

**FRUITA CITY COUNCIL
REGULAR MEETING
JULY 19, 2016**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was observed in lieu of the Invocation and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Council members present were Bruce Bonar, Dave Karisny, Kyle Harvey, Ken Kreie, and Joel Kincaid. Councilor Lou Brackett was excused absent. Mayor Buck called the meeting to order at 7:01 p.m.

3. AGENDA – ADOPT/AMEND

Mayor Buck asked if there were any corrections or additions to the agenda. There were none.

- **COUNCILOR BONAR MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR KARISNY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – AN UPDATE FROM THE MUSEUM OF WESTERN COLORADO

The Museum of Western Colorado's (MWC's) Executive Director, Peter Booth, gave a mid-year report on the MWC's Dinosaur Journey. Highlights included:

- The MWC was proud to receive from the Daily Sentinel the "Best of the West's Best Family Museum and Attraction" in 2016
- Continuing expansion of partnerships with the City of Fruita, Colorado Mesa University, BLM, Colorado Canyons Association, the Visitor's Convention Bureau, School District 51, Colorado Parks and Wildlife, and corporate sponsors such as Family Health West, Alpine Bank, US Bank, Enstrom's and more
- Professional staff at Dinosaur Journey led by Dr. Julia McHugh

Dr. McHugh presented the many programs and projects happening at the MWC.

She stated that the MWC has been moving forward on the partnership with folks in Colorado and Utah to revitalize the Dinosaur Diamond National Scenic Byway that runs straight through Fruita. Dr. McHugh is serving on the temporary board for the Scenic Byway as well as acting as the Colorado Co-Chair for the board. The board is working on a new quarter management plan for the Byway as well as trying to get some money to reprint the brochures, which are currently all gone.

Dr. McHugh continued that the board is trying to get things kicked off such as get the website up and running before they start doing new things like apps and other cool things to bring the Dinosaur Diamond Scenic Byway back up into modern standards.

The MWC has also been very active in the Fruita Southside Focus Group (Southside Marketplace). This is the third year that they have helped put on the July 3rd Family Fun Fair. Dr. McHugh said it was a great event, although there was a little lighter participation than was anticipated.

Dr. McHugh stated that the MWC is moving forward with a small capital renovation at Dinosaur Journey. The collection space (where fossil specimens are housed) is being expanded largely thanks to a \$50,000 grant the MWC received from the BLM. The MWC is also using some of the money from the lease reduction with the City of Fruita to help finish the project. Dr. McHugh stated that it is anticipated that the project will be finished by mid-August. Shelving and equipment will then be moved in before the fossils can be relocated in the collection space.

Dr. McHughes continued that there is about 300 square feet of collection space that will be added to the building, which is just shy of a 30% increase in collection space. She said it doesn't quite get the MWC where they need to be, but it will still be a great stepping stone until they can get a much bigger space.

Dr. McHugh said that the Summer T-Rex Exhibit at Dinosaur Journey will run through September 18th. The Dinosaur Graveyard exhibit will come back for the winter and next May, the summer exhibit for 2017 will be a traveling exhibit from the Smithsonian Institution called "Titanoboa" (the monster snake).

Dr. McHugh said there are a lot of other things going on for the MWC. They have had visiting researchers during the summer from all over the United States and the UK, distinguished speakers giving free public lectures at Dinosaur Journey including Martin Lockley (adjunct curator and world-renowned paleontologist and an expert in dinosaur tracks) and Dr. Chris Brochu from the University of Iowa, who kicked off the summer exhibit with a lecture on the tyrannosaurus "Sue." The MWC also has CMU summer students working in the lab, as well as in quarries and digs and going on trips. Dr. McHugh said that dig season has been really great this year because there haven't been a lot of rainouts. They have found bird brain ribs and part of a shoulder, as well as a femur and some wrist bones of an allosaurus (resident meat-eater of the Jurassic period).

Dr. McHugh continued that the MWC's education specialist, Rob Gay, has been working really hard on the museum's education program. He has been creating self-guided tours for Dinosaur Journey as well as creating education kits, which are focused on active learning and science. The kits get kids to start critically thinking and using scientific reasoning with fossil records to fulfill their science requirements.

Dr. McHugh reported that they had a great turnout at Dinosaur Day in June. 1,500 people were estimated to have attended.

Dr. McHugh stated that she was part of a paleontology science panel at Denver Comic Con featuring "The Science behind Science Fiction: How Science and Paleontology has Progressed

Since Jurassic Park.” The room was filled with 300 people and the conventioners told Dr. McHugh that they had to turn away another 50 to 100 people from the door. Dr. McHugh said they will attend Denver Comic Con again next year.

Dr. McHugh said that the MWC got a lot of great press this summer. They are filming for Rocky Mountain PBS on “Our Colorado Experience” series and she said she would let City Manager Mike Bennett know when it would air. There was also an article that came out in June in *Smithsonian Magazine* by Brian Switek, who is a freelance science journalist that wrote a nice article about why the Fruita Paleo Area is important for paleontology.

On August 27, 2016 the MWC will be hosting their fundraising gala, the “Feast of Skulls.” Tickets are available online or at the MWC. On September 23rd, as part of the Fruita Fall Festival, the MWC will have the “Old Fossil Golf Classic.” On October 10th through the 15th, the MWC is partnering with the Math and Science Center for Earth Science Week. They will have events all week and will be trying to bring in more partners such as the Colorado National Monument and CMU in to beef up the programming. Wednesday during that week is National Fossil Day and MWC and St. Mary’s Hospital will be holding a blood drive at Dinosaur Journey, as well as some other things.

“Monster Mash” will be held On October 31st at Dinosaur Journey. The final event for the year at Dinosaur Journey will be “Breakfast with Santa,” which will be held on December 3rd. The MWC is working with the Fruita south side to do a “chocolate walk” after “Breakfast with Santa,” which will be similar to Trick or Treat Street.

Dr. McHugh added that the MWC is moving forward event wise and is on the path to do some great things. She thanked the City of Fruita for being partners with the MWC.

Mr. Booth noted that the following week, the MWC would be coming to the Fruita Council workshop session to talk about potential future growth. He also introduced the President of the MWC Board, Katherine Robinson.

Ms. Robinson thanked the City Council for the support that the MWC gets from the City of Fruita over and over again. She added that Councilor Kincaid has been a great addition to the board.

Councilor Kincaid noted that on Thursday, July 21st, the Chamber’s Business After Hours would be held at Dinosaur Journey from 5:30 to 7:30.

5. PUBLIC PARTICIPATION

Mr. David Hawks stated that he is a rancher and landowner on Pinyon Mesa. His property is between Enoch’s Lake on the upper side and the lower side. He said that he had a map from 1910 that showed “Enoch’s Lake Resort” with five lovely resort cabins that go up Glade Canyon. He said it probably was a lovely resort in its day, but that day is gone. Mr. Hawks said that over the last 100 years, Enoch’s Lake has spiraled into an absolute disaster.

Mr. Hawks said he believes the Council is aware of the concerns that the landowners in the area have, as well as the concerns of visitors to the lake itself. He said due to lack of enforcement of the rules, the rules are being violated, so the landowners have had to become the enforcers, which is not a good thing.

Mr. Hawks continued that the things that have dramatically changed over the last five years are the encroachment on Enoch's Lake and the capacity exceeding past anything that is comfortable. Roads are being cut in where roads should not exist and campsites are being made that are not established campsites. Mr. Hawks said this causes serious problems with fires and that he personally put out three fires in the campground during the no-burn drought a few years ago.

Mr. Hawks said that as the campgrounds expand, campers are staying there longer. He noted that the bus that was in the Daily Sentinel article remains; it's almost two months that it has been there. He said the City of Fruita is providing free trash service for him and he takes up three campground spaces. Mr. Hawks said he sees families come up that are so excited to do some fishing, but they leave disappointed because they either don't want to park next to the bus or because they cannot find a space.

Mr. Hawks continued that he has seen dogs harassing livestock, people having sex out in the open, people doing drugs and just violation after violation and that the sign with the rules is of no use because there is no enforcement. He said that when the campground fills up to capacity, which it often does, then the situation spills over into the landowners' backyards.

Mr. Hawks said the no-firearms or no-shooting policy is certainly not enforced and when he and others have approached trespassers on their property, most of them are carrying guns. He said he has had break-ins at his cabins and a Kawasaki Mule stolen.

Mr. Hawks said he recently had a trespasser about a week and a half prior that said that Enoch's Lake was full, so he was just trying to find whatever sites were accessible for use.

Another incident involved two sheriff's vehicles that came to investigate something and another car was coming down the road, but once they saw the sheriff's vehicles, the car made a u-turn and immediately went back out.

Mr. Hawks said that Enoch's Lake is a great place with great potential, but the way it is right now, it is absolutely out of control and the people who frequent the area know that, so they are becoming more and more inclined to disregard the rules of the campground.

Mr. Hawks said that the landowners are struggling with ways to fix the situation without endangering themselves and their families. He said the City Council really should consider the potential liability.

Mr. Hawks stated that on the previous Thursday, he was coming down from the higher country past Enoch's Lake and as he went past, there was a woman with two small kids who had driven her car down into one of the unauthorized campgrounds, but she couldn't get the car back out due to the steepness and the sand. Mr. Hawks said he spent the next hour and a half getting her out of that

situation and that during that time, the woman's eight-year old boy had decided on his own that he was going to hike out to get some help. He said the boy was almost two miles down the road by the time they got the car out, which was very dangerous and a disaster waiting to happen.

Mr. Hawks said these are not isolated incidents; these things happen on a regular basis. Mr. Hawks said the landowners do their best to keep things under control (to a reasonable extent), but it is too much for them to handle and it takes the Sheriff's Department an hour and a half at best to respond, although they are good to do that.

Mr. Hawks said that Enoch's Lake is a great place but wondered if it was worth it, because something catastrophic would likely happen if nothing is done.

Mr. Hawks said there was another guy three years ago that spent all winter at Enoch's Lake and he left a mess all the way from the lake to Windy Point.

Mr. Hawks said it was the landowners' intent to make the Council aware of what is going on as best they can.

Mayor Buck said that the issue was something that was brought to the Council's attention as of late.

Jake Aubert, 715 Estates Blvd., Grand Junction, said he wanted to point out a few other things regarding Enoch's Lake. He trails a lot of livestock past Enoch's Lake and the main concern for him and the ranch is safety. Mr. Aubert stated that about 15 to 18 years ago, the City of Fruita put a fence in around Enoch's Lake and it was a great fence, but they knew it wouldn't ever be maintained. He continued that currently, there are broken, bent-over steel posts and barbed wire that is stretched out through the trees and even onto the road, so every time they move livestock back and forth, it is a hazard. Mr. Aubert noted that on two different occasions, he had a horse get tied up in the barbed wire. He commented that "good fences make good neighbors," but the City of Fruita is not being a very good neighbor in that aspect.

Mr. Aubert continued that he and his father rescued a lady that was so disturbed by what was going on at Enoch's Lake that she decided to walk out the 20 miles with her child. She was very upset about the chaos, so Mr. Aubert gave her a ride to town.

Mr. Aubert brought up another instance. He said knows of a wonderful family that recently moved to Fruita with five kids and they went to Enoch's Lake this summer, but it was so chaotic that when they got there to do some fishing, they left in under one half an hour because it was such a cesspool.

Mr. Aubert said he would echo what Mr. Hawks said about Enoch's Lake being a beautiful place, but there are standards that everybody has to live by in campgrounds all over Colorado and Enoch's Lake does not even come close to approaching those standards on any level. He added that the most unfortunate part of it is that there are a few people that are taking the liberties to do whatever they want while the majority of the people play by the rules, so there's a minority that is not allowing an enjoyable experience to happen.

Stan Muhr, stated that he is Fruita's neighbor on the west side up the hill and he thinks that the City had good intentions with having a place for families to go camping, but it is not that anymore. He said that campers go hiking on his property and he is losing personal belongings, they leave trash everywhere and use the ground as a latrine and it is just not working. He also said there are many fireworks and fires and if a fire ever gets started up the hill, it's just not going to stop.

Rod Tower stated that he owns property that lies east of Enoch's Lake and he sent a letter to the City Council and Mayor that included other letters that were written 20 years ago that basically stated the same thing that is happening now. He continued that during that period of time, there's been a minimum of four break-ins of the cabins that are over .5 miles away. These have been substantiated by Sheriff's reports that were made at the time the burglaries occurred. Stolen items included two generators, a brand new steel spin saw, a .22 rifle, a brand new posthole auger and food. Damage was also done to the doors. The Sheriff's Office told Mr. Tower that unless he had more information, there wasn't anything they could do about it.

Mr. Tower continued that within the last three weeks, there have been five people at once fishing on his property at his lake and someone set up a tent there and had a fire. He said he didn't want to face five people that look like they belong in jail because they would likely retaliate and he couldn't be on his property to guard it at all times. Mr. Tower said it was his opinion that the area has changed very little in 20 years because there are the letters from 20 years ago regarding the same problem, although now it is slightly worse.

Bill Patterson stated that for about 20 years, he owned the mile just across the county road from Enoch's Lake and he could verify that the people who had spoken to the Council about the problems there are accurate. He said the City of Fruita has been extremely lucky that there hasn't been some kind of a violent incident up there where people were killed.

Ron Tipping said that basically, Enoch's Lake is out of control and something needs to be done. He said he thinks somebody needs to be up there on a constant basis. He said that there are a lot of people that go to the lake that abide by the rules, but it is dangerous for them due to the firearms and fireworks.

Mr. Tipping said that when the camping was first initiated at Enoch's Lake, there was discussion about having no overnight camping, but so many people go up there that they are camping all over, even on private property. He added that the fencing around the lake is not adequate to keep people in the campground area and that the fence really needs to be fixed.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE JUNE 21, 2016 CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE JULY 5, 2016 CITY COUNCIL MEETING**

- C. NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE AN APPLICATION FOR A BEER AND WINE LIQUOR LICENSE FOR BESTSLOPE COFFEE COMPANY, LLC LOCATED AT 129 N. PEACH STREET**
- D. ORDINANCE 2016-10 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING SECTION 17.41.040(X), TEMPORARY OFF-PREMISE SIGNS, OF THE FRUITA LAND USE CODE FOR PUBLICATION OF PUBLIC HEARING ON AUGUST 16, 2016**
- E. RESOLUTION 2016-25 - A REQUEST TO APPROVE A RESOLUTION SUPPORTING A CDOT TAP GRANT APPLICATION FOR THE KOKOPELLI TRAIL**
- F. JUNE 2016 FINANCIAL REPORTS – A REQUEST TO APPROVE THE JUNE 2016 FINANCIAL REPORTS**

Mayor Buck opened the public hearing on the Consent Agenda. Hearing no comments from the public, she referred back to the City Council.

- COUNCILOR KINCAID MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR BONAR SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

7. PUBLIC HEARINGS

There were no public hearing items on the agenda.

8. ADMINISTRATIVE AGENDA

A. CITY ENGINEER SAM ATKINS

- 1) RESOLUTION 2016-24 – A REQUEST TO APPROVE A RESOLUTION TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO THE PUBLIC WORKS MOUNTAIN WATER PROGRAM TO CONDUCT AN ASSESSMENT OF THE DAM AT RESERVOIR #2**

Mayor Buck pointed out for the audience that the City Engineer would be presenting a Resolution regarding potentially conducting an assessment of the dam at Reservoir #2 and then the Council would be moving on to the discussion regarding Enoch's Lake. She noted that the Enoch's Lake discussion was not a public hearing, so audience members could stay and listen if they like, but that the Council would not be taking public comment.

City Engineer Sam Atkins gave a history of Reservoir #2, which was originally build in 1935 and was a 20-foot high earth filled dam. In 1959, the reservoir was enlarged by building on top of the

existing dam and adding another 20 feet. This increased the reservoir to a capacity of 168 acre feet of water storage.

This spring, Public Works staff noticed a crack in the face of the dam that is 60 to 70 feet long about 2/3 of the way up the backside face. Staff immediately notified the Dam Safety Engineer at the State Engineer's Office, who inspected the dam and made some recommendations. The recommendations were:

- Conduct a geotechnical evaluation of the dam
- Safe reservoir storage levels need to be determined
- Produce breach analysis/inundation mapping to prevent a catastrophic failure (1989 was the last time this analysis was completed)
- Prepare a report and repair recommendation
- Complete evaluation by the end of 2016

Staff subsequently sent out a Request for Proposals (RFPs) for consultants to perform the scope of work recommended by the state's dam inspector. RFP evaluation criteria is as follows:

- Past experience and expertise on similar projects
- Project team & availability/workload
- Recommendations & references
- Proposed fees

Mr. Atkins stated that the City has already gone through the RFP process. Ten (10) responses were received. There were several highly qualified consultants that submitted proposals with costs ranging from \$43,000 to \$104,500. Staff determined that the highest rated firm based on staff's evaluation is RJH Consultants, Inc., a firm who works on reservoir/water resource projects exclusively and had a very competitive fee of \$45,300. Mr. Atkins said that RJH was by far higher rated than everyone else, primarily due to their amount of experience and their proposed fees, so staff is recommending that this consultant be brought on board.

Mr. Atkins said that staff is not just jumping into the process and moving forward. As such, they developed four options for the Council to consider.

Option 1(a) is to move forward with a performance study at a cost of approximately \$50,000 (rounded up for simplicity's sake) to establish a safe storage level. If the City does nothing beyond this, the dam safety engineer will require the City to partially breach the dam to the safe storage level, which staff estimates the cost to be at \$100,000. This will likely have to happen within the next two to three years; the study would be completed in 2016 and the partial breach of the dam would need to occur in 2017-2018 for a total cost of \$150,000. If the City does not do anything beyond this as far as whatever the recommended repairs are (determined by the performance study), Mr. Atkins said that the City will ultimately lose its storage right in the year 2030. He added that he is confident that the performance study will show that repairs will have to be made.

Option 1(b) is essentially the same as Option 1(b), except that at some point down the line, the City would decide to make the repairs. At this point, staff has no idea what those repairs might be; that

will only be known after the performance study. Staff estimates, however, that the repairs to be anything simple from a toe burn on the backside of the dam that might cost \$250,000 to near full reconstruction, which could be \$1 to \$2 million.

Mr. Atkins stated that these repairs would likely have to be made sometime prior to the 2030 deadline, which is when the City will lose its storage right. This option (1(b)) would provide the City with partial storage in the meantime and full storage ultimately when the repairs have been made.

Option 2 is to perform the study and get all necessary repairs done now in order to have full storage at the dam. There would be no partial breach at the cost of \$100,000, but the repairs are estimated at anywhere from \$300,000 to \$2.1million.

Option 3 would be to do nothing, including the performance study. If this route is taken, the dam safety engineer will tell the City of Fruita that it has no storage or storage rights and the reservoir will have to be drained and a full breach would have to be completed. The cost of this option would be around \$150,000 to do the full breach of the dam.

Mr. Atkins' presentation included a pictorial view of what the breach might look like. The City would like have to armor the downstream channel.

Mr. Atkins reviewed a summary of all the options and stated that it was staff's recommendation to do Option 1(a) and adopt Resolution 2016-14 – Amending the 2016 Budget and transferring \$46,000 from the General Fund Contingency Account to the Public Works Department Mountain Water Program to conduct an assessment of the dam at Reservoir #2. He noted this option gives the City the flexibility of doing all of the other options with the exception of Option 3, which is to do nothing. The City would not be committing to building or breaching anything at this point; all it is committing to is spending the money to evaluate the dam.

- **COUNCILOR BONAR MOVED TO ADOPT RESOLUTION 2016-14 – AMENDING THE 2016 BUDGET AND TRANSFERRING \$46,000 FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO THE PUBLIC WORKS DEPARTMENT MOUNTAIN WATER PROGRAM TO CONDUCT AN ASSESSMENT OF THE DAM AT RESERVOIR #2. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

Mr. Ron Tipping asked if he could comment on Reservoir #2. He stated that he has agreements with the City of Fruita and the reservoir is a key factor because he has property downstream and therefore needs to be kept apprised of what is happening.

Mr. Tipping also asked if the City had written rules and regulations for people who go to Enoch's Lake.

Chief Macy responded that the rules for Enoch's Lake are posted on signage at the lake.

Mayor Buck noted that the public participation section of the agenda was over and the Council would not be accepting further public comments.

B. POLICE CHIEF JUDY MACY AND CITY MANAGER MIKE BENNETT

1) UPDATE REGARDING ENOCH'S LAKE

Fruita Police Chief Judy Macy showed the Council a few pictures of Enoch's Lake. She gave them an update on law enforcement's concerns regarding the area and the things that they have been aware of for a couple of years. Chief Macy said that the concerns were primarily from the Mesa County Sheriff's Office and some of the federal employees that go to Enoch's Lake to assist Mesa County.

Chief Macy continued that law enforcement has received a lot of specific complaints recently and noted that the Council had a copy of her report in the Council packets.

Chief Macy noted that the calls she researched from Mesa County are calls that go specifically to Enoch's Lake and not any of the surrounding residences. She said that the primary issue that Mesa County has relayed to her is that there is unlimited camping, it is unsupervised and there are no restrictions for them to enforce. For example, there is a rule that says dogs must be kept on a leash, but when people go up to Enoch's Lake, there is no cell phone service, so Mesa County cannot respond for hours and even sometimes days later. By then, the problem is gone or there is no way for Mesa County to effectively investigate it.

Chief Macy stated on June 19, 2016, the Fruita Police Department got an e-mail from a citizen saying that they had been up to Enoch's Lake and had attempted to camp there, but there were a group of six people living in a hollowed out bus and they were fighting. The citizen saw makeshift weapons and therefore did not feel safe, so they left and called the Mesa County Sheriff's Office the next day. The Sheriff's Office then went up to the lake to investigate and the people in the bus said that nothing had happened and nobody had any weapons.

Chief Macy stated that on June 22, 2016, the Sheriff's Office called and said that they were responding to a call at Enoch's Lake and asked if the City of Fruita had any Ordinances or anything that could be enforced in the area, but the Fruita PD had to tell them no because the only rules are those that are posted on the sign at the lake.

Chief Macy said she then went through the calls for service and on June 9, 2016, there was a reporting party that said that about seven people came to their campground and wouldn't leave. They reported that these people were drinking and although they didn't have any weapons, they backed up their vehicle and trapped the reporting party's vehicle in the camping area.

Chief Macy said there have also been calls of shots fired and a "gun war" on July 3rd where two campsites had a contest to see who could shoot the most rounds. A deputy and BLM representative responded and spoke to the subjects the next day, who said that this didn't happen. Chief Macy reiterated that it is difficult to prove what happened and to charge somebody when the report doesn't come in until the next day because there is no cell phone service in the area.

Chief Macy said there was a call for a welfare check where a person believed an assault occurred. Again, deputies responded, but the subject said that the argument was verbal.

Chief Macy said she wasn't going to go through the entire list of calls for service because they were all included in the Council packet for the Council to see. She said that Enoch's Lake has turned into a lawless area. People know that there is no cell service and that there is a long response time, so they have the attitude that they can do whatever they want to up there.

Chief Macy said that Mr. Hawks told her that he and the other property owners feel that they have lost their culture and lifestyle and that it's being exploited. She said she agreed that this is the case and again, it is because there is no way to respond quickly, there are no restrictions on the camping, and there is no cell phone service.

On June 30, 2016, Chief Macy sent PD officers to Enoch's Lake to check it out. They spoke with a man who lives in the bus and calls himself "Captain," and he said that he had been there for three weeks, which wasn't true, he had been there longer. He also said he was going to leave that Saturday, July 2nd, but he is still there. Chief Macy said there really is no way for law enforcement to make him leave because there is nothing posted that says that a person can't stay there all summer.

The Fruita officers also said that there was another group living in a campground with six or seven tents on one site. The one gentleman that was there with all the tents said that the group came up earlier, left and then decided to come back. The officers believe that they are actually living up there.

The Fruita officers said that the campground was clean and the trash was picked up, but that was because the City's Public Works crew had just left.

Chief Macy stated that in summary, law enforcement believes that the property should be protected and maintained. She added that she thinks the intent of the City to provide camping is honorable, but the end result has turned into a very troubled area and it now has that reputation. She recommended to the City Manager that at a minimum, the City convert to day-use only of the campgrounds. This would at least give the Sheriff's Office some "teeth" when they go up there because if specific hours are posted such as sunup to sunset or 6:00 am to 9:00 pm, they could at least kick people out if they were camping outside the designated hours.

Chief Macy said she also recommended that the campgrounds be gated and fenced off and the fire pits removed because this would help discourage the camping. She added that no matter what the City does, there is going to be little bit of a battle because there is a culture up there and Enoch's Lake has a reputation of being a place where people can go up and do whatever they want.

Councilor Karisny said that he lives by Snooks Bottom, which is gated. He said occasionally, when City employees come to close the gate, people are still in the area. He asked how staff would get the people out when it was time to close the gate at Enoch's Lake.

Chief Macy said she didn't know that it would work necessarily, but that if the City starts to gate the lake, then it will start sending a message and it will at least discourage overnight camping in the future. She added that even if it is gated, people could drive around it, but at least it would give the Sheriff's Office some "teeth" and that it wouldn't always keep everyone out, but it will discourage some. Chief Macy said it will be a matter of educating the public for awhile.

Mayor Buck asked Chief Macy if she was suggesting that staff would have to open and close the gate every day. City Manager Mike Bennett said no.

Mayor Buck said she believes that the Council agrees that the camping at Enoch's Lake needs to go to day use only very soon, but asked who initially would be going in to kick people out once the signs are posted.

Chief Macy responded that it would be the Sheriff's Office, but that the Fruita Police Department would go up and assist them.

Mr. Bennett said that he wanted to reiterate that the City of Fruita is not responding to the media; the media contacted the City after staff received the initial complaints. He noted that staff gave the City Council an update on the third Tuesday of June (Council workshop session) and the media was there, so staff followed up with the media to give them information, which led them to go up to Enoch's Lake to do an interview.

Mr. Bennett continued that as soon as staff started receiving complaints, he expressed to Council that the City would have to start taking steps towards putting in restrictions at Enoch's Lake. Since that time, Mr. Bennett said he asked Chief Macy to work with the Sheriff's Office to put together the report of calls for service that she had just reviewed with the Council.

Mr. Bennett said that staff has received complaints that Enoch's Lake is trashed on a regular basis and that these reports have usually been received on a Wednesday after the Public Works Department had just been there the previous Monday to clean up the area up and restock it, so this is occurring within 24 or 48 hours of City staff being there and it already takes quite a bit of resources to go up there and back to maintain the campsites.

Mr. Bennett said that a lot of what was learned was that the timing issues for calls for service to the Sheriff's Office don't result in anyone being cited because it is too late; they are unable to prove what was called in. The Sheriff's Office expressed to City staff that the overnight camping is probably the biggest thing that leads to a number of the issues.

Staff's first thought was to potentially limit the amount of days for camping, but as they talked to the Sheriff's Office about that, there would be no way to enforce it because people could be dishonest about how long they have been there. Mr. Bennett noted that this is not a campground that generates funds to pay for a camp host and many people would not want that position because of the lack of cell phone service.

This led to the idea of having day-use only camping and have it posted. Staff would replace the current sign with a new sign that states the effective day for day-use only camping along with all of

the other rules that are currently on the sign, such as no firearms and would have police officers and most likely a Sheriff's Deputy go with them to post the new sign and make the people camping there aware of the new rule.

Mr. Bennett said Fruita has the responsibility as a city and as property owners to take measures to deal with the issues that are currently happening at Enoch's Lake. He explained that he talked with City Attorney Ed Sands and an Ordinance is not applicable for Enoch's Lake because although it is city-owned property, it is not located within city limits. Mr. Bennett added that it does not take any formal action to take steps to place restrictions at the lake; staff can do that, but it was placed on the agenda to give the Council an update on what staff is planning to do to make sure that there is no concern on the part of the Council before the steps are taken. He added that if the Council did have concerns, staff would like to know about them and adjustments could be made if necessary.

Mr. Bennett mentioned that the Council has already decided that the Fruita mountain water properties and water rights are going to be a major topic of discussion during the budget process, but staff wanted to move as soon as possible to change the camping to day-use only and remove the fire pits. He suggested that if the Council was comfortable with this, then staff could follow up with a Consent Agenda item on August 2nd with a Resolution from the Council, which would be a good way to have something in writing aside from just having the posted sign at the lake. The sign would not have an end date, but staff feels that the sign should be up for at least the rest of this year and then decisions could be made later about how to proceed beginning in 2017 and going forward.

Mr. Bennett added that notice would also be made on the City's website and would talk with the Daily Sentinel about doing a follow up article on what's happening.

Councilor Bonar asked if any of the restrictions that would be placed on the sign would be from the City of Fruita as a property owner since the City could not pass an Ordinance for something that's not within the city. Mr. Bennett confirmed that this was correct.

Councilor Bonar asked if there were any legal requirements about how restrictions are placed on a property. Mr. Bennett responded that there are not; the restrictions can be done with the posting of a sign or staff could write a policy, but he felt the best way was to post the sign and follow up with a Resolution.

Councilor Bonar said that he used to camp at Enoch's Lake a lot - mostly during the week, so he didn't see the weekend onslaught; he saw that it was a really nice place and has very good memories of that and knows how it could be. He continued that having walked the area, any barriers, barricades or any other restrictions to access that the City could put up will be thwarted; there's no way to physically prevent access to a place people want to go.

Councilor Bonar said he thought it makes a lot of sense to put up hours that say when Enoch's Lake is open and when it is closed because then the Sheriff can go in at 7:15 and if the sign says it closes at 7:00 and someone is there, the Sheriff has the ability to send that person out. He said it seems the most practical way to deal with the current problem is to implement the day-use only with restricted hours.

Councilor Bonar continued that he thought taking the fire pits out was not a good idea because leaving the fire pits there would at least encourage people to have a fire there and not somewhere else where having a fire would be unsafe. He said having done a lot of camping in his lifetime, there seems to be a fundamental human urge to build a new fire pit next to one that's already there because people want to build their own. Councilor Bonar said that removing the fire pits may actually be counterproductive.

Chief Macy asked if Councilor Bonar thought that people would be using fire pits for day-use only picnicking. Mayor Buck and Councilor Bonar said yes because people barbeque in the early evening. Councilor Kreie asked, "even if the City prohibited fires?" Councilor Bonar said that the City could prohibit fires, but that doesn't mean that people would follow those rules any more than any of the other ones. Mayor Buck said it would be a matter of enforcement to prohibit fires at Enoch's.

Councilor Bonar said he would like to see whatever is put into place be effective through the end of this year and then have the Council renew it during the winter rather than having it open-ended. He added that he thought Council should make a motion that instructs staff to begin preparations to do this rather than having staff do it without specific direction.

Councilor Bonar said he was concerned about the unintended consequences on all of the neighbors who are currently dealing with the overflow traffic because once Enoch's Lake is closed for camping, people might try to camp on the private property of the landowners. He asked if there was some way to address this concern because he was sure that it would be an issue.

Mr. Bennett stated that this was a good point, although there is a lot of forest service camping that is available in the area.

Councilor Bonar suggested that the City post a map next to the rules sign that shows where private property (no camping) is located and where the forest service (camping permitted) is located so that people will at least have some information about where they can camp.

Chief Macy said she didn't think the problem is legitimate campers; the problem is the people who are looking for a place to live or want to party for the weekend. She added that she wouldn't want to send these people to forest service land or up to Mud Springs or anything like that. Chief Macy said she thought people who are legitimate campers already know where they can and can't camp.

Councilor Bonar said he didn't disagree with Chief Macy, but he thought that the main purpose of the map was to show people where the private properties were located so they don't camp there. He said it is not readily apparent which areas are public and which are private. Councilor Bonar said it would be nice to know that the City had done its best to inform people that they can't go on private property and that this wasn't really directed at the people who are legitimate campers.

An unidentified audience member asked if the City can't manage the situation, why was Enoch's Lake open? He said it wasn't open when he was a child.

Mayor Buck said she thinks the City can manage it, it's just that the City has done a poor job of doing it in the past, so from here on out, she was hoping people would see a much better presence. She reiterated that the Council does not take public comment at all during the Administrative Section of the agenda.

Councilor Kincaid asked what kind of insurance coverage the City of Fruita has for Enoch's Lake. He said he doesn't understand how that process works because there still would be usage on the property but the City has no control of what people are doing. He said in some ways, he thought it might be better just to shut down Enoch's Lake altogether until the end of the year when the City could make some effective decisions after doing more research.

Mayor Buck said that even if the City shut Enoch's Lake down, there would still be issues. She said no matter whatever change the City makes, there are going to be issues.

Councilor Kincaid said that he thought that a "closed until further notice – no trespassing" sign would be a stronger message to people than posting open hours because people would still be camping overnight regardless.

Councilor Kincaid also said that he felt that fires should be banned at Enoch's Lake; this should be posted on the signage and the fire pits should be removed because it would be one less thing the City would have to worry about managing or overseeing.

Mayor Buck said she hates the idea that in every facet of society, a handful of people screw up everything for everybody else. She said she doesn't want to shut down Enoch's Lake because of some unruly people up there right now; she would prefer the option of stopping the camping indefinitely, having restrictive hours, no fires, and no firearms. She continued that it is a very beautiful place and people just drive up there for the day to enjoy it and she hates to take that away and spoil it for the people who generally do use it.

Councilor Karisny said he thought that taking out the fire pits sends the message that the City was not allowing any overnight camping. He said that day-use campgrounds usually have a raised, grated kind of thing made out of iron that it used for picnicking. He continued that if the City was going to try the day-use only, then everyone would know after a month or two if it's working and then maybe the next step would be to completely close Enoch's down to figure out what's going to work from there. Councilor Karisny stated that certainly something needs to be done.

Councilor Karisny reiterated that he would go along with taking out the fire pits for now.

Councilor Harvey said he liked the idea of the Council making a motion and getting the show on the road.

Councilor Bonar listed the things that were discussed to be included in a motion. Councilor Kincaid noted that all of the current regulations that are posted (e.g., no fireworks) should remain in effect in addition to any new regulations.

Councilor Bonar added that he would like to say that the new regulations would be in effect through the remainder of 2016 because the Council will take up the issue before January 1, 2017 and have either a resolution to extend the regulations, to close the place all together or to put in place some sort of management program that the Council could agree upon by January.

- **COUNCILOR BONAR MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY MEASURES TO PREPARE TO RESTRICT ENOCH'S LAKE TO DAY-USE ONLY, TO ESTABLISH HOURS OF USE, TO POST A MAP SHOWING NEARBY PRIVATE LAND WHERE TRESSPASSING SHOULD BE DISCOURAGED AND WHERE CAMPING IS AVAILABLE, TO PROHIBIT FIRES AND THAT THIS PROHIBITION WILL REMAIN IN PLACE THROUGH THE END OF DECEMBER 2016. COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

Mayor Buck stated that the City Council was not finished with the matter yet and that the Council and City staff would stay on it until the problems are resolved as best they can be.

Mr. Bennett said it was good to point out to those in the audience that before staff started receiving the complaints and before talking with the media and during the Council's recent goal setting process, the Council identified some areas that they wanted to discuss such as how the City allocates its resources to priorities and how the City manages and maintains its resources across the city including the mountain water properties.

C. CITY MANAGER MIKE BENNETT

1) FINALIZE THREE STRATEGIC PRIORITY AREAS OF FOCUS

Mr. Bennett stated that staff and the Council have been going through the process of drafting the strategic priority outcomes (goals). Discussions were held at two public workshops and there has also been correspondence between staff and the Council via e-mail including the drafts.

Mr. Bennett said that he wanted to formally approve the three areas of focus for the City of Fruita. These areas were identified as 1) Quality of Place, 2) Economic Health and 3) Lifestyle.

Mr. Bennett said he wanted to make sure that the Council was good with the three definitions of each of the areas as outlined in the draft included in the Council packet.

Mr. Bennett continued that the City will focus on the three areas based on the base of providing quality core services. He said that Fruita is really trying to diversity its economy and do things that make the City better for residents and visitors by maintaining and providing a quality level of services with the revenue to be able to do that.

Mr. Bennett said that the next step would be for the Council to approve the three priorities and the definitions of each and then action items would be solidified during the priority-based budget process and development of the 2017 Annual Budget. He added that these action items would be identified very specifically for 2017 and there will be a list for 2018 that will be revisited as the City

goes through that (2018) budget process. He said that during the year, staff and the Council can definitely look some longer-term action items with the capital improvement plan.

Mr. Bennett asked for a motion to approve and adopt the three strategic priorities and definitions for the goals of the City of Fruita.

Councilor Kincaid said he wanted the Council to be aware that he has been very impressed with the process for goal setting because usually the Council is creating goals based on what the members think should happen instead of creating an overview and letting staff come up with the action items that are most important. He commended Mr. Bennett and said the strategic plan is what the Council's job should be and although Council members will be involved in the specific goals at their meetings, Council members are not involved on a day-to-day basis enough to know what the specific priorities for the City may be.

Mayor Buck and Councilor Bonar agreed with Councilor Kincaid.

- **COUNCILOR BONAR MOVED TO APPROVE THE THREE STRATEGIC OUTCOME AREAS OF FOCUS AND SUBSEQUENT DEFINITIONS. COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

9. CITY MANAGER'S REPORT

Mr. Bennett reported that he, Public Works Director Ken Haley and Parks and Recreation Director Ture Nycum gave a presentation to the Energy & Mineral Impact Committee for the City's Department of Local Affairs (DOLA) grant application for the Kokopelli section of the Riverfront Trail. He said that the funds are frozen for this cycle, but hopefully the state legislature will unfreeze those funds. This won't be made known for weeks or possibly even months.

Mr. Bennett said staff feels that the presentation went very well; there were some very detailed but positive questions at the end. He noted that Fruita's application is probably the only recreation project in the running, which does stand out. Other applications being considered for the grant funds are for an Opera House and the rest are for sewer lines and roads.

Mr. Bennett said that staff did a good job of explaining in the grant application and presentation how this wasn't just a recreation project; it is as much (if not more) an economic development project. One concern the grant committee had was how much money the City of Fruita is putting in because the City has a low match.

Mr. Bennett noted that the project is dependent on Great Outdoors Colorado (GOCO) and DOLA grant funds and staff talked about all of the funds that have been put into the Greenway Business Park (which utilized Energy Impact Funds) and the money that the City of Fruita put in for the Lower Little Salt Wash Trail, a trail that is necessary to connect to the Riverfront Trail. Staff also talked about all the money that has been put into design that doesn't get used as a match for DOLA (it does for GOCO), about the lake donation to the City, and the \$350,000 sewer project that the City will have to prioritize and build when the trail is built.

Mr. Bennett said he thought the message was heard very well the message that the City of Fruita has put a lot of money into the project and it is a top priority.

Mr. Bennett also noted that the Lower Little Salt Wash Trail Dedication and a full day of events were scheduled for the following day. Attending would be four GOCO board members, three GOCO staff members, the State Trails Program Manager (Tom Morrissey), Riverfront Commission/Foundation board members, the BLM, Parks and Wildlife and other partners of the City.

Mr. Bennett said there would be some presentations at the Fruita Community Center and then a bike ride to the state park before the dedication. Over the Edge is providing bikes, Family Health West is providing a bus and the Riverfront Foundation provided VIP tickets for the guests.

Mr. Bennett noted that he had handed out to the Mayor and Council members a flyer advertising Fruita that GJEP will provide at the Outdoor Retailer Show in Salt Lake City. The flyers will be dropped at 500 booths at the trade show that GJEP narrowed down and that seemed like the best prospects for the City.

Mr. Bennett noted that most people had just received their copy of the newest issue of the City Link and there was an article in it asking people to e-mail their position and comments on having the City Council consider allowing OHV (off-highway vehicles) on city roads. Staff will present of full report of these responses at the Council workshop on July 26th.

Mr. Bennett stated that he would be attending the Municipalities Dinner hosted by the Town of Collbran on July 28th and that Councilors Bonar, Karisny and Kreie would be attending as well.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR KARISNY

Councilor Karisny stated that on June 29th, he attended the 5-2-1 Drainage Authority meeting, at which the board approved the MS4 IGA, an outreach public participation and inspection. He said that what was interesting was that just before the motion, Grand Junction City Councilman Duncan McArthur wanted to be sure that the 5-2-1 fees mirrored the fees of the City of Grand Junction, so the City of Fruita will now be charged for the services that it will receive through that process.

Councilor Karisny continued that the majority of the meeting was discussing advertising. Cobb & Associates was in attendance at Commissioner Scott McInnis' request. The 5-2-1 spends about \$25,000 per year on both passive and active advertising and is required to have two passive and two active activities for outreach compliance. Passive advertising includes things such as billboards, television, websites, signs on vehicles and buses, bus shelters, movie theater advertising, educational materials, and utility bill inserts. Active advertising includes things like the 5-2-1 sponsoring events such as the "River Clean Up," and the "Children's Water Festival," and having a 1-800 number for people to call.

Councilor Karisny stated that the billboards that Cobb & Associates does are a real “bang for their buck” because they cost about .70 per 1,000 views. They had 440 total commercials estimated to cost about \$6.80 per 1,000 viewers.

Scott McInnis stated that the message on the billboard is unclear and useless and passive advertising needs to be decreased while active advertising needs to be increased.

Another board member tried to explain that the 5-2-1 is required to have both types of advertising. Cobb & Associates will come before the 5-2-1 again in November with a follow-up to discuss a balance of active and passive advertising.

Councilor Karisny also stated that there will be new regulations targeting nitrogen and phosphorus effective July 1, 2016. The 5-2-1 may do a specific campaign for illicit discharge detection and elimination and they might target specific sources such commercial, agricultural, fertilizer and industrial.

Councilor Karisny stated that the 5-2-1 Manager’s Report indicated that irrigation companies are not interested in taking storm water that may require a need to build additional infrastructure for storm water. Municipalities are being asked to control nitrogen and phosphorus. The discussion focused a lot on agriculture creating a lot of the problem, but they are going to municipalities because they know municipalities can create the funding mechanism to make it happen.

COUNCILOR HARVEY

Councilor Harvey reported that at the Riverfront Commission meeting, they discussed how Mesa County is on board to complete the 29 Road underpass before the end of the year, which is a big deal for the Riverfront Trail.

Councilor Harvey continued that the Riverfront Commission continues to look at the voluntary surcharge program and the possibility of implementing one and a marketing effort to communicate to more people in Mesa County what the Riverfront Commission/Foundation are actually doing because there seems to be a lack of understanding from the public.

Councilor Harvey also mentioned that Palisade is getting ready to give a presentation on recreational marijuana and will be putting a question on their ballot about it.

Mr. Bennett noted that when Palisade last voted on it, the spread between the yeses and nos was four votes, so a citizen group was going to initiate a petition, but the Town of Palisade said they would put the question on the ballot in the fall as opposed to having a petition submitted.

Councilor Harvey said the Town of Palisade believes they had some difficulties with the voting process at their last election, although he didn’t know what those were.

COUNCILOR KREIE

Councilor Kreie stated that the Associated Governments of Northwestern Colorado (AGNC) board meeting was scheduled for the following day but he would be unable to attend because he was instead going to the Lower Little Salt Wash Trail dedication activities.

Councilor Kreie also stated that the Downtown Advisory Board met, but there were not enough people in attendance for the board to do any real business, so they discussed the Christmas tree lot. Jeannine Purser is going to get the Special Event Permit application going to have Mulberry Street closed for that week.

COUNCILOR KINCAID

Councilor Kincaid stated that at the Chamber meeting, they discussed the changes in the layout at the Farmers' Market on Saturdays. Some vendors were concerned because they didn't think they are getting as much traffic as they used to. The vendors are now placed inside the trees so that sprinkler heads aren't being stepped on.

Councilor Kincaid noted that the Museum of Western Colorado would be giving the Council a presentation at the July workshop meeting about their Strategic Plan for 2016 and beyond.

Councilor Kincaid also noted that in regards to Family Health West partnering with the City of Fruita to replace the banner on the Co-Op grain elevator, it was explained to Stacey Mascarenas at FHW that the owners of the grain elevator will not allow the City of Fruita or FHW to put their logo on it. Another option for the grain elevator is to paint it and City staff and FHW continue to research the matter.

Councilor Kincaid said that the new tourism website would be launched the following week. He said he would have more information after the August Tourism Advisory Council meeting about the future of Fruita's marketing and promotion plans.

Councilor Kincaid noted that he would be absent from the July Council workshop meeting.

Councilor Karisny said that the issue of the barbed wire at Enoch's Lake was brought up and that it hadn't been maintained for over 20 years. He asked if staff was aware of this.

Public Works Director Ken Haley responded that every time City staff repairs the fencing, people cut it down and knock it over and he is aware of these issues.

B. EXECUTIVE SESSION – A REQUEST TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(F) (CITY MANAGER EVALUATION WITH THE CITY MANAGER)

- **COUNCILOR BONAR MOVED TO MEET IN EXECUTIVE SESSION TO DISCUSS ISSUES RELATED TO PERSONNEL ISSUES UNDERSTANDING THAT DISCUSSIONS OF SUCH ISSUES IN EXECUTIVE SESSION ARE SPECIFICALLY PERMITTED BY THE STATE'S OPEN MEETING LAW**

C.R.S. 24-6-402(4)(F) . COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The Fruita City Council convened in Executive Session at 8:57 p.m. The City Council reconvened into the regular meeting at 9:32 p.m.

- **COUNCILOR BONAR MOVED THAT IN LIGHT OF THE COUNCIL'S SATISFACTION WITH THE CITY MANAGER'S PERFORMRANCE, THAT HIS CAR ALLOWANCE BE INCREASED BY \$100 PER MONTH AND THAT HIS VACATION ACCRUAL RATE BE INCREASED BY 2 HOURS PER MONTH. COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita