

**FRUITA CITY COUNCIL MEETING  
DECEMBER 17, 2024  
7:00 P.M.**

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

Mayor Breman called the regular meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held both in person and with virtual access provided through Zoom.

**Present:**

Mayor Matthew Breman  
Mayor Pro Tem Aaron Hancey  
City Councilor Jeannine Purser  
City Councilor Rich Parrish  
City Councilor Andrea Downs  
City Councilor Amy Miller  
City Councilor James Williams

**Excused Absent:**

None

**City Staff Present:**

Interim City Manager Shannon Vassen  
Executive Assistant to the City Manager Kaydee Lucero  
Communications and Engagement Manager Ciara Amann  
Finance Director Joe Zaher  
City Clerk Deb Woods  
Planning and Development Director Dan Caris  
City Planner Henry Hemphill  
City Attorney Mary Elizabeth Geiger (virtually)

**Also Present:**

Members of the public (in person and virtually)

**2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

Mayor Breman called for a moment of silence for reflection. He then led the Pledge of Allegiance.

**3. AGENDA - ADOPT/AMEND**

Mayor Breman added one item to the agenda, he would like to convene in an Executive Session. Ms. Woods said there were no other additions to the agenda.

- **COUNCILOR PURSER MOVED TO APPROVE THE AGENDA AS AMENDED. COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**4. PROCLAMATIONS AND PRESENTATIONS**

- A. PRESENTATION - A PRESENTATION FROM BARNHART COMMUNICATIONS AND A REQUEST TO APPROVE RESOLUTION 2024-43 – APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR ADVERTISING AND PROMOTION**
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## **SERVICES WITH BARNHART COMMUNICATIONS AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE AGREEMENT**

Communications and Engagement Manager Ciara Amann introduced the presenters and discussed how the City put bids out for a marketing firm, and after discussion and interviews, the City is recommending Barnhart Communications to take over tourism marketing in January 2025.

President of Barnhart Bill Schumacher introduced himself and his team, Account Manager Kim Frederking and Creative Manager Matt Ingwalson. He noted there are other members of the team who will be working with the City who could not make it: Media Director Diana Berry, Social Media Supervisor Janet Jerde, and Public Relations Supervisor Kelly Leathers. He noted that Barnhart has worked in tourism, small and big. One of their key campaigns was #BreckBecause, which drove up tourism in Breckenridge and won an award from the Governor's Office. A current example is Greeley's Got It. Mr. Ingwalson noted that those campaigns were the most pertinent, but they have worked on a great number of other projects. Ms. Frederking said we will get audience insights, a "big idea" campaign, an integrated communications plan, social media ideas, PR outreach, and partnerships from working with them.

Mayor Breman asked if we get the final supporting files for all art as part of the agreement, Mr. Schumacher said yes, the City will have full rights. He also asked if it was the standard 15% for media buying, Mr. Schumacher said they will work with Mr. Vassen and Mrs. Amann for that.

- **COUNCILOR PURSER MOVED TO APPROVE RESOLUTION 2024-43 - APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR ADVERTISING AND PROMOTION SERVICES WITH BARNHART COMMUNICATIONS AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE AGREEMENT. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

### **B. PRESENTATION – PRESENTATION AND A REQUEST TO APPROVE RESOLUTION 2024-46 – AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH 2 FORKS VENTURES FOR “THE LAUNCH” PROJECT (PRESENTED BY DAN CARIS, PLANNING DIRECTOR 7 GAVIN BROOKE, 2 FORKS VENTURES 7 DALTON KELLEY SPECIAL COUNSEL, BUTLER SNOW)**

Mr. Caris introduced “The Launch”, which started in 2017 as an idea and has been changed drastically since then. Now, going into 2025, we are ready to move forward with a private partner and start development. He is joined by Mr. Brooke with 2 Forks Venture (henceforth 2FV) and Mr. Kelley with Butler Snow. In 2023, a due diligence report was completed for feasibility and an MOU with 2FV was codified. In April 2024, the Council along with partners established guiding principles. There are barriers to developing the site, which is why private partnership is so important. Tonight, the Council will be seeing Resolution 2024-46, which will eventually lead us to Ordinance 2025-04, which would allow the agreement to be officially executed.’

Mr. Brooke took the podium to present what the next steps are in the project. He showed maps of the site and explained where each amenity would be going. Mr. Brooke shared a few inspiration photos of how they would like certain areas to look. The goal is to make the river safe to access, while keeping natural features. There would be 860 feet of developed river access and 400 feet of undeveloped access. Mr. Brooke also presented a conceptual timeline: Site Planning in Q3 of 2025, PUD Application in Q4 2025,

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Infrastructure in Q3 2026, First lot Sale in Q1 2027, Phase 1 of Improvements in Q2 2027, Grand Opening in Q1 2029, and the Last Lot Sale in Q1 2036. There will be a report to Council every 60 days. From November 2025 - April 2026, they will have a PUD process that will involve the City and public. This will include workshops and Ordinances.

Mr. Kelley joined online to share more about the resolution up for approval. Ultimately the agreement will establish who is responsible for what and where profits will be divided. There are a few major components, the City will retain title to the offsite improvements and public improvements, the parcel that will be the site for private improvements will be transferred to 2FV, and the third is consideration of what 2FV will contribute under the appraised value from 2023 (roughly \$1.6 million).

Councilor Hancey thanked everyone who has participated in this experience and said he sees this as a huge asset for the City. Mayor Breman said we have a great framework to continue with this project. Councilor Williams asked if the guiding principles were a binding part of the contract, he wants to ensure free river access will always be available to our residents. Mr. Brooke answered the City controls that aspect of the agreement. Mr. Caris said that they put those principles in all documents so that they are reminded of them in all aspects of the project. They are changeable, but there are not any significant changes anticipated.

- **COUNCILOR HANCEY MOVED TO APPROVE A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH 2 FORKS VENTURES FOR “THE LAUNCH” PROJECT. COUNCILOR WILLIAMS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

*At 7:45 p.m, the Council took an eight-minute recess to take photos to celebrate The Launch. The Mayor called the meeting to order at 7:53 p.m.*

## **5. PUBLIC PARTICIPATION AND CONSENT AGENDA**

### **A. PUBLIC COMMENT**

Tessa Bynum came up to the podium to express concern that Fruita Municipal Code 10.04.030 Section 801A, the third item on the consent agenda, was difficult to understand for the general public, and all code should be accessible to the public, so they are well informed on all laws and regulations within the City. She expressed city codes should be clear and understandable to empower everyone, so all residents feel respected and included, which is reflected in Fruita’s values and Strategic Plan.

- B. MINUTES – A REQUEST TO APPROVE THE MINUTES OF NOVEMBER 5, 2024 – REGULAR CITY COUNCIL MEETING**
  - C. MEMORANDUM OF UNDERSTANDING – A REQUEST TO APPROVE THE REVISED MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRUITA AREA CHAMBER OF COMMERCE**
  - D. ORDINANCE 2025-02 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 10.04 OF THE FRUITA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL TRAFFIC CODE FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 21, 2025**
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- E. ORDINANCE 2025-03 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING SECTIONS 6.13, 9.01.007, AND 9.01.024 OF THE FRUITA MUNICIPAL CODE CONCERNING CERTAIN CRIMINAL CHARGES TO ALIGN WITH THE COLORADO STATE STATUTES FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 21, 2025**
- F. ORDINANCE 2025-04 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AUTHORIZING THE INTERIM CITY MANAGER/CITY MANAGER TO EXECUTE AN AGREEMENT WITH 2 FORKS VENTURES, INC. FOR THE SALE OF 879 RAPTOR ROAD, FRUITA, CO (COMMONLY KNOWN AS “THE LAUNCH”) AND AUTHORIZING THE CONVEYANCE THEREOF UPON COMPLETION OF A MINOR SUBDIVISION TO CREATE A LEGAL LOT FOR PUBLICATION OF PUBLIC HEARING ON JANUARY 21, 2025**
- G. RESOLUTION 2024-49 – REPEALING RESOLUTION 2024-28 AND ENACTING RESOLUTION 2024-49 – APPROVING AN AMENDMENT TO THE LEASE AGREEMENT OF A ROOM LOCATED IN THE FRUITA CIVIC CENTER LOCATED AT 325 E ASPEN TO MESA COUNTY FOR MOTOR VEHICLE REGISTRATIONS AND RELATED SERVICES**
- H. FINANCIAL REPORTS – A REQUEST TO APPROVE THE OCTOBER 2024 FINANCIAL REPORTS**
  - **COUNCILOR MILLER MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## **6. PUBLIC HEARINGS AND ACTION ITEMS**

- A. QUASI-JUDICIAL PUBLIC HEARING - ORDINANCE 2024-21 – SECOND READING – AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY OWNED BY THE CITY OF FRUITA LOCATED AT 550 JURASSIC COURT IN THE CITY OF FRUITA AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE LEASE (DINOSAUR JOURNEY MUSEUM LEASE) – *FINANCE DIRECTOR JOE ZAHER***

Mr. Zaher introduced the Ordinance, which was originally a 10-year lease, now it is being pulled back to a 5-year lease. Previously, the premises included Bark Park but has since been taken off. The rent will remain the same. Councilor Purser asked if it would come to Council every five years, Mr. Zaher said yes, it will be up for renewal every five years. Mayor Breman asked when the reconciliation will be, Mr. Zaher said it will be annually by the end of every January, and it will go to Mr. Vassen and Mr. Zaher. Mr. Vassen added the Executive Director will present annually, like at the last meeting. Councilor Williams asked about free passes for children in the community. Councilor Miller said that if people are qualified for public benefits, they are eligible for free passes.

- **COUNCILOR PARRISH MOVED TO APPROVE AN ORDINANCE AUTHORIZING THE LEASE OF REAL PROPERTY OWNED BY THE CITY OF FRUITA LOCATED AT 550 JURASSIC COURT IN THE CITY OF FRUITA AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE LEASE**
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**(DINOSAUR JOURNEY MUSEUM LEASE). COUNCILOR MILLER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**B. LEGISLATIVE PUBLIC HEARING - RESOLUTION 2024-47 – PUBLIC HEARING – AMENDING THE 2024 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR SUPPLIES, SPECIAL PROJECTS, AND CAPITAL PROJECTS - FINANCE DIRECTOR JOE ZAHER**

Mr. Zaher said that that this Resolution is amending the 2024 budget for the General and Capital Funds. This includes a \$39,000 from CIRSA for reimbursement of firearms and, excess donations for sculptures, which will be used to fund mini grants, and a transfer to capital projects for Maple Street Bridge because the project is moving faster than anticipated. Councilor Purser asked to clarify that the firearm reimbursement was for the police officers.

- **COUNCILOR MILLER MOVED TO APPROVE A RESOLUTION AMENDING THE 2024 BUDGET WITH SUPPLEMENTAL APPROPRIATIONS OF FUNDS FOR SUPPLIES, SPECIAL PROJECTS, AND CAPITAL PROJECTS. COUNCILOR DOWNS SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**C. QUASI-JUDICIAL PUBLIC HEARING - RESOLUTION 2024-44 - A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE COOP TOWER FAÇADE LEASE AGREEMENT AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE LEASE - COMMUNICATIONS AND ENGAGEMENT MANAGER CIARA AMANN**

Mrs. Amann introduced the Resolution and talked about how the City has used the COOP Tower for advertising in the past and that this agreement may look familiar to Council as there was a previous buyer interested in the property, but they pulled out. Now, Fruita Silo LLC has officially purchased the property. This agreement allows the City to continue to lease the facades at \$2,000 a month. The new owners came up to discuss their vision.

Ryan and Morgan Gartner came to the podium with their family and spoke about how they moved to Fruita a year ago and fell in love with the area. This project is rooted in the belief that small businesses are the backbone to the local economy. The businesses that will be in the COOP Tower are Sparks Fly LTD, Element Outdoors, Colorado Adventure Box, Rogue Moto, J2Hundy, Voyager Outdoors, and Moto Racks. They are eager to do their part in economic development and continuing to improve the community. Mr. Gartner said he looks forward to the partnership.

Councilor Hancey welcomed them to the community and thanked them for their contribution. He asked when new banners were expected to be put up. Mrs. Amann said they are going to go through the process next year, and will work with staff, the Council, and a local artist to bring it to life. Councilor Purser welcomed them and said it was super exciting to have them join the community.

- **COUNCILOR DOWNS MOVED TO APPROVE A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE COOP TOWER FAÇADE LEASE AGREEMENT AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE LEASE. COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**
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## 7. ADMINISTRATIVE AGENDA

### **A. RESOLUTION 2024-48 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO APPROVING A TERM SHEET WITH HEADWATERS HOUSING PARTNERS FOR THE OAKS PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE TERM SHEET (*PRESENTED BY DALTON KELLEY SPECIAL COUNSEL, BUTLER SNOW*)**

This allows the City to enter into an agreement with Headwaters to redevelop the Family Health West property at 805 Ottley Ave into 62 multi-family housing units. The past month, they have been in negotiations with Headwaters and the resolution tonight is not final, it allows the City to move forward with the terms and conclude negotiations. The goal of this is to provide workforce housing, and the City being involved allows rent to be below market rate. The Fruita Housing Authority has approved being a limited partner for the project.

Mayor Breman asked if we could clarify if the Council is authorizing the \$1.25 million listed on page 4 or not. Mr. Vassen answered it is to guide negotiations and is the ultimate goal but is not set and they are hoping to get contributions from other entities as well. It will come back to the Council with the official amount at a later time. Mayor Breman also asked that if the City finds another entity that wants to participate, who will guide those negotiations? Mr. Kelley said it depends on what party it will affect, but ideally it would be agreed upon by all parties. Councilor Hancey asked what the timeline to finalize the agreement is, Mr. Kelley said it will hopefully be done in Q1 of 2025. Mr. Caris said they are aiming to come back to Council on the third Tuesday of January.

- **COUNCILOR PURSER MOVED TO APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO APPROVING A TERM SHEET WITH HEADWATERS HOUSING PARTNERS FOR THE OAKS PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE TERM SHEET. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

## 8. INTERIM CITY MANAGER'S REPORT

Mr. Vassen said there is not another meeting for three weeks and he wished everyone a Happy Holidays. He turned it over to Mary Elizabeth Geiger, who said they will be having the appeal hearing for the Xcel appeal of the planning commissions confirmation of the administrative decision that the new transmission lines and poles through the CSR Zone district should be underground on January 7th. She reminded Council that since it is under appeal, they cannot discuss it amongst themselves or anyone in the community.

## 9. COUNCIL REPORTS AND ACTIONS

### COUNCILOR AMY MILLER

She asked about an update about the property with the ditch that had issues, Mr. Vassen said he has not heard anything. She attended a few GJEP events and said they were lovely hosts and really appreciated the City.

### COUNCILOR JAMES WILLIAMS

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He said the small dog park has wood chips and thanked staff for their work, he hopes to see the big park woodchipped soon.

MAYOR MATTHEW BREMAN

He went to the CMU Trustee lunch with Mr. Vassen and gave a short presentation, which went well.

**10. EXECUTIVE SESSION - IF REQUESTED**

**A. EXECUTIVE SESSION – TO CONVENE IN EXECUTIVE SESSION PURSUANT TO CRS SECTION 24-6- 402(4)(B) AND SECTION CRS 24-6-402(4)(E) FOR THE PURPOSE OF DEVELOPING STRATEGIES FOR NEGOTIATIONS AND INFORMING NEGOTIATORS WITH REGARDS TO THE 19 ROAD PROJECT**

- **COUNCILOR PARRISH MOVED TO ENTER EXECUTIVE SESSION PURSUANT TO CRS SECTION 24-6-402(4)(b). COUNCILOR PURSER SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Back in open session, Council discussed how to proceed with GVIC for 19 Road. Mayor Breman suggested writing a letter to the GVIC Board proposing a temporary construction agreement. Ms. Geiger said it should address the current pending construction agreement, so we do not need to worry about a temporary one. Councilor Willaims said if that fails, we should request an appearance at the next Board meeting.

- **COUNCILOR MILLER MOVED TO AUTHORIZE THE MAYOR TO SIGN A LETTER REQUESTING THE TEMPOARY CONSTRUCTION AGREEMENT BETWEEN THE CITY AND GVIC WITH THE RESPONSE REQUESTED BY DECEMBER 23<sup>RD</sup>, AND WITHOUT A RESPONSE MOVE TO SEND REPERESNTATIVES TO THE JANUARY GVIC BOARD MEETING TO BRING THE CITY'S TEMPORARY CONSTRUCTION REQUEST TO SAID BOARD. COUNCILOR PARRISH SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

**11. ADJOURN**

With no further business before the Council, Mayor Breman adjourned the meeting at 9:21 p.m.

Respectfully submitted,

Kaydee Lucero  
Executive Assistant to the City Manager  
City of Fruita

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