

TOOELE Transcript Bulletin

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Ophir residents vote to drop incorporation

Town Hall couldn't get enough legal residents to hold office positions ♦

Wednesday afternoon, Walt Shubert was out fixing a water line that had sprung a leak in Ophir — even though the hamlet deep in the Oquirrh Mountains is no longer an incorporated town. The long-time former mayor is still active in the goings-on of Ophir at 79, even after he resigned from his elected position last November. The result of the town's vote for disincorporation, which was approved 11 to 7 Wednesday morning, wasn't news to Shubert.

"I was mayor for 25 years and it goes back to the same old problem — we could not get a government, a legal government, totally out of the people living in Ophir," he said.

The list of potential candidates to fill the mayor's office and three town council positions had become extremely short. Shubert didn't even run for mayor in 2007 but won the position with 23 of the 35 votes cast. From the 2015 elections, only Milton Adams remained on the town council as a legal resident.

With only one elected official in office, Adams attempted to take steps to appoint a town council and mayor to keep the town running in July. When Tooele County Clerk/Auditor Marilyn Gillette offered to fill the positions by pulling the names of interested candidates from a hat, Adams refused and the town filed a request for dissolution in 3rd District Court later that month.

Gillette said special elections can only be held at certain times of the year so pulling names was the option used to fill positions in the past.

Only 20 ballots were sent out at the end of August and the results of the 18 returned ballots were counted and documented Wednesday morning.

Adams, who goes by Shorty, is the last — and only — elected official left in the waning days of the Ophir township. In the 2015 election, Adams was the only eligible candidate though three people ran for two open town council seats.

To keep the government running, Ophir had been using town councilmembers who had homes or property in the town, but were not full-time residents, for years. When Adams joined the council, the other councilmembers were removed from office.

"I cannot stand not abiding by the rules of our nation," he said. "When you hold an office, you should be from the area you hold the office in."

With no viable government, the town didn't pass a 2016-17 budget at the end of the fiscal year and its finances have been frozen by the state auditor, according to Shubert.

Even Shubert admitted that during more than two decades in office, he was not always a full-time resident of Ophir. While he spent most of his time in the town, Shubert said he was a Tooele resident for a portion of his time as mayor.

Adams said having property owners that weren't residents running the government led to outsiders directing the future and policies of the town.

"We were getting controlled by out-of-town people and they had their nose in everything," he said.

"It's not 'You can, and we'll see what we can do to work with you,' it's 'You can't.'"

Adams's wife, Vickie, said she felt residents were being oppressed by the non-resident government that had been running the town.

"Granted, a lot of them were born here, a lot of them were raised here but they're choosing not to live here," she said. "However, they wanted to dictate anything and everything that happened in this town."

With a town council dominated by non-resident landowners and little involvement from actual residents, Shubert said he didn't feel like the government was focused on helping residents.

"I was frustrated for years because I wasn't representing the townspeople because they wouldn't come and tell us what they wanted," he said. "So it was people that lived out of town that tried to support it and keep it going for years."

Shubert said people became more driven by ordinances and political life changed during his time in office. It became inevitable that the town would need to make a change, he said.

"I could see that coming," Shubert said. "Nobody would step up and it started getting worse. We couldn't even get four people out of the town."

Shubert said his resignation as mayor last November was an attempt to see if the town was viable and someone would step in to fill the void. When no one filled the mayor's office and all but one town council member was ruled ineligible, Schubert said it was time to file for dissolution.

"If we're not going to run the town, we don't need to be a town," he said.

Adams seconded Shubert's assessment of the reality of the town's situation and its vacant positions in government.

"It's really simple to me," he said. "Be legal if you're going to have a town, and we're not."

Longtime resident John Skinner was shelling pine nuts on the porch of his home when he heard news of the vote to dissolve the town of Ophir. He said he supported keeping the town government intact.

"The majority of the people that grew up up here were against disincorporation," Skinner said.

Skinner said he wasn't sure why the town wanted to dissolve and was fairly certain many of his neighbors, who have deep ties to the community, were also against disincorporation. He said his father and a neighbor's father had served terms as mayor of the town.

"I grew up in the house here, I went to grade school up here," Skinner said.

His brother-in-law was a member of the town council but lost the position since he was a Tooele resident, according to Skinner. While Skinner is a full-time resident of Ophir, he said he winters in St. George.

Adams said if the seven residents who voted to remain incorporated had run for town council, Ophir could have kept its government.

"Why weren't you stepping in to continue the town a year ago, two years ago, three years ago?" he said.

At a meeting of the Utah League of Cities and Towns, Adams said the town was asked why it remained incorporated when essentially no services were provided. In its 2016 budget, the town had only \$9,400 in anticipated expenditures.

"We don't offer them anything," Adams said. "We don't have curb and gutter, we don't have ... you can go on and on and on here."

Residents paid for their garbage service and the town's water is provided by a private association, so not much is expected to change when the county takes over providing services, Schubert said.

Under state law, the town's assets will transfer to the Tooele County School District once the process is completed. In addition to about \$100,000 left in the town coffers, the school district will receive the town's park and historic sites.

Some of the remaining town funds will be given to the county, which has been covering expenses for the town while its assets were frozen, according to Tooele County Commissioner Shawn Milne. Shubert said he hopes the school district will transfer the park and historic site to the county, so they can continue to be maintained.

Now that the vote has been finalized, 3rd District Court Judge Robert Adkins will begin the process of settling any of Ophir's outstanding debts and transitioning the property to the school district.

There is no timetable on how long the dissolution process will take, according to Tooele County Attorney Scott Broadhead.

Skinner said he's disappointed to see the town move ahead with disincorporation.

"It's sad," he said. "I hate to see it but I guess we're not the majority."

The town's long-term mayor said he's probably more devastated than anyone to see the town government end after his work to establish the town park and the historical sites in Ophir.

"What you see as Ophir now is Walt's legacy," Vickie Adams said. "He absolutely helped construct Ophir as it is today."

Schubert said the problems with the town government split residents and he hopes they will now be able to move ahead as a community.

"Whether we have a government or not, we need to be a community to keep operating the way we are, as far as taking care of things," he said. "The county's not going to put us up high priority, you know, like the other outlying unincorporated towns."

Ophir first established as a mine in the 1860s and quickly grew into a mining town by the 1870s. It incorporated in 1907. Ophir is located 22 road miles south of Tooele City in the Oquirrh Mountains.



Steve Howe

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