

**FRUITA CITY COUNCIL
REGULAR MEETING
JULY 21, 2009
7:00 P.M.**

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- A.** City of Fruita audit presentation given by Finance Director/City Clerk Margaret Steelman

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.** LIQUOR LICENSE RENEWAL – A request to approve the renewal of a 3.2 Percent Beer Retail Liquor License for City Market located at 135 S. Plum
- B.** LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Retail Liquor Store License – Malt, Vinous, and Spirituous for Center Town Liquors located at 136 South Mesa
- C.** BOARDS & COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Bennett Boeschstein to the Historic Preservation Board for a 3-year term to expire in July of 2012
- D.** RESOLUTION 2009-34 – A request to approve the Great Outdoors Colorado (GOCO) Grant Agreement for the Little Salt Wash Project, Phase III, and authorizing the City Manager to execute the Grant Agreement
- E.** RESOLUTION 2009-35 – A request to approve the Final Release of the Subdivision Improvements Agreement (SIA) for Steele Minor Subdivision

- F. RESOLUTION 2009-36 – A request to approve the Final Release of the Subdivision Improvements Agreement (SIA) for Home Loan Subdivision (Walgreen's)
- G. RESOLUTION 2009-37 – A request to approve the First Release of the Subdivision Improvements Agreement (SIA) for Woodland Creek Estates Subdivision

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.

A. WASTEWATER TREATMENT FACILITY -

- 1) Wastewater Treatment Facility Design/Construction Update
- 2) ORDINANCE 2009-06 – SECOND READING – Approving an interim loan agreement with the Colorado Water Resources and Power Development Authority in an amount not to exceed \$5 million at 3.5% APR for the construction of a wastewater treatment facility, sewer collection line and appurtenances

7. ADMINISTRATIVE AGENDA

A. Consideration of the June 2009 Financial Reports

B. Discussion and Possible Action to Consider Resolution 2009-38 Reducing the Appropriations and Budget for the 2009 Fiscal Year

8. COUNCIL REPORTS AND ACTIONS

A. Executive Session (personnel review)

9. ADJOURN