



**FRUITA CITY COUNCIL  
MAY 18, 2021  
7:00 P.M.**

**Public Link to Meeting**

When: May 18, 2021 7:00 PM Mountain Time (US and Canada)

Topic: City Council Meeting – 05/18/21

The link to join the meeting electronically will be posted on 05/18/21 prior to the meeting at <https://www.fruita.org/citycouncil/page/council-meeting-information> or under “Council Meeting Information.” You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting.

**1. CALL TO ORDER AND ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. AGENDA - ADOPT/AMEND**

**4. PROCLAMATIONS AND PRESENTATIONS**

- A. PROCLAMATION** – Proclaiming the week of May 16 – 23, 2021 as “National Public Works Week” in the City of Fruita to be accepted by Fruita Public Works Director Kimberly Bullen

**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 May 4, 2021 Regular City Council Meeting

- B. **BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Mary Midgett to the Board of Adjustments for a three-year term to expire in May of 2024
- C. **BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Aaron Hancey to the Planning Commission as an alternate member to fulfill an unexpired term to expire in June of 2025
- D. **BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Troy Hayes to the Police Commission for a three-year term to expire in May of 2024
- E. **FINANCIAL REPORTS** – A request to approve the April 2021 Financial Reports
- F. **RESOLUTION 2021-13** - A request to approve a resolution incorporating property into the City of Fruita operated and maintained irrigation system (Ash Street Irrigation)
- G. **RESOLUTION 2021-14** – Approving the Final Release of the Subdivision Improvements Agreement for the Brandon Estates Filing 3, Phase 2C Subdivision

## 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 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. **LEGISLATIVE HEARINGS**

- 1) RESOLUTION 2021-12 - A request to approve a Resolution amending the 2021 Annual Budget with a transfer of money between funds and supplemental appropriation of those funds for extension of the N. Maple Sewer and Street improvements project and N Ash Irrigation Line Extension – *City Clerk and Finance Director Margaret Sell*

**B. QUASI-JUDICIAL HEARINGS**

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – CO2UT GRAVEL RACE- A request to approve a Special Event Liquor Permit Application for the Fruita Rotary Club to sell beer on Saturday, May 22, 2021 from 11:30 am to 7:30 pm in Civic Center Memorial Park located at 325 E. Aspen Ave. - *Deputy City Clerk Deb Woods*

**8. ADMINISTRATIVE AGENDA**

- A. Capital Projects Update – *Sam Atkins, City Engineer*
- B. Municipal Court Update – *Judge Daniel Robinson*

**9. CITY MANAGER’S REPORT**

**10. COUNCIL REPORTS AND ACTIONS**

- A. COUNCIL MEETINGS – Discussion and possible action to cancel the May 25, 2021 workshop meeting and schedule a visit to Moon Farm for the City Council on May 25, 2021 at 6:30 pm
- B. COUNCIL REPORTS AND ACTIONS
- C. EXECUTIVE SESSION - Discussion and possible action to consider a motion to convene in Executive Session regarding personnel issues under §24-6-402(4)(F), C.R.S. (Municipal Court Judge informal review) (Judge Robinson will attend virtually) (*Moved from 5/4/21 Council meeting Due to length of Dwell PUD Preliminary Plan Public Hearing*)
- D. EXECUTIVE SESSION - Discussion and possible action to consider a motion to convene in Executive Session pursuant to § 24-6-402(4)(b) and (e), C.R.S. for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators with respect to affordable housing financing and operations

**11. ADJOURN**