

**FRUITA CITY COUNCIL**  
**JUNE 21, 2011**  
**7:00 P.M.**

**1. INVOCATION AND PLEDGE OF ALLEGIANCE**

**2. CALL TO ORDER AND ROLL CALL**

**3. AGENDA - ADOPT/AMEND**

**4. PROCLAMATIONS AND PRESENTATIONS**

**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 five-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. 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** – A request for approval of the minutes from the June 7, 2011 City Council meeting

**B. MAY 2011 FINANCIAL REPORTS** - A request for approval of the May 2011 Financial Reports

**C. RESOLUTION 201-29** – A request to approve a Resolution for a supplemental budget appropriation for the construction and purchase of land for the Lower Little Salt Wash Trail

**D. RESOLUTION 2011-30** – A request to adopt a Resolution for the Colorado Department of Transportation's (CDOT's) permitting the Co-Op grain elevator banners

**7. 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.

- A. **ORDINANCE 2011-09 – Second Reading – A request to adopt an Ordinance of the City of Fruita, Colorado, repealing and reenacting Chapter 5.15 of the Fruita Municipal Code and amending the Fruita Land Use Code, contained in Title 17 of the Fruita Municipal Code, concerning the licensing and regulation of Medical Marijuana Businesses**

## **8. ADMINISTRATIVE AGENDA**

- A. **Community Development Director Dahna Raugh**

ORDINANCE 2011-11 – Second Reading – A request to adopt an Ordinance amending Chapter 33, Animal Regulations of Title 17, Fruita Land Use Code to allow up to six (6) chickens in any zoning district without a Conditional Use Permit

- B. **City Attorney Ed Sands**

- 1) Discussion regarding Ed Sands' memorandum concerning Homeowners' Associations' covenant enforcement

- C. **City Manager Clint Kinney**

- 1) Discussion and possible action to adopt the City of Fruita Economic Development Plan

## **9. COUNCIL REPORTS AND ACTIONS**

## **10. ADJOURN**