CITY COUNCIL REGULAR MEETING

Fruita Civic Center
Tuesday, April 18, 2023 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. This agenda is for informational purposes only and items may be added or deleted at the discretion of the City Council. An executive session may be requested for any item appearing on the agenda.

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – Fruita Teachers/Students of the Month for April 2023: Fruita 8/9 School

B. PROCLAMATION - Celebrating and in recognition of the 50th Anniversary of Mesa County Retired & Senior Volunteer Program (RSVP), Inc. and the volunteers of the Grand Valley to be accepted by Dave Carlo, Executive Director of Mesa County RSVP, Inc.

C. PROCLAMATION - Proclaiming April 29, 2023 as "High School Military Commitment Recognition Day" in the City of Fruita to be accepted by Kristy Hale and fellow board members of Western Slope Blue Star Mothers

D. PROCLAMATION - Proclaiming April 28, 2023 as "Arbor Day" in the City of Fruita to be accepted by Parks and Recreation Director Marc Mancuso

E. PRESENTATION - Historic Preservation Board Update by City Planner Henry Hemphill

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 March 28, 2023 City Council Workshop Meeting

B. MINUTES - A request to approve the minutes of the April 4, 2023 Regular City Council meeting

C. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Retail Liquor Store License – Malt, Vinous & Spirituous for Soeng, LLC dba Jackalope Liquors located at 404 Jurassic Ave, Unit B

D. RESOLUTION 2023-09, A Resolution of the Fruita City Council setting a hearing date for June 6, 2023, to determine the eligibility of annexation of approximately 6.6 acres of property located at 1824 J 2/10 Road to be annexed into the city limits and consider initiation of annexation procedures ***(1824 J 2/10 Road Annexation)***

E. ORDINANCE 2023-04 - FIRST READING - An introduction of an Ordinance annexing approximately 6.6 acres of property located at 1824 J 2/10 Road into the City of Fruita for public hearing on June 6, 2023 ***(1824 J 2/10 Road Annexation)***

F. ORDINANCE 2023-05 - FIRST READING - An introduction of an Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 6.6 acres of property located 1824 J 2/10 Road to a Community Residential zone for public hearing on June 6, 2023 ***(1824 J 2/10 Road Rezone)*** - *City Planner Henry Hemphill*

G. CITY ATTORNEY ENGAGEMENT LETTER – A request to approve a revised engagement letter with Garfield and Hecht as the City Attorney

H. FINANCIAL REPORTS – A request to approve the March 2023 Financial Reports

7. PUBLIC HEARINGS

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

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

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

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

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

A. QUASI-JUDICIAL HEARINGS

1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A request to approve an application from the Fruita Area Chamber of Commerce to provide a beer garden at the Lower Valley Fire Cornhole Tournament fundraiser to be held on Saturday, April 22, 2023 from 2:00 to 6:00 p.m. at the Fruita Civic Center Memorial Park located at 325 E. Aspen Ave. - *Deputy City Clerk Deb Woods*

2) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A request to approve an application from the Fruita Area Chamber of Commerce to sell and serve beer and wine at Fruita Fourth Fridays to be held on April 28, 2023, May 26, 2023, June 23, 2023 and July 28, 2023 from 5:00 to 9:00 p.m. on all four nights at FARM located at 160 S. Park Square - *Deputy City Clerk Deb Woods*

3) RESOLUTION 2023-08 - A Resolution of the Fruita City Council finding approximately 3.4 acres of property located at 1806 J 3/10 Road eligible to be annexed into the City of Fruita ***(Berg Annexation)*** *– City Planner Henry Hemphill*

4) ORDINANCE 2023-02 – Second Reading - Annexing approximately 3.4 acres of property located at 1806 J 3/10 Road into the City of Fruita ***(Berg Annexation)*** *– City Planner Henry Hemphill*

5) ORDINANCE 2023-03 - Second Reading - Amending the Official Zoning Map of the City of Fruita by zoning approximately 3.4 acres of property located at the northeast corner of the intersection of J 3/10 Road and J 2/10 Road to a Community Residential zone ***(Berg Rezone)*** *– City Planner Henry Hemphill*

B. LEGISLATIVE HEARINGS

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER'S REPORT

10. COUNCIL REPORTS AND ACTIONS

A. UTE WATER BOARD - Recommendation to the District Court on appointment of Fruita representative to the Ute Water Board

B. RESOLUTION 2023-10 - A Resolution of the City of Fruita in opposition to statewide land use and zoning preemptions in Senate Bill 23-213

C. EXECUTIVE SESSION – To convene in Executive Session for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pursuant to CRS Sec. 24-6-402(4)(e) with regard to the amended and restated contract with Ute Water Conservancy District and receiving legal advice from the City attorney pursuant to CRS Sec. 24-6-402(4)(b) regarding the same

D. EXECUTIVE SESSION – To convene in Executive Session for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pursuant to CRS Sec. 24-6-402(4)(e) with regard to quiet title action entitled Maple Acquisition LLC v. The Estate of Mrs. J.A. Waid, et al., Mesa County District Court Case No. 23CV30055 and receiving legal advice from the City attorney pursuant to CRS Sec. 24-6-402(4)(b) regarding the same

11. ADJOURN

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

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