

**MINUTES OF THE REGULAR MEETING OF THE GENERAL
ASSEMBLY
TOWN OF OPHIR, CO 81426
TUESDAY, FEBRUARY 16th, 2021 7:00 PM
REMOTE MEETING VIA ZOOM PLATFORM**

CALL TO ORDER

(7:04pm)

(Voting Member: Janice Gerona, Monica Carey, Ernie Watenpaugh, Teri Steinberg, Allison Snyder-Kingsley, Jen Rose, Jesse Rose, Phil Hayden, Tyler Schults, Natalie Fijalkowski, Dylan Sloan, Valerie Sloan, Nan Darkis)

(Non-Voting Member: Corinne Platt, Ken Haynes)

ADOPTION & SIGNATURE OF January 19th, 2021 MEETING MINUTES

Monica motions to approve and adopt the January 19th, 2021 meeting minutes, Allison seconds

All in Favor (Yay): Monica, Allison, Janice, Ernie, Teri, Phil, Jen

Not in favor (Nay):

Abstain: Corinne, Jesse

APPROVAL OF AGENDA

Corinne motions to modify the agenda for Item G to read nomination and appointment for 3 seats instead of two with term limits in 2022 not 2023, Janice seconds

All in Favor (Yay): Monica, Ernie, Allison, Janice, Teri, Phil, Jen, Jesse

Not in Favor (Nay):

Abstain:

BUSINESS ITEMS

A. COVID Update- Ken

Ken does not give a COVID update. General Assembly members discuss information they have read regarding vaccinations.

B. January 2021 Paid Invoices and Budget- Ken

Ken goes over the long-term budget. Ken goes over future deficits in the water department. The water department will be in the red by 2026. Ken offers ideas to increase revenue and how to pay the bills.

C.Ophir Environmental Commission Presentation on Ophir Open Space History- Monica

Monica presents a slideshow presentation on the legacy of Open Space in Ophir beginning with credits to Robin Machado and Allen Hart for getting the ball rolling and creating an Open Space program for the Town of Ophir. The slideshow that Monica presents shows the Waterfall Land Exchange, creation of the Ophir Environmental Commission, Ferric Oxide project, and New Dominion Mine Cleanup. From 1994 to 2010, the Ophir open space initiatives, directly and indirectly, transitioned some 1200+ acres of mining claims in the Ophir Valley to the Trust for Public Lands. Today in 2020, there is more to be considered with environmental stewardship. The Town can more effectively describe and manage town-owned “open space” as landbank, preserves, and public.

D. Nominations for Three Ophir Environmental Commission seats with Appointments at the March 16th, 2021 General Assembly Meeting with terms ending March 2022-Monica

There are three open seats in the Ophir Environmental Commission for one year with terms ending March 2022. Monica would like to nominate Teri Steinberg, Jacey DePreist, and Larry Rosen to fill these seats. Teri Steinberg accepts her nomination. Monica has spoken to Jacey and Larry and they are interested in filling the seats. There are no further nominations from the General Assembly.

E. Nomination and Appointment to fill 1 vacant Full-Time Planning and Zoning seat with a term to end July 2021- Allison

A member of the P&Z has resigned. Allison makes a motion to nominate and appoint Valerie Sloan to fill this vacant seat with a term to end in July 2021. There are no further nominations to fill this seat.

All in Favor(yes): Corinne, Phil, Monica, Tyler, Teri, Ernie, Janice, Allison, Jen, Jesse

Not in Favor(no):

Abstain:

The yes's have it and Valerie Sloan is appointed to the Planning and Zoning Commission.

F. Second and Final Reading, Approval and Adoption of Ordinance 2021-4, Approving an Agreement with Bee Happy Lands for 2021- Organic Integrated Weed Management for Town Owned Property-Ken

Monica motions to approve, Allison seconds.

All in Favor (Yes): Phil Hayden, Monica, Tyler, Allison, Teri, Janice, Val,

Not in Favor (No):

Abstain: Jen, Jesse, Corinne

The yes's have it and the motion is carried by the General Assembly to approve Ordinance 2021-4.

G. Introduction and First Reading of Ordinance 2021-5, Authorizing Speed Limits within the Town- Ken

Ken shares a map of proposed speed limit areas with additional signage. This ordinance would change the speed limit from 15 mph down to 10 mph in the residential areas and would keep the spring gulch part of Granite Street at 15mph. There is a discussion on signage. Ken comments that the Town still does not have the means to enforce people who speed until there is a municipal court system. Tyler motions to refer Ordinance 2021-5 to a second reading, Janice seconds.

All in Favor (Yes): Janice, Monica, Teri, Allison, Tyler, Val, Nan, Phil, Jesse, Jen

Not in Favor (No):

Abstain:

The yes's have it and the motion is carried by the General Assembly to refer Ordinance 2021-5 to a second and final reading for adoption.

H. Discussion and Presentation on Ordinance 1996-3, Concerning Revenue and Imposing a 2% Sales Tax on Sale of Tangible Personal Property at retail and furnishing of taxable services in the Town of Ophir, and Imposing a 2% Use Tax for the Privilege of Using or Consuming in Ophir, any Construction and Building Materials for Storing, and Providing an Election on Proposals Herein Contained-Ken

Ken discusses Ordinance 1996-3 and the three different parts. 1) Tax on Building materials. Currently being applied 2) Business Licenses. This is currently not being utilized, these would be applied to businesses doing business in the Town limits. This would apply to businesses coming into Ophir to do work such as electricians and plumbers 3) 2% sales tax- not being utilized. It is applied to items sold within the Town of Ophir. This was not set up with the State of Colorado. This would affect online sales in Ophir. The State collects it and then gives it to Ophir. This would also add a 2% sales tax to cars bought and sold in Ophir. The State will not allow Ophir to ignore the tax. The GA needs to decide what happens next. Options for the next step: 1) Accept collection of the tax starting in July if the state gets director by May and be allocated to either the General or Capital Fund as written in the Ordinance 2) Repeal the Ordinance by a vote in the November General Election 3) Change the amount of tax collected by a vote at the November General Election. The Town would have collected around \$20,000 from 2019 from 2% online sales tax collection. Ken presents a graph that shows while the population of Ophir has not increased dramatically all in the last 20 years, the needs and costs of those needs of the townspeople have significantly increased. In perspective, the Town of Telluride's sales tax is 8%. The General Assembly likes the idea of having a "cap" and a rebate process that businesses in Ophir can apply for once they have hit

that “cap”. Caps, rebates, raising business license fees, and exactly where the money goes in the different funds would be an amendment to the 1996 Ordinance. The General Assembly gives Ken direction to go for the tax, caps for businesses between \$500-\$1,000, and that businesses need to have a license in order to qualify for those rebates.

5. STAFF REPORTS

Town Manager (Ken Haynes): Ophir received a \$5,000 grant for the fiber to the home broadband engineering plan. Ken is working on the broadband contract with Visionary. Ken reports on issues with propane heaters at town buildings.

Town Mayor (Corinne Platt): Corinne is working on a fire mitigation plan with Henry Mitchell. Megan Eno will be at the next staff meeting with a discussion on gates, snowmobiling, and taking down USFS cabins. Harley Brooke-Hitching has approached the County to lower the speed limit near her home. Corinne would like to send a letter to local realtors educating them on Ophir zoning and land use.

Town Clerk(Sydney Roop): N/A

Ophir Environmental Chairperson (Monica Carey): Monica discusses the next steps for OEC seeing there will not be enough members for a March quorum. Ken will step up and help the OEC.

Planning and Zoning Chairperson (Allison Snyder-Kingsley): P&Z is hoping for a greenhouse amendment to the LUC and moderate avalanche zoning discussion by the next GA.

Treasurer (Cindy Wyszynski): N/A

6. NEW BUSINESS

Nan Darkis asks the GA if anyone knows if we are in a designated wildfire zone. Corinne said she will reach out to Henry.

Request from a resident (not at the General Assembly Meeting) to look into the S.I.D in East Ophir and making sure if there are any loose ends that those are tied up.

There is a discussion on signage, East Ophir winter parking, plowing, and using flyers to reach out to skiers to slow down while driving through Ophir.

7. ADJOURN

Corinne motions to adjourn
All in favor- unanimous

Town Clerk, Sydney Roop

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 them. **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.*