

**FRUITA CITY COUNCIL
REGULAR MEETING
MARCH 17, 2009
7:00 P.M.**

INVOCATION AND PLEDGE OF ALLEGIANCE

**PLEDGE OF ALLEGIANCE FLAG CEREMONY LED BY CUB SCOUT WOLF DEN, PACK 325 OF
FRUITA
(INVITED BY MAYOR HENRY)**

1. CALL TO ORDER AND ROLL CALL

2. AGENDA - ADOPT/AMEND

3. 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 five-minute period.**

4. PROCLAMATIONS AND PRESENTATIONS

5. 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. A Single **Public Hearing** will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also 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 of March 3, 2009 City Council meeting – A request for approval of the minutes
- B.** PARKS AND RECREATION BOARD REAPPOINTMENT - A Request to approve the reappointment of Charles Ackerman to the Parks and Recreation Board for a 3-year term to expire March of 2012
- C.** ROTARY CLUB/BLOCK PARTY – A request to grant a Special Event Liquor Permit to sell Malt, Vinous and Spirituous Liquor at the April 18, 2009 Block Party by the Fruita Rotary Club from 5:00 p.m. to 9:30 p.m. at 201 – 211 E. Aspen Street with the event concluding at 10:00 p.m.

- D.** ROTARY CLUB/FAT TIRE FESTIVAL – A request to grant a Special Event Liquor Permit to sell Malt, Vinous and Spirituous Liquor at the Fat Tire Festival by the Fruita Rotary Club from on April 24th and 25th, 2009 from 12:00 p.m. to 10:30 p.m. at the Fruita Civic Center with patrons being served until 9:30 p.m. and the event concluding at 10:00 p.m.
- E.** ORDINANCE 2009-03 – 2nd Reading - A Request for approval of an Ordinance amending the Gewont Townhomes PUD Control Guide
- F.** ANNUAL PLAN OF ANNEXATION – A request for approval of the Annual Plan of Annexation
- G.** RESOLUTION 2009-18 – A request for approval of the Final Release of the Subdivision Improvements Agreement for the Five Star Crossing Subdivision
- H.** VILLAGE AT COUNTRY CREEK – A request for approval for a time extension to submit the Final Plat for Village at Country Creek Filing #4 Subdivision to September 2, 2009
- I.** BESSERT-PETREE SUBDIVISION - A request for approval for a time extension to record the Final Plat for Bessert-Petree Subdivision to September 17, 2009
- J.** MESA GRAND INDUSTRIAL PARK -
 - RESOLUTION 2009-19 – A Resolution finding approximately 160 acres of property located on both side of 16 Road south of Highway 6 & 50 eligible for annexation and initiating annexation procedures
- K.** 15 ROAD -
 - RESOLUTION 2009-20 - A Resolution finding the existing public right-of-way for 15 Road south of Highway 6 & 50 eligible for annexation and initiating annexation procedures
 - ORDINANCE 2009-05 – An Ordinance annexing the existing public right-of-way for 15 Road south of Highway 6 & 50
- L.** WESTERN SLOPE INDUSTRIAL AND RAIL -
 - RESOLUTION 2009-21 – A Resolution finding approximately 223 acres of property located south of Highway 6 & 50 and west of 15 Road eligible for annexation and initiating annexation procedures
 - ORDINANCE 2009-06 – 1st Reading – An Ordinance annexing approximately 223 acres of property located south of Highway 6 & 50 and west of 15 Road

ORDINANCE 2009-07 – 1st Reading – An Ordinance amending the official zoning map for the City of Fruita and zoning newly annexed property to Limited Industrial and Research and Development

M. WASTEWATER RECLAMATION FACILITY -

RESOLUTION 2009-22 – A Resolution finding approximately 85 acres of property located north of the Colorado River and west of the 15 Road alignment eligible for annexation and initiating annexation procedures

ORDINANCE 2009-08 – 1st Reading – An Ordinance annexing approximately 85 acres of property located north of the Colorado River and west of the 15 Road alignment

ORDINANCE 2009-09 – 1st Reading – An Ordinance amending the official zoning map for the City of Fruita and zoning newly annexed property to Community Services and Recreation

6. PUBLIC HEARINGS

Public Hearings are the formal opportunity for the city council to LISTEN to the public regarding the issue at hand. For land use hearings and liquor license hearings; the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record. The council must base their decision on the law and evidence presented at the hearing.

- 1) **Applicant Presentation** (15 minutes max) 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.
- 2) **Staff presentation** (15 minutes max) Staff will present the comments and reports received from review agencies, and offer a recommendation.
- 3) **Public Input** (limit of 5 minutes per person. If two people in the audience are willing to cede their time to the speaker, that speaker may receive a total of 10 minutes, referred to as banking time). 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.
- 4) **Applicant Rebuttal (limited to 5 minutes)** The mayor will ask for the applicant's rebuttal. During this brief time, the applicant should answer the questions raised by the public.
- 5) **The hearing is then closed to public comments**
- 6) **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.
- 7) **Make a motion.** A member of the city council will make a motion on the issue
- 8) **Discussion on the motion.** The city council may discuss the motion.
- 9) **Vote.** The City Council will then vote on the motion.

7. ADMINISTRATIVE AGENDA

Human Resources Director

- 1) Update to the City Council regarding Health Care Initiative

Community Development Director

- 1) Discussion regarding proposed Sign Code Ordinance

City Clerk/Finance Director

- 1) February 2009 Financial Reports

8. COUNCIL REPORTS AND ACTIONS

9. ADJOURN