

**MINUTES OF THE REGULAR MEETING OF THE GENERAL
ASSEMBLY
TOWN OF OPHIR, CO 81426
TUESDAY, August 18th, 2020 7:00 PM
REMOTE MEETING VIA ZOOM PLATFORM**

CALL TO ORDER

(7:04 PM)

(Voting Member: Sydney Roop, Sue Hehir, Eric Beerman, Amy Ward, Ryan Ehlers, Hank John Shell, Dylan Sloan, Corinne Platt, Phil & Leigh @ 970-728-3204, Russ Skousen, Valerie Sloan, Parke Ehlers, Jesse Rose, Jen Rose, Dan Hehir, Sean McNamara, Rhonda Claridge, Sonja Allen)

(Non Voting Member: Ken Haynes, Mark Rosenthal, Catherine Gockley, Kristin McHarg)

**ADOPTION & SIGNATURE OF July 21st, 2020 MEETING
MINUTES**

Eric Beerman would like to make some changes to the July Meeting Minutes. At the July Meeting Eric had some comments and questions that did not make it on the typed meeting minutes. Eric was questioning the easement, repurposing, and revisiting the topic of the town owned property that has the Eagle Cabin on it. Corinne motions to table the minutes until next month for Eric's corrections.

APPROVAL OF AGENDA

Sue Hehir motions to approve and adopt August 18th, 2020 agenda, Sydney Roop seconds

All in Favor (Yay): Sydney Roop, Eric Beerman, Amy Ward, Hank Shell, Ryan Ehlers, Parke Ehlers, Jesse Rose, Jen Rose, Dan Hehir, Sue Hehir, Valerie Sloan, Dylan Sloan, Russ Skousen, Phil Hayden, Leigh Sullivan,

Not in Favor (Nay):

Abstain:

BUSINESS ITEMS

A.COVID-19 Update (Ken)- 0 new cases in 5 days in San Miguel County. Woowhoo! Cases were spiking in the last month and a half. Things are looking better! Two public facilities in town, trash facility and town hall. Town hall is strict, masks on and constant cleaning. Ken is encouraging people to wear masks in the trash facility. The trash facility would be ground zero if there were cases in Ophir. Please wear your mask in the trash facility!

B. Discussion of Ordinance 2020-1, Town of Ophir Drone Policies, Encouraging Safe Uses of UAS While Addressing Accountability (Ken)- There was a first reading of this Ordinance and the GA made changes for the second reading. Steve Johnson, town attorney, made some edits to the Ordinance for the town to consider. It specifically has to do with discretionary powers from the Town Manager as it relates to the Ordinance. In the Ordinance the Town Manager has the power to decide when and where drones can be flown. Ken agrees with Steve that areas where the town will allow drone flight, appropriate times, and should be included in the rules, regulations, and ordinance. Ken would like to see additional provisions where people may go outside of those perimeters, such as a commercial entity (real estate, commercial, research). Ken would like to make adjustments where it doesn't leave the rule making up to the Town Manager. Ken would like to recommend to send this Ordinance over to P&Z and the OEC for review and suggestions on boundaries and times of day of where drones can be flown. P&Z and OEC will also be reviewing where limits can be waived for certain commercial entities. Steve Johnson is recommending we start over with a First Reading seeing this Ordinance has gone through significant changes. There are questions from the GA. What are the current allowable times? As the Ordinance is currently written there are no times and the Town manager at their discretion would decide on the times. This is one of the changes Ken wants to make with this Ordinance is to make it where the Town Manager does not create the rules. The Town of Ophir currently does not have any Ordinances on drone use in the Town of Ophir. Ryan Ehlers requests to have Section 4, Item C

removed from the Ordinance. It reads, “ The Town Manager, in consultation with the Open Space Commission, may designate areas and non-commercial conditions where notice pursuant to this Section 4 above is not required. Examples of such areas may include locations where operations may be encouraged, such as certain parks and/or open space.” Ryan’s request to remove this from the Ordinance will go to the P&Z and OEC for their reviews. Amy Ward asks if Section 4, Item D would also apply to town owned lots. Item D reads, “ No person shall enter another person’s land to launch, hover, land, retrieve, or other operate a UAS on or over another person’s property without the prior consent of the property owner. Unauthorized entry to launch, land, or retrieve a UAS is a trespass. Ken says yes, if the town owned lots are not designated drone use areas. There are currently no draft designated areas. There will be two readings of this Ordinance because a lot of people missed the first reading and are trying to catch up with what’s going on. Amy would like to recommend to change the fees for commercial applications to be much higher than they are currently written in the Ordinance at different levels of what the commercial entity is, at least tripled. Examples, film crews & real estate. Phil brings up the legality of charging one commercial entity more than another. This question will be brought up to Town staff. Ken is looking for a straw poll as to what direction the GA would like to go with this Ordinance. After taking the straw pole it looks like a majority of the GA would like to continue to work on Ordinance 2020-1 by having the P&Z and OEC review the Ordinance with the comments made by the GA at this meeting and Ken’s edits.

C. Discussion on use of Town Hall for Remote School Learning- (Town Staff, Ryan Ehlers) Corinne begins the conversation that in light of mounting school and COVID-19 concerns, a group of parents have come together to see about the possibility of using Town Hall as a temporary school location. There are two town staff members (that the GA has elected to run our town) that work out of Town Hall. Corinne encourages that whatever agreement everyone comes to tonight is to be respectful of each other’s feelings and to listen to each other. Ryan Ehlers opens the conversation as a representative of the parents who

would like to use Town Hall. Town staff prepared some questions for the parents, and Ryan begins with the question that was asked, “ Why do you want to use Town Hall as a location for remote learning versus using a home for remote school learning?” Ryan provides a document from the CDC on the importance of re-opening schools. Ryan highlights that extended school closures are harmful to children. It is a major developmental problem. Having a structure of learning that school provides, safe environment for developing social skills and relationships is paramount to a child’s development. The pandemic is a long-term issue we are all going to have to deal with. Kindergarten through 5th grade will be starting in person school, Monday August 24th. 6th-12th is all virtual. At this point Town Hall would be considered Plan B for schooling. The motivation for using Town Hall is to have an environment where kids can learn, social with other kids, and be protected from the greater community from COVID-19. The parents will want to use the downstairs space in Town Hall, leaving the upstairs office for the two town employees. Town staff keeps asking what is the protocol/plan for this. Ryan says this discussion is first to establish a space, then the plan comes next. Ryan will defer to the Telluride School District for their protocols and strategies. Other questions from Town staff, “Would the Town be held liable for a pandemic outbreak at Town Hall should they occur?” Ryan has spoken to multiple lawyers and these lawyers think that no the town would not be held liable. Parents could sign a “release” form that would not hold the town liable. Ryan’s motivation for using Town Hall is for kids to continue to learn in the event that the School District needs to go complete virtual online school. Ryan speaks for his children, that kids in the 5th grade and lower struggle with online learning. Ryan knows there are two town staff that work in that building and would like to brainstorm on how this could work for everyone. Ryan brings up that the CDC states that younger children play a smaller role in the transmission of this virus. He also brings up the CDC’s statement on physical distancing and how this may negatively affect younger children. Ryan has communicated with the School Board and says their outlines are very established and follow the CDC guidelines. Other parents discuss and comment. Amy Ward comments she wants Ken and Sydney to have a safe environment to

work in and are also trying to think outside the box for a Plan B for schooling for their children. She support both sides and wants to be creative, maybe its not school 8am-3pm, 5 days a week, maybe outside during good weather? Maybe inside during inclement weather? Ideas are brought up, “Would the Telluride District set up a micro school in Ophir? San Bernardo? Is there FEMA money available for this to possibly set up a trailer? Sean McNamara stresses how important how important it is to have a Plan B especially since this is a long term issue. He likes the idea of using the basketball court and reserving Town Hall for inclement weather. Studies show that being outside versus inside slows the spread of the virus. Big Blue Tarps for sunshade? Sean brings up for elementary school children that zoom classes are extremely difficult for them to comprehend and actually learn from. Jesse Rose feels that the benefit of this to the community is tremendous. He stresses that there is an office upstairs for the town staff to utilize and that a door can be added if needed to stifle airflow up there. Providing ventilation to down and upstairs would be a fairly minimal expense to allow for fresh air exchange. Jesse brings up that town staff could move their work remotely if they were concerned of their health as well. Eric Beerman brings up regulatory-oversight and that the school board can pull the plug on the Telluride School based on State and County. How is this going to be translated to the Ophir situation? Who will make the call if Ophir school is on/off? The question of alternative locations/building is brought up, a yurt to keep the population separate from Town Hall and staff. The Ophir School would follow the Telluride School District and CDC guidelines as recommended. Ryan brings up the yurt idea and that they get pretty cold in the winter and can be pretty expensive. Portable office spaces? An idea is to buy a shed, insulate it, and then make it into an office space. Parents don’t want to go into the rabbit hole of spending a lot of money towards this project. The GA discusses the possibility/feasibility of a yurt, shed with power, etc. Phil Hayden opposes having a school in the Town Hall for the safety of town staff and their ability to do their jobs. The conversation then goes to town staff. Sydney and Ken work in the Town Hall weekly and want to make the Ophir School work if the GA wants to utilize Town Hall. Sydney will need to have access to the records and files upstairs and can arrange her schedule around school

hours. Neither Ken nor Sydney want to work in Town Hall if there will be large groups of people utilizing it. Ken needs a separate office, a yurt, shed, or trailer. Town staff wants to accommodate the needs of the GA. Ken would rather not use the maintenance building due to the aromas and temperature of the building. The working space for the lower level of Town Hall is 18ft by 14ft. 6 people can fit in Town Hall with 6ft of physical distancing. Ryan says that the CDC recommends 6 ft of physical distancing per adult, not children. Ken would like to see a plan in place regardless if the school shuts down. It will benefit the children and the parents. Town staff would like to see a committee in place for this project. Ryan says that with the diversity of Ophir that we can come up with a solid plan for having a school in Town Hall. Corinne suggests that the parents form a committee to work out details and realistic ideas to approach the town with. Eric Beerman brings up again, who will be calling the shots with this when CDC guidelines may not be following the local trend? What happens when variables change? Sydney would like to see a medical professional and educator definitely on the committee. Parke Ehlers steps up to volunteer as the medical professional on the committee. Rhonda Claridge is an educator and steps up to be an educator and volunteer on the committee. Sean McNamara and Ken Haynes step up to be on the committee. Ryan Ehlers says that the parents will get together to come up with a committee.

D. Agreement with San Miguel County/ USDA regarding Ophir Valley (Ken)- After the beaver dam was destroyed before consulting with the Town of Ophir, Mike Bordogna the County manager recommended an MOU for them to notify Ophir of any work. After further conservation, it will be a policy of San Miguel County to communicate with the Ophir of any roadwork. What specific activities would the GA like to be notified of from the County? No comments from the GA specific San Miguel County activities notification.

E. Town of Ophir Forest Fire Evacuation with San Miguel County (Ken) - Town of Ophir will be participating in an evacuation exercise with San Miguel County. Old Ophir will go first, then East Ophir will go second. In a normal evacuation both Old and East would go together, but

seeing that this is a learning experience we will do it in separate evacuations. Communication Trees? Knocking on doors or making phone calls? An idea for a second back up is text message alerts. The Town has a text message alert system. We will send out another sign-up in the next week or so. Ophir has its own text message notification and the County has CodeRed. Landline use seems moot. Text message alerts, CodeRed, then Knock on doors? Corinne would like to get a list of residents that are not signed up for the Ophir text message alerts.

5. NEW BUSINESS

Ken would like to move New Business before Staff Reports because Herb McHarg has been patiently waiting to discuss an issue! Herb McHarg is the attorney for John Ferguson and his wife Lynette. They own lots 1-3, Block L in the Town of Ophir. Lots 1 & 2 are in the moderate avalanche zone. Lot 3 is in the avalanche zone. They have had this property in their family since 1951. John was under contract to sell the lot in 2017, and John lost the sell because during the buyers diligence they were told by the town attorney that the lot cannot be developed in the moderate or high avalanche zone areas. This came as a surprise to John because he had been paying property taxes on the lot as a developable lot. He appealed an abatement with the County, the County says that Lots 1 & 2 are developable under the LUC. Herb discusses various sections of the LUC and how he interprets it in regard to moderate and high avalanche zone. Mr. Ferguson is looking for a determination from the GA that his two lots, Lots 1 & 2 that are in the moderate avalanche zone, may have the potential for development if the new owner is able to apply for a Special Use Permit. Herb also brings up the possibility of an amendment to the LUC as it relates to building in the moderate avalanche zone. He is hoping that this item can be put on the next GA for a determination from the GA. There is discussion from GA as the LUC relates to moderate and high avalanche zones. This issue relates to other lots. Other lots are in the moderate zone are being taxed from the County as developable lots. Steve's interpretation is that new structures cannot be build in the moderate avalanche zone. Herb and San Miguel County interpret the LUC as moderate avalanche zones being buildable. Herb sees the language, the process, and the precedent in the

LUC to be able to apply for an SUP to build in the moderate avalanche zone. He thinks this should be clarified either as an amendment or as a letter. In 2015, a home was approved by the GA twice to be build in the moderate avalanche zone. There is more discussion on how the LUC is interpreted by different parties. There are two issues here, a determination of the Ferguson lot, and a determination of all properties affected in the moderate avalanche zone. Ken would like to see this new business go to the P&Z for a recommendation. P&Z discussed this item at their last meeting but do not have a recommendation, P&Z would like to get guidance from the GA. Corinne would like to have a formal opinion statement letter from our town attorney as it relates to the Ferguson Lots and other moderate avalanche zone lots to discuss at town staff and P&Z meetings.

Sue Hehir would love to see a new kids of Ophir picture. She isn't sure how to go about it with COVID-19 but would like to see a new kids of Ophir picture. Take individual photos of the kids and then arrange them as "profile pictures"? Something like a yearbook photo?

6. STAFF REPORTS

Town Manager (Ken Haynes): The EPA is coming in to take water and soil samples. The weed folks are here and will be developing a weed analysis report for the GA in October and recommendations for next year.

Town Mayor (Corinne Platt): Corinne is working to keep Ophir trails out of maps. She feels like she is fighting everyday to keep Ophir trails out of maps. There have been overuse of trails. Valerie and Sonja discuss seeing tire marks on the Carbenaro trail . It looks like someone moved some rocks, cut back branches and drove past the Carbenaro gate and drove up the Carbenaro road. The Town of Ophir has been meaning to get together with the USFS to walk the gates. Phil & Leigh discuss they met a group of people possibly being "guided" in Waterfall Canyon.

Town Clerk(Sydney Roop): In more research of virtual meetings and legality a question has been brought up, How to hold elections? How to appoint P&Z and OEC? I had a conversation with a great lady from the CML who helped me read through our Ordinances and we can motion to

appoint P&Z and OEC members virtually. Town Staff elections will be different and working towards that. Maybe drop off ballots, mail in ballots? I am working towards figuring all of this out.

Ophir Environmental Chairperson (Monica Carey): The OEC has requested from the attorney if the 3 Mile Plan documents were legitimate, and the attorney said they were not. The OEC will see how we can have similar documents. They would like to introduce maps and language for the LUC that defines different Open Space areas. Park versus land bank, etc. They would like to make it more formal.

Planning and Zoning Chairperson (Valerie Sloan): Editing of Master Plan is wrapping up. Projecting a September GA draft presentation.

7. ADJOURN

Sue Hehir motions to adjourn, Amy Ward seconds,

In Favor (Yay): Sydney Roop, Eric Beerman, Sue Hehir, Valerie Sloan, Amy Ward, Hank Shell, Phil Hayden, Sonja Allen, Leigh Sullivan

Not in Favor (Nay):

Abstain:



Town Clerk, Sydney Roop

9/16/2020

Date

Mayor, Corinne Platt

Date

Minutes prepared by Sydney Roop, Town Clerk

Detailed meeting minutes are typed by the Clerk to give the General Assembly a readable version of the facts and important points from the meeting. All votes, motions, actions, approvals, and disapprovals will be on the meeting minutes. If your comments, opinions, or questions did not make it on the typed record of the meeting minutes and you want them to

*be on the typed record, please let the Clerk know. The Clerk does his/her best to include as much information as possible in the detailed written meeting minutes. **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.*