

**MINUTES OF THE REGULAR MEETING OF THE GENERAL  
ASSEMBLY  
TOWN OF OPHIR, CO 81426  
TUESDAY, DECEMBER 15TH, 2020 7:00 PM  
REMOTE MEETING VIA ZOOM PLATFORM**

**CALL TO ORDER**

(7:03PM)

(Voting Member: Sydney Roop, Natalie Fijalowski, Sue Hehir, Tyler Schultz, Andy Martin, Ryan Ehlers, Phil Hayden @ 970-728-3204, Hank Shell, Monica Carey, Corinne Platt, Leigh Sullivan, Chris Drew, Jesse Rose)

(Non Voting Member: Ken Haynes, Steve Johnson, Cindy Wysznski, )

**ADOPTION & SIGNATURE OF NOVEMBER 17TH, MEETING MINUTES**

Sydney motions to approve and adopt, Natalie seconds,  
In Favor (Yes): Sydney Roop, Andy Martin, Hank Shell, Natalie Fijalowski, Tyler Schultz, Ryan Ehlers, Monica Carey,  
Opposed (No):  
Abstain: Corinne Platt, Sue Hehir

**APPROVAL OF AGENDA**

Corinne motions to approve and adopt agenda, Sydney seconds  
In Favor (Yes): Sydney Roop, Andy Martin, Corinne, Sue Hehir, Hank Shell, Natalie Fijalowski, Tyler, Ryan, Monica, Phil, Leigh  
Opposed (No):  
Abstain:

**BUSINESS ITEMS**

**A. COVID Update-Sydney**

- Sydney gives a brief update from a recent IG meeting regarding Ophir. Sydney would like to see hand sanitizer in the trash building. Please continue to wear your mask in the trash building. Town Hall is closed to the public, but open to appointments.

## **B. Process for GA Approval of Master Plan – Ken**

- Question to the GA: Should the Master Plan be a general document or a binding document through Ordinance. General advisory document is adopted by Resolution or a more binding and restrictive in development document by Ordinance. The intention of the P&Z after the Master Plan is to look at the Land Use Code and Moderate Avalanche Zone Building. General consensus from the GA is that the Master Plan should be kept not specific and not binding, it is an advisory document that is written every 10 years. The General Assembly would like to see the Master Plan be passed by a Resolution as a non binding, advisory, goal orientated document.

## **C. First Reading of Ordinance 2021-1, Amending Ordinance 2017-1 In Part to Allow Redaction of Voter Identification Information from Election Ballots in the event of a Public Record Request for Paper Ballots That Have Been Cast, Designating the Town Clerk as the Designated Election Official for all Municipal Elections, Providing that Nominations for Elections of Town Officers and Staff Shall be Made at the General Assembly Meeting in the Month of December Preceding the Annual January Election, Allowing the Town Clerk to Cancel an Election as to Any Office or Staff Position that is Uncontested, Providing for Deposit of Paper Ballots in a Secure Drop Box Located at Town Hall on the Day of the Election, and Allowing the Town Clerk to Count, Canvas, and Tally the Ballots Cast during the Day of the Election with the Assistance of a Monitor Designated by the Mayor, and to Certify the Election Results to the General Assembly After 7:00 P.M. on the Day of the Election- Sydney**

- Sydney reads off her reasoning for bringing this Ordinance to the table. COVID has made it where the GA cannot meet in person to hold the Town Staff Election. This Ordinance amends 2017-1 Authorizing Paper Ballots. This Ordinance will allow for a drop box

location for ballots for any contested office and to allow the Town Clerk to cancel an election as to any office that is uncontested. The goal of this Ordinance is to make voting in the Ophir municipal Election easy and safe for Ophir electors. Questions: How long to have drop box? GA decision is to have a drop box affixed to Town Hall for a week that is emptied everyday with a video camera on box. What happens if there is no nomination for an office? Should the ballots have a write in for the drop box? Should December be firm date for nominations but with a backup in January in the case there is no nomination for the office? Steve Johnson would like to see public officers take an oath. This would give a little more formality and structure to the offices. The mayor sets the General Assembly Agenda, and can allow for additional nominations at the January General Assembly Meeting.

- There is discussion amongst the GA. Cancel the regular municipal election for January 19th then conduct a Special Election. 30 days notice of a special municipal election for the staff offices. The rationale for the cancellation is there is no time to get a mail in ballot system in place and the Town does not want to expose the electorate to the risk of in person voting. The regular election will be conducted at a later date. The GA will then ratify and confirm this at the January GA meeting.
- Steve gives a recommendation to move to refer to public hearing with a Second Reading with the following direction to continue the regular election for 2 months, to allow for drop box outside of Town Hall with paper ballots to be available at the drop box, to be in use for one week. 30 days notice of special municipal election in advance of the election, give notice at the January meeting, and then hold a special election meeting 30 days later in February. Call a special meeting in February to hold the special election. The only item on the agenda would be the election. The GA can make a motion at the January meeting to hold the GA meeting at different date in February.
- First Reading motions to refer to a public hearing at Second Reading.

Motion: Monica motions to refer to a public hearing at Second Reading at the January GA meeting with direction to extend the election meeting until Feb 23rd and to authorize drop box 1 week prior to election and to make ballots physically available near the drop box at Town Hall. Phil seconds.

In Favor (Yes): Sydney Roop, Andy Martin, Sue Hehir, Hank Shell, Chris Drew, Corinne Platt, Monica Carey, Natalie Fijalowski, Tyler Schultz, Ryan Ehlers, Phil Hayden, Fiona Drew, Jen Rose,

Opposed ( No):

Abstain: Jesse Rose

The ayes have it and the motion is carried. Ordinance 2021-1 will go to a second reading in January.

#### **D. Nominations for January 19<sup>th</sup>, 2021 Town Staff Election- Offices of Mayor, Mayor Pro Tem, Treasurer, and Clerk - Sydney**

Sydney makes a motion to take nominations from the floor of tonight's GA meeting. Monica Carey seconds.

In Favor (Yes): Sydney Roop, Andy Martin, Sue Hehir, Hank Shell, Chris Drew, Monica Carey, Natalie Fijalowski, Tyler Schultz, Jen Rose, Jesse Rose, Ryan Ehlers, Phil Hayden

Opposed (No):

Abstain:

The yes's have it and the motion is carried to take nominations from the floor for Town Staff elected positions.

#### Nominations

Mayor: Sue Hehir nominates Corinne Platt. No other nominations for Mayor.

Mayor Pro Tem: Sydney nominates Paul Emrick. No other nominations for Mayor Pro Tem.

Treasurer: Monica nominates Cindy. No other nominations for Treasurer.

Clerk: Monica Carey nominates Sydney Roop. No other nominations for Clerk.

#### **E. Nominations for January 19<sup>th</sup>, 2021 Planning and Zoning Appointments- 2 Full Time and 1 Alternate Seat- Sydney**

- Sydney motions to take nominations from the floor of tonight's GA meeting. Sue Hehir seconds.
- In Favor (Yes): Sydney Roop, Andy Martin, Sue Hehir, Hank Shell, Chris Drew, Ryan Ehlers, Monica Carey, Natalie Fijalowski, Jen Rose, Phil Hayden
- Opposed (No):
- Abstain: Tyler
- The yes's have it and the motion is carried to take nominations from the floor for P&Z seats.

#### Nominations

- 1 Full Time Seat with a term ending in January 2022: Sydney nominates Mark Ridders for a full time seat. No other nominations.
- 1 Full Time Seat with a term ending in January 2022: Monica nominates Allison Snyder-Kingsley for a full time seat. No other nominations.
- 1 Alternate Seat with a term ending in January 2022: Ryan Ehlers nominates Ernie Watenpaugh for an alternate seat. No other nominations.

#### **F. 2% Sales Tax November '97 Ballot Presentation – Ken**

- In 1997, the Town of Ophir electorate voted yes to approve a ballot measure to allow for collection of 2% Sales Tax. The Ordinance that the ballot measure approved was Ordinance 1996-3. This Ordinance has been halfway in effect with the tax on building permits in the Ophir. The part of this Ordinance that has not been in effect is the collection of sales tax on goods purchased in Ophir. In today's world, this tax would be considered a "destination tax" (created by the State of CO in 2018) and would apply to online purchases through various online shopping websites. This Ordinance was not submitted to San Miguel County or the State of Colorado when it was approved in 1997. This item is being brought to the GA by Town staff because San Miguel County and the State of Colorado called town staff to begin collecting the tax. Ken would like to get direction from the GA as to how to move forward. The options are either to begin collecting the tax or to repeal this tax by a ballot

issue in the November 2021 election. The overall consensus of the General Assembly is that members do not want a 2% Sales Tax. GA members who make online purchases for their businesses and personal life do not want to tax themselves. GA members see this Ordinance as archaic, seeing that it was neglected for 24 years. The GA additional feels that this Ordinance and tax is out of touch with the current Ophir General Assembly and community. The GA would like to see it repealed entirely and possibly brought back with a different percentage and limits.

- Monica motions to direct town staff to speak to town attorney to see if we can continue to legally ignore this until such time the Ophir electorate can vote to repeal it or enforce it. Ryan seconds.

In Favor (Yes): Hank Shell, Chris Drew, Corinne Platt, Ryan Ehlers, Sue Hehir, Tyler Schultz, Natalie Fijalowski, Monica Carey, Jen Rose, Jesse Rose, Phil Hayden,

Opposed (No):

Abstain: Sydney Roop, Andy Martin, Fiona Drew

The yes's have it and the motion is carried for town staff to bring this to the town attorney to see if it can be legally ignored until such time the Ophir electorate can vote to repeal it or enforce it.

**G. Consideration of Adoption of Resolution 2020-3 2021-1, A Resolution Summarizing Expenditures and Revenues for Each Fund, and Adopting a Budget for the Town of Ophir, Colorado, for the Calendar Year Beginning the First Day of January 2021 and Ending on the Last Day of December 2021- Ken and Cindy**

- The 2021 budget is the biggest budget in Ophir history. There is discussion amongst the GA about the budget. The presented budget assumed a 2% sales tax revenue. The budget will have to be updated to reflect no 2% sales tax.
- Line items of discussion at the GA to be discussed further by Town Staff.
- Road Budget: Ground Pounders, County Road and Bridge assistance on grading, speed bumps, & dust control on the county

road through Ophir. Requests from the GA to mend the County relationship and get help from Road and Bridge.

- Open Space: weed management, forest service gates & boulders. A gate Ophir day is discussed to get volunteers and use the Ophir backhoe to move gates to help bring down this cost. We need to get a scope of what the work will look like.
- Parks and Playground Funds: Labor and landscaping on the playgrounds and East Ophir Park. Funded through the Lottery Trust Fund.
- Broadband Fund.
- Water Fund.
- The GA requests that Ken provide the RETT received from 2020 in the budget narrative and what the RETT went towards. Financial goals of the Town is to begin to move away from reliance on RETT and towards a different revenue stream.
- There is no vote at this time just a discussion. The vote will be held at the January General Assembly meeting.

#### **H. Second Reading and Adoption of Ordinance 2020-3, Amending Ordinance 94-7 Regarding Ophir Environmental Commission-Monica**

- This ordinance amends Ordinance 97-4, Ophir Environmental Commission Membership and Powers and Duties sections. Corinne motions to approve Ordinance 2020-3, Amending Ordinance 97-4. Sydney seconds

In Favor (Yes): Sydney Roop, Andy Martin, Chris Drew, Fiona Drew, Corinne Platt, Ryan Ehlers, Natalie Fijalowski, Tyler Schultz, Sue Hehir, Monica Carey, Hank Shell, Jen Rose, Jesse Rose, Phil Hayden,

Opposed ( No):

Abstain:

#### **I. Second Reading and Adoption of Ordinance 2020-4, Renewal of Ground Pounders Public Works Contract for 2021 - Ken**

- The Ordinance is for the rates and that the work of Ground Pounders is directed from the Town. This Ordinance is not the scope

of work. It keeps GP contracted to do public works for the Town as directed by the Town.

Sydney motions to approve Ordinance 2020-4, Monica seconds.

In Favor (Yes): Sydney Roop, Andy Martin, Corinne Platt, Chris Drew, Fiona Drew, Ryan Ehlers, Natalie Fijalowski, Tyler Schultz, Sue Hehir, Monica Carey, Hank Shell, Jen Rose, Jesse Rose, Phil Hayden,

Opposed (No):

Abstain:

### **J. First Reading of Ordinance 2020-5 2021-2, Establishing an Assistant to the Town Manager Employee Position- Ken**

In the past there have been assistants to help the town manager both administrative and public works. The 2020 budget was approved for an assistant to the town manager line item for \$7500. Sydney was working 1 day a week as an assistant to Ken. In July, Ken approached Town Staff to add two additional days to Sydney's assistant position to research Fiber to the Home for broadband, COVID help, and additional assistant work at \$25.00 an hour. Town Staff approved 2 additional days to Sydney's schedule. Ken would like some help moving into 2021 and wants some overlap in case he cannot fulfill the town manager duties. The future assistant would be hired by the manager and the mayor. The budget line item for assistant is \$28,000. There is hesitation from the GA to pay an additional \$28,000 a year for an assistant. Past assistants to the Town manager have not been paid that much. The budget is already in the red and tight. The Ordinance allows for an assistant position to be paid \$15.00-\$25.00 an hour. The Ordinance states the assistant salary will change annually based on what is allowable with the budget.

Monica motions to table the assistant to manager position until the budget has been worked out more, Jesse Rose seconds.

In Favor (Yes): Tyler Schultz, Ryan Ehlers, Sue Hehir, Monica Carey, Chris Drew, Fiona Drew, Hank Shell, Jen Rose, Jesse Rose, Phil Hayden

Opposed ( No):

Abstain: Sydney Roop, Andy Martin, Corinne Platt, Natalie Fijalowski



**K. First Reading of Ordinance 2020-7 2021-3, Allocating Funds to Match Southwest Water Conservation District Grant for Werner Spring Infiltration System Replacement - Ken**

In order to receive the grant funds for the Werner Infiltration System, the Town needs to pass an Ordinance that allocates the funds. The Town is responsible for \$26,000 towards matching. The money is in the General Fund to cover this.

Ryan motions to approve the first reading, Monica Carey seconds

In Favor (Yes): Sydney Roop, Corinne Platt, Tyler Schultz, Sue Hehir, Chris Drew, Fiona Drew, Monica Carey, Ryan Ehlers, Jesse Rose, Phil Hayden, Andy Martin

Opposed ( No):

Abstain:

**L. First Reading of Ordinance 2020-8 2021-4, Amending Ordinance 2010-7 SMPA Franchise -Approving \$20,000 Energy Efficiency and Renewable Energy Funding and Extending Franchise Agreement 10 years to 2050 – Ken**

The Town of Ophir had a 10 year grant for \$75,000 from SMPA. The Town used about half of it before the grant expired in November. The town lost about \$12,000 when the grant expired. Ken reached out to SMPA to see if they would extend the grant. SMPA did not extend the grant. Ken discusses projects that would utilize the \$20,000 grant. This Ordinance approves a new grant and extends the Franchise Agreement with SMPA.

Sue Hehir motions to pass the Ordinance 2021-4 with an amendment to her motion to request SMPA to change the wording to existing, and to have an additional review from the town attorney, Sydney seconds

In Favor (Yes): Sydney Roop, Andy Martin, Corinne Platt, Sue Hehir, Tyler Schultz, Chris Drew, Fiona Drew, Monica Carey, Ryan Ehlers, Jesse Rose, Phil Hayden

Opposed ( No):

Abstain:

## **5. STAFF REPORTS**

**Town Manager** (Ken Haynes): No staff report.

**Town Mayor** (Corinne Platt): No staff report.

**Town Clerk**( Sydney Roop): Dog registration and January 2021 elections.

**Ophir Environmental Chairperson** ( Monica Carey): No staff update.

**Planning and Zoning Chairperson** ( Valerie Sloan): No staff update.

## **6. NEW BUSINESS**

Tyler Schultz has some new business comments and discussion. Tyler discusses allowing backcountry skier parking at the Ute Memorial. Skiers can currently park on the North side of the spur on Porphyry Street, west of 9<sup>th</sup> street. Tyler would like to see some red and yellow stakes on the fire hydrants.

Sue Hehir has ideas for positive signs!

Corinne motions to allow excess RETT funds to be used towards the assistant position so that Sydney can finish up her projects, with the position to end in January. Phil seconds.

Yes: Corinne Platt, Tyler Schultz, Sue Hehir, Chris Drew, Fiona Drew, Jesse Rose, Phil Hayden

No:

Abstain: Sydney Roop

## **7. ADJOURN**

10:52 PM

Tyler motions to adjourn,  
All in favor to adjourn



---

Town Clerk, Sydney Roop

1/31/2021

---

Date

*Minutes prepared by Sydney Roop, Town Clerk*

*Action meeting minutes are typed by the Clerk to give the General Assembly a readable version of all votes, motions, approvals and disapprovals. If your comments, opinions, or questions did not make it on the written record of the meeting minutes and you want them to be on the written record, please let the Clerk know so he/she may correct.*

***Audio recordings of all General Assembly Meetings are available to the public.*** Please contact the Town Clerk if you would like a copy of this month's audio of the meeting minutes.