

**NOTICE OF THE REGULAR MEETING OF THE GENERAL
ASSEMBLY TOWN OF OPHIR, CO 81426
TUESDAY 7:00 PM, DECEMBER
21st, 2021 REMOTE MEETING
PLATFORM VIA ZOOM**

Join Zoom Meeting

**[https://us02web.zoom.us/j/86701438435?pwd=czJhQXZhY1pPZXFpRWRUQkh6RjJD
QT09](https://us02web.zoom.us/j/86701438435?pwd=czJhQXZhY1pPZXFpRWRUQkh6RjJDQT09)**

**Meeting ID: 867 0143 8435
Passcode: 373146**

AGENDA

- 1. CALL TO ORDER**
- 2. ADOPTION & SIGNATURE OF NOVEMBER 16th, 2021 MEETING MINUTES**
- 3. APPROVAL OF AGENDA**
- 4. BUSINESS ITEMS**
 - A. Howard Fork Tailing Update- Joni Sandoval, EPA**
 - B. Second Reading and Adoption of Ordinance 2021-14, Renewal of Ground Pounders Public Works Contract for 2022 – John (5 minutes)**
 - C. Nominations for January 18th, 2022 Town Staff Election- Offices of Mayor, Mayor Pro Tem, Treasurer, and Clerk - Mason (10 mins)**
 - D. Consideration of Adoption of Resolution 2021-15, 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 2022 and Ending on the Last Day of December 2022- John and Cindy (15 mins)**
 - E. Consideration of Adoption of Resolution 2021-16, A Resolution requiring Monthly Reporting of Waterfall Gulch Flume and Pipeline to Water Division 4 District 60 Water Commissioners – John (10 minutes)**
 - F. Adoption of June, July Ophir GA Minutes-Mason (5 minutes)**
- 5. STAFF REPORTS**
 - A. Mountain Trip Avalanche Instruction Day December 27th**
- 6. NEW BUSINESS**
- 7. ADJOURN**

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

CALL TO ORDER

(TIME: 7:08 PM)

Voting Members: Ellen & Jerry, Phil, Ernie Watenpaugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Todd Rutledge, Lisa Rutledge, Dayna Baer, Eric Beerman, Chris Drew, Naomi
Non-Voting Members: Ken Page, John Wontrobski, Cindy Wyszynski

ADOPTION & SIGNATURE OF October 19th, 2021 MEETING MINUTES

Jacey Depriest motions to adopt October 19th, 2021 Ophir GA Meeting Minutes, Dayna Baer seconds

All in Favor (Yay): Ellen & Jerry, Phil, Ernie Watenpaugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Todd Rutledge, Lisa Rutledge, Dayna Baer, Eric Beerman, Chris Drew, Naomi
Not in Favor (Nay):

Abstain:

Motion to adopt October 19th, 2021 meeting minutes passes unanimously

APPROVAL OF AGENDA

Dayna Baer motions to approve the evenings agenda with addition of Second Reading of Ordinance 2021-13, Jacey DePriest seconds.

All in Favor (Yay): Ellen & Jerry, Phil, Ernie Watenpaugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Todd Rutledge, Lisa Rutledge, Dayna Baer, Eric Beerman, Chris Drew, Naomi
Not in Favor (Nay):

Abstain:

Motion to approve the agenda passes unanimously

BUSINESS ITEMS

Consent Agenda

- 1. Approval of Mayor's signature on a memorandum of understanding for distributing opioid settlement and recovery funds to local counties and municipalities**
- 2. First reading of Ordinance 2021-14, Renewal of Ground Pounders Public Works Contract for 2022**
- 3. Second reading of Ordinance 2021-13, Amendment to 2021 Budget**

Dayna Baer motions to approve consent agenda, Jacey Depriest seconds

All in Favor (Yay): Ellen & Jerry, Phil, Ernie Watenpaugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Todd Rutledge, Lisa Rutledge, Dayna Baer, Eric Beerman, Chris Drew, Naomi
Not in Favor (Nay):

Abstain:

Motion to approve consent agenda and included items passes unanimously

Preliminary 2022 Budget Discussion

GA discusses upcoming 2022 budget approval, discussion about moving \$200k of RETT revenue to the water fund

STAFF UPDATES

Tri State/Ames-Burro Bridge Lin Vegetation Management Plan-2022 Operations

OEC Chair Jacey DePriest presents planned vegetation management for summer 2022 on power lines through Ophir. Any GA member with lines near their property encouraged to reach out to Tri-State if they have not already.

NEW BUSINESS

Wintertime Ophir Party/Pot Luck in the Maintenance Barn

ADJOURN

Corinne motions to adjourn, Mason seconds

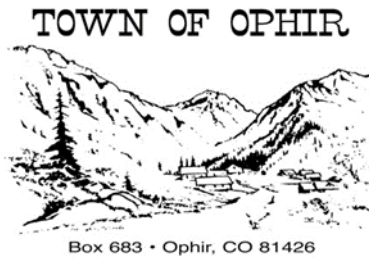
Motion to adjourn passes unanimously

Town Clerk, Mason Osgood

Date

Minutes prepared by Mason Osgood, Town Clerk

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TOWN OF OPHIR, COLORADO

ORDINANCE NO. 2021-14

AN ORDINANCE TO APPROVE AN AGREEMENT WITH GROUND POUNDERS, LLC FOR STREET AND TOWN-OWNED UTILITY INFRASTRUCTURE MAINTENANCE AND IMPROVEMENTS

WHEREAS, Town of Ophir has need for contracted street and town-owned utility infrastructure maintenance and improvements; and

WHEREAS, Town of Ophir shall utilize annually budgeted funds for street and utility maintenance and improvements, which for 2022~~1~~ consist of the following:

- \$22,000 Road Maintenance
- \$13,500 Snow Removal
- \$15,000 Utility Infrastructure Repair & Maintenance
- \$10,000 Equipment Maintenance
- Allocated fund infrastructure improvements
- Funds shall also be subject to unpredictable weather and unexpected utility repairs; and

WHEREAS, Town of Ophir has solicited and received pricing options from a qualified contractor; and

WHEREAS, Ground Pounders, LLC provided the most qualified options compatible with Town of Ophir budget.

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO that:

SECTION 1. The Town Mayor and Town Clerk are hereby authorized and directed to execute a **Street and Town-Owned Utility Infrastructure Maintenance and Improvements Contract** with Ground Pounders, LLC (the “Contract”), in the form attached hereto. Mayor and Town Manager may approve additional non-substantive changes.

SECTION 2. CONTRACT RATES. The following shall be the contracted rates:

1. Utilizing Town Equipment
 - Equipment operator labor = \$50/hr.

2. Utilizing Ground Pounders Equipment
- 772BH Grader = \$160/hr.
 - 200C Excavator = \$175/hr.
 - 120C Excavator = \$160/hr.
 - 310E Backhoe = \$120/hr.
 - 50G Mini X = \$120/hr.
 - Plow Truck = \$100/hr.
 - Mack Dump Truck = \$95/hr.
 - Water Truck = \$95/hr.
 - Drum Roller = \$95/hr.
 - Snow Blower Attachment = \$80/hr.
 - Dump Trailer=\$75/hr.
 - Trench Compactor = \$60/hr.
 -

Approval of the Town Manager prior to use of Contractor's equipment shall be required.

SECTION 3. The Contract may be annually renewed, and Contract Rates may be modified, upon motion and vote by the General Assembly, subject to annual appropriations.

SECTION 4. PUBLICATION. After final adoption, notice of passage shall be published in the manner prescribed by the Town Charter.

SECTION 5. SEVERABILITY. If any one or more sections or parts of this Ordinance is adjudged unenforceable or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various provisions herein are severable.

SECTION 6. EFFECTIVE DATE: This Ordinance shall take effect upon publication of notice of passage.

Introduced, Read and Heard at Public Hearing on First Reading by the General Assembly of the Town of Ophir on the 1th day of November 2021

Approved and Adopted on Second and Final Reading by the General Assembly of the Town of Ophir on the _____ day of _____ 2021

By: _____
Corinne Platt, Mayor

Attest: _____
Mason Osgood, Town Clerk

Approved as to Form: _____
Stephen B. Johnson, Town Attorney

Attachment: Contract

**TOWN OF OPHIR
RESOLUTION 2021-15**

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 2022 AND ENDING ON THE LAST DAY OF DECEMBER 2022.

WHEREAS, the General Assembly of the Town of Ophir elected Treasurer Cynthia Wyszynski, has prepared and submitted a proposed budget for the 2022 calendar year to the Ophir General Assembly; and

WHEREAS, Cynthia Wyszynski, elected Treasurer for the Town of Ophir has submitted a proposed budget to the General Assembly for its consideration; and

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at a public hearing held December 21, 2021 and interested taxpayers were given the opportunity to object to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO:

Section 1. The 2022 Estimated Expenditures for each fund are as follows:

GENERAL FUND	\$ 225,319
SPECIAL REVENUE FUNDS	\$ 14,050
CAPITAL PROJECT FUND	\$ 43,124
BROADBAND FUND	\$ 16,400
ENTERPRISE FUND	\$ 92,033

Section 2. The 2021 Estimated Revenues for each fund are as follows:

GENERAL FUND

Beginning Fund Balance (estimated)	\$ 250,000
General Property Tax Levy	\$ 156,234
Other Sources	\$ 101,917
Less amount to Enterprise Fund (Mill Levy)	(16,377)
Less amount to Open Space Fund	(1,440)
Less amount to Capital Projects	(125,000)
Less amount to General Fund Reserves	(15,000)
Less amount to Broadband (Mill Levy)	(10,500)
Total General Fund Revenues	\$ 339,834

SPECIAL REVENUE FUNDS:

OPEN SPACE FUND

Beginning Fund Balance (estimated)	\$ 90,000
Grants	0
Other Sources	\$ 1,440
Total Open Space Revenues	\$ 91,440

CONSERVATION TRUST FUND

Beginning Fund Balance (estimated)	\$ 8,200
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CTF payments	\$ 2,000
Total Conservation Trust Revenues	\$ 10,200
CAPITAL PROJECTS FUND	
Beginning Fund Balance (estimated)	\$ 128,000
Grants	0
Other Sources	\$ 125,000
Total Capital Projects Fund Revenues	\$ 253,000
ENTERPRISE FUND	
Beginning Fund Balance (estimated)	\$ 60,000
Water user fees	\$ 57,320
Mill Levy	\$ 16,049
Trash user fees	\$ 13,680
RREO Grants & Rebates	\$ 5,000
Late Fees	\$ 0
Total Enterprise Fund Revenues	\$ 152,049
BROADBAND FUND	
Beginning Fund Balance (estimated)	\$ 25,000
Mill Levy	\$ 10,500
Other Sources	\$ 0
Total Broadband Fund Revenues	\$ 35,500
SPECIAL IMPROVEMENT DISTRICT FUND	
Beginning Fund Balance (estimated)	\$ 20,444
Total Revenues	0
Total S.I.D. Revenues	\$ 20,444

Section 3.

That the budget as submitted, amended, and herein above summarized by each fund, hereby is approved and adopted as the Budget of the Town of Ophir for the year 2022. A copy of each budget is attached hereto. Adoption of this Resolution shall constitute an appropriation of all amounts identified as expenditures in the Budget.

Section 4.

The 2022 mill levy for the Town of Ophir, Colorado is hereby established as 27.665 (24.765 General Fund, 2.9 Enterprise Fund) mills. The Town of Ophir hereby certifies said mill levy to the San Miguel County Treasurer. The Town Clerk is directed to transmit a copy of this Resolution to the San Miguel County Treasurer.

ADOPTED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, on this 21st day of December, 2021.

By: Corinne Platt, Mayor

Attest: Mason Osgood, Town Clerk

[Town Seal]

TOWN OF OPHIR RESOLUTION 2021-16

REQUIRING TOWN OF OPHIR TO REPORT WATER DIVERSION RECORDS FOR WATERFALL GULCH FLUME AND PIPELINE

WHEREAS On August 28, 1989 The Town of Ophir received Absolute Water Rights of .02 cfs for municipal use on the Waterfall Gulch Flume and Pipeline Priority No. 9, with an Appropriation date of January 15, 1894 and an Adjudication date of October 31, 1911.

WHEREAS The Town of Ophir has diverted water from The Waterfall Gulch Flume and Pipeline on an ongoing basis for domestic distribution to the Town of Ophir.

WHEREAS Water rights in Colorado are based upon the principle that a water right is a legal right to beneficially use a portion of the public's water without waste or speculation.

WHEREAS Beneficial use of water is not only a requirement for initial appropriation, but an ongoing obligation to maintain a water right.

WHEREAS The Colorado Division of Water Resources, which includes the State Engineer, Division Engineers and Water Commissioners, has the authority to administer all surface water and Denver Basin, tributary and non-tributary groundwater in the state of Colorado.

WHEREAS The Division 4 District 60 Water Commissioner and his or her staff are required to maintain records of the diversion and beneficial use of water.

THEREFORE, BE IT RESOLVED BY THE OPHIR GENERAL ASSEMBLY:

SECTION 1. The General Assembly requires the Town of Ophir to provide Water Diversion records for Waterfall Gulch Flume and Pipeline and all municipal sources of water as recorded at the Town Water Treatment Plant to the Division 4 District 60 Water Commissioner on a monthly basis.

RESOLVED, APPROVED AND ADOPTED by the Town of Ophir General Assembly on the 21st day of December, 2021.

_____ By: Mayor

ATTEST:

_____ Town Clerk

APPROVED AS TO FORM:

_____ Steve Johnson, Town Attorney

**MINUTES OF THE EMERGENCY MEETING OF THE GENERAL ASSEMBLY
TOWN OF OPHIR, CO 81426
Wednesday, July 15th, 2021 7:00 PM
REMOTE MEETING VIA ZOOM PLATFORM**

AGENDA

Voting Members Present: Phil Hayden, Wendy Basham, Ernie Watenpaugh, Corrine Platt, Janice Gerona, Jerry, Terry Steinberg, Sue Herir, Dayna, Rachel, Allen Hart, Keith, Joe Shultz, Jerry Oyama, John Humphries, Ryan Ehlers, Jacey DePriest, Dave,
Non-Voting Members Present: Jason (SGM), Steve Johnson, Ken Page, Cindy (Treasurer)

1. CALL TO ORDER

Call to order (7:02pm)

2. ADOPTION & SIGNATURE OF MAY 18, 2021, MEETING MINUTES

Adopt and Sign May 18th Meeting Minutes

Corinne Motions to Adopt, Janice Gerona Seconds

Unanimous consent, motion passes

3. APPROVAL OF AGENDA

Approval of tonight's agenda

Corrine Motions to Adopt, Janice Gerona Seconds

Unanimous Consent, motion passes

4. STAFF UPDATES

5. BUSINESS ITEMS

A. Motion and Vote to Approve Water Planning & Engineering Contract – SGM (15min)

Steve Johnson recommends town votes to approve contract on the condition that town attorney reviews and edits prior to signing

Phil Hayden motioned to approve SGM Contract subject to review and approval from town attorney, Allen Hart seconds

The ayes have it, motion to approve SGM contract subject to review and approval from town attorney carries

B. Motion and Vote to Approve Temporary Waiver Under the Rule of Necessity to Appoint Non-Resident to Clerk Position – Steve (15 min)

Janice Gerona motions to approve a temporary waiver to appoint non-resident to clerk position, Phil Hayden Seconds

The ayes have it, motion carries

C. Motion and Vote to Approve Interim Administrative Personnel Hire (15 min)

Phil Motions, Janice seconds to approve interim administrative personnel hire

The motion carries unanimously

D.3%-2% Use Tax Rebate Discussion – Steve (10 min)

Research reveals that tax rebate can go back as far as GA would like. 3 or more years.

E.Monthly Paid Invoices and Budget – Cindy (5min)

F.Avalanche Hazard Discussion – P&Z (15 min)

Liability of owner and town for building in moderate hazard zones. We decide on a return period that P&Z deems acceptable for building a moderate hazard zone, design standards would be of a 200yr standard (Ernie recommendation). Ophir needs a 2- or 3-dimensional analysis, must make sure town is not being in negligent and hold analysis to a certain standard.

Steve-does not see much exposure to legal action in P&Z denying applications to build in moderate hazard zones. Relying to the fact that modeling is not absolute, slides have occurred outside of the mapped zones. Agrees with Ernie on new modeling, require analysis of individual buildings if they can withstand hazards. Special use permits for moderate hazard zone construction refers to existing structures.

L.Helitrax Liability Waiver – Helitrax (5 min)

Joe Shults worried about liability of damages to Tri-State power lines and homes in Ophir on potential avalanche mitigation work.

G.Clerk Position Nomination – Steve (5 min)

No nominations

H.Motion and Vote to Approve Location of Emergency Horn – Ken (5min)

Joe motions to disapprove of emergency horn, Phil seconds.

The Ayes have it, motion to deny county emergency horn passes

I.Motion and Vote to Approve Bee Happy Lands / Increase Crew Size - OEC (5 min)

Judah motions to approve Bee Happy Lands crew size increase with money coming from OEC fund, Janice seconds

J.Resolution 2021-7 Creation of the Water Advisory Committee – Ken (10 min)

Ernie motions to not approve resolution 2021-7, and establish a citizen action committee for the current water project (SGM), Dayna seconds

Motion passes unanimously.

K. P& Z Nominations – P&Z (5 min)

Ernie motions for Phil Hayden, Valerie Sloan, Jenn Rose, Janice Gerona to retain their seats on the P&Z committee. 1 year terms. Terry seconds

Motion passes unanimously.

M. Town Manager Transition Discussion

Janice motions to maintain Ken’s current contract with adjustment, Phil seconds

Motion passes unanimously

6. NEW BUSINESS

Sue proposes naming Ophir parking lots, ie Sunshine lot so we can direct people there.

7. ADJOURN

Corinne motions to adjourn, Ken seconds.
Ayes have it, motion passes unanimously.

Town Clerk, Mason Osgood

Date

Minutes prepared by Mason Osgood, Town Clerk

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**MINUTES OF THE REGULAR MEETING OF THE GENERAL ASSEMBLY
TOWN OF OPHIR, CO 81426
TUESDAY, June 15th, 2021 7:00 PM
REMOTE MEETING VIA ZOOM PLATFORM**

CALL TO ORDER

Recorded Zoom meeting, starts on business item D, no prior recording

ADOPTION & SIGNATURE OF MAY 18, 2021, MEETING MINUTES

Recorded Zoom meeting, starts on business item D, no prior recording

APPROVAL OF AGENDA

Recorded Zoom meeting, starts on business item D, no prior recording

STAFF UPDATES

Recorded Zoom meeting, starts on business item D, no prior recording

BUSINESS ITEMS

A. Municipal Court – Attorney (20 min)

Recorded Zoom meeting, starts on business item D, no prior recording

B. Manager’s Report – Town Manager (5 min)

Recorded Zoom meeting, starts on business item D, no prior recording

C. Water Planning & Engineering Status – Town Manager (10 min)

Recorded Zoom meeting, starts on business item D, no prior recording

D. Monthly Paid Invoices and Budget

Recorded Zoom meeting, starts on business item D, no prior recording

E. Non-Licensed and Unregistered Motorized Vehicles on Ophir Streets – Mayor (10 min)

Recorded Zoom meeting, starts on business item G, no prior recording

F. Clerk Position Nominations

Recorded Zoom meeting, starts on business item D, no prior recording

G. Second Reading of Amendment to Ordinance 2021-8, Collecting 2% Sales Tax and Establish Business License Fees – Town Manager (10 min)

Phil motions to approve the second reading of Ordinance 2021-8, Collecting 2% Sales Tax and Establish Business License Fees, Janice Gerona seconds

Yay:Ernie, Nan, Jacey, Tyler, Terry, Sue, Todd, Phil

Nay:

Abstain: Valerie

Ordinance 2021-8 passes

G. Fire Ban Discussion – Mayor (10 min)

Discussion Tabled

H. Use Tax Reimbursement – Town Manager (10 min)

1998 Ophir passed a 3% use tax to all building permits based on valuation. We have been overtaxing all permitted projects by 1% since 1998. Projects that go back 3 years are eligible for rebate on those use taxes. Ken included a list of all the projects affected from 2018-2020, \$6000 is the total rebate amount. State statute restricts these rebates from going back three years. Applied this three years back from when it was discovered (November 2020).

J. Emergency Horn – Town Manager (10 min)

County approved to install an emergency horn in Ophir. Potential sites include the water building, or broadband tower. 30ft pole, need to put it in a place where everyone (E Ophir and Old Ophir) can hear.

Discussion tabled for next GA meeting.

K. Draft Resolution 2021-7 Creation of the Water Advisory Committee Discussion - Town Manager (15 min)

P&Z voted to create temporary water committee, Ken working to create group that can help sort out water issues. Ernie to put out email to town to create advisory committee.

L. P&Z Nominations – Mayor (5 min)

Val to continue for P&Z. Elections are next GA mtg.

6. NEW BUSINESS

Sign committee is working on signs, Ophir Days hopefully one in June and July.

7. ADJOURN

Kim motions to adjourn, Corrinne seconds. Unanimous consent to adjourn!

Town Clerk, Mason Osgood

Date

Minutes prepared by Mason Osgood, Town Clerk

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