

AGENDA

January 2, 2019

**Armory Multi-Purpose Room
230 N. Bluff Street
Lake City, Colorado**

I. WORKSHOP 6:00 – 7:00 p.m.

- A. Discuss OHV Committee update
- B. Discuss August Bike Race permitting?

II. REGULAR MEETING - AGENDA 7:00 p.m.

III. CALL TO ORDER:

IV. ROLL CALL:

V. APPROVAL OF MINUTES: December 19, 2018

VI. BILLS PAYABLE: January 2, 2019

VII. EMPLOYEE REPORTS:

- A. Mayor
- B. Trustees
- C. Town Manager
- D. Recreation Director
- E. Public Works Director
- F. Town Clerk
- G. Sheriff (via email)
- H. Building Official

VIII. CORRESPONDENCE RECEIVED:

- A. Hard copy letter from Larry Iams
- B. Email from Peter Nesbitt

IX. CITIZEN COMMUNICATION:

X. ADDITIONS TO AGENDA:

XI. ACTION ITEMS:

- a. Discussion and possible action to recognize the acceptance of the Pete's Lake property from the Lake City Art's Council.

XII. ADJOURNMENT:

3. APPROVAL OF MINUTES:

A. December 19, 2018 – Regular Meeting

**TOWN OF LAKE CITY BOARD OF TRUSTEES MINUTES
LAKE CITY, HINSDALE COUNTY, COLORADO
December 19, 2018**

I. JOINT MEETING HINSDALE CO COMMISSIONERS

5:00 – 6:00 p.m.

- A. Discuss OHV's
- B. Discuss dates for public input on options provided by OHV Idea Group

II. WORKSHOP

6:00 – 7:15 p.m.

- A. Discuss 2019 Fee Schedule
- B. Discuss possible vacation and deed of property and 7th and 8th Streets and Henson and Lake Streets.
- C. Discuss staff, longevity bonus

III. REGULAR BOARD OF TRUSTEES MEETING

7:22 p.m.

IV. Call to Order:

The regular meeting of the Board of Trustees of the Town of Lake City was called to order by Mayor Vierheller at 7:22 p.m., in the Armory Multi-Purpose Room, 230 Bluff Street, Lake City, Colorado.

V. Roll Call:

Present: Mayor Vierheller and Trustees: Moore, Heaton, Roberts, Rae, Priest, and Hollingsworth.

Town Staff present: Town Manager Mitchell, Parks and Recreation Director Hake, Public Works Director Levine and Town Clerk Turrentine.

VI. Consideration of Minutes:

A. December 5, 2018 Regular Meeting

Motion: Approve minutes of December 5, 2018

Motion: Trustee Roberts

Second: Trustee Rae

Vote: Yes – Vierheller, Moore, Heaton, Roberts, Rae, Priest, and Hollingsworth

Motion carried.

B. December 12, 2018 Special Meeting

Motion: Approve minutes of December 12, 2018

Motion: Trustee Priest

Second: Trustee Moore

Vote: Yes – Vierheller, Moore, Heaton, Roberts, Rae, Priest, and Hollingsworth

Motion carried.

VII. Consideration of Bills Payable for December 19, 2018

Motion: Approve Bills Payable of December 19, 2018 in the amount of \$121,604.82

Motion: Trustee Priest

Second: Trustee Rae

Vote: Yes – Vierheller, Moore, Heaton, Roberts, Priest, and Hollingsworth

Motion carried.

VIII. COMMITTEE REPORTS:

- a. Hinsdale Co. Sheriff – Email
- b. Gunnison Basin Roundtable – Dan Murphy
- c. Lake San Cristobal Water Activity Enterprise - Henry Woods ✓
- d. Historic Preservation Commission – Email Midge Murphy
- e. Chamber of Commerce – Jeff Heaton ✓
- f. Marketing Committee – Jud Hollingsworth ✓
- g. Region 10 – Kristine Borchers ✓
- h. Town Manager update – ✓
- i. Mayor/Trustee Reports ✓

IX. CORRESPONDENCE:

- a. Letter from Viva Ashcroft
- b. Email and tax document from Beth Ryals

X. CITIZEN COMMUNICATION:

- a. Kristine Borchers gave Board a response to Ryals doc from Larry Iiams and “Turn Around Lake City” group.

XI. ADDITIONS TO THE AGENDA: None

XII. ACTION ITEMS:

- a. Discussion and possible action to consider vacation of the alley way between 6th and 7th and Henson and Lake Streets and deed of property in river, Ordinance 2018-05. (Town Manager)

Motion: Approve Ordinance 2018-05

Motion: Trustee Rae

Second: Trustee Heaton

Vote: Yes – Moore, Heaton, Rae, Priest

No - Vierheller, Roberts

Recused - Hollingsworth

Motion carried.

b. Discussion and possible action to consider 2019 Fee Schedule

Motion: Approve 2019 Fee Schedule with changes

Motion: Trustee Heaton

Second: Trustee Rae

Vote: Yes – Vierheller, Moore, Heaton, Roberts, Rae, Priest, and Hollingsworth

Motion carried.

c. Discussion and possible action to consider DOLA Mini Grant with Kristine Borchers/Dirt

Motion: Approve Mini Grant with DOLA.

Motion: Trustee Hollingsworth

Second: Trustee Roberts

Vote: Yes – Vierheller, Moore, Heaton, Roberts, Rae, Priest, and Hollingsworth

Motion carried.

d. Discussion and possible action to consider Historic Preservation Commission applicant, Kerry Coy.

Motion: Disapprove Kerry Coy to Historic Preservation Commission

Motion: Trustee Rae

Second: Trustee Heaton

Vote: Yes – Moore, Heaton, Roberts, Rae, and Hollingsworth

No - Vierheller, Priest

Motion carried.

e. Discussion and possible action to consider Town staff longevity bonus.

Motion: Approve Town staff longevity bonus in the amount of \$8,767.02

Motion: Trustee Moore

Second: Trustee Rae

Vote: Yes – Vierheller, Moore, Heaton, Roberts, Rae, Priest and Hollingsworth

Motion carried.

f. Discussion and possible action to consider Resolution No. 1027, designating the 2019 official posting location as the Town Armory bulletin Board and the meeting place as the Multi-Purpose meeting room in the Armory. (Town Clerk)

Motion: Approve Resolution No. 1027, designating the 2019 official posting location as the Town Armory bulletin Board and the meeting place as the Multi-Purpose meeting room in the Armory. (Town Clerk)

Motion: Trustee Heaton

Second: Trustee Hollingsworth

Vote: Yes – Vierheller, Moore, Heaton, Roberts, Rae, Priest and Hollingsworth

Motion carried.

XIV. ADJOURNMENT:
Mayor Vierheller move to adjourn at 9:01 p.m.

Mayor – Bruce Vierheller

ATTEST:

Town Clerk – Jamie Turrentine

4. Bills Payable: January 2, 2019

Town of Lake City
Bills Payable & Payroll Report - JANUARY 2, 2019

Bills Payable

<u>Name</u>	<u>Description</u>		<u>Amount</u>
Accutest Mountain States	Testing	\$	959.50
Card Member Service	AWWA	\$	324.00
"	CARPARTS	\$	21.89
"	ChILLING FOOD GCEA CREW CHMS LIGHTS	\$	34.07
"	CONOCO	\$	31.52
"	FOOD CHMS OPEN HOUSE	\$	183.40
"	Google - Bill Flash	\$	429.52
"	ITUNES STORAGE	\$	0.99
"	POSTAGE	\$	900.00
"	SAT phone	\$	37.11
"	SENSUS FCC LIC	\$	1,000.00
"	SKI HILL exp	\$	129.57
"	TRAVEL TRAINING	\$	514.53
"	UPS AGGREGATE	\$	56.32
Caselle	Contract Support	\$	617.00
CEBT	Health Insurance	\$	4,344.00
CenturyLink	300898145 Telemetry	\$	146.85
"	Telephone - Town Hall	\$	439.05
City of Gunnison	Water Lab Fees NOV 2018	\$	45.00
DOI/BLM	ROW communication site rental	\$	164.09
Fitness Tech	Maint treadmill	\$	320.00
LAKE CITY CHAMBER OF COMMERCE	Membership	\$	70.00
Pinnacol Assurance	Worker's Comp Premium JAN 2019	\$	1,007.00
Quill Corp	Dry erase board	\$	44.48
"	OFFICE SUPPLIES	\$	9.98
"	OFFICE SUPPLIES	\$	235.90
"	OFFICE SUPPLIES	\$	260.80
"	OFFICE SUPPLIES	\$	471.19
Superior Alarm & Fire Protection	Monitoring Jan Feb Mar 2019	\$	90.00

USA Blue Book		FREIGHT WWTP	\$	50.61
"	"	R&M SUPPLIES	\$	215.95
"	"	SUPPLIES SEWER COLL	\$	217.04
"	"	SUPPLIES SEWER COLL	\$	37.58
Verizon		Employee cell phones	\$	159.90
WEBCO Excavation		OCEAN WAVE & 149	\$	497.50
			\$	14,066.34
<u>Net Payroll JANUARY 2, 2019</u>			\$	8,747.51
<u>Payroll Benefits & Taxes</u>				
IRS 941			\$	981.91
State WH			\$	518.00
PERA			\$	2,889.63
<u>Total Payroll Benefits & Taxes JANUARY 2, 2019</u>			\$	4,389.54
<u>Grand Total Bills Payable JANUARY 2, 2019</u>			\$	27,203.39

Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Only paid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
100-217-400-000 Acc Insurance Payable								
406	CEBT	INV0028919	Health Insurance	12/18/2018	4,344.00	4,344.00	12/31/2018	
Total 100-217-400-000 Acc Insurance Payable:					4,344.00	4,344.00		
100-411-100-330 Publicity, Dues, & Subs.- BOT								
1522	LAKE CITY CHAMBER OF COM	01012019	Membership	01/01/2019	70.00	70.00	12/31/2018	
Total 100-411-100-330 Publicity, Dues, & Subs.- BOT:					70.00	70.00		
100-411-200-330 Publicity, Subscriptions & Due								
3019	Card Member Service	12142018	ITUNES STORAGE	12/14/2018	.99	.99	12/31/2018	
Total 100-411-200-330 Publicity, Subscriptions & Due:					.99	.99		
100-411-400-142 Workmen's Compensation - Town								
2041	Pinnacol Assurance	19353133	Worker's Comp Premium JAN 201	12/12/2018	1,007.00	1,007.00	12/31/2018	
Total 100-411-400-142 Workmen's Compensation - Town:					1,007.00	1,007.00		
100-411-400-210 Office Supplies - Town Admin.								
2119	Quill Corp	3345226	OFFICE SUPPLIES	12/07/2018	235.90	235.90	12/31/2018	
2119	Quill Corp	3345236	OFFICE SUPPLIES	12/07/2018	260.80	260.80	12/31/2018	
2119	Quill Corp	3345240	OFFICE SUPPLIES	12/07/2018	471.19	471.19	12/31/2018	
2119	Quill Corp	3350832	OFFICE SUPPLIES	12/10/2018	9.98	9.98	12/31/2018	
Total 100-411-400-210 Office Supplies - Town Admin.:					977.87	977.87		
100-411-400-220 Operating Supplies- Town Admin								
3019	Card Member Service	12142018	FOOD CHMS OPEN HOUSE	12/14/2018	183.40	183.40	12/31/2018	
Total 100-411-400-220 Operating Supplies- Town Admin:					183.40	183.40		
100-411-400-311 Postage - Town Admin.								
3019	Card Member Service	12142018	POSTAGE	12/14/2018	900.00	900.00	12/31/2018	
Total 100-411-400-311 Postage - Town Admin.:					900.00	900.00		
100-411-400-345 Telephone - Town Hall								
421	CenturyLink	12082018A	300898145 Telemetry	12/08/2018	146.85	146.85	12/31/2018	
421	CenturyLink	12082018B	Telephone - Town Hall	12/08/2018	439.05	439.05	12/31/2018	
Total 100-411-400-345 Telephone - Town Hall:					585.90	585.90		
100-411-400-346 Employee Cell Phone Stipend								
3020	Verizon	9819847458	Employee cell phones	12/07/2018	159.90	159.90	12/31/2018	
Total 100-411-400-346 Employee Cell Phone Stipend:					159.90	159.90		
100-411-400-347 Computers and Software R&M								
3019	Card Member Service	12142018	Google - Bill Flash	12/14/2018	429.52	429.52	12/31/2018	
394	Caselle	92010	Contract Support	12/01/2018	617.00	617.00	12/31/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 100-411-400-347 Computers and Software R&M:					1,046.52	1,046.52		
100-419-400-360 R & M Services-Comm Fac& Parks								
2967	Superior Alarm & Fire Protection	138901	Monitoring Jan Feb Mar 2019	12/15/2018	90.00	90.00	12/31/2018	
Total 100-419-400-360 R & M Services-Comm Fac& Parks:					90.00	90.00		
100-431-400-350 Professional Services								
3047	DOI/BLM	2019015626	ROW communication site rental	12/03/2018	164.09	164.09	12/31/2018	
Total 100-431-400-350 Professional Services:					164.09	164.09		
100-431-400-452 Gravel								
2800	WEBCO Excavation	5708	OCEAN WAVE & 149	12/12/2018	497.50	497.50	12/31/2018	
Total 100-431-400-452 Gravel:					497.50	497.50		
100-451-100-224 Recreation Supplies - Rec.								
3019	Card Member Service	12142018	ChILLING FOOD GCEA CREW C	12/14/2018	34.07	34.07	12/31/2018	
3025	Fitness Tech	30059	Maint treadmill	12/17/2018	320.00	320.00	12/31/2018	
Total 100-451-100-224 Recreation Supplies - Rec.:					354.07	354.07		
100-451-200-220 Operating Supplies - Ski Hill								
3019	Card Member Service	12142018	SKI HILL exp	12/14/2018	129.57	129.57	12/31/2018	
Total 100-451-200-220 Operating Supplies - Ski Hill:					129.57	129.57		
100-451-200-345 Telephone - Ski Hill								
3019	Card Member Service	12142018	SAT phone	12/14/2018	37.11	37.11	12/31/2018	
Total 100-451-200-345 Telephone - Ski Hill:					37.11	37.11		
600-433-410-230 R & M Supplies - Water Wells								
2686	USA Blue Book	762983	R&M SUPPLIES	12/14/2018	215.95	215.95	12/31/2018	
Total 600-433-410-230 R & M Supplies - Water Wells:					215.95	215.95		
600-433-410-358 Tests - Water Wells								
28	Accutest Mountain States	521-60105498	Testing	12/20/2018	959.50	959.50	12/31/2018	
493	City of Gunnison	19887	Water Lab Fees NOV 2018	12/14/2018	45.00	45.00	12/31/2018	
Total 600-433-410-358 Tests - Water Wells:					1,004.50	1,004.50		
600-433-510-230 R & M Supplies - Sewer Coll								
2686	USA Blue Book	762983	SupplIES SEWER COLL	12/14/2018	217.04	217.04	12/31/2018	
Total 600-433-510-230 R & M Supplies - Sewer Coll:					217.04	217.04		
600-433-530-229 Operating Supplies - WWTP								
2119	Quill Corp	3541792	Dry erase board	12/14/2018	44.48	44.48	12/31/2018	
Total 600-433-530-229 Operating Supplies - WWTP:					44.48	44.48		
600-433-530-230 R & M Supplies - WWTP								
3019	Card Member Service	12142018	CARPARTS	12/14/2018	21.89	21.89	12/31/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2686	USA Blue Book	762983	SupplIES WWTP	12/14/2018	37.58	37.58	12/31/2018	
Total 600-433-530-230 R & M Supplies - WWTP:					59.47	59.47		
600-433-530-312 Freight - WWTP								
3019	Card Member Service	12142018	UPS AGGREGATE	12/14/2018	56.32	56.32	12/31/2018	
2686	USA Blue Book	762983	FREIGHT WWTP	12/14/2018	50.81	50.81	12/31/2018	
Total 600-433-530-312 Freight - WWTP:					106.93	106.93		
600-433-600-231 Fuel - W & S Admin								
3019	Card Member Service	12142018	CONOCO	12/14/2018	31.52	31.52	12/31/2018	
Total 600-433-600-231 Fuel - W & S Admin:					31.52	31.52		
600-433-600-335 Dues, Subscriptions -W&S Admin								
3019	Card Member Service	12142018	AWWA	12/14/2018	324.00	324.00	12/31/2018	
Total 600-433-600-335 Dues, Subscriptions -W&S Admin:					324.00	324.00		
600-433-600-345 Telephone - W & S Admin								
3019	Card Member Service	12142018	SENSUS FCC LIC	12/14/2018	1,000.00	1,000.00	12/31/2018	
Total 600-433-600-345 Telephone - W & S Admin:					1,000.00	1,000.00		
600-433-600-370 Travel & Meetings- W & S Admin								
3019	Card Member Service	12142018	TRAVEL TRAINING	12/14/2018	514.53	514.53	12/31/2018	
Total 600-433-600-370 Travel & Meetings- W & S Admin:					514.53	514.53		
Grand Totals:					14,066.34	14,066.34		

Report Criteria

Detail report.

Invoices with totals above \$0.00 included.

Only paid invoices included.

5. EMPLOYEE REPORTS:

Public Works Report

December 2018

For the month of December, the Town of Lake City produced 5,481,000 gallons of safe drinking water and the Wastewater Treatment Plant processed 1,376,280 gallons of wastewater. For the same period last year the Town produced 5,426,900 gallons of water and processed 1,295,994 gallons of wastewater.

- The month of December started off with some pretty good snow which kept Jameson and I busy for the first week. Unfortunately along with the snow came some damage from plowing. That damage kept the department busy through the remainder of the week. I had a good conversation with the Road and Bridge department and the issues that occurred should not happen again.
- Levi Stephens started work for the Town on the 3rd of the month. We wasted no time on putting him to work and providing training in order to fulfill Public Works job duties. He will work with Parks and Recreation as well as Public Works. From what I have seen so far he will fit in nicely with both departments and is a hard worker. I look forward to working with him and I am sure he will provide some help that is much needed.
- On the 6th we all participated in the Town open house. Town staff prepared the food throughout the day and then served the community in the early evening. All went well and the turnout was good. I am grateful to have the Armory addition and the kitchen for this function.
- Being the last month of the year I had quite a bit of data to submit to the State as well as reporting due. The paperwork for a new F.C.C license is complete and now we are just waiting on the processing. This was necessary in order to purchase and operate our new meter reader system.
- Jameson attended a class in Cortez that focused on wastewater lagoons and their operation and maintenance. He brought back some good information and was able to talk with other operators and facility owners.
- I was not the snowiest December I can recall, but it did keep us busy moving snow. Just enough snow would fall to warrant moving it and breaking out the snow blower and back hoe. It is a good start and we can only hope for more.
- I will close my report by thanking you all for making Christmas a little merrier this year. The longevity bonus that was initiated by our Town Manager and approved by you all was much appreciated! I am truly thankful for the people I work with and work for. I would like to wish everyone all the best and a Happy New Year.

Respectfully Submitted,

Greg Levine
Public Works Director

MONTHLY REPORT

DECEMBER 2018

Lake City Parks and Recreation

Ski Hill

The ski hill opened for the season on Saturday December 22nd. We brought in over \$3000 during Christmas Week. We were open extra days, Christmas Day and Thursday the 27th. The following week will be the same schedule.

Levi was trained in the warming hut fitting skis and all the other necessary operations.

We hired Forrest Swift as a part time lift operator and warming hut attendant.

We are planning a fun race on Feb 2nd and the Milski Race in March.

Armory

Levi and I have taken the pool table apart on numerous occasions to clean out the wiffle balls and ping pong balls that the children use to plug up the holes.

We had both treadmills re-decked in the fitness center due to their poor condition. Now both work fine. This was a \$1500 expense.

We also purchased a nice used recumbent bike to replace the broken one for a cost of \$200.

Ice Rink

The ice rink has been fixed and we continue to run water on it as needed. The miny mites should be starting practice after the 1st of the year.

Ice Park

Everything is set up and running smoothly at the ice park. All the routes are in. I added the small cliff to the west again this year in case it's busy and they need an extra route.

I will start to ask for sponsorships for the ice fest after the first of the year.

I'm using the same t-shirt design as last year for the festival.

Ever since Thanksgiving weekend there have been climbers using the wall on almost every day.

Parks

Kristie has been working on gathering money for the pavilion project. We plan on asking the Lake Fork Community Foundation for a grant in April.

Trees

Nothing to report

Other

Town Clerk Report

January 2, 2019

BOARD OF TRUSTEES MEETINGS

- Prepared agendas, packets, iPad's, logistics, bills payables reports, and public notices for BOT regular meetings. Recorded meeting audio and create minutes, post both to the web site.
- Work closely with Town Manager and Attorneys on setting Agenda's
- Set up Multi-Purpose room for various meetings

RECORDS MANAGEMENT

- Updated Website with Agenda, Packet, Minutes, Meeting Recordings, Bills Payable, Financials
- Update Facebook and website with Town Recreation activities

MISC. TOWN CLERK DUTIES

- Process (3) weight room memberships
- Process one (2) Facility Use Permits for Town events
- Process (1) CORA request
- Submit (7) seven support tickets to Caselle

MISC. TOWN HUMAN RESOURCE DUTIES

- Process two payrolls for the month of December, including real checks to be signed and distributed and direct deposits

BOOKKEEPING & ACCOUNTS RECEIVABLE

- Process \$82,584.77 in deposits as of December 31, 2018
- Processed accounts payable from vendors, allocating expenses to appropriate accounts, mailed Accounts Payable checks and or pay four accounts on line
- Create and process various journal entries for the General Ledger

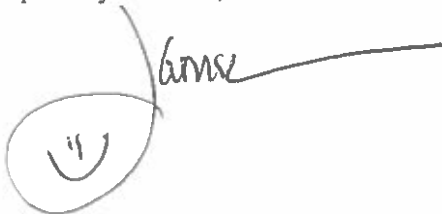
OFFICE MANAGEMENT & MISCELLENOUS DUTIES

- Continual interaction with citizens visiting the office
- Maintain office supplies

WATER & SEWER ACCOUNTS & BILLING

- Close interaction with utility customers
- Create meter read file, load meter reader, have problems, contact Caselle
- Utility billing 12/31/2018
- Sent one certified letter, two regular mail letters for shut off notices
- Worked closely with Operator on collecting delinquent accounts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amse", is written over a large, hand-drawn smiley face. The smiley face consists of two dots for eyes and a curved line for a mouth, all enclosed within a hand-drawn oval.

6. CORRESPONDENCE RECEIVED:

/10/18

Sales Tax Revenues

“Long-term, steady growth of population, employment, and real personal income is generally an indication of a healthy, prosperous economy. Erratic growth, no-growth, or long-term decline in these indicators are generally an indication of a struggling economy.” —Headwaters Economics

Sales Tax Collection Comparison

In terms of sales tax revenues, Lake City is not doing any better than it was before OHVs. Businesses are not seeing the windfall that was expected. [Jobs and labor income \(/jobs--income.html\)](#) continue to fall. [Construction and building permits \(/building-use-tax--permits.html\)](#) are nearly non-existent. OHVs were supposed to add to our tourism economy. Instead, they've replaced visitors that we had before. In exchange for status quo revenues, we on the road to destroying our [quality of life \(/quality-of-life.html\)](#).

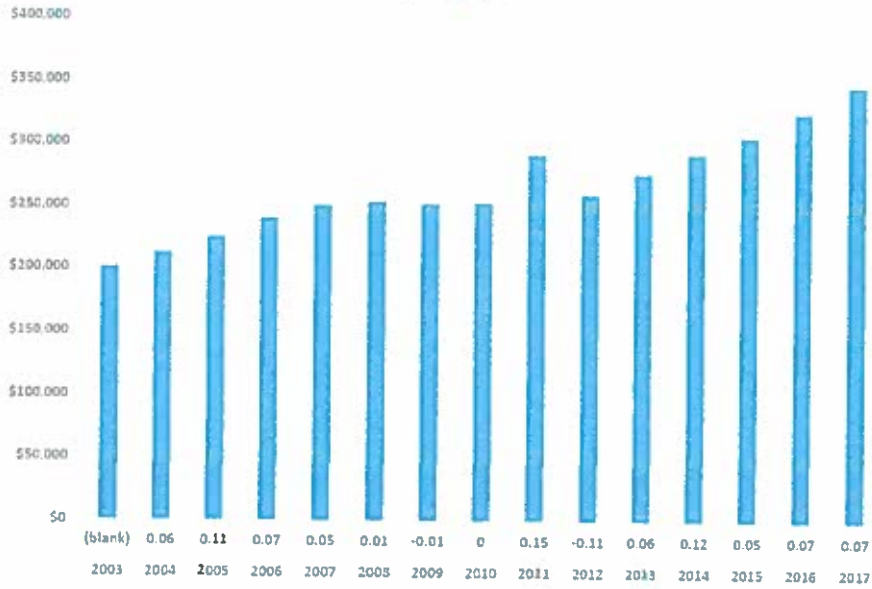
Note that sales tax revenues are not a reflection of the economic health of a place. [Population \(/population.html\)](#), [jobs, and income \(/jobs--income.html\)](#) are the main criteria to

TURN AROUND LAKE CITY

determine this. Looking at sales tax alone is like looking at a business' gross sales. It doesn't tell the whole story.

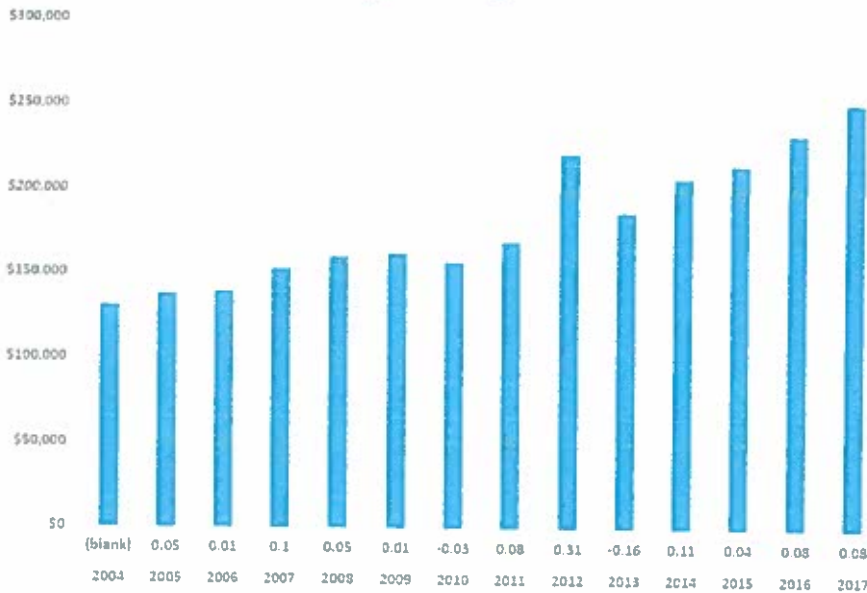
HOME QUALITY OF LIFE
ECONOMIC IMPACT NEWS

Sales Tax Collections
Town of Lake City - 2003 - 2017



Source: Town of Lake City audit reports from 2003 through 2017.

Sales Tax Collections
Town of Creede - 2004 thru 2017

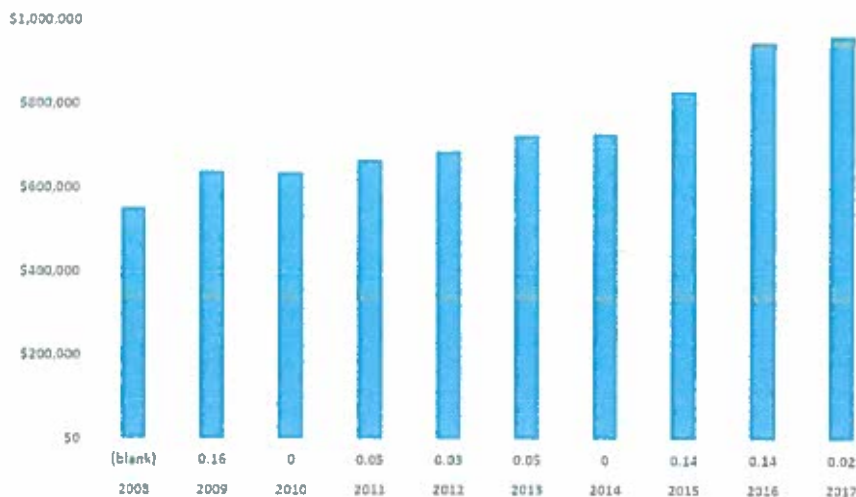


Source: Creede Town Clerk.



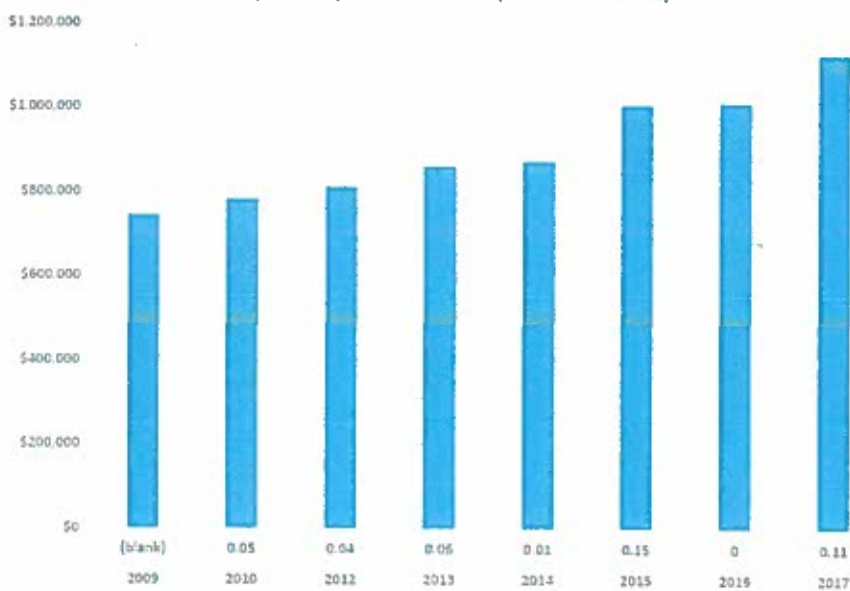
HOME Sales Tax QUANTITY OF LIFE
Town of Silverton - 2008 thru 2017

ECONOMIC IMPACT NEWS



Source: Town of Silverton audit reports 2008-2017.

Sales Tax Collections
City of Ouray - 2009 thru 2017 (2011 not available)



Source: City of Ouray audit reports, 2009-2017. 2011 not available.

TURN
AROUND
LAKE CITY

HOME QUALITY OF LIFE

ECONOMIC IMPACT NEWS



Turn Around Lake City is a group of Lake City, Colorado citizens working to overturn the 2015 OHV ordinance. We are seasonal and year-round residents. We own homes and businesses in Lake City. Each of us knows what a wonderful place Lake City used to be and can be again in the future.

Turn Around Lake City is an issues committee registered with the Town of Lake City, per Colorado Revised Statute 1-45-108. Registered agent, Michelle Pierce.

Email us: turnaroundlakecity@gmail.com
(<mailto:turnaroundlakecity@gmail.com>)

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Jamie Turrentine <jamieturrentine@townoflakecity.co>

Fwd: CO149 Pilot Project update, and questions about CR142

1 message

<peter_nesbitt@icloud.com> <peter_nesbitt@icloud.com>

Fri, Dec 21, 2018 at 9:48 PM

To: Susan Thompson <district1@hinsdalecountycolorado.us>, Stan Whinnery <district3@hinsdalecountycolorado.us>, Cindy Dozier <cindy.dozier@yahoo.com>, Bruce Vierheller <brucevierheller@townoflakecity.co>, Marty Priest <marty Priest@townoflakecity.co>, Richard Moore <richardmoore@townoflakecity.co>, Jud Hollingsworth <judhollingsworth@townoflakecity.co>, Alan Rae <alanrae@townoflakecity.co>, Jeff Heaton <jeffheaton@townoflakecity.co>, Dave Roberts <daveroberts@townoflakecity.co>

Cc: Jamie Scroggins <administrator@hinsdalecountycolorado.us>, Kristine Marie Borchers <kristineborchers@yahoo.com>, Caroline Mitchell <carolinemitchell@townoflakecity.co>, Jamie Turrentine <jamieturrentine@townoflakecity.co>

Commissioners and Trustees,

Please take a look at the following email exchange that I had with Zane Znamenacek (CDOT). This email exchange indicates that it might be possible to modify the *CO149 Pilot Project* if there are safety concerns.

I asked Mr. Znamenacek several questions about enforcement, out-of-state licensed OHVs, and the various interpretations regarding the 16-year old Judge Patrick ruling. Mr. Znamenacek offered interesting observations about the Patrick ruling; revealed that CDOT had the 2002 Patrick ruling reviewed by the Colorado Attorney General's Office; and offered comments in support of the 2018 Yoder ruling out of Ouray:

"Keep in mind that CDOT and CSP have already had the 2002 court decision reviewed by the Attorney General's office, and we firmly believe that the Sheriff was misinterpreting it. I do not know if the current sheriff intends to interpret it the same way as the previous sheriff, but we have never believed the ruling was intended to allow out of state OHV's on the state highway. As far as we're concerned, it is and always has been illegal for anyone to operate an OHV on a Colorado state highway." — Zane Znamenacek

There is a "safety issue" on the table that can be addressed if the Town and County ask CDOT and the Transportation Commission for a modification to the CO149 Pilot Project. There is also an issue of interpretation and enforcement of Colorado State law, the 16-year old Patrick ruling, and the 2018 Yoder ruling.

- Are the Town and County attorneys aware of the 2018 Yoder ruling (see attachment)?
- Are the Town and County attorneys aware that OHVs are operating in Hinsdale County contrary to the positions of CDOT, CSP, and the Colorado Attorney General?
- What are we gaining by working in direct opposition to CDOT, CSP, and the Colorado Attorney General's Office?

If the CO149 Pilot Project is to ever "successful" in *connecting the loop*, Hinsdale County must admit that the 16-year old Patrick ruling is outdated. If Hinsdale County does not comply with (and enforce) the more recent Yoder ruling and State law regarding OHVs on State Highways, then it is my belief that we are wasting our time discussing the CO149 Pilot Project.

Thank You,

Peter D. Nesbitt
P.O. Box 465
825 N. Gunnison Ave.
Lake City, CO 81235
970-765-6390 (cell)

Begin forwarded message:

From: "Znamenacek - CDOT, Zane" <zane.znamenacek@state.co.us>
Subject: Re: CO149 Pilot Project update, and questions about CR142

Date: December 21, 2018 at 1:45:40 PM MST

To: peter_nesbitt@icloud.com

Cc: George Dingfelder - CDPS <george.dingfelder@state.co.us>, Michael Goolsby <michael.goolsby@state.co.us>

Peter,

Like I said before, my direction was to minimize the amount of travel on the highway, which meant detouring to CR 142. We did debate that item quite a bit, because there are safety concerns with requiring additional turning movements on and off the highway with OHV's. I would not be against revisiting this item and potentially revising the limits OHV's would be allowed on, but the decision has to be based on safety concerns, not other factors like noise or dust. If we do all agree to ask for this revision, the request would have to be reviewed by the Transportation Commission and approved, but it's certainly possible that they would agree to this amendment. That said, I would not want to take this change to them unless all parties were in agreement that this pilot would then go forward. We could also remove the section of the pilot program that goes to the campground further east if we wanted to. In fact, removing that section could be viewed as a safety improvement and help the case to not detour to CR 142.

With regards to your questions about Judge Patrick ruling, we believe that a recent decision made in Ouray County sets new precedence with regards to OHV's being allowed on the highway. I have attached a copy of that case, and can share the following opinions about that case:

- The Court found that an OHV is not a "motor vehicle" as defined in C.R.S. § 42-1-102(58) as "any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways . . ."
- The Court did acknowledge that OHVs are included as motor vehicles in statutes covering driving under the influence, express consent statute and reckless driving, but was not persuaded that an OHV was a motor vehicle for purposes of the foreign vehicle reciprocity statute.
- Specific to this decision, the Court also found that the Defendant/Appellee, Fred R. Walton, had registered his OHV in Montana, but was a resident of Louisiana, so the foreign vehicle reciprocity statute did not apply to Mr. Walton because he was not a resident of Montana.
- The Court also spends several pages addressing an older court decision, from 2002, that found that Colorado jurisdictions had to allow ATVs and OHVs to operate on city streets if these vehicles were licensed as street vehicles in other states under the Full Faith and Credit Clause of the United States Constitution.
- Judge Yoder distinguished the 2002 Order and cited a U.S. 10th Circuit 2004 decision, *United States v. Ramirez*, 86 Fed.Appx. 384 (10th Cir. 2004) and ruled that Colorado is not required to substitute any other state's OHV laws for its own and that "non-resident OHV registrants do not have carte blanche to operate on the streets and highways within the state of Colorado."

Keep in mind that CDOT and CSP have already had the 2002 court decision reviewed by the Attorney General's office, and we firmly believe that the Sheriff was misinterpreting it. I do not know if the current sheriff intends to interpret it the same way as the previous sheriff, but we have never believed the ruling was intended to allow out of state OHV's on the state highway. As far as we're concerned, it is and always has been illegal for anyone to operate an OHV on a Colorado state highway.

Zane

Zane Znamenacek, PE
Region 3 Traffic Program Manager
(970)683-6275

On Fri, Dec 21, 2018 at 1:11 PM <peter_nesbitt@icloud.com> wrote:

Zane,

I circulated the Word document that you emailed me a while back. This document contained some of the finer details of the CO149 Pilot Project that were not in my original copy of the July 19, 2018 Transportation Committee Memorandum.

A significant concern has been raised by members in the community and possibly 2 of our elected officials. This concern relates to the CO149 *route deviation* that would push all OHVs onto CR142. This County Road is lined with short-term rental properties and 2nd-homes known collectively as the Ox Yoke. There is also another cabin-rental business named The Texan.

If memory serves me correct, CR142 is a very narrow County Road with no shoulder for pedestrians or bicyclists, and this vacation community is generally populated with children and adults of all ages. It has the feel of a small residential neighborhood, and all OHVs would be required to transit this neighborhood on CR142 as opposed to continuing on CO149 to *complete the loop*.

The southern intersection of CO149 and CR142 is located on a blind-curve that many locals and 2nd homeowners consider to be quite dangerous. This area looks fine from Google Maps, but not so good on the ground while driving. There is concern with OHVs being forced to enter/exit CO149 via CR142 near this blind-curve, and to enter/exit CO149 two additional times just to *complete the loop*.

Do you know if the designers of the CO149 Pilot Project consulted with any of the property owners along CR142 regarding the increased OHV traffic that would occur on this County Road? I know that there was a public meeting earlier this year, but I am not convinced that the property and business owners along CR142 know what could actually happen with increased and concentrated OHV traffic on this County Road.

This route deviation also creates another potential conflict that relates to the interpretation and enforcement of the 16-year old Judge Patrick ruling from the 7th Judicial District. As this ruling is currently being interpreted and applied by the Hinsdale County Sheriff's Office, out-of-state licensed OHVs may drive on CO149 in Hinsdale County, yet the CO149 Pilot Project requires all OHVs to depart CO149 and transit via CR142 for a short period of time.

Does the CO149 Pilot Project somehow override Judge Patrick's ruling? Will our Sheriff's Office be held in *contempt of court* if out-of-state licensed OHVs are forced off of CO149 in accordance with the Pilot Project?

Do you know if out-of-state licensed OHVs will be allowed to utilize CO149 between 2nd Street and CR30? Or will there be signage that requires licensed and unlicensed OHVs to utilize CR142?

This route deviation may create confusion within the OHV community. There may be one route for *out-of-state licensed* OHVs and another route for *unlicensed* OHVs. This may create another enforcement issue for our Sheriff's Office, or it might just devolve into an enforcement aspect that is simply ignored based on interpretation or discretion by our Sheriff's Office.

The *Joint Town / County OHV Workgroup* is still plugging-along discussing many of these issues, but we are taking a break from meeting until after the holidays are behind us. I conveyed your willingness (and Major Dingfelder's) to come and help with these discussions.

I have encouraged our Town and County to reach-out to CDOT and the Transportation Committee to inquire about modifications to the Pilot Project. Our entire community is focused on the OHV issue at this point, and many of us are working to identify a middle-ground that will work.

Apologies for so many questions, but the *devil is in the details*.

Thank you,

Peter D. Nesbitt
P.O. Box 465
825 N. Gunnison Ave.
Lake City, CO 81235
970-765-6390 (cell)

 1426_001.pdf
2198K

7. CITIZEN COMMUNICATION:

9. ACTION ITEMS:

QUITCLAIM DEED

This deed, made this 18th day of December, 2018 between Lake City Arts Council, a Colorado non-profit organization whose legal address is P.O. Box 876, Lake City, Colorado 81235 (Grantor), and the Town of Lake City, a Colorado Municipality of the County of Hinsdale (Grantee),

Witnesseth, that on the 25th day of June, 1999 the Town of Lake City conveyed to Lake City Arts Council, a certain parcel described below. This conveyance contained the restriction that title to the property shall revert to the Town of Lake City Colorado at such time as the real property ceases to be used by Lake City Arts Council, for the general purposes of promotion and display of artistic and cultural exhibits, literature, productions and the like. Lake City Arts Council has not made the designated use of the real property and hereby conveys the real property to the Town of Lake City in accordance with the intent of the original deed.

Further witnesseth, that the Grantor, for valuable consideration of less than One Hundred and no cents (\$100.00) dollars, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the Grantee the right, title, interest claim and demand which the Grantor has in and to the real property, together with any improvements, if any, situate, lying and being in the County of Hinsdale and State of Colorado, described as follows:

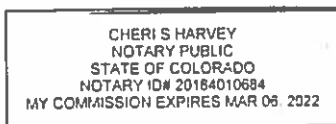
A tract of land within Blocks 6 & 7, together with the appurtenant vacated alley in Gunnison Street, all according to the official re-plat of the Town of Lake City (Reception No. 59270) as filed in the Hinsdale County, Colorado records which tract is more particularly described below.

- 1. North 68 degrees, 02' 06" West 84.28 feet along the northerly boundary of Ninth Street, said Ninth Street being according to said Town of Lake City, to the wetlands boundary; Courses 2 through 10 being along said wetlands boundary.
2. North 24 degrees 31' 31" West 73.45 feet;
3. North 16 degrees 21' 52" East 44.31 feet;
4. North 64 degrees 47' 49" East 44.14 feet;
5. South 46 degrees 10' 59" East 35.75 feet;
6. South 63 degrees 44' 31" East 29.80 feet;
7. South 80 degrees 16' 58" East 67.76 feet;
8. North 22 degrees 00' 43" East 35.58 feet;
9. South 55 degrees 37' 43" East 29.42 feet;
10. South 85 degrees 47' 33" East 13.62 feet;
11. North 64 degrees 47' 38" East 27.04 feet;
12. South 0 degrees 29' 53" West 69.58 feet;
13. South 12 degrees 13' 45" West 64.73 feet;
14. South 22 degrees 21' 38" East 70.68 feet to the southerly boundary of said Block 6;
15. North 68 degrees 02' 06" West 163.17 feet along the northerly boundary of said Ninth Street, to the Point of Beginning of the herein described Tract.

This Tract contains 0.745 acres, more or less. The Basis of bearing is North 21 degrees 54' 00" East between Lake City Townsite corners 1 and 2 (3" diameter brass cap monuments, LS #1776) as referenced by said replat.

To have and to hold the same, together with all and singular the appurtenances and privileges thereto belonging, or in anywise thereto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, their heirs and assigns forever.

In witness whereof, the Grantor has executed this deed on the date set forth above.



Lake City Arts Council
By: Dan Wampler
President

Attest: James Rowe
Assistant Secretary

State of Colorado)
County of Hinsdale) ss

The foregoing instrument was acknowledged before me this 21st day of December, 2018, by Dan Wampler and James Rowe.

Witness my hand and official seal. My commission expires: MAR 06, 2022

Notary Public Cheri S Harvey