AGENDA

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

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS
   A. PROCLAMATION - Proclaiming July 2023 as "Parks and Recreation Month" in the City of Fruita to be accepted by Parks and Recreation Director Marc Mancuso

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. RESOLUTION 2023-19 – Adopting the May 31, 2022 Parks, Health, Open Space and Trails Impact Fee Study prepared by TischlerBise
B. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Brew Pub Liquor License – Malt, Vinous and Spirituous (City) for Copper Club Brewing Co. located at 153 N. Mulberry St.

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

D. ONE RIVERFRONT APPOINTMENTS – A request to approve the appointments of Joel Sholtes, Jennifer Reyes, Jane Quimby and Sarah Brooks to the One Riverfront Commission for three-year terms to expire on July 31, 2026 and the appointment of Tom Barry to the One Riverfront Commission for a partial term to expire on July 31, 2024

E. ORDINANCE 2023-07, FIRST READING, An introduction of an Ordinance authorizing the conveyance of water rights and real property of the City referred to as Enoch’s Lake located on Pinon Mesa for publication of public hearing on July 18, 2023 – Public Works Director Kimberly Bullen and City Attorney Mary Elizabeth Geiger

F. ORDINANCE 2023-08, FIRST READING, Introduction of an Ordinance authorizing the conveyance of real property of the City referred to as 2-Acre Parcel located on Pinon Mesa for publication of public hearing on July 18, 2023

G. ORDINANCE 2023-09, FIRST READING, Introduction of an Ordinance authorizing the conveyance of real property of the City referred to as 4.05-Acre Parcel located on Pinon Mesa for public hearing on July 18, 2023

H. ORDINANCE 2023-11, FIRST READING, An introduction of an Ordinance amending certain sections of the Fruita Land Use Code regarding the Subdivision review process for publication of public hearing on July 18, 2023.

I. RESOLUTION 2023-17 - A Resolution of the City Council of the City of Fruita Allowing for Virtual Meetings

J. MEMORAUNDUM OF UNDERSTANDING – City of Fruita and 2 Forks Ventures for development of lagoon property and surrounding property, best described in Exhibit A

K. FINANCIAL REPORTS – A request to approve the May 2023 Financial Reports

L. RESOLUTION 2023-16 - Establishing A Citizen Review Committee to Study the Impacts of the Tabor Amendment on the City of Fruita and Make Recommendations Regarding Proposed Courses of Action

M. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Dorrie Handley to the Historic Preservation Board for a three-year term to expire in June of 2026

N. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Christopher Endreson to the Historic Preservation Board for a three-year term to expire in June of 2026
7. ACKNOWLEDGMENT OF NEWLY APPOINTED OR REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

8. PUBLIC HEARINGS

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

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

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

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

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

I. LEGISLATIVE HEARINGS

1) RESOLUTION 2023-18 - Public Hearing – Amending the 2023 Budget with Supplemental Appropriations of Funds for Emergency Equipment Repair at the Wastewater Reclamation Facility - Assistant City Manager Shannon Vassen

A. QUASI-JUDICIAL HEARINGS

1) SPECIAL EVENT LIQUOR PERMITS APPLICATION – A request to approve an application from the Fruita Rotary Club to provide a beer garden at the Partners of Mesa County Cornhole Tournament on Monday, July 3, 2023 from 3:00 - 9:30 p.m. at Civic Center Memorial Park located at 325 E. Aspen Ave – Deputy City Clerk Deb Woods
9. ADMINISTRATIVE AGENDA

A. RESOLUTION 2023-21 A Resolution of the Fruita City Council of the City of Fruita, Colorado waving Parks, Open Spaces, and Trails impact fees for the Fruita Mews development. - presented by FHA Special Counsel Dee Wisor

B. 2022 FINANCIAL STATEMENTS - Presentation of the 2022 Financial Statements, Fiscal Health Analysis and Auditor’s Report – Finance Director/City Clerk Margaret Sell and Lisa Hemann, Director of Audit Services for Chadwick Steinkirchner, Davis & Co., PC

C. PRESENTATION AND DISCUSSION ON THE REGULATION OF UNMANNED AIRCRAFT SYSTEMS - Proposing draft ordinance language creating a new Chapter in Title 9 of the Fruita Municipal Code to regulate Unmanned Aircraft Systems. - Dan Caris, Planning Director

10. CITY MANAGER’S REPORT

11. COUNCIL REPORTS AND ACTIONS

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

   Instructing negotiators pursuant to CRS 24-6-402(4)(e) with regard to the sale of real property and water rights at Enoch’s Lake pursuant to CRS 24-6-402(4)(a) and receiving legal advice from the City attorney pursuant to CRS 24-6-402(4)(b) regarding the same.

   Discussion of the purchase of real property by the City (the parcels surrounding the Lagoon Property owned by Mesa County) pursuant to CRS 24-6-402(4)(a) and instructing negotiators pursuant to CRS 24-6-402(4)(e) and receiving legal advice pursuant to CRS 24-6-402(4)(b) from the City attorney regarding the same.

   Receiving legal advice regarding the Amended and Restated Agreement with the Ute Water Conservancy District pursuant to CRS 24-6-402(4)(b).

12. RECONVENE INTO REGULAR MEETING (Possible discussion and possible action regarding Executive Session items)

13. 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.