CITY COUNCIL REGULAR MEETING

Fruita Civic Center
Tuesday, July 19, 2022 at 7:00 PM

AGENDA

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

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

A. PROCLAMATION - Proclaiming August 1 - 7, 2022 as the "4th Annual Interfaith Awareness Week" in the City of Fruita to be accepted by Carlene Goldthwaite, Vice President of the Grand Valley Interfaith Network

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 June 20, 2022 regular City Council meeting

B. MINUTES - A request to approve the minutes of the June 28, 2022 City Council workshop meeting

C. MINUTES - A request to approve the minutes of the July 5, 2022 regular City Council meeting

D. LIQUOR LICENSE RENEWAL - A request to approve the renewal of a Beer and Wine - Malt and Vinous liquor license for Munchies Pizza & Deli located at 550 Kokopelli Blvd.

E. LIQUOR LICENSE RENEWAL - A request to approve the renewal of a Hotel and Restaurant - Malt, Vinous and Spirituous liquor license for Dragon Treasure located at 576 Kokopelli Blvd.

F. BOARDS AND COMMISSIONS APPOINTMENT - A request to approve the appointment of Johanna van Waveren to the Fruita Tourism Advisory Council (FTAC) for a three-year term to expire in July of 2025

G. ORDINANCE 2022-17, FIRST READING, An introduction of an Ordinance annexing approximately 4.99 acres of property located at 1834 J Road into the City of Fruita for public hearing on August 16, 2022 ***(Latigo Annexation)***

H. ORDINANCE 2022-18, FIRST READING, An introduction of an Ordinance amending the Official Zoning Map by zoning approximately 4.99 acres located at 1834 J Road to a Community Residential zone for public hearing on August 16, 2022 ***(Latigo Zoning)***

I. ORDINANCE 2022-19, FIRST READING, An introduction of an Ordinance annexing approximately 15.05 acres of property located at 1024 19 Road into the City of Fruita for public hearing on August 16, 2022 ***(Adeles Annexation)***

J. ORDINANCE 2022-20, FIRST READING, An introduction of an Ordinance amending the Official Zoning Map by zoning approximately 15.05 acres of property located at 1024 19 Road to a Community Residential zone for public hearing on August 16, 2022 ***(Adeles Zoning)***

K. HISTORIC PRESERVATION BOARD – Notice of Award to Merge 2 Media to print 5,000 copies of the *Fruita Walking Tour* brochure

L. FINANCIAL REPORTS – A request to approve the June 2022 Financial Reports

7. PUBLIC HEARINGS

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

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

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

QUASI-JUDICIAL – Quasi-judicial public hearings are held when the City Council is acting in a judicial or judge like manner and a person with a legitimate interest is entitled to an impartial decision made on the basis of information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of

the City Council) outside of the Public Hearings and meetings on the subject application. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:

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

A. QUASI-JUDICIAL HEARINGS

1) NEW LIQUOR LICENSE APPLICATION - A request to approve a new Brew Pub Liquor License - Malt, Vinous and Spirituous for Base Camp Provisions, LLC dba Base Camp Provisions located at 155 N. Mulberry Street (formerly JD's Bar) - *Deputy City Clerk Deb Woods*

B. LEGISLATIVE HEARINGS

1) RESOULTION 2022-19, A Resolution of the Fruita City Council finding approximately 4.99 acres of property located at 1834 J Road eligible to be annexed into the City of Fruita ***(Latigo Annexation)*** - *City Planner Henry Hemphill*

2) RESOULTION 2022-20, A Resolution of the Fruita City Council finding approximately 15.05 acres of property located at 1024 19 Road eligible to be annexed into the City of Fruita ***(Adeles Annexation)*** - *City Planner Henry Hemphill*

3) ORDINANCE 2022-15 – SECOND READING – An Ordinance granting a franchise to Public Service Company of Colorado for the right to use streets and other property for the transportation and distribution of gas and electricity in the City - *Finance Director/City Clerk Margaret Sell*

4) ORDINANCE 2022-16 – SECOND READING – An Ordinance granting a franchise to Grand Valley Rural Power Lines, Inc., for the right to use streets and other property for the distribution of electricity in the City - *Finance Director/City Clerk Margaret Sell*

8. ADMINISTRATIVE AGENDA

A. AUDITOR'S REPORT ON 2021 FINANCIAL STATEMENTS - *Chadwick, Steinkirchner, Davis & Co., PC Director of Audit Services Lisa Hemann*

B. COLORADO OPIOID SETTLEMENT MONIES – Discussion and possible action concerning the distribution of Colorado Opioid Settlement monies - *Fruita Chief of Police Dave Krouse*

9. CITY MANAGER'S REPORT

10. COUNCIL REPORTS AND ACTIONS

11. ADJOURN

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