

**MINUTES OF THE REGULAR MEETING OF THE GENERAL  
ASSEMBLY  
TOWN OF OPHIR, CO 81426  
TUESDAY, JUNE 16th, 2020 7:00 PM  
ZOOM REMOTE MEETING PLATFORM**

**CALL TO ORDER: ( 7:04 PM)**

(Voting Member: Andy Martin, Corinne Platt, Sydney Roop, Eric Beerman, 728-3204 ( Phil Hayden & Leigh Sullivan), Robert (Coach) Miller, Sue Hehir, Jacey DePriest, Valerie Sloan, Dylan Sloan, Nan Darkis )

(Non Voting Member: Rachel Lackey, Ken Haynes, Lance Waring (708-0629), Sarah Callicot, David Callicot, Megan Eno )

**ADOPTION & SIGNATURE OF May 19th, 2020 MEETING  
MINUTES**

Corinne motions to approve, adopt, and sign the May 19th meeting minutes, Monica seconds

All in Favor (Yay): Teri Steinberg, Monica Carey, Robert (Coach) Miller, Phil Hayden, Leigh Sullivan, Corinne Platt, Sydney Roop, Andy Martin

Not in favor (Nay):

Abstain: Eric Beerman

**APPROVAL OF AGENDA**

Corinne motions to change Item C to Item A because Henry Miller is going to join the meeting to discuss the Forest Fire Evacuation Exercise. Item D to Item B for time purposes so the GA can hear from Megan and Lance. Table Item E. Monica motions approve agenda, Teri seconds

All in Favor (Yay): Eric Beerman, Teri, Monica, Coach, Phil, Leigh, Sydney, Andy, Corrine

Not in Favor ( Nay):

Abstain:

## **BUSINESS ITEMS**

**A. COVID-19 Update-** If anyone needs updates in regard to State, County, or other information contact Ken or Sydney and they will get those to you. As COVID-19 affects Town of Ophir, the Town has re-opened Town Hall for appointment only. Only concern for Ophir is the Ophir Freebox. The County Health Department encouraged the Town to reduce contacts as possible. Other towns in Colorado who have freeboxes have closed their freeboxes down in the meantime. Ken feels that employees of the Town should decrease number of contacts as much as possible, but is someone is passionate and wants to manage the Freebox as a volunteer that is out on the table. Ken will reinstall if someone wants to maintain on their own time, the Freebox will need to be cleaned and items thrown away regularly. Ken is hesitant to return the Freebox to be maintained by paid town employees. The Town does want to open the Freebox again and have it available for residents, but feels at this time it should remain closed for health reasons.

**B. Forest Fire Evacuation Exercise-** In the last year the Town of Ophir has begun working closely with San Miguel County on its emergency plans. The idea of a forest fire evacuation has been brought up by the Town. The Town will work with the County on how to properly evacuate everyone out of Ophir safely. Potential date for this exercise would be the middle of September, it was originally scheduled for June before COVID-19. Ophir Fire Ban and restrictions has begun.

### **C. Ophir Pass/ San Miguel County Road and Bridge Work**

**Discussion-** San Miguel County is doing drainage work on the north side of County Rd 65. San Miguel County will take Beaver Dam down on north side of County Rd 65 to create drainage, excavate, and then reseed. As it relates to culvert or beaver dam removal, the USFS usually does not notify communities of this scope of work, it didn't occur to the USFS to reach out to Ophir about this roadwork. County was acting in best faith and on recommendation from USFS in regard to this road

maintenance. San Miguel County didn't think or know that this area was sensitive to Ophir residents. USFS is hoping to create an MOU for New Dominion Mine in the next year to clear this mine waste. The three parties involved in this MOU will be USFS, Ophir, and the EPA. USFS cannot operate on private land, but the EPA CAN operate on private land. Next first steps: 1st point of contact with the EPA, let the EPA know the USFS intentions. Questions, who's going to do the design and sampling of this area? What are the visions for this site? Mine waste on Ophir land versus USFS? Jean Wyatt could be a good contact with the EPA. Monica implores communication with Town of Ophir and the County for future projects like these. The Town of Ophir wants to know what's going on. Monica asks if there are efforts to clean up the downhill side from County road work from a couple years ago? Moving forward to create open communication of intentions with USFS and County, there is an idea to include Town of Ophir in the annual spring meetings with Town of Ophir, San Miguel County, and USFS to discuss projects that will be going on in our area. Lance Waring is please to hear of solution with USFS agreement in regard to drainage on the road. Megan and Ophir will be working together to clean up mines. There will be a Board of Commissioners Meeting- July 8th regarding All things Ophir for 45 minutes during the meeting. Lance also says that the County moving forward will work towards more open communication with the Town of Ophir in hopes to dismiss any confusion on future projects. A GA member says, what about the beavers that are currently living in the proposed area to be removed? What if the beavers come back to dam it back up? Megan says, USFS is not trying to remove beaver population, but to try to get them to relocate on the lower side of the road in order to create a better drainage area on the north side of the road. Megan is hoping that they will eventually learn to build their dams elsewhere, and that if residents see any beaver activity on that side of the road to let the USFS know because the sooner they can knock the dam down, the easier it will be for the beaver to get the hint to move on elsewhere. The USFS is hoping to discourage the beavers from building in this one spot. A GA member asks, Is there anything citizens can do to expedite the cleanup of the mine? Megan says to hold accountable MOU and contact with EPA. A GA members asks about preliminary work done

Linda Lanam in Delta in regard to Ferric Oxide? Megan says yes and that the USFS is using this information to build upon. Jean Wyatt's name is brought up again as she has been involved with projects in the valley. Jeff Litteral is brought up. There will be a Thursday site visit in regard to mine cleanup in Swamp Canyon. The county is requesting no citizens to approach the County while they are in equipment.

#### **D. First Reading of Ordinance 2020-1, Town of Ophir Drone Policies**

This Ordinance creates Town of Ophir guidelines and rules in regard to Drone use on private and Town owned property and trespassing issues. This Ordinance relates to drones that are over .55 pounds in weight. It allows users to use public space once they have registered with the Town, and have a concept of where users can take off and land. Teri Steinberg helped revised and edit the Ordinance, clarifying the Ordinance to make it easier to read. Teri would like to make two additions to this Ordinance, these changes were in the 2018 Drone Ordinance written by Steve Johnson and also come from the Town of Telluride Ordinance. Teri would like to add two paragraphs added to Section 4. The first paragraph: No person shall enter, hover land, or otherwise operate a UAS on or over another person's property without the prior consent of the property owner. Unauthorized entry will be deemed a trespass. The second paragraph: Any property may be subject to nuisance, privacy and trespass law violations. There is discussion amongst the GA about the Ordinance. Drones weighing under .55 pounds do not relate to this Ordinance, only drones weighing more than .55 pounds. The rules will be a summary of the Ordinance. The rules will be ready by the next GA to be attached to the Ordinance for Second Reading. What are proposed take off and landing locations? There are currently not any. One of the rules is that the Town Manager designates proper take off and landing locations. Users can take off and land on private property. Currently users would not be able to land or take off in Open Space. Users would have to apply for a permit through Ken with their requested take off and landing locations. There is further discussion on verbiage and rules of the Ordinance. It isn't possible to say that the Town of Ophir doesn't allow drones period. It's not legally possible.

What about drone use on public right of ways? These drones usually will only go about 400 ft. The meat of this Ordinance is more based on trespassing and privacy issues. The idea that this creates a time consuming process to use a drone is brought up. Ken would be the Town staff behind enforcing these laws. Sue Hehir makes a motion to proceed with Teri's revisions on Ordinance 2020-1. Sue Hehir's first motion is tabled to allow for Teri's motion. Teri motions to approve the First Reading of Ordinance 2020-1 with the addition of the two paragraphs to Section C, the first being: No person shall enter, hover land, or otherwise operate a UAS on or over another person's property without the prior consent of the property owner. Unauthorized entry will be deemed a trespass. The second paragraph being: Any property may be subject to nuisance, privacy and trespass law violations. to Section C, and addition of the summarized rules. Sue Hehir seconds

Yay- Teri Steinberg, Sue Hehir, Jacey DePriest, Sydney Roop, Eric Beerman, Corinne Platt,

Nay- Monica Carey, Coach Miller, Phil Hayden

Abstain- Andy Martin, Dylan Sloan, Nan Darkis, Leigh Sullivan

Approved for Second Reading

#### **E. Discussion on matching for Werner Infiltration Grant- TABLED.**

**F. Public/ Zoom Government Meetings Discussion-** COVID-19 has created the need for Zoom Meetings and this changes how Town of Ophir holds its government meetings. The July GA Meeting could potential be held in Town Hall with a limited amount of people if GA members want to do that. Once the Emergency Declaration has been lifted, meetings will return to an in person meeting in Town Hall. The Home Rule Charter requires it. If the GA wants to change that, this will be an amendment to the HMC. A GA member asks if there is an easier way or a different procedure to make a change of the meeting structure to allow for a hybrid meeting that includes virtual and in person. General consensus amongst staff is no, the HMC says GA meetings must be held in person. Town of Ophir wants to keep its residents safe and that is why the Declaration of Emergency was created to allow for remote virtual meetings so the GA meetings could continue to happen in a safe format.

A question that has been brought up to staff is, while attending a remote zoom meeting, does the GA member that is registered to vote, need to physically be in Ophir to cast a vote? Currently the emergency declaration does not require the registered Ophir voter to physically be in Ophir to cast a vote. Town of Ophir is still currently under this declaration. A GA member asks, will future GA meetings become more of a hybrid with both physical and remote attendance? The GA will decide this, it is open for discussion. This has also affected voter registration and has brought up many questions as to who is eligible and how does one become eligible to vote in Ophir. There is a discussion about voter registration as it is written in the HMC and the gray area surrounding it. Questions such as, when does someone's voter registration become inactive? GA members would like to see the voter registration revisited by Town staff. How does the community feel about virtual meetings? A general consensus amongst GA members is that residents like the remote virtual meetings and makes it more convenient for them to attend. Changing how Town of Ophir holds its GA meetings would mean a change in the Home Rule Charter. Town of Ophir staff will need to see the legality of virtual meetings if GA members want to see the format of how meetings are held. Staff will work on this and return to the GA with some better information.

## **5. STAFF REPORTS**

**Town Manager (Ken Haynes):** Ken will be on vacation next week. Nan and Phil volunteer to assist with watering the flower pots in-front of maintenance building. Bee Happy Lands is here, says biggest trouble spot is in North East side of the Open Space. Tree planting is going!

**Town Mayor (Corinne Platt):** Fire Ban in place in Ophir. The Core Act has been introduced into the Senate- Ophir has some big stakes in this passing. This affects Ophir and the surrounding wilderness.

**Town Clerk( Sydney Roop):** There is a lot of discussion and passion at the moment in regard to Ophir Voter Registration. I am working on understanding our Home Rule Charter and Ordinances that pertain to this. Town staff is working towards making our voter eligibility and rules clear and simple. Town of Ophir has a new website. Sydney shows

the website to the GA and goes through some of the pages. Town Staff hopes that the website will be a resource for our community.

**Ophir Environmental Chairperson ( Monica Carey):** Monica would like to review of 3 Mile Plan and conservation District with the OEC. There has been discussion with staff to have a public works yard to house blades and road base around the water facility. Ongoing discussions with the Forest Service in regard to gate replacements. Blixt Road gate and gate near the Beresford's home. Next meeting- Begin reviewing the new website, residents would have access to the OEC agendas and meeting minutes. Begin documenting disturbances on Open Space including Town owned land and projects. More master plan.

**Planning and Zoning Chairperson ( Valerie Sloan):** There are a couple of building permits. Master Plan Update goal for a rough draft to present to GA is July or August.

## **6. NEW BUSINESS**

Several parents question the health concerns with COVID-19 and the lemonade stand. Should the lemonade stand be open for the kids to sell lemonade? There is a discussion amongst the GA members as what should be done. Kids should definitely be wearing gloves, masks, using hand sanitizer etc. Does the community want it? Some GA members want to close it down to limit contact with kids with tourists. Ken will refer to County Health Departments to get guidance or regulations from them as to what to do. GA members would like to see a recommendation email come from Ken with guidance on the lemonade stand.

Sue Hehir: Help spread wood chips for "Ophir Days" as long as 6ft physical distancing is met. No date yet on when to spread.

## **7. ADJOURN**

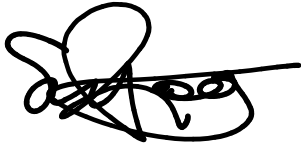
Sue motions to adjourn, Teri seconds

In Favor (Yay): Corinne, Sydney, Andy, Valerie, Sue Hehir, Jacey DePriest, Phil Hayden, Leigh Sullivan, Eric Beerman, Andy Martin

Not in Favor (Nay):

Abstain:

Meeting adjourned.



\_\_\_\_\_  
Town Clerk, Sydney Roop

7/22/2020

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor, Corinne Platt

\_\_\_\_\_  
Date

*Minutes prepared by Sydney Roop, Town Clerk*

*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.*