

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

CALL TO ORDER:

(7:04PM)

(Voting Member: Sydney Roop, Eric Beerman, Phil Hayden @
970-728-3204, Monica Carey, Hank Shell, Andy Martin, Allison Synder-
Kingsley, Sarah Callicot, Leigh Sullivan, Jerry Oyama, Allyn Hart, Bob
Kingsley, Ryan Ehlers, Valerie Sloan)

(Non Voting Member: Joseph Waller, Ken Haynes, Corinne Platt,)

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

Sydney moves to approve and adopt, Monica Carey seconds

All in Favor (Yay): Sydney, Andy Martin, Eric Beerman, Monica Carey,
Hank Shell, Phil Hayden, Leigh Sullivan

Not in favor (Nay):

Abstain: Sarah Callicot, Allison Synder-Kingsley,

**ADOPTION & SIGNATURE OF August 18th, 2020 MEETING
MINUTES**

Sydney moves to approve and adopt, Phil seconds

All in Favor (Yay): Sydney Roop Roop, Eric Beerman, Phil Hayden,
Leigh Sullivan, Monica Carey, Hank Shell, Andy Martin,

Not in favor (Nay):

Abstain: Jerry Oyama, Allyn Hart, Allison Synder- Kingsley, Sarah
Callicot,

APPROVAL OF AGENDA

Corinne moves to approve and adopt tonight's agenda, Monica seconds

All in Favor (Yay): Sydney Roop, Eric Beerman, Allison Synder-
Kingsley, Phil Hayden, Monica Carey, Sarah Callicot, Hank Shell, Andy
Martin

Not in Favor (Nay):

Abstain:

BUSINESS ITEMS

A. COVID-19 Update- Ken (5 mins)

- Ken discusses how San Miguel County is doing with COVID. There is one new case in the county. Ken is working with the County and State towards getting compensation for COVID costs occurred to the town- about \$6,000. Big thanks to residents who are wearing masks in the trash building.

B. Discussion on Ferguson Request for Clarification of Potential to Build in Moderate Avalanche Hazard Zone with Special Use Permit- Ken (20 mins)

- The Ferguson's want clarification from the GA if they can build on their Lots 1-2, Block L if they apply for a Special Use Permit or get information from the town to bring to the county to assist them with a valuation change. Lot 3 is entirely in the high avalanche zone and cannot be build on. Steve Johnson, town attorney, interprets the Land Use Code to allow no new building in the moderate avalanche zone. The Ferguson's lawyer interprets the LUC that building in the moderate avalanche zone is allowable with a Special Use Permit. The Ferguson's properties are being taxed by the county as ""buildable"" There are 7 private properties that are fully in the moderate zone. Ken would like direction from the GA to amend the LUC or keep it the same. There is discussion amongst the GA about new building in moderate avalanche zones, San Miguel County taxes on moderate avalanche zone lots, and the LUC. There is a zoom poll sent to the GA to get an idea of how town staff should move forward with the LUC. 70% of the attendees who took the poll would like to see no building in the moderate avalanche zone. Some GA members would like to keep the language that is currently in the LUC, some GA would like to see serious language clarification in the Land Use Code as it relates to not allowing new residential building in Moderate Avalanche Zone.

i. **Motion to write a clarifying letter from the General Assembly on Ferguson potential to build a new residence in Moderate Avalanche Hazard Zone; Block L, Lots 1-3-Ken (15 mins)**

- Motion: Ryan moves to not amend the Land Use Code today, as Phil said, and let the letter that the lawyer sent, suffice, but look at future amendments to prohibit further situations that we are in now. Allison seconds. There is some discussion on the contents of the letter. Ryan amends his motion to start working on the amendments to the LUC to clarify the language and we don't respond to them as a community but with our lawyer's response. Allyn Hart seconds. There is some discussion.

Yay- Sydney Roop, Jerry Oyama, Allyn Hart, Phil Hayden, Leigh Sullivan, Bob Kingsley, Allison Synder-Kingsley, Ryan Ehlers, Eric Beerman, Monica Carey, Sue Hehir, Hank Shell,

Nay-

Abstain- Andy Martin, Valerie Sloan,

The motion to start working on amendments to the LUC to clarify the language and to not respond to the Ferguson's from the GA but with a letter from the attorney has passed.

C. First Reading of revised Ordinance 2020-#1, An Ordinance to Encourage the Safe Uses of Unmanned Aircraft Systems While Addressing Concerns about Accountability

- The drone ordinance has gone through several readings. Steve has made changes to this Ordinance and the GA requested that this Ordinance be reviewed by the P&Z. P&Z has reviewed the Ordinance. P&Z recommends that drones are not allowed within town limits at all. There is discussion from Ken on commercial and utilities drone use. Ryan Ehlers moves to go with the P&Z recommendation of no drones in the town of Ophir. Monica seconds. There is discussion. Corinne clarifies that the town cannot control airspace, what this Ordinance will control is the landing and

takeoff of drones within town limits on town property. Ryan moves to have no drones allowed in Ophir and to add that to the LUC like no OHVs in Ophir. Monica seconds.

Yay: Andy Martin, Monica Carey, Jerry Oyama, Allyn Hart, Ryan Ehlers, Phil Hayden, Bob Kingsley, Sue Hehir, Valerie Sloan, Eric Beerman, Allison Synder- Kinglsey, Hank Shell,

Nay:

Abstain: Sydney Roop

The yays have it and the motion to allow no drones in Ophir and to add that to the Land Use Code has passed. There will be a new Ordinance because 2020-#1 becomes obsolete.

D. Motion to appoint three (3) full time and one (1) alternate seat to the Planning and Zoning Commission- Valerie (5 mins)

- There are 3 full time and 1 alternate seat up for re-appointment. There is confusion on which seats need to be re-filled and whether to not there needs to be a motion to appoint members to the P&Z commission, or if the GA can just vote in the members. This item has been tabled until next month.
- This item has been tabled until next month.

E. Motion to appoint Planning and Zoning Commission as the Land Use Code Enforcement Official Authority- (15 mins)

- Ken would like P&Z to provide assistance to the Building Official with LUC interpretations and violation decisions. There is discussion on how this will go. It is decided by the GA that a motion is not needed because P&Z as an LUC enforcement authoritative body is already written in the LUC. P&Z agrees and accepts.

F. Town of Ophir Forest Fire Evacuation Exercise with San Miguel County- Ken (10 mins)

- Forest Fire Evacuation Exercise Sept 19th, 2020 at 9AM. This will be led by the Emergency Team for the County. It is voluntary. The sheriff is asking that people do not return for an hour. West Ophir first then East Ophir.

G. Halloween Activities Discussion- Corinne (5 mins)

- Town Staff decided that Halloween should happen. There can be distance pizza. People will wear masks and then distance when eating. Ryan Ehlers will help set up the tables and break down. Ryan has volunteer to use his trailer to haul the kids. The party will start around 5pm.

5. STAFF REPORTS

Town Manager (Ken Haynes): Ken gives an update on the waterline break in the water plant.

Town Mayor (Corinne Platt): Corinne's staff report is in new business.

Town Clerk(Sydney Roop): I will be moving to action meeting minutes.

If you want your comments on the meeting minutes let me know.

Ophir Environmental Chairperson (Monica Carey): N/A

Planning and Zoning Chairperson (Valerie Sloan): N/A

6. NEW BUSINESS

Doris Glynn called Corinne and she wants the Post Office to get broadband internet service. Doris needs internet for her job, and the USPS is not going to assist. The Town needs to figure out a way to get Doris internet. Ken will gather the information for the October GA. This will be an item at the October GA- a motion to provide internet service to the post office.

Ryan Ehlers- Everything is going well at the public school. There is active discussion if the school were to shut down about putting a plan in place to use the Town Hall for an alternative school for Ophir kids.

Sue Hehir would like to thank Ken and Sydney for cleaning the trash building.

7. ADJOURN

Phil motions to adjourn, Sue Hehir seconds

All in Favor! Meeting ends at 9:23 PM



Town Clerk, Sydney Roop

10/23/2020

Date

Mayor, Corinne Platt

Date

Minutes prepared by Sydney Roop, Town Clerk

*Action meeting minutes are typed by the Clerk to give the public a readable version of the facts and information from the General Assembly Meetings. All votes, motions, actions, approvals, or disapprovals will be on the meeting minutes. If you want your comments, opinions, or questions on the typed record of the meeting minutes, please let the clerk know. **Audio recordings of all General Assembly Meetings are available to the public that include the detailed discussion.** Please contact the Town Clerk if you would like a copy of this month's audio of the meeting minutes.*