certificate of Authorization if foreign LLC (out of state applicants only)

	Yes	No
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?	☐	☒
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):		
(a) been denied an alcohol beverage license?	☐	☒
(b) had an alcohol beverage license suspended or revoked?	☐	☒
(c) had interest in another entity that had an alcohol beverage license suspended or revoked?	☐	☒
If you answered yes to 8a, b or c, explain in detail on a separate sheet		
9. Has a Fermented Malt Beverage license for the premises to be licensed been denied within the preceding one year? If "yes," explain in detail.	☐	☒
10. Is the proposed Retail Fermented Malt Beverage Off Premises license within 500 feet of any public or parochial school, the principal campus of any college, university, or seminary? NOTE: The distances are to be computed using the methods outlined under C.R.S. 44-3-313(1)(d)(II). Some limited exceptions apply under C.R.S. 44-3-313.	☐	☒
11. Is the proposed Retail Fermented Malt Beverage Off Premises license, or On/Off premises license, within 500 feet of a Retail Liquor Store licensed under section 44-3-409 C.R.S.? Distance should be determined using guidelines outlined in 44-3-301(12)(c) C.R.S.	☐	☒
12. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	☐	☒
13. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?	☒	☐

☒ Ownership ☐ Lease ☐ Other (Explain in Detail) _____

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord	Tenant	Expires
NA	NA	

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 12. ☐ ☒

c. Attach a diagram or designate the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

14. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest
na				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest
na				

Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

15. Name of Manager(s) for all on premises applicants.

Last Name	First Name	Date of Birth
Gillaspie	Christopher	[redacted]

16. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. ☐ ☒

17. Tax Information.

	Yes	No
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?	☐	☒
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?	☐	☒

18. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment to be fingerprinted by an approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.

Name	Home Address, City & State	Date of Birth	Position	% Owned
Christopher Gillaspie	715 Ivanhoe Way, Grand Junction, CO 81506	[redacted]	President	0
(Daryl) Kim Albertson	1376 20 Rd, Fruita, CO 81521	[redacted]	Director	0
Brad Brophy	3916 Hickman Rd, Palisade, CO 81526	[redacted]	Sec/Treas	0

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.

** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)

** If total ownership percentage disclosed here does not total 100%, applicant must check this box: ☒

Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

Oath of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature	Printed Name and Title	Date
	Christopher Gillaspie - President and CEO	4/19/2021

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing – for new license applicants cannot be less than 30 days from date of application 44-3-311(1) C.R.S.
APRIL 22, 2021	

Each person required to file DR 8404-I has been:

☐ Fingerprinted

☐ Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license.

(Check One)

☐ Date of Inspection or Anticipated Date _____

☐ Upon approval of state licensing authority

☐ New Fermented Malt Beverage Off Premises licenses, and On/Off Premises licenses, distance requirements of 44-3-301 C.R.S. are satisfied

☐ New Fermented Malt Beverage On/Off premises licenses must meet the qualifications of 44-4-104 C.R.S.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S. and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority for		Telephone Number	
The City of Fruita		(970) 858-3663	☑ Town, City ☐ County
Signature	Printed Name	Title	Date
	JOEL KINCAID	MAYOR	
Signature (attest)	Printed Name	Title	Date
	MARGARET SELL	CITY CLERK	

DR 8495 (07/23/19)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division

Tax Check Authorization, Waiver, and Request to Release Information

I, Christopher Gillaspie am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Fruita Consumer Cooperative Association (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

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

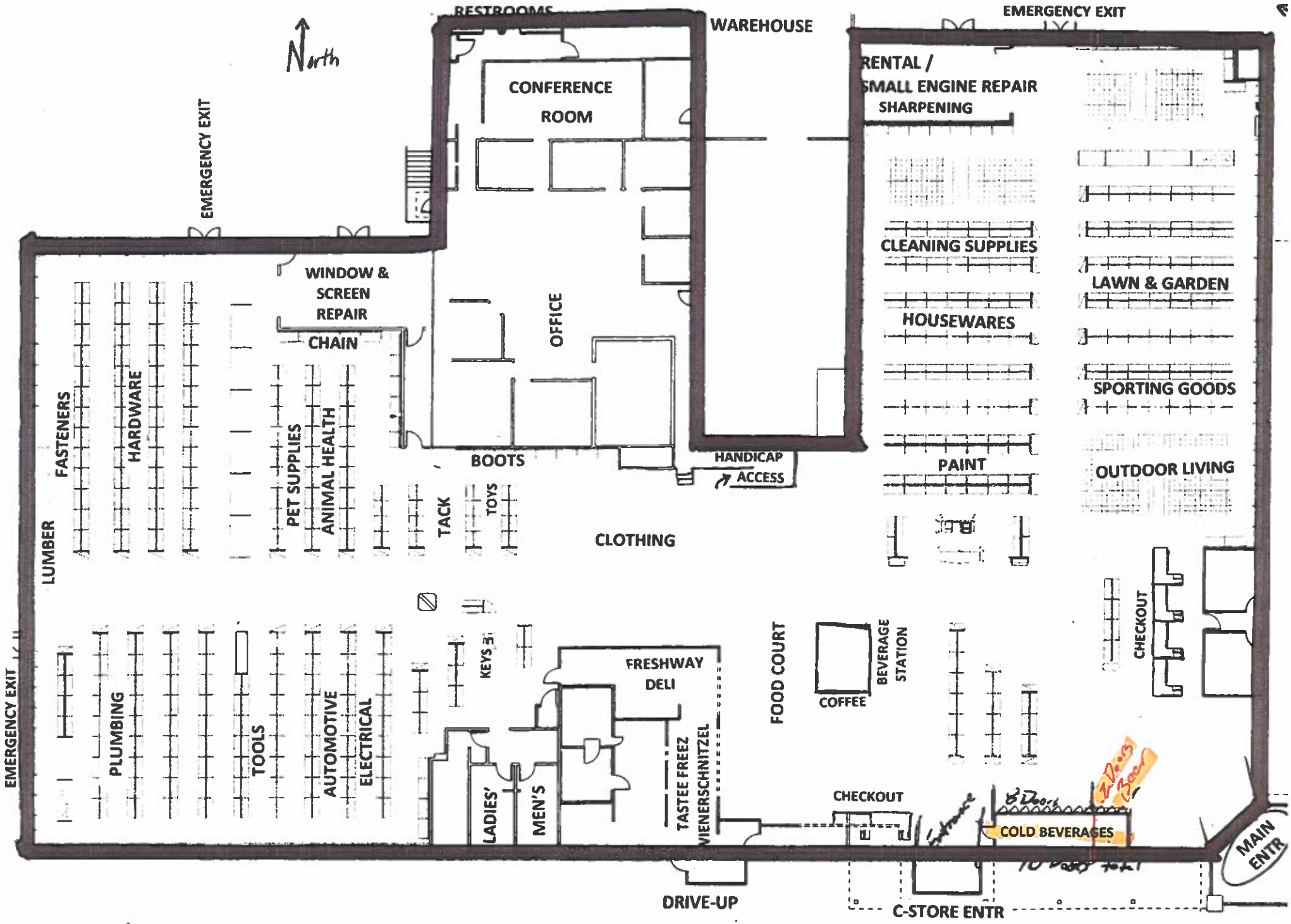
The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation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

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) Fruita Consumer Cooperative Association	Social Security Number/Tax Identification Number 84-0207895	
Address 1650 Highway 6&50		
City Fruita	State CO	Zip 81521
Home Phone Number 970-986-5349	Business/Work Phone Number 970-858-3667	
Printed name of person signing on behalf of the Applicant/Licensee Christopher Gillaspie		
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information)		Date signed 4/19/2021

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).


North
RESTROOMS
WAREHOUSE
EMERGENCY EXIT
CONFERENCE ROOM
RENTAL / SMALL ENGINE REPAIR
SHARPENING
EMERGENCY EXIT
WINDOW & SCREEN REPAIR
CHAIN
OFFICE
CLEANING SUPPLIES
LAWN & GARDEN
HOUSEWARES
SPORTING GOODS
FASTENERS
HARDWARE
PET SUPPLIES
ANIMAL HEALTH
BOOTS
HANDICAP ACCESS
PAINT
OUTDOOR LIVING
TACK
TOYS
CLOTHING
LUMBER
CHECKOUT
KEYS
FRESHWAY DELI
FOOD COURT
COFFEE
BEVERAGE STATION
EMERGENCY EXIT
PLUMBING
TOOLS
AUTOMOTIVE
ELECTRICAL
LADIES'
MEN'S
TASTEE FREEZ
VIENERSCHNITZEL
CHECKOUT
COLD BEVERAGES
MAIN ENTR
DRIVE-UP
C-STORE ENTR

FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

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

DATE: **JUNE 1, 2021**

RE: **SPECIAL EVENT LIQUOR PERMIT APPLICATION - APPROVING A SPECIAL EVENT LIQUOR PERMIT APPLICATION FOR THE FRUITA ROTARY CLUB SERVE BEER AT THE PARTNERS OF MESA COUNTY CORNHOLE TOURNAMENT FUNDRAISER IN CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVENUE ON SATURDAY, JUNE 12, 2021 FROM 2:30 TO 8:30 PM**

BACKGROUND

The Fruita Rotary Club has filed an application for a Special Events Liquor Permit to serve beer during the Partners of Mesa County Cornhole Tournament fundraiser on Saturday, June 12, 2021 from 2:30 to 8:30 p.m. in Civic Center Memorial Park located at 325 E. Aspen Avenue.

State law allows local chambers to apply for a special events liquor permit, and the Fruita City Council adopted Resolution 2011-32, which authorizes the Local Licensing Authority to issue Special Events Permits to qualifying organizations and political candidates without sending the application to the State Authority for approval.

The City of Fruita requires that the applicant submit a narrative addressing specific issues related to the special events permit. The Police Department has reviewed the application and has no concerns or additional requirements for the event. The application, narrative, diagram, and Fruita Police Department comments are attached.

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

FISCAL IMPACT

None

APPLICABILITY TO CITY GOALS AND OBJECTIVES

None

OPTIONS AVAILABLE TO THE COUNCIL

1. Approval of the special events permit for the Partners of Mesa County Cornhole Tournament fundraiser

2. Denial of the special events permit

RECOMMENDATION

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

APPROVE THE APPLICATION FOR A SPECIAL EVENTS PERMIT FOR THE FRUITA ROTARY CLUB TO SERVE BEER AT THE PARTNERS OF MESA COUNTY CORNHOLE TOURNAMENT FUNDRAISER IN CIVIC CENTER MEMORIAL PARK LOCATED AT 325 E. ASPEN AVE. ON SATURDAY, JUNE 12, 2021 FROM 2:30 TO 8:30 PM

SUBJECT TO THE FOLLOWING CONDITIONS:

1. **ROTARIANS WILL MONITOR THE ENTRANCES, EXITS AND PERIMETERS OF THE LICENSED AREAS TO ENSURE THAT NO ALCOHOL IS BROUGHT INTO OR OUT OF THE LICENSED AREAS.**

2. **ALL OTHER PROCEDURES PRESENTED BY THE FRUITA ROTARY CLUB WILL BE FOLLOWED.**

3. **THE FRUITA ROTARY CLUB WILL BE SOLELY RESPONSIBLE FOR THE ENFORCEMENT OF LIQUOR LAWS.**

DR 8439 (06/28/06)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1375 SHERMAN STREET
DENVER CO 80261
(303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	
2110 ☑	MALT, VINOUS AND SPIRITUOUS LIQUOR	$25.00 PER DAY
2170 ☐	FERMENTED MALT BEVERAGE (3.2 Beer)	$10.00 PER DAY

DO NOT WRITE IN THIS SPACE
LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
Fruita Rotary Club

State Sales Tax Number (Required)
27-15995-0000

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)
PO Box 471
Fruita, CO 81521

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP)
325 E Aspen Ave
Fruita, CO 81521

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Abby Landmeier	4/22/86	406 Ridges Blvd, #30, Grand Junction 815	970-210-4276
5. EVENT MANAGER Lou Mudd	1/16/1955	126 S Maple St Frutia, CO 81521	970-201-4881

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

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

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

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

Date	Date	Date	Date	Date
6/12/2021				
Hours From 2:30pm .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To 8:30pm .m.	To .m.	To .m.	To .m.	To .m.

OATH OF APPLICANT

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

SIGNATURE	TITLE	DATE
Lou Mudd	Event Manager	5/11/21

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

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

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)		TELEPHONE NUMBER OF CITY/COUNTY CLERK
The City of Fruita	☑ CITY ☐ COUNTY	(970) 858-3663

SIGNATURE	TITLE	DATE
	JOEL KINCAID, MAYOR	

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

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	$

(Instructions on Reverse Size)

Partners of Mesa County
Corn Hole tournament
June 12, 2021 2:30pm to 8:30pm
Special Event Permit Narrative

Partners of Mesa County is sponsoring a Corn Hole Tournament and Fruita Rotary Club has been asked to provide beer service during the event. Fruita Rotary has served beer at many events and festivals in Fruita with a good track record. The beer we serve will come from one of our local brewerys and will be poured into plastic cups from kegs.

1) Description: This event is a fundraiser for Partners. There will be 40 - 2 person corn hole teams, for a total of 80 participants.

2) Security: Rotary Club members will monitor entrances to the licensed area to make sure no alcohol enters or exits the area. Signs will be posted along the perimeter indicating that no alcohol can be brought into or exit the area.

3) Crowd Control: Rotarians will monitor patrons and the consumption of alcohol to prevent any patrons from becoming overly intoxicated, and stop serving anyone who is intoxicated. Fruita PD will be notified if any activity escalates beyond the control of Fruita Rotary Club.

4) Fencing/Barriers: The licensed area as marked on the attached map will be enclosed by metal fencing.

5) Toilets: If Partners does not procure a room in the Civic Center for participants access to restrooms then Porta-Potties will be located near the north side of the fenced area.

6) Signage: Signs will be posted at each entrance/exit indicating no alcohol allowed into or out of the licensed premise.

7) ID's: ID's will be checked by Fruita Rotary members and issued a wristband indicating that their ID has been checked for legal consumption age. Only persons with a valid ID showing proof of age will be served.

8) Many Fruita Rotarians have been TIPS trained and will be present at this event.

9) Trash: Trash receptacles will be available throughout the park including within the licensed area.

10) Food: there will be a food truck available for participants to purchase food at this event, or Fruita Rotary will have snacks available at the beer booth.

Partners Cornhole Tournament

5/10/2021, 3:01:38 PM

Aspen Ave.

1:282

0 0 0.01 0.01 mi

0 0 0.01 0.02 km

County of Mesa, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Approximately 500' of metal fencing is available to enclose the licensed area. The perimeter of the beer garden will be 120'x120' or similar area. In order to allow participants to have a beer while playing some of the cornhole pads may be set up in the fenced beer garden.

Web AppBuilder for ArcGIS

County of Mesa, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | CAK, MNH |

Fruita Police Department

Chief David Krouse

157 S. Mesa St
Fruita, CO 81521

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

To: Debra Woods
From: Dave Krouse, Chief of Police
Date: May 13, 2021
Re: 2021 Partners Cornhole Tournament Special Event Liquor Permit

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

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

Debra Woods

From: Tom Casal
Sent: Tuesday, May 18, 2021 8:47 AM
To: Debra Woods
Subject: RE: Partners of Mesa County Corn Hole Tournament

Hi Deb,

The Fruita Rotary has permission to serve alcohol at Civic Center Park in conjunction with the Partners Corn Hole Tournament. We do not have the park permit, as they are going through the special event process.

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

FRUITA
COLORADO
PARKS & RECREATION

From: Debra Woods <dwoods@fruita.org>
Sent: Thursday, May 13, 2021 4:45 PM
To: Tom Casal <tcasal@fruita.org>
Subject: Partners of Mesa County Corn Hole Tournament

Tom,
Could I please get a copy of the signed Parks & Trails permit for the Rotary to use Civic Center Memorial Park for the Corn Hole Tourney on June 12th?
Thank you!

Deb Woods
Deputy City Clerk
City of Fruita
325 E. Aspen Ave.
Fruita, CO 81521
(970) 858-3663
dwoods@fruita.org

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 5/11/21

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

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

PRODUCER
Arthur J. Gallagher Risk Management Services, Inc.
2850 Golf Road
Rolling Meadows IL 60008

CONTACT NAME: Ali Sulita
PHONE (A/C, No, Ext): 1-833-3ROTARY
FAX (A/C, No): 630-285-4062
E-MAIL ADDRESS: rotary@ajg.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Lexington Insurance Company	19437
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
All Active US Rotary Clubs & Districts
Fruita Rotary Club
ATTN: Risk Management Dept.
1560 Sherman Ave.
Evanston, IL 60201-3698

COVERAGES **CERTIFICATE NUMBER:** 899307648 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	Y		015375594	7/1/2020	7/1/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$2,000,000 $500,000 $ $2,000,000 $4,000,000 $4,000,000 $
A	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY			015375594	7/1/2020	7/1/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$2,000,000 $ $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			NOT APPLICABLE			EACH OCCURRENCE AGGREGATE $	$ $ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N / A		NOT APPLICABLE			PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

CERTIFICATE HOLDER
City of Fruita, 325 E Aspen Ave, Fruita, CO 81521

Fruita Rotary Club - Partners of Mesa County - Cornhole Tournament
June 12, 2021 - Civic Center Park

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

AUTHORIZED REPRESENTATIVE

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AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

FROM: **MIKE BENNETT, CITY MANAGER**

DATE: **JUNE 1, 2021**

RE: **DISCUSSION AND POSSIBLE ACTION TO RESCHEDULE THE AUGUST 24, 2021 CITY COUNCIL WORKSHOP TO AUGUST 31, 2021**

BACKGROUND

The Mesa County Commissioners have set up several Town Hall meetings in the Grand Valley this summer and requested to schedule the City of Fruita's Town Hall event for August 24, 2021. It will be held in the Council Chambers at the Fruita Civic Center at 325 E. Aspen Ave., 2nd Floor.

Since August 24, 2021 is the date for the Council's usual monthly workshop session, and since there are five Tuesdays in August, staff is proposing that the Council reschedule the August Workshop meeting from August 24th to August 31st at 6:30 so that the Mayor and City Council members may attend the Mesa County Commissioners' Town Hall in Fruita on August 24, 2021.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Not applicable.

OPTIONS AVAILABLE TO COUNCIL

- Reschedule the City Council August 24, 2021 workshop to August 31, 2021
- Take no action and maintain the August 24th date for the August City Council workshop.

RECOMMENDATION

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

- **RESCHEDULE THE AUGUST 24, 2021 CITY COUNCIL WORKSHOP TO AUGUST 31, 2021 AT 6:30 PM**