

**MINUTES OF THE REGULAR MEETING OF THE GENERAL
ASSEMBLY**

TOWN OF OPHIR, CO 81426

TUESDAY, MAY 19TH, 2020 7:00 PM

OPHIR TOWN HALL 36 PORPHYRY ST.

CALL TO ORDER: (7:08 pm)

Voting Members: Sue Hehir, Paul Emrick, Ernie Watenpaugh, Eric Beerman, Corrine Platt, John Humphries, Teri Steinberg, Monica Carey, Coach Miller, Todd Rutledge, Ryan Ehlers, Dylan Sloan, Natalie Fijalkowski, Brian Morgan, Bill Allen, Lisa Rutledge, Dan Hehir, Alex Paul, Tyler Schultz, Larry Rosen, Katrina Cornell, Todd Herman, Rhonda Claridge, Valerie Sloan,

Non Voting Members: Ken Haynes, Mark Rosenthal, Sarah Callicot, David Callicot, Jocelyn Corbett)

**ADOPTION & SIGNATURE OF February MEETING
MINUTES**

Corinne Platt motions to approve and adopt, John Humphries seconds,
In favor (Yay): Ernie Watenpaugh, Corinne Platt, Ryan Ehlers, Monica Carey, John Humphries, Coach Miller, Dylan Sloan, Teri Steinberg, Paul Emrick, Bill Allen,

Not in favor (Nay):

Abstain: Sue Hehir, Natalie Fijalkowski, Eric Beerman, Larry Rosen, Dan Hehir, Alex Paul,

**ADOPTION & SIGNATURE OF March MEETING
MINUTES**

Corinne Platt motions to approve and adopt, Sue Hehir seconds

In favor (Yay): Corinne Platt, John Humphries, Ernie Watenpaugh, Eric Beerman, Sue Hehir, Dan Hehir, Monica Carey, Coach Miller, Teri Steinberg, Paul Emrick, Dylan Sloan, Natalie Fijalkowski, Tyler Schultz, Bill Allen, Larry Rosen,

Not in Favor (Nay):

Abstain: Alex Paul, Brian Morgan, Ryan Ehlers, Todd Rutledge, Katrina Cornell,

APPROVAL OF AGENDA

Sue Hehir motions to move Item D: Discussion on tree cutting accelerating the transition of social trails to developed bike trails throughout the Ophir Valley to Item A, to keep Item B: First Reading of Ordinance 2020-1 Town of Ophir Drone Policies as Item B, to move Item A: COVID-19 Update as Item C:, and Item C: Bee Happy Lands LLC Weed Mitigation Schedule for June to Item D. Ryan Ehlers seconds the change of agenda items.

Sue Hehir motions to approve and adopt May 19th, 2020 agenda with motioned changes, Ryan Ehlers seconds.

In Favor (Yay): Corinne Platt, John Humphries, Ernie Watenpaugh, Eric Beerman, Sue Hehir, Dan Hehir, Monica Carey, Coach Miller, Teri Steinberg, Alex Paul, Paul Emrick, Natalie Fijalkowski, Tyler Schultz, Ryan Ehlers, Dylan Sloan, Bill Allen, Todd Herman

BUSINESS ITEMS

A. Discussion on tree cutting accelerating the transition of social trails to developed bike trails throughout the Ophir Valley

Monica Carey, Ophir Environmental Commission Chairperson leads the discussion with a powerpoint that is shared amongst the GA members. This discussion of tree cutting on trails has been an ongoing topic in Ophir with some verbal comments and complaints from residents. Concerns of tree cutting on the Straussberg Basin Trail led to concerns by residents that this trail was being cleared and cut to create a bike trail, and their concerns were brought to the OEC. In the powerpoint, Monica discusses that we are surrounded by Forest Service land, and that tree cutting, and trail creating is illegal on Forest Service land. There are recreation land preservation laws, statutes, development plans, and land use codes regarding the Ophir Valley with the State of Colorado,

Regional, County, and Town. Town of Ophir documentation for land preservation being the Three Mile Plan, Ophir Valley Wildlife and Conservation District, and Ophir Valley Zone District. At the end of the powerpoint she asks, “What’s next?” There is a discussion amongst the GA members in regard to trail maintenance and trail building in National Forest Land. A GA member asks questions such as “What is the difference between a biking trail and social trail?”, “What sort of authority do we as the Ophir General Assembly in regard to the surrounding National Forest Service Land”, “Legally, what authority does the OEC or the General Assembly have in regard to trail cutting/building outside of Town of Ophir jurisdiction?” Ken Haynes responds, “This agenda item is not a proposal for anything, this is a discussion as what the community feels in regard to trail maintenance/ building. The Town of Ophir does not have jurisdiction to regulate trails outside of town limits. What the Town could do, if proposed and approved by the GA is that the Town of Ophir could work with the USFS and other entities in regard to trail building in Forest Service Land. Currently, the OEC could make a recommendation to the GA, and then the GA would decide on how to work with the entities outside of the Town.” There are 4 OEC members present at this meeting, Monica Carey, John Humphries, Tyler Schultz, and Rhonda Claridge. All members of the OEC are elected by the General Assembly. GA members continue the discussion with conversation such as “ If we build trails, people will come here to recreate in the summer like the winter. This is a discussion on what kind of community we want to have. We have no control over the National Forest Service Lands.” Some GA members feel that the mountain biking community is being singled out by the OEC and that there are many different user groups to consider in regards to trail building and maintenance. (Hikers, runners, mountain bikers, backpackers, and horses) Another GA member reminds the GA that the catalyst for this discussion was the Straussberg trail, and that there was some tree clearing on the trail to make it more usable, and that this is different from trail building. The GA member continues with the idea that if people don’t clear trails from time to time, these trails will become unusable. The idea that the Straussberg Trail is primarily used for hiking not biking is discussed. More GA members chime in with

remarks, We don't want to lose the trails we already have, and to keep those trails usable they require maintenance. Corinne implores mindfulness if/when people are clearing trees/kicking rocks from trails. Corinne also tells the GA that there is pressure on the USFS to build trails in the Ophir Valley, and if that happens, parking lots, bathrooms, and trailheads will come. This discussion is ongoing- there are no proposals or anything voted on.

B. First Reading of Ordinance 2020-1, Town of Ophir

Drone Policies Drone Policies for the Town of Ophir has been brought up before, Steve Johnson (Town Attorney) drafted an Ordinance in regard to drones in 2018. This Ordinance contains property rights, establishes areas where drones can be used, respect, etc in regard to drone operations in Town of Ophir. The Town can determine where drones can be used and permission would need to be asked from the Town in order to use drones. Permits would be issued and be considered either commercial or personal, and be issued for annual use or one time use. This would include residents with drones, real estate agents using drones to show properties, and other commercial entities. Drones over 1/2 a pound in weight would need to be registered with the FAA, and drones over 1/2 a pound in weight would need to be registered and issued a permit with the Town of Ophir. The permit issued for an annual kid's drone permit would be \$10 annually. This Ordinance sets a guideline that Town of Ophir would be able to enforce privacy rights, trespassing rights, and commercial use of drones in Town and on Town property. The intention of this Ordinance is to make sure that people who want to fly drones are flying them in designated areas only and not invading the privacy of residents. There is not enforcement with people flying their personal drones over their personal property. The Ordinance would require that when people/commercial want to use drones, they would need to contact the Town Manager with the "flight time". This "flight time" is questioned, "Is contacting the Town of Ophir with flight time necessary?" Simplicity is brought up in regard to

this Ordinance, should the town be contacted with “flight time”? Should it be “No Drones” period in the Town of Ophir? Commercial use permits seems like a “No Brainer”. People/kids who want to fly drones can fly them in Open Space and National Forest, should Town of Ophir Residential Areas be off limits to drone flight? The question height over Town is also brought up, could drones be flown 500 ft or 1000 ft over Town? Long term planning in regard to drone weight is brought up, as technology increases drones that weigh under 1/2 may have higher quality cameras in the future. Should the Ordinance be rewritten to plan for future changes to drone technology? More questions are brought up, Does the Town of Ophir want to allow drones, period? Corinne brings up a legal case against another town that did ban drones completely, the town was sued and lost. A general consensus is had amongst GA members to table this item, simplify the Ordinance, and bring it back to the GA for a vote. Sue Hehir motions to table Ordinance 2020-1, Town of Ophir Drone Policies for the next GA, with a re-written and updated Ordinance. John Humphries seconds.

All in favor (Yay): Sue Hehir, Dan Hehir, Teri Steinberg, Eric Beerman, Corinne Platt, Monica Carey, John Humphries, Ryan Ehlers, Paul Emrick, Rhonda Claridge, Bill Allen,

Not in favor (Nay):

Abstain:

C. COVID-19 Update

If you have not been following County or State regulations in regard to COVID-19 and would like an update, please reach out to Ken. The Town of Ophir has made the trash facility more accessible during COVID-19. Ken doesn't see any changes in regard to the trash building in the future, the Town will keep the building open and available. The compost was questioned because there is so much interaction amongst residents and the composters. It never came to a point where the Self Reliance Committee, County Health, and Town thought it would become a challenge. The Town of Ophir is doing pretty well.

D. Bee Happy Lands LLC Weed Mitigation Schedule for June

Noxious weed mitigation will be going on June 15th, 16th, and 17th in Town of Ophir Open Space. Ken will email residents prior to remind residents and if anyone would like for Bee Happy Lands to come work separately on own individual properties, they will be able to contact and schedule a time on either side of the 3 days. “Ophir Days” will be making a comeback to assist Bee Happy Lands if residents wish to do so.

E. Town of Ophir Spring Gulch Tree Planting

Town of Ophir has 30 Blue Spruce to plant between Porphyry and Granite St in East Ophir. These trees are planted with the idea of wind and snow management on 9th St Hill. The OEC was in favor of this idea, but has brought attention to the fact that these lots may eventually be for sale and questions, what does that mean if the Town invests time and money into planting trees in these lots. Ken has 30 spots to plant the trees between the lot lines and increase property value. Ken is encouraging community involvement with planting the trees if residents wish to do so. Town of Ophir can schedule a day if the community wishes, or families that wish to plant a tree can reach out to Ken to pick up a tree, get an idea on how to plant properly, with the spots being already be designated. Watering by residents is encouraged, but Town of Ophir will ensure the trees will be watered. There is a discussion on other future tree planting, and planting shrubs and trees around the water plant to help disguise the building without interfering with the solar panels. Future tree orders and planting is encouraged. 3-4 weeks is encouraged to begin planting.

F. Discussion on Local Fire Burn Bans

Currently there is a Forest Service Fire Ban. It has been extremely dry. Ken and Corinne would like to encourage an outdoor Fire Ban in the Town of Ophir. A GA member would like to hold off on establishing a Fire Ban at the moment. Why would Ophir establish a fire ban now?

Ken says 3 reasons, 1. Lack of Moisture. 2. The National Forest currently has a ban. 3. If a fire were to start in the Valley, during COVID-19 that would conflict and exhaust resources. The GA member understands the reasoning behind the fire ban, but would still like to hold off on establishing a ban for at least 2 weeks. Corinne brings up that we are currently in an extreme drought at the moment, and while many of the residents in Ophir are “fire savvy” some residents and renters may not be and may light a fire in the wrong conditions such as during high wind events. It seems to be a safer route. Bulk order for fire extinguishers for the Town and residents? Ken will work on it.

5. STAFF REPORTS

Sydney Roop (Clerk)- Sydney is unable to attend the meeting due to sickness. Ken gives a quick report. Sydney and Ken have been working on a text notification system in addition to the email notifications. The text notification system would be for GA reminders, water shortages, emergencies, etc. These would be quick messages and notifications.

Monica Carey (Ophir Environmental Commission Chairperson)- OEC would like to see the Town of Ophir and the USFS work together to get the Forest Service gates replaced. There has been an urgent request to get the Waterfall gate replaced. The USFS will be in Ophir doing a site walk in June in Swamp Canyon in regard to mine cleanup in that area. Continued Master Plan drafting. Water Quality in regard to Carbonero and New Dominion mine. Gates are discussed amongst GA members. OEC is working on a draft plan of restoration, management, and planning for parks on Open Space. OEC will be reviewing broadband and water infrastructure.

Ken Haynes (Manager)- No staff report- Basically the agenda.

Corinne Platt (Mayor)- No staff report- Would be repetitive of others.

Valerie Sloan (Planning and Zoning)- P&Z is still working on the Master Plan in collaboration with the OEC. A couple potential building permits coming in for P&Z.

Cindy Wynzsnski (Treasurer)- Unable to attend meeting. Ken gives a quick report. Moving forward there will be a monthly budget to date and

will be reviewed by the GA. Cindy has assisted with COVID-19. The Town has had some unemployment claims that have been filed.

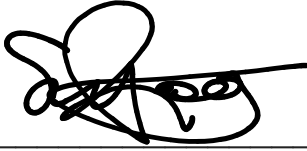
6. NEW BUSINESS

Eric Beerman has some new business- He has not attended a meeting in awhile and asks if there has been a formal resolution for the Town to hold meetings in a virtual manner. He also asks how is voting being recognized now in the world of virtual meetings. Ken says due to the declaration of disaster emergency and with county and state guidelines, the Town of Ophir is required to hold only virtual meetings. There is currently an Ordinance being drafted for future emergencies that virtual meetings can only be held during declaration of disaster emergencies. Eric still questions how is accountability being held in virtual meetings in regard to who and who can't vote in the Town of Ophir. There is a general consensus that there needs to be a roster where the Clerk verifies who is registered and who is not registered not only at Town Hall GA meetings but virtual meetings too.

Valerie Sloan brings up the composting program. She believes that there needs to be someone who is paid to maintain the compost. Ken picks up the conversation, there have been challenges with the compost program. There is one less dumpster in the trash building now, with those funds going towards paying people to maintain the compost. EcoAction Partners is going to umbrella the Ophir Self Reliance Committee to manage it. Town of Ophir will need to budget for the compost- there will be a new line item. Valerie would like to see further education and accountability in regard to the compost and would like to keep it on the Town radar so it doesn't fall into disarray. She wants the compost program to be successful. Composting improperly will lead to issues.

7. ADJOURN

Monica motions to adjourn, John Humphries seconds. All in favor: John Humphries, Eric Beerman, Monica Carey, Teri Steinberg, Corinne Platt, Valerie Sloan.



Town Clerk, Sydney Roop

6/29/2020

Date

Corinne Platt

Mayor, Corinne Platt

6/19/2020

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.