

Debra Woods

From: Ciara DePinto
Sent: Friday, July 21, 2023 7:37 AM
To: Debra Woods
Subject: Fw: Enoch Lake-Public Comment

Please see the public comment below about Enoch Lake.

Thank you,
Ciara



Ciara DePinto
Communications &
Engagement Specialist

City of Fruita
Phone: 970-858-3663
Email: cdepinto@fruita.org
Fruita.org | GoFruita.com

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From: Jason Talley <jtalleygj@gmail.com>
Sent: Wednesday, July 19, 2023 10:05 PM
To: Communications <communications@fruita.org>
Subject: Enoch Lake-Public Comment

I am a vested interest in wanting to keep public lands in public hands. While these are not federal lands that are deemed public, these have been government lands allowed for public use. Once land is turned over to private owners, rarely has the public ever been to continue to use and enjoy it. I have every reason to believe this will be true in this case.

While it was mentioned several times about pursuing other public options, the BLM, NFS, county government; not once did anyone mention non-profits that work to conserve lands for public use. People like Rocky Mountain Elk Foundation, Trout Unlimited, Backcountry Hunters and Anglers, or other area non-profits that could work with the city on maintaining and preserving the lake. Take the time to allow the public to support and assist in solving the issue. For a committee or working group using public feedback.

While it would take time to work with these groups, it would not be done by your deadline of the next meeting. I hope the counsel considers looking into ways to maintain public use, which means more than the price being offered.

While I understand the offer deadline is near, I am nearly certain those private individuals who deeply want more land and control of access will continue to offer to purchase this property for their own personal use.

Thank you for your consideration.

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Debra Woods

From: Ciara DePinto
Sent: Tuesday, July 18, 2023 5:25 PM
To: Margaret Sell; Debra Woods
Cc: Shannon Vassen
Subject: Fw: Enoch Lake

Margaret and Deb,

Below is a public comment for tonight's meeting.

Thank you,
Ciara



Ciara DePinto
Communications &
Engagement Specialist

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From: Tyler Armstrong <tyler.maguire.armstrong@gmail.com>
Sent: Tuesday, July 18, 2023 5:19 PM
To: Communications <communications@fruita.org>
Subject: Enoch Lake

Hello,

I would love to be there in person, but I am unable to do so. But very cool that I can send an email.

I will definitely be disappointed if Fruita loses Enoch lake. I have always enjoyed taking my family on adventures there. It's a neat spot off the beaten path and there's many locals that have never heard of it.

I also understand that people have missed used it in the past, which is why camping was not allowed there anymore. And that it cost Fruita money to maintain it. But it's still a very special spot. And it would be sad to lose access to such a place.

Thank you

Tyler Armstrong

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Debra Woods

From: Mike Bennett
Sent: Thursday, July 20, 2023 5:22 PM
Cc: Ciara DePinto; Kimberly Bullen; Mary Elizabeth Geiger
Subject: Answers to Melonie Martinez' Questions to Council
Attachments: Melanie Martinez Enoch Lake Questions & Answers.pdf

Importance: High

Mayor & City Council,

Attached are the questions, with answers to Melanie Martinez' handout of questions presented to City Council at the public hearing July 18th. I know that council member Amy Miller plans to respond to Ms. Martinez with these, and it is completely fine if any or all of you choose to do so as well. Just mentioning this since we cannot discuss via email (why we always blind copy the group to avoid even accidental reply all's and only use email to provide information to you).

With exception to the question about if council is related to the three gentleman offering to buy Enoch Lake, all other questions were answered during the preceding presentation by Public Works Director Kimberly Bullen and during the public hearing discussion of Council, as well as the City's web page devoted to this found at <https://www.fruita.org/publicworks/page/fruita-mountain-water-properties>. We updated this page today with a link to the Kimberly's presentation at the public hearing and the handout provided at the hearing.

Thanks,



Mike Bennett

City Manager, ICMA-CM

City of Fruita

Phone: 970-858-3663

Email: mbennett@fruita.org

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Enoch's Lake Questions from Melanie Martinez melaniemartinez@d51schools.org

1. What is the explanation for the \$500,000 dollar price point? This was the offer the City received. The city did not solicit an offer, but received the offer of \$500,000 plus forgiveness of the remaining \$140,000 of non-monetary obligation owed to Ron Tipping pursuant to a 2014 Agreement for repairs on the dam for Enochs Lake and Reservoir No. 1. The city did pay for the appraisal. This is a 51.5 acre parcel on Pinon Mesa with a lake on it. You can buy a trailer with a very small lot in Holly Park for \$300,000? This would mean that the going rate for an acre on Pinon Mesa is going for less than \$10,000 an acre. These numbers don't add up? The appraisal was done by a certified professional appraiser.
2. Who has the rights to buy this land? If Ute Water had the first right of refusal and didn't want it? What gives the three gentleman the next rights to buy it? I understand that their land attaches to it but does the law state that would then make them next in line? Anybody can submit an offer to purchase this property or any City owned property; the City Council would decide if it were interested in pursuing the purchase. The city did not solicit offers and received an offer from the adjoining property owners. The city chose to consider the offer through the process identified in the city's Charter. A right of first refusal only comes into play after an offer is received. In this instance, Ute Water has a right of first refusal to decide if it wants to match an offer that the City receives for purchase of City water rights per the city's contract with Ute Water to provide domestic water to Fruita residents (which has been in place since 1983). Ute's Board, at a public meeting, decided not to pursue the purchase for itself.
3. Was Enoch put on the market for anybody else to buy? No, the city did not solicit an offer or advertise Enoch's Lake for sale.
4. What steps has the City of Fruita taken to protect this land? The city has maintained this property and made improvements since it took ownership of this property since it was deeded to the city by the Beard family in 1956. The city must comply with State requirements for maintaining the dam. More information at <https://www.fruita.org/publicworks/page/fruita-mountain-water-properties>.
5. Is anybody on the Fruita City Council related to any of the individuals buying the land? No.
6. What do the new owners have planned for the Lake? We do not have any information on what they plan to do with the property. The offer does not address that issue. It is the owner's discretion to do what they want with the property if it is conveyed to them.
7. Does the City make the decision on who buys the lake? Yes.
8. Why aren't there any other buyers? The city has not received any additional offers.
9. Did any of the City Council members utilize the land growing up or spend time at Enoch Lake with their families for generations? Yes, council members have visited Enoch's Lake and spent time at the lake as described at the Public Hearing on July 18, 2023.
10. And if so, why aren't you advocating for the preservation of this area for our community? Enoch's Lake is not a core service the city provides to the residents of Fruita. This resource requires staff time and financial resources to maintain this property that the city receives no benefit from except for those City residents that occasionally go up there to recreate. The water rights were never decreed for municipal use. The maintenance costs for Mountain Water properties are shown in the presentation posted on the city's website. Council has discussed the

potential of selling Enoch's Lake and other city owned mountain properties for years and were presented with an offer for the first time.

11. An appraisal done on the property was not disclosed by the city in response to a CORA request. My understanding is that the city decided to reference a state statute that allows governments to withhold documents if they think publishing them would be contrary to the public interest. Correct, the city attorney did advise council to withhold the appraisal document per state statute while contemplating an offer to purchase. This was not due to it being contrary to the public interest but rather pursuant to CRS 24-72-204(2)9a) allowing local governments to withhold from public inspection real estate appraisals until title to the property passes. The city did release the appraised value of \$425,000.
12. Who deemed Enoch Lake contrary to the public interest? We are not aware of anyone deeming this to be contrary to the public interest.
13. What were the dates that this matter was discussed publicly and not in an executive session? While it is not an exhaustive list, highlighted discussions were held on the dates as described in the presentation. <https://www.fruita.org/publicworks/page/fruita-mountain-water-properties>
14. When were the two ordinance readings that would be require something like this to pass take place. At the June 20, 2023 City Council meeting, a First Reading was held, as publicly noticed to schedule and hear second reading (public hearing) on July 18, 2023, which was continued at the end of the public hearing on July 18th to August 29 at 7pm.

From: [Mike Bennett](#)
To: [Daniel Moore](#)
Subject: RE: Enochs Lake Solution
Date: Tuesday, August 1, 2023 9:03:18 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Daniel, thanks for the comments. We will add them to those we have received to be part of the record to be considered by the City Council in the current public hearing that was continued to August 29. This has been a multi-year process, discussed since 1983 by each City Council that has served since then. To continue following along, please visit <https://www.fruita.org/publicworks/page/fruita-mountain-water-properties>, a page we have had up all year(linked from the homepage) with added information along the way following a newsletter article sent to all residents last year.



Mike Bennett

City Manager, ICMA-CM

City of Fruita

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From: Daniel Moore <dapamoore@outlook.com>
Sent: Monday, July 31, 2023 3:45 PM
To: Mike Bennett <mbennett@fruita.org>
Subject: Enochs Lake Solution

July 31, 2023

Good Afternoon Mr. Bennett and Fruita Council Members,

We spend most of our summer days in the San Juan Mountains, so it was with some disbelief that we returned to find out that once again, your august body is trying to sell off valuable assets owned by the good citizens of Fruita.

Enochs Lake is one of Fruita's mountain gems and to ponder selling it for \$500,000.00 is beyond belief. Did you do any kind of official appraisal? Did you open the sale up for competitive bidding? It is time to stop this "you have until Thursday" nonsense and put a hold on this project until the

good citizens of this community have a legitimate chance to express their feelings. You have borne the costs for all these years, so a fire sale is not warranted and may well end up costing us a lawsuit if all is not transparent and above-board.

Having served years in government and business, as well as political office, we always tell individuals not to bring complaints without solutions. Here is our short-term solution to a long-term problem:

Table all discussion on the matter for one year. Form a committee of individuals who are willing to research history, value, future costs, water rights etc. Then have them compile a thorough report for you with 3 recommendations. Each recommendation should list pluses and minuses. It may well be that the State of Colorado, or the USFS are interested in maintaining this lake for recreation. It also may be that a sale of the property is the preferred option.

After your citizen report, you can make an informed decision. Surely you would agree that this is not an unreasonable request.

Sincerely Yours,

Patricia and Daniel Moore
844 Larchwood Street
Fruita CO 81521
dapamoore@outlook.com
970-433-7866
970-433-8542 Cell

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FRIENDS OF ENOCH'S LAKE

August 15, 2023



OVERVIEW

1. Background and History

i When it became known there was an offer proposed to the Fruita City Council to purchase Enoch's Lake by private interests, a group of concerned citizens met in July 2023 to see if there would be anything they could do to change the potential outcome of restricting public access of this beloved lake.

On July 18, 2023, the Fruita City Council granted a postponement of Ordinance #2023-07 and 2023-08, to allow time for interested citizens to finalize a plan to keep Enoch's Lake open to the public and requested a written proposal by August 15, 2023, which is contained within this document.

2. Organization

i Even though it was on short notice, the first community meeting to discuss Enoch's Lake was held on July 26, 2023 in Glade Park with 49 people in attendance. Two more meetings followed in Grand Junction and Fruita, and resulted in a total of 61 citizens attending within just these three community meetings.

From those meetings and subsequent ones following, these citizens organized formally an entity known as **Friends of Enoch's Lake**. This organization has been registered with the Secretary of State of Colorado as a nonprofit corporation, and is in the process of applying for formal recognition by the Internal Revenue Service under Section 501(c)3 of the IRC, although it is generally understood that final approval does take some time to receive from the IRS.

In this formal organization, the founding Board of Directors include the following individuals:

President : Jim Cook

Treasurer: Debra Pace

Secretary: Judy Morehouse

Media Relations: Mariel Steel

Volunteer Coordinator: Deb Andersen

3. Mission Statement

i *Friends of Enoch's Lake is a public charity that in conjunction with a partnership with property owners, fosters community stewardship and continued historical public access for current and future generations, and lessens the burden upon the local government.*

In order to achieve this overall mission, the following steps have been taken:

- Friends of Enoch's Lake has been formally organized as a nonprofit corporation and is undergoing the application process for the IRS to recognize it as a public 501(c)3 charity
- To form a partnership with property owners, we have been in the process of seeking a buyer for the properties or an established organization to partner with and have held meetings with a variety of individuals and prospective buyers to achieve this goal
- To assist in providing continued historical public access for current and future generations, Friends of Enoch's Lake volunteers will provide monitoring and maintenance of Enoch's Lake once legal access is provided.
 - 1) Monitoring would be achieved by tracking usage to understand how many people are using the lake and at what times, which will then provide a way to properly match volunteer resources with these needs during the season

This would also include monitoring of illegal camping, vandalism, or dangerous activities such as recreational fires. If illegal or dangerous activities occur, volunteers will go to a spot with cell phone access and contact the Mesa County Sheriff's Office
 - 2) Maintenance – (Short Term) – includes picking up and disposing of trash, and cleaning picnic areas of brush and weeds.

(Long Term) – could include dismantling the fire rings, cutting hazardous trees using selective removal criteria, removal of old fencing, and repairing damaged outhouse doors, along with solving other maintenance needs that may be identified from time to time.
 - 3) Volunteers have already been organized and are ready to be officially scheduled to begin these activities, with enough signed up already to cover the remainder of the 2023 season, which typically ends October 31.
- In the interim, while seeking a buyer and permanent solutions, another option would be to temporarily partner with the City of Fruita.

In that temporary partnership arrangement, we would request that Fruita simply maintain the liability coverage already in place, but Friends of Enoch's Lake will maintain and monitor the everyday activities of the public at the lake as described above. This could be set for a specific trial period acceptable to both parties, and a continuance agreed upon until such a time when an acceptable permanent partner can be established to ultimately relieve the City of Fruita of their obligation.
- Through all of the above actions, the ultimate result is to directly lessen the burden that the City of Fruita has regarding this Lake and ultimately relieve them of this overall liability, yet still allow access and enjoyment by the public for future generations.

4. Public Support and Media

i In an extremely short time, we have been gaining support from the community in general, and have created a variety of resources to allow the public to connect with the organization and either sign up to volunteer, or weigh in on the future of this lake. A variety of these links and resources are as follows:

Website: www.enochslake.org

Instagram: Friends of Enoch's Lake

Facebook: <https://www.facebook.com/groups/227436390271824>

The following Facebook Groups have also shared and posted our information:

Glade Park Community

Fruita Awareness and Local Events

Take a Hike GJ

Living in GJ

GJ Community Message Board

Fruita Message Board

Glade Park and Pinon Mesa past and present

The website contains links to the local TV and newspaper articles that have been generated by our community meetings. It also provides information about the area and the lake as well as a place for individuals to sign up and make comments on the site.

Volunteers have been identified from the community meetings as well as the website. In addition to these many volunteers that have signed up, to date there are numerous citizens that have been documented as having interest in keeping the area open to the public, and we are still tallying those results, which continue to change.

5. Future partnerships

i As part of the overall organizational goals, we are seeking additional cooperative partnerships with a variety of other groups and organizations. At this time, we have reached out to all of the following outside organizations and have initiated meetings with a variety of individuals within those organizations. To date these include:

Colorado Land Trust

I Fish Colorado

Colorado Parks & Wildlife

BLM

US Forest Service

Backcountry Hunters & Anglers

The Nature Conservancy

Trout Unlimited

Western Colorado Anglers

Grand Mesa Backcountry Horsemen

CONCLUSION

i Within a short amount of time, interested citizens have been able to quickly organize and begin the process of creating a lasting solution to relieve the burden upon the City of Fruita, all while working towards a solution to allow public access for generations to come.

However, since creating proper partnerships and solutions take time, we would like to request the following actions to be considered by the Fruita City Council.

Friends of Enoch's Lake would like to request that the unsolicited offer to purchase Enoch's Lake be either:

1) Postponed (continuance) – to allow sufficient time to create a formal partnership with either these same individuals that proposed the purchase, or to find a suitable replacement buyer to fill this role in order to work alongside Friends of Enoch's Lake to allow public access and achieve the goals outlined above, or,

2) Rejected if it cannot be assured that the new potential owners would allow access to remain public by working in partnership with Friends of Enoch's Lake, and allow time to find a suitable and acceptable arrangement or replacement buyer to ultimately relieve the liability and burden for the City of Fruita.

Respectfully Submitted,

Board of Directors

Friends of Enoch's Lake

From: [Ciara DePinto](#)
To: [Kimberly Bullen](#)
Subject: Fw: Form Submission - Detailed Contact Form
Date: Monday, August 21, 2023 2:00:19 PM
Attachments: [Outlook-jp2rsv4i.png](#)
[Outlook-dij3gbi3.png](#)
[Outlook-mq5kipgl.png](#)
[Outlook-uagitx4j.png](#)



Ciara DePinto

Communications & Engagement
Specialist

City of Fruita

Phone: 970-858-3663

Email: cdepinto@fruita.org

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From: Squarespace <form-submission@squarespace.info>

Sent: Friday, August 18, 2023 8:02 PM

To: Communications <communications@fruita.org>

Subject: Form Submission - Detailed Contact Form

Sent via form submission from [Friends of Enoch's Lake](#)

Name: Jennifer Schellenbach

Email: jenschellenbach@gmail.com

Share your comments about Ordinances 2023-7, 2023-8: Dear Fruita City Council;

During this time of increased understanding of the importance and irreplaceable value of water rights, it is beyond understanding how the City of Fruita could sell the invaluable land and water rights for the paltry sum of \$500,000.00 as listed in Ordinance 2023-7. This land and these water rights, once signed away can never be regained. Land and water ownership are the most critical issues facing us as we go forward, and we must protect these invaluable freedoms and resources for our children and their children after them. A short term gain is not in any way worth the loss of these public and valuable accesses. The loss will be permanent and mourned from here on if this sale goes through.

In addition, the sale of two acres for the price of \$16,000.00 as outlined in Ordinance 2023-B is ridiculously undervalued. If you look at current property values throughout the Western Slope, it is clear this is not realistic in terms of value, especially if you consider the value to the public in having access to this incredible area, giving respite and learning to all current and future generations and visitors as well. Please do not give away this irreplaceable area. Thank you for your attention. Sincerely, Jennifer Schellenbach, Fruita resident

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From: [Ciara DePinto](#)
To: [Kimberly Bullen](#)
Subject: Fw: Form Submission - Detailed Contact Form
Date: Monday, August 21, 2023 2:00:13 PM
Attachments: [Outlook-bfgn10ou.png](#)
[Outlook-1pfpv5lf.png](#)
[Outlook-cz5t3slq.png](#)
[Outlook-fr2ayn40.png](#)



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Email: cdepinto@fruita.org

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From: Squarespace <form-submission@squarespace.info>

Sent: Friday, August 18, 2023 7:59 AM

To: Communications <communications@fruita.org>

Subject: Form Submission - Detailed Contact Form

Sent via form submission from [Friends of Enoch's Lake](#)

Name: Jo Richards

Email: jowalck@outlook.com

Share your comments about Ordinances 2023-7, 2023-8: This is an awesome lake, great for family gatherings. My kids grew up here having so many fun.....Please save it!!!!

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From: [Ciara DePinto](#)
To: [Kimberly Bullen](#)
Subject: Fw: Form Submission - Detailed Contact Form
Date: Monday, August 21, 2023 2:00:27 PM
Attachments: [Outlook-nvi00g3s.png](#)
[Outlook-wgemjroc.png](#)
[Outlook-lsafxzev.png](#)
[Outlook-j4vtwgse.png](#)



Ciara DePinto

Communications & Engagement
Specialist

City of Fruita

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From: Squarespace <form-submission@squarespace.info>

Sent: Saturday, August 19, 2023 4:00 PM

To: Communications <communications@fruita.org>

Subject: Form Submission - Detailed Contact Form

Sent via form submission from [Friends of Enoch's Lake](#)

Name: Breanna Luce

Email: lucebreanna@gmail.com

Share your comments about Ordinances 2023-7, 2023-8: We love spending time at Enoch!

Don't take access from the public

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From: [Ciara DePinto](#)
To: [Kimberly Bullen](#)
Subject: Fw: Form Submission - Detailed Contact Form
Date: Tuesday, August 22, 2023 8:27:08 AM
Attachments: [Outlook-u2ttaqd3.png](#)
[Outlook-qkclqt3r.png](#)
[Outlook-y1tfhyzw.png](#)
[Outlook-gfxkry2f.png](#)



Ciara DePinto

Communications & Engagement
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City of Fruita

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From: Squarespace <form-submission@squarespace.info>

Sent: Tuesday, August 22, 2023 8:22 AM

To: Communications <communications@fruita.org>

Subject: Form Submission - Detailed Contact Form

Sent via form submission from [Friends of Enoch's Lake](#)

Name: Brenny Straubhaar

Email: bstraubhaar@gmail.com

Share your comments about Ordinances 2023-7, 2023-8: Let's keep Enoch public

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From: [Mike Bennett](#)
To: [Kimberly Bullen](#); [Margaret Sell](#)
Subject: FW: Request August 29, 2023 Agenda Item
Date: Monday, August 14, 2023 1:58:54 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

FYI, Margaret, can you forward to Kimberly, for the compilation of comments for Aug 29th packet, any additional correspondence you had? Thanks,



Mike Bennett

City Manager, ICMA-CM

City of Fruita

Phone: 970-858-3663

Email: mbennett@fruita.org

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From: Margaret Sell <msell@fruita.org>
Sent: Wednesday, August 9, 2023 12:18 PM
To: jimjudycook@gmail.com
Subject: Request August 29, 2023 Agenda Item

Dear Mr. Cook,

I received your email forwarded by the City Council regarding the Special City Council meeting scheduled for August 29.

During their session on July 18, the City Council took note of all public input and comment regarding Ordinance 2023-07 (sale of Enochs Lake) and Ordinance 2023-08 (sale of 2 acre parcel on Pinion Mesa). As a result, they decided to extend the public hearings for these Ordinances to the August 29, 2023 Special City Council meeting.

The purpose of extending these proceedings is to allow more room for public input and discussion before the City Council makes final determinations. Your active engagement in the public hearing, where you can express your views on these proposed ordinances is highly encouraged. It's worth noting that formal inclusion on the agenda is not necessary for you to share your perspectives during this meeting. Whether you have thoughts or alternative suggestions concerning the sale of the mentioned properties, you can bring them up in relation to these specific ordinances. The City Council will consider these inputs as they make their decisions. However, should your proposal be unrelated to the Ordinances currently under discussion, it will likely be referred to staff to schedule

for another meeting as the August 29 meeting is specifically for consideration of these Ordinances.

Your active involvement in this process is greatly valued, and we look forward to hearing your insights during the upcoming public hearing.

Margaret Sell

City Clerk/Finance Director

City of Fruita

970.858.3663, 325 E Aspen, Fruita, CO 81521

www.fruita.org



From: Jim Cook <jimjudycook@gmail.com>

Sent: Monday, August 7, 2023 3:05:03 PM

To: Joel Kincaid <jkincaid@fruita.org>; Matthew Breman <mbreman@fruita.org>; Aaron Hancey <ahancey@fruita.org>; Amy Miller <amiller@fruita.org>; James Williams <jwilliams@fruita.org>; Jeannine Purser <jpurser@fruita.org>; Ken Kreie <kkreie@fruita.org>

Subject: Request August 29, 2023 Agenda Item

TO: Fruita City Council

Please put us on your agenda for August 29, 2023 to discuss Ordinance 2307 and 2308 regarding the sale of Enoch's Lake properties and water rights.

We will have our proposal to the committee via e-mail by August 15, 2023 as requested.

As to this agenda item, will it be open to public discussion at that time?

Please feel free to contact me for any questions or discussion.

Warmest Regards,
Jim Cook

JimJudyCook@gmail.com

Chairman Friends of Enoch's Lake

970-216-4538

From: [Mike Bennett](#)
To: [Kimberly Bullen](#)
Subject: Fwd: Postpone action on Ordinances 2023-07, 2023-08
Date: Tuesday, August 8, 2023 12:17:54 PM

To add to public comment

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From: Joel Kincaid <jkincaid@fruta.org>
Sent: Tuesday, August 8, 2023 12:06:58 PM
To: Mike Bennett <mbennett@fruta.org>
Subject: FW: Postpone action on Ordinances 2023-07, 2023-08

Feedback for public hearing.

Thanks,

Joel

Joel Kincaid
City of Fruita
Mayor
jkincaid@fruta.org
970-250-9557

From: Jennifer Schellenbach <jenschellenbach@gmail.com>
Date: Tuesday, August 8, 2023 at 12:05 PM
To: Joel Kincaid <jkincaid@fruta.org>
Subject: Postpone action on Ordinances 2023-07, 2023-08

Dear Mr Mayor;

Please postpone action on the above ordinances. Enoch's Lake is a treasured area to so many people, local and further afield, it would be devastating to have public access denied to all those who love it. Please give a postponement so that those who are working to preserve this incredible place for all of us to enjoy can find a way to preserve it for everyone.

Sincerely,
Jennifer Schellenbach

Sent from my iPhone

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From: [Mike Bennett](#)
To: [Kimberly Bullen](#); [Mary Elizabeth Geiger](#)
Subject: Fwd: Request August 29, 2023 Agenda Item
Date: Tuesday, August 8, 2023 7:56:05 AM

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From: Jeannine Purser <jpurser@fruta.org>
Sent: Monday, August 7, 2023 10:45:20 PM
To: Mike Bennett <mbennett@fruta.org>
Subject: Fwd: Request August 29, 2023 Agenda Item

I assume someone already forwarded this to you, but in case they didn't here you go.

Jeannine (I spelled my name right this time.)

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From: Jim Cook <jimjudycook@gmail.com>
Sent: Monday, August 7, 2023 3:05:03 PM
To: Joel Kincaid <jkincaid@fruta.org>; Matthew Breman <mbreman@fruta.org>; Aaron Hancey <ahancey@fruta.org>; Amy Miller <amiller@fruta.org>; James Williams <jwilliams@fruta.org>; Jeannine Purser <jpurser@fruta.org>; Ken Kreie <kkreie@fruta.org>
Subject: Request August 29, 2023 Agenda Item

TO: Fruita City Council

Please put us on your agenda for August 29, 2023 to discuss Ordinance 2307 and 2308 regarding the sale of Enoch's Lake properties and water rights.

We will have our proposal to the committee via e-mail by August 15, 2023 as requested.

As to this agenda item, will it be open to public discussion at that time?

Please feel free to contact me for any questions or discussion.

Warmest Regards,
Jim Cook
JimJudyCook@gmail.com

Chairman Friends of Enoch's Lake
970-216-4538

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and

know the content is safe.

From: [Mike Bennett](#)
To: [Kimberly Bullen](#)
Subject: Fwd: For the Fruita City Council- Lake Enoch
Date: Wednesday, August 16, 2023 7:03:11 AM

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From: Joel Kincaid <jkincaid@fruita.org>
Sent: Wednesday, August 16, 2023 7:01:47 AM
To: City Council <CityCouncil@fruita.org>
Subject: FW: For the Fruita City Council- Lake Enoch

Council,

I received this email about Enoch's Lake and they requested that I share this with the Council.

Thanks,

Joel

Joel Kincaid
City of Fruita
Mayor
jkincaid@fruita.org
970-250-9557

From: Hollis Lyman <hollislyman@gmail.com>
Date: Tuesday, August 15, 2023 at 9:11 PM
To: Joel Kincaid <jkincaid@fruita.org>
Subject: For the Fruita City Council- Lake Enoch

Hello Mayor Kincaid,

Can you please pass this information through to the City Council in their decision on Lake Enoch? I hope you two will consider the options below for maintaining this valuable resource for public use and agricultural needs.

Please consider the below actionable grants for water conservation, irrigation infrastructure, and similar. I am disillusioned by the way this council has handled Lake Enoch's sale. Asking random citizens to come up with a tangible solution in one month that you, yourselves, stated had not been accomplished in 10 years, was clearly unfair. I hope others have been able to bring forward more options as well. I understand the council only has the information they have. Please operate based on fact as you make choices on the next steps for the sale of Lake Enoch. Very simple and profitable solutions exist that do not put 3 individual men's needs above a valley of existing

Lake users, enjoyers, and those who value this resource. Water in the high Colorado desert... need more be said?

1. Consider offering use of Lake Enoch for water rights in Glade Park. These folks rely on water from the mountain properties and would be willing to continue maintaining the pipeline. It will raise house values and folks will pay for that increase in value as well as the resource itself. This increased income from 207 acre-feet of water rights would be profitable for fruita, protect the resource, be available to the public, continue to qualify for grant funding, and would share responsibility for maintenance with locals.

2. Water Supply Reserve Fund Rolling Acceptance Water: conservation/quality improvement; Plan must be approved by Colorado Basin Roundtable to apply

<https://cwcb.colorado.gov/funding/water-supply-reserve-fund-grants>

3. Colorado River District's Community Funding Partnership; fund multi-purpose water projects on the Western Slope in five project categories: productive agriculture, infrastructure, healthy rivers, watershed health and water quality, and conservation and efficiency. Conservation and efficiency projects could include supporting agricultural water infrastructure that increases reliability and efficiency; municipal and industrial projects that promote efficiency, water conservation, green infrastructure, and outdoor landscaping to reduce consumptive use; increase leak detection for infrastructure repair and replacement; assisting communities with water-smart community development and water conservation programs; and targeting smaller, fast-growing, and communities with older infrastructure with strategic, incentive-based investments.

<https://www.coloradoriverdistrict.org/community-funding-partnership-applicants/>

4. Colorado Water Conservation Board (CWCB): This state agency often offers grants and loans for water conservation and infrastructure projects. Check their website or contact them directly for current opportunities. Website: cwcb.colorado.gov

Contact: Use the contact form on their website or call (303) 866-3441.

5. U.S. Bureau of Reclamation – WaterSMART Grants: they often support projects that promote water conservation and efficiency, including in the state of Colorado. Their grant opportunities may encompass irrigation infrastructure as well.

Website: usbr.gov/watersmart

Contact: Consult the regional or local office contacts on their website.

6. Natural Resources Conservation Service (NRCS) – Colorado Office: NRCS has various programs that provide financial and technical assistance for water conservation, including irrigation projects. Website: nrcs.usda.gov/wps/portal/nrcs/site/co/home

Contact: State Office at (720) 544-2800.

7. Western SARE (Sustainable Agriculture Research and Education) Grants: These grants are aimed at promoting sustainable agriculture, including efficient irrigation methods, in the western United States, including Colorado. Website: westernsare.org

8. The Gates Family Foundation – Colorado Initiatives: This foundation sometimes supports initiatives related to water conservation and sustainable land use in Colorado.

Website: gatesfamilyfoundation.org

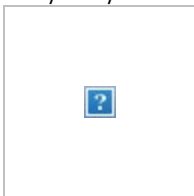
Contact: (303) 722-1881 or info@gatesfamilyfoundation.org.

I am openly offering my help and support in applying for grants should the board pursue this avenue with seriousness. I am an experienced grant writer who has achieved funding.

Thank you for your time,

[Hollis Lyman, MA, PSM, LPCC](#)

she/her/hers



"Seek first to understand, then to be understood." -Dr. Stephen Covey

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INFORMATION TO CITY OF FRUITA

From: Tipping, Muhr and Power

August 15, 2023

RE: Enoch Lake

We wanted to provide some additional information on the Enoch Lake property. First, there is no way that the County road will be closed, this road provides access to the US Forrest Service as well as over 20,000 acres of private ground.

Enoch Lake could be completely drained dry if we took all of the water we are entitled to.

Three sides of Enoch Lake are extremely close to private property resulting in excessive trespassing. A large part of the land lies north of the dam and is presently accessed only by foot.

In the past there have been many trespassers and camping on our adjacent property as well as destruction of our fence.

The majority of the people opposed to private ownership of Enoch Lake are not aware of the number of times that the Sheriff department has been called. Calls to the Sheriff department come for landowners and well as the users of the lake.

The Sheriff Department says that response time is slow due to distance, lack of cell service and number of sheriff's deputies on duty at any given time.

Enoch Lake is getting an increase in people using paddle boards which increases the liability exposure. A person reported that there was as many as 9 or 10 paddle boards on the lake last Sunday. The Colorado Parks and Wildlife is willing to stock fish but will not assume any liability for damage.

For a private party that owns Enoch Lake that allows public use, they would be assuming the liability exposure that City of Fruita is trying to get away from. Liability insurance for a private party would cost way more than what City of Fruita pays. State statutes on limits of liability for governmental entities do not apply to private parties. (See copy of CRS24-10-114 that limits judgements for governmental entities.)

People supporting having Enoch Lake open to the public say they will have controlled hours the lake is open and volunteers overseeing the activity. This is totally unrealistic. Some of the people that would be using the lake are not going to pay attention to a volunteer telling them what to do, and some also do not respect law enforcement.

STATE OF COLORADO

DEPARTMENT OF
STATE



UNITED STATES OF AMERICA } ss. **CERTIFICATE.**
STATE OF COLORADO }

*I, Jena Griswold, Secretary of State
of the State of Colorado, do hereby certify*

that in accordance with C.R.S. 24-10-114(1)(b), the limitations on judgments set forth in C.R.S. §24-10-114(1)(a)(I)&(II) are as follows:

For all claims for relief that accrue before January 1, 2018 the adjusted limitation is:

\$350,000 for any injury to one person in any single occurrence.

\$990,000 for any injury to two or more persons in any single occurrence; except that, in such instance, no person may recover in excess of \$350,000.

For all claims for relief that accrue on or after January 1, 2018, and before January 1, 2022, the adjusted limitation is:

\$387,000 for any injury to one person in any single occurrence.

\$1,093,000 for any injury to two or more persons in any single occurrence; except that, in such instance, no person may recover in excess of \$387,000.

For all claims for relief that accrue on or after January 1, 2022, and before January 1, 2026, the adjusted limitation is:

\$424,000 for any injury to one person in any single occurrence.

\$1,195,000 for any injury to two or more persons in any single occurrence; except that, in such instance, no person may recover in excess of \$424,000.



IN TESTIMONY WHEREOF *I have hereunto*
set my hand and affixed the Great
Seal of the State of Colorado, at the
City of Denver, this 5th
day of January A.D. 2022
Jena Griswold

SECRETARY OF STATE

**Information to City of Fruita
From Tipping, Muhr & Power**

August 22, 2023

The Daily Sentinel reported that we were talking to Jim Cook with the Friends of Enoch Lake about joining them in a joint venture. After that article came out we did meet with Jim Cook. At that time we advised him that no way would we be willing to accept the liability exposure associated with this arrangement. That would be having our entity assume the liability exposure that the Town of Fruita is trying to get away from.

Some of the major liability exposures include the following:

1. Not being able to properly manage fire control caused by the public.
2. Would need to provide lifeguards to oversee and protect swimmers and paddleboarders.
3. No way to control users from trespassing on surrounding property.
4. Would find it difficult to have volunteers available at all times. That would not be feasible for the long term.

The small amount of useable space at Enoch doesn't accommodate the number of people that have used the area in the past resulting in management issues.

The cost of providing general liability insurance needed as well as directors & officers liability would be prohibitive. Mr. Cook's use of volunteers might require the need for workers compensation coverage as well for the volunteers.

These and other issues would make a joint venture prohibitive.

From: [Mike Bennett](#)
To: [Jon Lockert](#)
Cc: [Kimberly Bullen](#)
Subject: RE: Enoch Lake
Date: Thursday, August 10, 2023 3:03:11 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Jon, thanks for your feedback and we are adding it to the public comment for City Council to consider. We have and continue to work with Mesa County and other public agencies regarding options for future public use. We have never had interest on Enoch's due to the liability of managing a jurisdictional dam and since it is surrounded by private property. Reservoirs 1,2, & 3 are owned also by the City and are located on US Forest Service property and even with those we have to have takers of these agencies (but we are still striving to get there) to take them on and keep them public.



Mike Bennett

City Manager, ICMA-CM

City of Fruita

Phone: 970-858-3663

Email: mbennett@fruita.org

Fruita.org | GoFruita.com



[Stay Connected](#)

From: Jon Lockert <jon4paz@gmail.com>
Sent: Wednesday, August 9, 2023 1:13 PM
To: Mike Bennett <mbennett@fruita.org>
Subject: Enoch Lake

Enoch Lake environs should be held by somebody for public use. It should not be privatized.

I can understand why Fruita does not want to manage it. How come Mesa County and the Forest Service are not exploring options for preserving high quality outdoor recreation opportunities in our area?

Sent from [Mail](#) for Windows

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

DICKIE D. LEWIS
3429 - G - ROAD
CLIFTON, CO. 81520-8419
(970) 243-7335
July 23, 2023

Mr. Ken Kreie, Mayor
Town of Fruita
325 E. Aspen St
Fruita, CO 81521

Re: Enochs Lake sale

Dear Ken:

I want to express my dismay that Fruita may sell Enochs Lake to among others, Ronald Tipping.

I would like to remind you of the "legal" but very underhanded conduct of Mr. Tipping a few years ago involving a road up Little Park Road. Mr. Tipping owned land on both sides of the road which was really a two track that led to public land.

In the dead of winter he asked the county to vacate the road. Legal notices were posted and there were no protests because no one protested because being in the dead of winter, no one was using the road. The commissioners hearing no protests vacated the road. The next spring and summer after the snow melted when people wanted to use it, the discovered the road and been fenced and the property posted.

It was legal, but totally underhanded. I suspect that he and his partners have something similar planned for Enochs Lake.

Lots of municipalities have properties outside their boundaries. Just look at Denver with the ski area and Red Rocks Amphitheater. I think Fruita would be short sighted to sell the property when recreational opportunities are getting harder and harder to find.

Very truly yours,



Dickie D. Lewis