

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

CALL TO ORDER

(TIME: 7:04 PM)

Voting Member: Emma Christensen, Chris Dickson, Ellen & Jerry, Phil, Ernie Watenpaugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Keith Revik, Matt Williamson, Judah Kuper
Non-Voting Member: Joni Sandoval, Erik Sandusky, Katherine Jenkins, Catherine Gockley

ADOPTION & SIGNATURE OF August 16th, 2021 MEETING MINUTES

No minutes to approve, Mason Osgood, town clerk, working on updating past summer 2021 minutes

APPROVAL OF AGENDA

Judah Kuper motion to approve the agenda

All in Favor (Yay): Emma Christensen, Chris Dickson, Ellen & Jerry, Phil, Ernie Watenpaugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Keith Revik, Matt Williamson, Judah Kuper

Not in Favor (Nay):

Abstain:

STAFF UPDATES

Town Manager ():

Town Mayor (Corinne Platt): Hiring new town manager

Treasurer (Cindy Wyzsyski): No updates

Town Clerk(Mason Osgood): No updates

Ophir Environmental Chairperson(Jacey Depriest):We did not receive the grant for updated composter, any donations through GoFundMe will be refunded. Jacey will be available at GMUG regional meeting with USFS Megan Eno

Planning and Zoning Chairperson (Ernie Watenpaugh): No updates, ordinance will be covered tonight

BUSINESS ITEMS

A. Joni Sandoval – EPA

- a. Katherine Jenkins, public information officer and Erik Sandusky, on scene coordinator present from EPA.
- b. https://response.epa.gov/site/site_profile.aspx?site_id=14438
 - i. Howard Fork Tailings project. Removal action will take place October 2021, will take two weeks with over 10,000 cubic yards of tailings. Removal on USFS and private land, with an impact on the Howard Fork. EPA will re-route drainage to go around tailings, if the project does not finish by 2021, the drainage will prevent future erosion.
 - ii. Public Comment

1. GA expressed intent to push back timing of trucks in the AM after the school bus and morning traffic has started
 2. Road-EPA takes responsibility for any road damage throughout the project
 3. Sue-question on revegetation plan concerned about bringing it back to its original state this was not done on Caribou Site remediation, Joni-no plan to incorporate trees into project, EPA cannot replace 50-100 yr old trees.
 4. Carbinero, and Black Hack Mine, Lawson Hill tailings all future EPA cleanup projects
- B. Introduction and First Reading of An Ordinance 2021-10 Approving an Employment Agreement with Town Manager.
- a. Public Comment
 - i. Judah-question about finding government/grant money. Corinne—a huge issue for Ophir, does not have a lot of experience in that area, talked about Mason helping out with grantwriting.
 - b. Sue motion to approve Ordinance 2021-10, second Jerry
 - c. All in Favor (Yay) Emma Christensen, Chris Dickson, Ellen & Jerry, Phil & Lee, Ernie Watenpaugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Keith Revik, Matt Williamson, Judah Kuper
 - d. Not in Favor (Nay):
 - e. Abstain: Dan, Kim Wheels
- C. Public Hearing to Consider Planning & Zoning Commission Recommendation on Application by Glenn Pauls for Minimum Lot Area Requirement Variance for Lots 1 and 2, Block P, Ophir Colorado
- a. Ernie Watenpaugh-survey revealed under 5000sq which is minimum of single family home under Ophir Code. Glen Paul, current owner, buyer is Spencer Coon. Spencer is not a resident of Ophir, or SM County, no indication that this would be primary residence, no indication of renting property. P&Z recommends that GA does not approve the variance, this would set a precedence for undersized lots to be built on. If GA does approve variance, P&Z recommends that a site specific avalanche hazard study be done for property.
 - b. Steven Johnson wanted direction from GA where this variance request should go, requested review, not an official vote.
 - c. Public Comment
 - i. Judah-size of lot is 150sq ft short of required size
 - ii. Phil-supports P&Z decision, adds that avalanche hazard is a major issue. Obvious that this property is in the Badger slide zone
 - iii. Judah-is there precedence for setting precedence for variances? Corinne-Yes, once you do it once then hard to not do it again. Judah-Opportunity for Glen Pauls land and changing some requirements for his lots. Corinne-We have a land use code for a reason, we have lot size designations for a reason, part of it is septic part of it is neighbors. I agree with P&Z, there are other lots in Ophir, they can buy another lot.
 - iv. Matt-When Helitrax controlled Badger, everyone RAN away where this proposed lot is
 - v. Val-My first kneejerk reaction was ‘everyone needs a place to live these days, we are in a crisis for housing, lets consider this someone is trying to build a

life' She thinks that as a town we consider a different avenue for affordable housing for people, we are part of SM County and part of the housing crisis.

- vi. Ernie—email from Steve, he is asking that the GA conducts a public hearing and give direction to Steve for denial or approval at next GA meeting
 - vii. Kim—Does the town of Ophir have a plan of where we expect houses to be built based on the lots that are buildable? Corinne—points to map in packet, Kim—why is there even a lot on the map when its not even a sizable lot to be built on? Ernie—an error in the original plot survey for the town, some other properties have discrepancies as well, survey not town error. Kim—is there a way to reconcile these errors to prevent any future problems? Ernie—this is a bigger question, it should have been the right size.
 - viii. Pat—Would not want to approve a variance for this lot. Overriding concern about the lack of understanding of our water assets for the future
 - ix. Sue—Ernie, can you re-read the letter from Steve, does he want more than a straw poll? Ernie—re-read letter, variance section of LUC does not give a method for how to confirm or deny a variance. Sue—so he wants us to do a public hearing (Corinne—this is the hearing)
 - x. Tim—We are lots 5/6 and have a direct line to this variance going through. Thanks P&Z for their work, resounding support for this not going through, precedence is a topic. Town of Ophir has an LUC, we have rules, this is a chance for the town to take a stance. Glen's application (who is a friend of mine), its only 3%, its only 150 ft' how many times have we heard this? This is a chance for Ophir to be strong and be bold and hold to its rules. This property would sit right on our direct Western view of Sunshine Mtn. You know how epic that is, I disagree with Glen stating that this would increase other properties in value. The inherent value of my property would go down because my sightlines would be obstructed, I am strongly against this variance.
- d. Phil motions to direct town attorney to draw up grounds for denial for variance application, Sue seconds
 - e. Straw Poll (information for Steve)
 - f. All in Favor (Yay) Emma Christensen, Chris Dickson, Ellen & Jerry, Phil & Lee, Ernie Watenpugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Keith Revik, Matt Williamson, Judah Kuper, Dan, Kim Wheels
 - g. Not in Favor (Nay):
 - h. Abstain:
- D. Introduction and First Reading of An Ordinance 2021-12 Purchase of Flow Meter
- a. Ernie—Lee Solden is borrowing the ToT's flow meter once a month, has to do it on the weekends, pay for Lee's travel time. With our water infrastructure projects on the horizon, we need data collection on Waterfall. Increased data collection will help us strategize how to collect and store. Understanding the amount of snowmelt and rainfall runoff is essential. Twice a month readings just doesn't cover it.
 - b. Corinne—question about 24/7 flow meters
 - c. Lee—a pressure transducer not a flow meter is permanently installed into stream, could give us readings 24/7. We need to do that, would be part of our water infrastructure to install. Once we have this, we still need to do at least 15 flow measurements a year to verify the pressure transducer readings. Purchase of a flow meter is necessary ASAP.

- d. Judah motion to approve on first reading of Ordinance 2021-12, Matt seconds
- e. All in Favor (Yay) Emma Christensen, Chris Dickson, Ellen & Jerry, Phil & Lee, Ernie Watenpaugh, Tim, Jacey Depriest, Corinne Platt, Mason Osgood, Keith Revik, Matt Williamson, Judah Kuper, Dan, Kim Wheels
- f. Not in Favor (Nay):
- g. Abstain:
- E. Water Planning & Engineering Status
 - a. Ken Page not present, Ernie—not much to report, waiting for appropriate grants.
- F. Monthly Paid Invoices and RETT Received update
 - a. Cindy—no questions from Staff on paid invoices, RETT received, no comments
- G. Discussion to Authorize Use of General Funds for Cemetery Improvement
 - a. Jacey—cemetery is behind Israel’s house and has taken it upon himself to keep it in good health. He has a goal to improve the cemetery and make it more open to the community in general. We want to allocate some funds to that, and to honor Hannah and the Israel’s.
 - b. Cindy—cemetery budget has nothing in it, we were talking about using \$2000 in amended budget
 - c. Corinne—direct Cindy to pull \$2000 out of general fund to go towards cemetery improvement
 - d. Judah—suggests we also use this money to come up with 5-year cemetery plan, Corinne agrees, allocate funds and direct Jacey to talk to Peter about this plan
- H. Fall Street Maintenance
 - a. Corrine—cleaning out culverts before winter
 - b. Tyler—first we need to find the culverts then we can begin to clean them out

6. NEW BUSINESS

Send out EPA response website

7. ADJOURN

Matt motions to adjourn, Judah seconds.
 Unanimous consent to adjourn!

 Town Clerk, Mason Osgood

 Date

Minutes prepared by Mason Osgood, 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.