

AGENDA

February 27, 2019

**Armory
230 N. Bluff Street
Lake City, Colorado**

I. SPECIAL MEETING 5:00 p.m.

II. CALL TO ORDER:

III. ROLL CALL:

IV. Correspondence Received

- a. Letter Marilyn Liebetrau
- b. Letter Jacque Terhune
- c. Letter David Cherry
- d. Letter Diane Salzmman
- e. Letter Peter Nesbitt
- f. Letter Lloyd Liebetrau

V. SPECIAL MEETING

- a. Public discussion with Board of Trustee proposed OHV plan.

VI. ADJOURNMENT:



Jamie Turrentine <jamieturrentine@townoflakecity.co>

Tonight's town meeting on OHV use in Lake City

1 message

Marilyn Liebetrau <marilyn.liebetrau@totalspeed.com>
To: jamieturrentine <jamieturrentine@townoflakecity.co>

Wed, Feb 27, 2019 at 10:57 AM

Dear Ms. Turrentine,

I have ridden the beautiful Alpine Loop several times and always enjoy its spectacular scenery as well as the opportunity to stop in your wonderful town for lunch, refueling and some shopping. As president of the Thunder Mountain Wheelers Club out of Delta, our members have enjoyed many group rides and camping trips in that area and always visit your town to refuel and have lunch.

I hope that your Board of Trustees will consider my comments regarding keeping OHV access open in Lake City. Due to distance and weather, I am unable to attend tonight's meeting. Thank you for your time and consideration to include my comment in the packet for the town's Board of Trustees.

Sincerely,

Marilyn Liebetrau
Thunder Mountain Wheeler's Club/Delta, CO
970-901-8705



Jamie Turrentine <jamieturrentine@townoflakecity.co>

Today's meeting regarding town's ordinance for OHV access in Lake City

1 message

Lloyd Liebetrau <lloyd.liebetrau@totalspeed.com>
To: jamieturrentine <jamieturrentine@townoflakecity.co>

Wed, Feb 27, 2019 at 10:36 AM

Dear Ms. Turrentine,

I understand that there will be a meeting this evening regarding OHV access/use in the town of Lake City and that e-mails can be submitted to be included in the packet for the Board of Trustees. I would like to have my comments included in that packet.

We have and hope to continue to enjoy the beautiful scenery of the Alpine loop which can only happen if OHV access continues to occur in Lake City. Not only is the scenery spectacular but we enjoy having lunch and doing some shopping while in Lake City. We also refuel our OHV's before completing the loop. We are asking for Lake City to keep this OHV access open. Due to distance and weather, I am unable to attend tonight's meeting. Thank you for your time and consideration.

Sincerely,

Lloyd Liebetrau
Cedaredge, Colorado
303-653-2202



Jamie Turrentine <jamieturrentine@townoflakecity.co>

letter of concern please distribute to all Trustees

1 message

Jacque Terhune <mossrose47@hotmail.com>

Mon, Feb 25, 2019 at 12:04 PM

To: "jamieturrentine@townoflakecity.co" <jamieturrentine@townoflakecity.co>

To Lake City Board of Trustees, Mayor and County Commissioners,

Last spring our grandson from Denver came to stay for part of Spring Break. He always enjoys going to the Museum, some of the souvenir shops, the pathways, the Hardtack Mine and the river. When I took him up Henson Creek to the Hardtack Mine he had another good time to remember until we left.

We had decided to go further up to the Ute Ulay Mine. We didn't get far up the road and I saw the three OHV's in my rear view and side mirrors. Before I knew it they were quickly passing us and a cloud of dust went up behind them a good 20 feet in the air. Then the cloud enveloped my car. We couldn't see! As far as I knew there wasn't a vehicle behind them when I had seen them in my mirrors. I had already checked the sides of the road and what I could see in front of us before they passed. Because of the curve in the road I didn't know if a vehicle was coming from ahead of us by the time they got around us. I pulled over to the right side while braking because we couldn't see! We became an unseen obstacle in the road with dust all around us. We had been put in danger by them!

Evidently the people on the OHV's weren't thinking of being considerate when passing us or they would have slowed down. Just in a hurry to get where the next exciting thing they could experience was. This was NOT in the early morning, around the lunch hour or supper/evening time when we were told they usually come in to or go out of town. We shouldn't have to schedule everything we normally need or have to do around their time schedules anyway. This proves they DON'T have a time schedule. They are on the roads at any time. It is dangerous to think we can travel safely in our area at any time anymore when there are so many driving here now.

We had a friend in Alaska, John, who was killed by a then 11 yr. old boy that was on a 'Four Wheeler' coming fast down a hillside on a trail in the bush. John was traveling up the two mile stretch of dirt road to our villages airstrip. The boy slammed into John, who was on his own 'wheeler', from the side. Killed him instantly. He left a wife, daughter and a son. The boy has to live the rest of his life knowing what he had done to one of the best men in our village. The main mode of transportation in remote villages of Alaska is the 'wheelers'. They start their kids on them at a very young age in case they have to go for help. That doesn't mean they are old enough to make wise choices though. These machines can cause death!

A lot of the time our quiet little town sounds like there are stock cars warming up, then taking off in a race. The noise echoes off the walls in our narrow valley. For the last two summers we have stayed to our yard and house because of the noise and sometimes the dust off the road in front of the house. With the noise and the swarming of these OHV's in and around town, we've decided to quit putting ourselves in that situation anymore. And rarely go into the business areas of town or to a restaurant, the parks or the stores. We can't enjoy our town anymore. We feel we've been bullied into a corner.

We used to be able to walk everywhere! Up Henson Creek, to the parks and rivers, Out County road 20 and 30, in our neighborhoods, so many places! But now we have this invasion of people on these loud machines that are throwing dust, tearing at our roads, trails, tundra, streams and who knows what else. V 4

used to be able to go out of town to do photography and painting. It is impossible to concentrate on the beauty and serenity here with all this going on from Spring till the snow falls. We and many others are not physically able to hike back into the more remote areas to get away from the noise of the OHV's. The newer 'screaming' loud ones are of course the worst but they are just at the top of the other noisy ones. We know many are quieter models.

We chose to live here in the early 1980's because of the beauty and peacefulness, the freedom to walk, fish, hike, drive, and camp in peace. We enjoyed the winter sports also. We left to find work that would enable us to afford to retire here. We worked HARD to accomplish this goal. Since we have been back, we have been witnessing the chipping away of our freedoms we all used to have here. We have heard 'if you don't like it , move out'. This is a childish, insulting remark we've read too many times. We gave up many things to accomplish this move back, including no vacations, no expensive vehicles and toys, no eating out, no movies and more. We are sure we will read even more insulting and mean remarks in the social media and newspaper. But, we intend to stay. We have grandchildren here and more family in Gunnison and Colorado.

We will not stand any more for the rude and bullying remarks. We are tired of the hidden agendas, talk of future spending, grants, the dangers, noise and dust. We can't afford to have them ruin our town and our future. We are not your keepers. We didn't ask to be your playground without supervision and at all costs. This is creating an extreme imbalance for our community, wildlife, roads, trails, creeks and rivers. They will always want more. And if this is allowed to continue we will loose the little town we all loved at first sight and believed in.

This is all for the recreation of many that don't live here and the HOPE of a monetary gain? Don't sell us out! All votes count and we hope you are all listening and learning just what this invasion into our lifestyle means. Who wants to have to say "I told you so" if this gets even more out of control?

David and Jacque Terhune,
Lake City residents

David Cherry via haleyolson.onmicrosoft.com

Thu, Jan
24, 4:39
PM

to alanrae@townoflakecity.co, daveroberts@townoflakecity.co, richardmoore@townoflakecity.co, brucevierheller@townoflakecity.co, jeffheaton@townoflakecity.co, martypriest@townoflakecity.co, Jud, Caroline, me

Dear Mayor & Trustees: If an ordinance is enacted which has the effect of banning OHV's, ATV's and UTV's from the east side of the river (Ball Flats, Lake City Heights, etc.) I will pay up to \$200.00 of the town's cost to purchase and install a permanent sign or signs at the entrance to the 8 ½ street bridge, on the Hwy. 149 side, to provide clear notice of the ban.

My offer is contingent on the ordinance being in force and the sign or signs installed no later than May 1, 2019.

Thank you for your consideration and please let me know if my offer is accepted.

David E. Cherry
Of Counsel
Haley & Olson, P.C.
100 N. Ritchie Rd.
Suite 200
Waco, Texas 76712
(T)254-776-3336
(F)254-776-6823
Email: dcherry@haleyolson.com
www.haleyolson.com



Jamie Turrentine <jamieturrentine@townoflakecity.co>

Fwd: Profits or People

1 message

Caroline Mitchell <carolinemitchell@townoflakecity.co>
To: jamieturrentine@townoflakecity.co

Fri, Feb 22, 2019 at 1:32 PM

Caroline

Begin forwarded message:

From: David Cherry <dcherry@haleyolson.com>
Date: February 22, 2019 at 1:27:36 PM MST
To: 'Stan Whinnery' <district3@hinsdalecountycolorado.us>, "Kristine Borchers (district2@hinsdalecountycolorado.us)" <district2@hinsdalecountycolorado.us>, Susan Thompson <district1@hinsdalecountycolorado.us>, Bruce Vierheller <brucevierheller@townoflakecity.co>, 'Jud Hollingsworth' <judsonbh@yahoo.com>, "alanrae@townoflakecity.co" <alanrae@townoflakecity.co>, "daveroberts@townoflakecity.co" <daveroberts@townoflakecity.co>, "jeffheaton@townoflakecity.co" <jeffheaton@townoflakecity.co>, Marty Priest <martypriest@townoflakecity.co>, "richardmoore@townoflakecity.co" <richardmoore@townoflakecity.co>
Cc: "Justin Casey (jcasey@hinsdalecountysheriff.com)" <jcasey@hinsdalecountysheriff.com>, Caroline Mitchell <carolinemitchell@townoflakecity.co>, Jami Scroggins <administrator@hinsdalecountycolorado.us>
Subject: Profits or People

Dear Commissioners, Mayor and Trustees:

The attachments to this email are from the web sites of the Recreational Off-Highway Vehicle Association (ROHVA), a private group made up of the manufacturers of OHV's and others involved and interested in the OHV industry; and, the Consumer Product Safety Commission (CPSC), a federal agency focused on safety issues.

I've placed a red asterisk and underlined important safety warnings on the attachments which deal with child safety and operating OHV's on pavement. The same or similar safety warnings are in the various OHV owner's manuals.

CHILD SAFETY: Child safety should be of overriding importance to everyone. Please enact provisions in your ordinances which prohibit those who cannot sit in a seat, with feet touching the floor, from riding in an OHV. A child/infant safety seat is not a viable alternative or these warnings would say so. Vulnerable children have no place in an OHV. **Do you care?**

HWY. 149: I appreciate the allure of OHV occupants spending money in Lake City, but you do not have to allow them all over town and to access and use Hwy. 149. Trustees, if you continue to allow them in town, restrict where they can travel to the area of Co. Rd. 20/Bluff to 2nd, 2nd to Sliver and Silver to 4th, only, and without access to Hwy. 149. Commissioners, keep them off Hwy. 149. If the industry warns to stay off paved surfaces you should follow the warnings. **Do you care?**

If you care about safety, evidence your care by prohibiting children in OHV's, by restricting town travel and prohibiting access to and use of Hwy. 149.

Profits or People, which do you choose?

David E. Cherry

Of Counsel

Haley & Olson, P.C.

100 N. Ritchie Rd.

Suite 200

Waco, TX 76712

(T)254-776-3336

(F)254-776-6823

dcherry@haleyolson.com

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2 attachments

 **20190220115224580.pdf**
1003K

 **20190220115236669.pdf**
763K

ATV/ROV SAFETY TIPS



(All-Terrain Vehicles)

ATVs



(Recreational Off-Highway Vehicles)

ROVs



Always wear a DOT-compliant helmet and other protective gear such as eye protection, boots, gloves, long pants and long-sleeved shirts.

Never have more passengers than there are seats. Most ATVs are designed for one rider, and ROVs should never have more passengers than there are seat belts.

Do not drive ATVs or ROVs on paved surfaces. Ride on designated trails and at a safe speed.

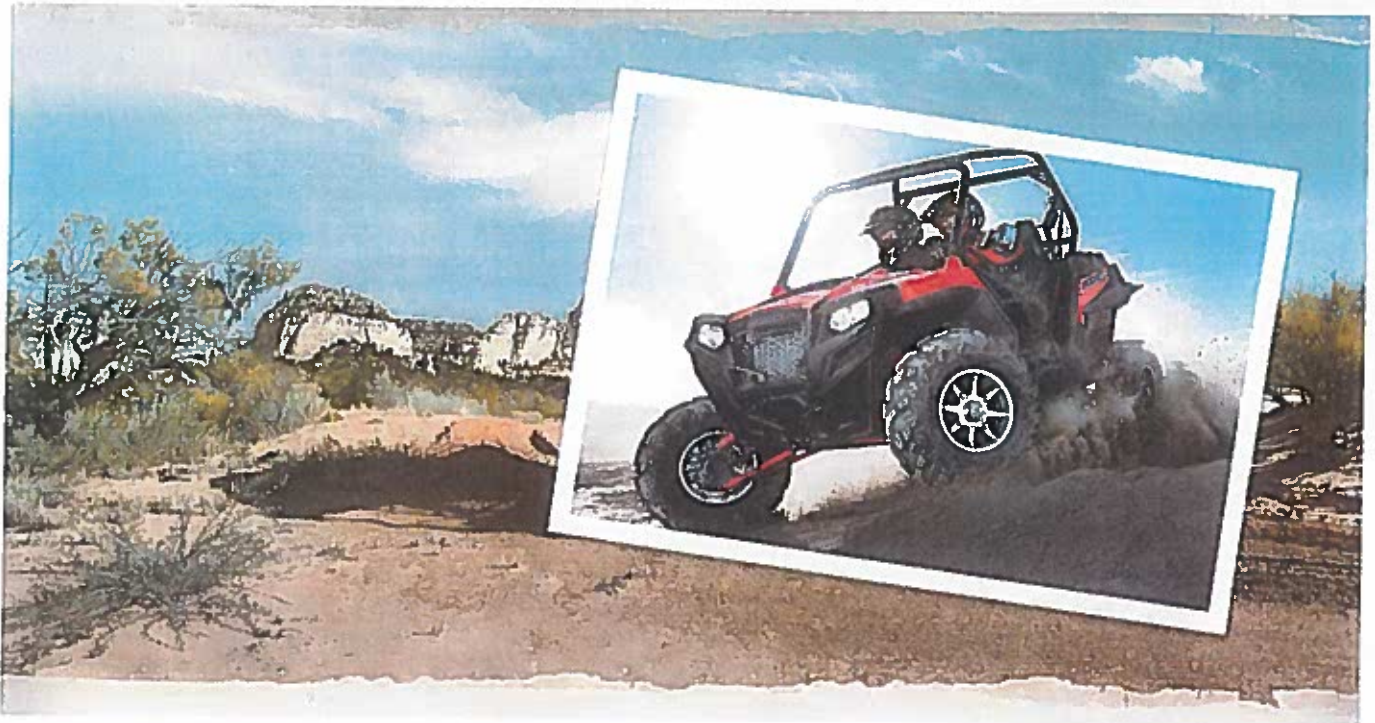
Get hands-on training from a qualified instructor. Visit ATVsafety.org to find a class near you.

Fasten seat belts and keep all parts of your body inside an ROV. Children should not be passengers in a ROV unless their feet can reach the floor in a sitting position.

Riders younger than 16 should only drive age-appropriate youth model ATVs, never adult models or ROVs.

WWW.ATVSAFETY.GOV





Safety

The following ROV Safety Rules focus on safe and responsible ROV use, and were developed to help drivers and passengers avoid crashes and injuries.

1. Always fasten your seat belt, wear a helmet and other protective gear and keep all parts of your body inside the ROV.
2. Avoid paved surfaces. ROVs are designed to be operated off-highway.
3. Drive only in designated areas, at a safe speed, and use care when turning and crossing slopes.
4. Never drive or ride under the influence of alcohol or drugs.
5. Never drive an ROV unless you're 16 or older and have a valid driver's license. ROVs are not toys.
6. Never carry more passengers than the ROV is designed for, and never allow a passenger who is too small to sit in a passenger seat to ride in the ROV.
7. Read and follow the operator's manual and warning labels.
8. Take a hands-on ROV Basic *DriverCourse*SM and the free [online E-Course](#). Visit rohva.org or call 866.267.2751



From: peter_nesbitt@icloud.com
Subject: OHV Safety in Lake City and Hinsdale County (3rd try)
Date: Feb 25, 2019 at 4:46:55 PM
To: Bruce Vierheller brucevierheller@townoflakecity.co, Jud Hollingsworth judhollingsworth@townoflakecity.co, Richard Moore richardmoore@townoflakecity.co, Jeff Heaton jeffheaton@townoflakecity.co, Alan Rae alanrae@townoflakecity.co, Dave Roberts daveroberts@townoflakecity.co, Marty Priest martypriest@townoflakecity.co
Cc: Caroline Mitchell carolinemitchell@townoflakecity.co, Jamie Turrentine jamieturrentine@townoflakecity.co, Susan Thompson district1@hinsdalecountycolorado.us, Stan Whinnery district3@hinsdalecountycolorado.us, Kristine Marie Borchers district2@hinsdalecountycolorado.us, Jamie Scroggins administrator@hinsdalecountycolorado.us, Znamenacek - Cdot, Zane zane.znamenacek@state.co.us, Major George Dingfelder george.dingfelder@state.co.us

[NOTE: Apologies if you receive multiple copies of this email, but it appears that my email to you has been bouncing. I've created a PDF attachment to see if that will allow the mail to go through. — PDN]

Town of Lake City Trustees,

Attached is a PDF list of 406 *known* OHV and ATV deaths that occurred in 2018.

There is an inherent risk associated with allowing OHVs to operate on hard-packed and paved surfaces, and that risk is being *ignored* by our community.

It does *not* matter if the OHV has a license plate from another state or not; it does *not* matter if the operator of an OHV has a driver's license or not; it does *not* matter if our Sheriff's Office follows the 16-year old Patrick ruling or not; it does *not* matter if we adopt the CO149 Pilot Project or not; it does *not* matter if our town requires a review mirror or not — OHVs are *not* safe when operated on *hard-packed or paved surfaces*.

This is a fact that has been repeatedly proven and documented by government commissions, consumer safety groups, OHV manufacturers, and OHV advocacy

groups.

Documentation relating to the unsafe handling characteristics of OHVs on hard-packed and paved surfaces was previously sent to you. Did you read or discuss any of the safety risks described within these documents?

Please contact the Consumer Product Safety Commission, the Consumer Federation of America, any OHV advocacy group, any OHV opposition group, or any OHV manufacturer to verify the safety risks associated with operating OHVs on hard-packed and paved surfaces. Not one of these groups will encourage or advocate the operational or unrestricted use of OHVs and ATVs on hard-packed and paved surfaces.

Is our community so desperate for business and tax revenue that we are willing to ignore the unsafe handling characteristics associated with allowing OHVs and ATVs to operate on hard-packed and paved surfaces in Lake City and Hinsdale County?

- OHVs have a high center-of-gravity and are more prone to roll-over accidents when operated on hard-packed and paved surfaces.

- OHVs are equipped with off-road knobby tires that increase traction, yet increase the risk of loss-of-control when operated on hard-packed and paved surfaces.
- OHV tires generally operate at low-inflation values for maximum traction, and this increases the risk of loss-of-control on road corners and turning at intersections on hard-packed and paved surfaces.
- OHV tires are generally not certified for highway use, and these tires are therefor illegal on our State Highway.
- OHVs are not subjected to any vehicle collision or crash-test requirements, and a collision between an OHV and any other passenger or commercial vehicle is generally catastrophic.
- Many OHVs are not equipped with headlights or taillights that are certified for highway use at night, and this creates a hazardous condition for everyone on the road in our Town and County.

Sara Gutterman and I were accused by one (or more?) of our elected officials as being "saboteurs" with our involvement in this community issue. I find it discouraging to learn that some of our elected officials have perpetuated this characterization, especially in light of the fact that Sara and I did nothing but ask questions and seek answers to help our community move forward.

Lake City does not have any OHV deaths listed on the 2018 index that is attached below. By allowing OHVs unrestricted access to our Town and County, and especially along CO149, our community will increase the risk of accidental death and injury associated with the operation of OHVs on hard-packed and paved surfaces.

Do you, our elected officials, believe that there is not an increased safety risk associated with allowing OHVs to operate on the hard-packed and paved surfaces within Lake City and Hinsdale County?

In light of the documented evidence by our own government and consumer safety groups, do you want to be responsible for encouraging more out-of-state licensed and unlicensed OHVs to operate on roads and highway within our Town and County?

I encourage all of you to take a hard look at the safety documentation previously sent to your elected body. Please discuss the issue of OHV and ATV safety in our community. Unrestricted and uncontrolled access to our community by OHVs and ATVs endangers everyone. Please make an informed decision that protects

everyone who lives in (and visits) Lake City and Hinsdale County.

Sincerely,

Peter D. Nesbitt

P.O. Box 465

825 N. Gunnison Ave.

Lake City, CO 81235



2018 OHV deaths.docx

63.5 KB



2018 OHV...evised).pdf

352 KB



Jamie Turrentine <jamieturrentine@townoflakecity.co>

Today's meeting regarding town's ordinance for OHV access in Lake City

1 message

Lloyd Liebetrau <lloyd.liebetrau@totalspeed.com>
To: jamieturrentine <jamieturrentine@townoflakecity.co>

Wed, Feb 27, 2019 at 10:36 AM

Dear Ms. Turrentine,

I understand that there will be a meeting this evening regarding OHV access/use in the town of Lake City and that e-mails can be submitted to be included in the packet for the Board of Trustees. I would like to have my comments included in that packet.

We have and hope to continue to enjoy the beautiful scenery of the Alpine loop which can only happen if OHV access continues to occur in Lake City. Not only is the scenery spectacular but we enjoy having lunch and doing some shopping while in Lake City. We also refuel our OHV's before completing the loop. We are asking for Lake City to keep this OHV access open. Due to distance and weather, I am unable to attend tonight's meeting. Thank you for your time and consideration.

Sincerely,

Lloyd Liebetrau
Cedaredge, Colorado
303-653-2202



Jamie Turrentine <jamieturrentine@townoflakecity.co>

Fwd: Board of Trustees Meeting

1 message

Bruce Vierheller <brucevierheller@townoflakecity.co>
To: jamieturrentine@townoflakecity.co

Wed, Feb 27, 2019 at 3:09 PM

FYI

Sent from my iPhone

Begin forwarded message:

From: "J. L. Jones" <jljones_tx@yahoo.com>
Date: February 25, 2019 at 8:29:47 AM MST
To: "brucevierheller@townoflakecity.co" <brucevierheller@townoflakecity.co>
Subject: Board of Trustees Meeting

Greetings.

In regards to the upcoming discussion session regarding the OHV issue, I wanted to reiterate the letter that I sent to you (I believe as an attachment to an e-mail dated November 26) illustrates the fact that OHVs may still be allowed in LC if they are transported and stored on trailers. As I pointed out in my letter, historically the long term users owning OHVs and residing at the RV parks are the OHV group that pumps in the greatest amount of money into Hinsdale CT and LC. These OHV owners usually reside in Hinsdale CT during the entire summer season-my estimates based upon discussion with RV camp owners/managers indicated approximately \$696,150 inflow into the County/LC.

The zero position of the TALC group petition does not affect these legal OHVs in town maintained and transported on trailers. The owners thereof simply would not be able to drive their ATV/OHVs around town to shop and dine out and etc-just like they did before the March 2016 ordinance allowed them to do so. Yes, there will be no alpine loop and all OHVs will be transported legally down HWY149 to staging areas. I cannot understand why certain people and in particular our County Commissioners believe that it is our duty and obligation to provide an "Alpine Loop" to a mechanized horde of people from outside our County and Town.

If the State of Colorado Dept of Transportation think that the "Alpine Loop" is essential to the economy of the State, then let them build a connector road between CT Rd 30 and 20, and let them maintain CT Rd 30 and 20. As has been pointed out many times in the past by Our Sheriff and Road Department, we do not have the resources to police the greatly increased ATV/OHV traffic (as pointed out by the recent WSU study presented to a meeting in LC) or maintain the roads.

Since the State of Colorado issues all usage permits for the ATV/OHVs, why do they not then check that all applicable State rules and regulations pertaining to specific equipment are met when the use permit is given out-how can they when the current system uses sporting good stores to hand out a use permit for ATV/OHVs??

Best regards,

J. L. Jones