

MONDAY, March 28th, 2024, at 7:00 PM

I. Call To Order

704pm by A. Regester

II. Roll Call

Present in Person, Alessandria Regester, Martin Gitlin, Randall “Mac” McDonald, Chris Frey, Lee Berenato, Bryon Monseu, Clerk Chelsea Nihiser. Present for Public Comment: Eli Josephs, Darcie Mond

III. Motion to Approve Agenda

C. Frey motions to approve the agenda, M. Gitlin seconds, motion passes with all in favor.

Bills for Approval

C. Frey moves to approve the bills as presented. R. McDonald seconds motion. Vote passes with all in favor

IV. Approval of Minutes:

2/26/2024- M. Gitlin motions to approve the Minutes from February 26th, 2024. L. Berenato seconds motion, C. Frey abstains, motion passes with all others in favor.

3/11/2024- C. Frey motions to approve the minutes from March 11th, 2024. M. Gitlin seconds, A. Regester abstains, motion passes with all others in favor.

V. Public Comment

Darcie Mond here with concern regarding STR application Section 7.g that reads: The holder of a license shall hold the Town harmless from any injury or damage which arises out of or occurs as a result of the operation of a short-term rental, including attorney’s fees or other expenses incurred in defending against any lawsuit or other action which may be brought against the Town as a result of such operation. L. Berenato asks where that language in the application comes from, and the Town Clerk states it was pulled directly from STR Ordinance 348. L. Berenato clarifies that changing the application language then really means amending Ord. No. 348, which is correct. Darcie states she wants to amend to state within the property owners' boundaries, so it is clear that someone who might have a short-term rental, and a guest hurts themselves at the park, that the property owner will not be held liable either. She agrees that anything that happens on the property would be the property owner's responsibility, and the town would remain harmless; however, is unclear if an accident happens outside of the property, if the property owner could then be held liable. The board feels that this is an overbroad interpretation, and that it is a stretch that the property owner would be held liable. L. Berenato sees point of concern, but feels this is a very minimal risk, tries to think of a lawsuit that would arise through the operation of an STR that this would impact. The cause of the lawsuit would have to be caused by the operation of the business, not just by being in town due to renting the STR. The board feels the concept is arbitrary, which Darcie agrees overall it may be, except in circumstances that it is not. Darcie inquires how hard it is to amend the ordinance to clarify the verbiage to protect the property owners

better, and the Board of Trustees states it is a process, that this particular ordinance is buttoned up, and they do not feel this concern warrants amending the ordinance. The board states they will investigate it and will look into other communities' ordinances and processes to see how they have handled similar issues.

Eli Josephs is here, and would like to discuss Item VII.a., as he has a couple of issues with Exhibit E, permission to remove building structures within the SPMP. Eli brings up concern because in 100 years it would be a shame to lose the building. C. Frey states that this is there as a safety clause, so if the building becomes unsafe, the Town could tear it down if it became a safety issue. This only allows the Town to remove, if necessary, it does not commit them to do so. M. Gitlin states painting company Sherman Williams has twice donated materials and supplies to combat graffiti on these buildings. Another Item, the Mendota buildings were heavily redone in the 80's, there is original pieces still there. Eli would appreciate it if there were some intentions to preserve them. C. Frey states that there is no plan to take down the buildings now. "Mendota building", as listed in Exhibit E, includes multiple buildings, all are included in the easement, all will be protected and maintained to the best of the Town's ability. C. Neely joins the meetings, and further discussion is tabled until Action Item VII.a.

VI. Administrative Items:

a. Mayor Report

A. Regester states she has nothing to report.

b. Town Clerk Update

- Snow Damage to Town Hall during 3/14/2024 storm:
 - Electrical Service Line Damaged. K. Babeon alerted the Town Clerk and C. Frey of the issue. C. Frey authorized emergency snow removal on the roof and immediate surroundings of Town Hall. Also authorized Pro Mountain Electric to come and place temporary strap on the service line. K. Babeon recommended that the service line be relocated to the roof instead of underneath it. Pro Mountain Electric will provide an estimate for the relocation, and include the work already done with that estimate.
 - Natural Gas Meter Face and Connection Damaged. Xcel service call placed Wednesday 3/20/24. Was told to leave the property until inspected. Xcel came Saturday 3/23, inspected the meter but did not replace it nor do any service. Monday, March 25th, K. Babeon "sniffed" Town Hall to ensure safety, and gave the all clear.
 - Sewer Vent Pipe damaged. McWilliams Mechanical came to inspect, quoting approximately \$200 to fix. The clerk authorized work to be done next week. Clear Creek County Sheriff's Department reached out to get cost estimate of Town wide damage sustained during the March 14th storm, including infrastructure damage to both Town and Personal Property. This information will be provided to the County, and the County will report to the State the total cost

of damage. The state will combine Clear Creek County's cost estimate with other impacted counties cost, and if that total meets the states threshold, state funds may be available for reimbursement.

- Reached out to Eliot Gidan, Accountant, in the beginning of March to reconcile bank accounts. Busy time of year for him, so not surprising to not have heard back yet. Will reach back out end of next week to submit March reconciliation information. Bank accounts need to be reconciled prior to Caselle upgrade. Otherwise, that project is on track.
- CIRSA Audit and Survey scheduled for July 15th, 2024. Clerk has invited PFSP president Liz Hamilton to attend Survey portion and intends on requesting the presence of L. Berenato for the Audit and Survey as well. Will need to be discussed during the next R&B Meeting as well.

a. Election 2024 Update

Regarding Kathy's resignation, a lot remains unclear. The clerk has reached out to the Town Attorney and CML for guidance. Jo was out of the office, so no confirmation from her yet. CML offered conflicting guidance with how Votes are to be counted, so Jo will provide the final determination. What is known is that Kathy will remain on the Ballot. It is too late for her to withdraw her nomination. What is unknown at this point is how her potential votes will be counted, or not. Also unknown is whether the board needs to acknowledge her vacancy officially with the election around the corner. Will discuss with Jo and then inform Board via email next steps.

Last Board Meeting before election, however not last Board meeting with current Board. This board remains in the office through the first week in April. New Board sworn in during the last meeting in April, due to possible recounts and UOCAVA Ballots.

Have received acceptance from all judges. Alternate volunteer Debbie Culp if appointment needs to be made day of. Sasha will cater breakfast/lunch/dinner on election day. The clerk will pick up water bottles and snacks the Monday before.

Official and Sample Ballots ready and in possession. All postings have been made. Election day April 2nd, applications for Absentee Ballots due by March 28th.

Judges to be at Town Hall by 6:30 April 2nd, Polls open 7am-7pm, then time for canvassing votes. Clerk normal hours 9am-5pm, and anything over 12 hours is considered overtime.

VII. New Business / Action Items

a. Review and Discussion of Conservation Easement Deed and the Conditions

Report Drafted by The Colorado Historical Foundation for the Silver Plume Mountain Park. (C. Frey/SPMP Committee)

Cindy Neely looked over and discussed with CHF, and there were a few corrections that C. Neely presented to the Historical Foundation, C. Neely's corrections' start with the First Recitals. Minor correction, but they must address it as an NHLD, which is a legal status difference when dealing with legal entities. Next concern in Section 5.5, page 3, dealing with insurance. This limits the type of insurance the Town can use, and C. Neely wants this to read that CIRSA will insure SPMP, as they do the rest of the Town's property. This section needs to be rewritten to reflect this. CIRSA does not play the "also insured" game, they will need to be the primary insurance. C. Neely and Clerk C. Nihiser will work together to finalize the verbiage here. Next section is 5.6. This regards taxes, which the town does not pay. This may be applicable to a future owner if the town sells the land and the CE along with it. Next section 5.12, Signage/Plaques needs reworked. Next, Article VI; In the front recital they say the definition of the property is the entire 200.88 acres, but the paragraph under "No Construction" is very confusing. This paragraph recommends no construction on the property, but verbiage is off. We are going to kill the phrase, "alteration, or remodeling or any other thing shall be undertaken or permitted to be undertaken on the Property which would affect either the Present Conditions or increase or decrease the height of the Interpretive Sites, including without limitation anything which would alter the external appearance of the Interpretive Sites" and pick up where it states as depicted in the Present Conditions Report. The writers have gotten off topic here, c. Neely has asked that we eliminate right where it starts including and finishing with as depicted. Then, signature page, obviously needs revised. A. Register's name will be listed if signed before April 8, L. Berenato if signed after. Dependent on the timing of signature, will leave the name blank for the time being, until we know when it will be signed. The next is Exhibit E, which is permitted alterations, not prescribed alterations, meaning may construct, not shall. C. Neely asked to remove bullet point 2 of this section all together. It is repeated in the next bullet. The Town has the permission to construct, but not the intent. Then, there is a section on Roads, Art. 6 section f. which C. Neely requested be removed all together, as there are no roads, and no intention of having roads, so this has been requested to be removed. The 730 road is not owned by the town, the County owns the road, it just crosses SPMP land in places, but is not applicable to this section. The County built it as a road, and that is what it is. These suggestions have been submitted by C. Neely to the CHF. C. Neely intends to bring the revised Deed back to the next meeting when the board stays as it currently is. C. Neely will consult with the clerk to find language for the insurance clause. The clerk will reach out to the underwriter with CIRSA to find the correct verbiage. M. Gitlin asks if the equipment that is still on the Mountain and in the buildings are included in the Conservation Easement, which any equipment

is explicitly not included in the CE but are still owned by the Town. Sites that must be maintained per the CS are the Smuggler and the Mendota. Other interpretive sites, such as Brownsville, are optional. So, the only two that the Town is required to maintain are the Mendota and the Smuggler. Questions on vandalism at the Smuggler, and C. Neely states that there has been significant damage done. Pictures have been taken to establish the present damage. Need to keep an eye on it, as things are falling down. Also need to keep intact the main and the water trough, CHF is hopeful Silver Plume will take a look at stewardship sites but is not mandatory to do so and CHF acknowledges that time will take a toll. There are 25 sites out there, so this is straight forward. C. Neely seeks official approval to move forward with the changes discussed. Will provide the Board with final document on April 8th, then will send for signature electronically.

C. Frey moves to approve C. Neely to make changes discussed on Conservation Easement Deed. R. McDonald seconds, motion passes with all in favor.

Moving on to the Present Conditions Report, L. Berenato has pointed out an error in paragraph C. This document has us recorded in the records of Jefferson County, and this needs to be changed to Clear Creek County.

C. Frey moves to accept the Present Conditions Report, fixing Section C to reflect Clear Creek County. M. Gitlin seconds, motion passes with all in favor.

Everything should be ready for signature on April 8. Then will close out the grant. We will pay a lot of money up front, then it will be reimbursed later.

Separately, C. Neely got in touch with Bill Peterson owning the Cascade Claim, and he has agreed to sell his claim to the Town for the same amount the rest of the land has been purchased for, with the condition that he keeps his mineral rights to the land. He has promised he will not execute his rights if the CE is in effect. C. Neely hopes the Town will be aggregable to the purchase of this land. Bill Peterson wrote up his own Quit Claim Deed for the land. C. Neely wants L. Berenato to look over the language of B. Peterson's deed, and have it appear on the agenda for April 8th, for the approval of the Deed and the purchase of the Claim. At this point they will not be added to the CE. Will finish the CE, then add later. C. Neely has not heard back from CDOT regarding the purchase of the Reindeer Claim yet but is not concerned about the delay in communication. CDOT agreed, so it is a matter of them working through their processes. The CDOT Reindeer Claim was 2.9 acres. Approximately \$8000 for Reindeer Claim, and \$2500 for Cascade Claim, which can be purchased with Restricted Funds.

a. Motorized Access to the 7:30 Mine for Eli Josephs, Silver Plume Final Decision. (SPMP Committee)

This topic has been discussed by the Board in detail, however a vote was never

taken due to the board's misunderstanding that they could allow Clear Creek County to handle the permitting request, due to the 730 road being a County owned road. Although this is true, the 730 was made as a road and is still owned by Clear Creek County, the County needs a final decision from the Town prior to them making a recommendation, as the trail crosses Town property in multiple spots. If the County handles it, they will turn the road into a road again. A vote needs to be taken by the Board. Eli joins, and states that he is seeking a temporary permit so that it is specific to him, not an open road open to everyone. The idea is this is a specific permit for a specific person, and all others seeking motorized access would have to apply as well. There is concern for enforcing individual permits and for degradation on the trail. Issuing a permit could open the Town liable to a lot of things. B. Monseu inquires if there are additional owners of claims up there that might be affected by this decision as well. Eli reports there are additional owners, but to his knowledge most have not been here. Another issue with the County opening the 730 up to the public, is no matter the property, the County will require the property owner to build an access road, which would require a specific grade, and this does not necessarily grant Eli the access he is seeking, as building this access road would pose challenges on its own. Every single mine directly off the 730 is owned by the Town, there is nothing left that is directly accessible without crossing Town of Silver Plumes property. Currently, the 730 is a non-motorized trail, as is the Argentine. Mac asks what the potential negatives would be to the Town by denying motorized access? The Town already has emergency access, if needed, to both the Argentine and the 730, to do maintenance as needed. C. Frey states to open the 730 either as a road or for permitted motorized use defeats the purpose of the CE. L. Berenato asks Eli what is so heavy and big that he needs motorized access to bring up there. Eli reports he wishes to bring a fly wheel up to his property to put on display. The fly wheel weighs 2000lbs, and can be disassembled into 500lb sections, which would still be too large for donkeys or other pack animals. Pack animals are also expensive to rent, Eli states. It is questioned if there is a historical precedent in the County to allow similar access, which Board members are unclear about. L. Berenato motions to leave the road non-motorized, not issuing any special permits and not differing to the County. C. Frey seconds this motion. B. Monseu abstains, feeling he does not have enough knowledge or resources currently to make an educated vote. Mac feels consistency is needed, so votes in support of the motion. Motion passes with 4 in approval, 1 abstaining, and Mayor Register did not cast a vote.

b. Water Meter Troubleshooting/Replacement/Financial Assistance Discussion. (C. Nihiser)

The clerk was able to verify a list of zero water usage, and has determined which

accounts truly have no occupants, and which accounts have potential defective water meters. This list is provided to the Board. The clerk was also able to connect with J. Volk regarding WQCP's hourly rate to trouble shoot meters, which is \$95/hour. John stated that typically they would not need to spend more than an hour troubleshooting/installing. They are familiar with the water meters and know how to install them. For folks not needing financial assistance, the clerk recommends allowing John to schedule with property owners, troubleshoot water meters, install/replace as needed, and bill the Town. The Town then invoices/collects the property owner for Johns hourly rate and the cost of water meter and/or parts. For folks requesting financial assistance, and only on a request basis, the Clerk will compile a list and present it to the board. Possibly use "covid", or SLFRF monies to provide financial assistance. SLFRF monies can only be used for expenditures and work completed by December 31st, but the Treasury Department needs to know our estimated cost by July 31st as part of mandatory reporting process. L. Berenato provides guidance that as the errored meters have been identified, now clerk to send letter to property owner, stating the town will trouble shoot your meter for 95\$/hr. If you would prefer to hire your own plumber, you can. Set deadline for repair, need to respond by June 1st. If no response by then, enforcement would be to shut off water. It is questioned if 20% of the Towns water meters being defective meters account for the discrepancy in sewer payments to Georgetown? During the Town's last audit, the auditor stated we need an increase in water and sewer rates, and this might help that situation, but this could be a huge contributor too. The clerk will draft the letter and provide it to L. Berenato for review. Ideally it will be sent out with Utility Bills this month.

c. Ordinance 356, amending Ordinance 355 and Ordinance 348, Sections 3(c) and 10(a).

Upon review of STR applications, The Town Clerk caught an error she made in drafting Ordinance 355. Ordinance 355 is one of many amendments to Ordinance 348, Short Term Rentals. When Drafting Ordinance 355, she referred to the prior amended Ordinance relating to STR's, which was Ordinance 353. Ordinance 355 states to amend Ordinance 353 with respect to Section 3(c), definition of application renewal deadline, and Section 10(a), regarding the maximum number of licenses allowed. However, and unfortunately, Ordinance 353 does not contain any such sections. Ordinance 355 should have referenced and amended Ordinance 348, the original STR ordinance. Once the mistake was caught, the clerk conferred with Town Attorney Jo Seavy, and drafted ordinance 356, which amends both Ordinance 355 and 348, correcting the mistake in Ordinance 355 and amending Ordinance 348. This Ordinance 356 is being introduced and adopted during this meeting under the expedited provisions laid out in Ordinance 310, because STR

Administrator Janet Miller is already reviewing STR applications, and the Town Clerk and Town Attorney feel it is important to have accurate information available to the STR applicants. Proposed Ord. 356 is read thoroughly, to ensure that the correct numbers and citations have been used.

C. Frey motions to approve Ordinance 356, and all respective changes. M. Gitlin seconds, Motion passes with all in favor. Ordinance 356 was read and adopted during its initial reading. L. Berenato points out that this amended ordinance does not make the situation clearer for readers, it makes it worse. The clerk agrees it does make it messy, however it provides clear citations to the correct ordinance numbers, so from a legal standpoint corrects the mistake. L. Berenato states he would prefer a final amended ordinance that combines the original with the amended versions to make it as clear as possible for applicants and folks reading the STR laws. The clerk asks if he could draft that Ordinance, and L. Berenato says he will.

IX. Updates:

a. Road and Bridge Committee

Originally the scheduled meeting did not occur, M. Gitlin states the Board needs to schedule a meeting and have everyone bring in a list of R&B priorities for summer 2024. Does not want the typical Road maintenance to be a list item as everyone knows this is a necessity. M. Gitlin also wants to invite Nile McGlauchlin to contribute to the discussion, as he has been doing R&B work throughout the winter. C. Frey asks if we should wait until after the election to schedule, as Kathy was on this committee, to see who is elected and appoint new committee members. R&B committee meeting scheduled for May 2, 2024, at 630pm.

b. Budget Committee

n/a

c. Personnel Management Committee

This committee needs a second person appointed ASAP, as A. Regester will be leaving, and A. Regester wants to ensure there is no gap in submitting payroll or other PMC duties. B. Monseu is appointed to replace A. Regester on the PMC with M. Gitlin.

d. Cemetery Committee

n/a

e. Mountain Park Committee

Meeting scheduled for April 15, 2024, at 6pm. Clerk to email committee to confirm this date.

f. Short Term Rental Committee

STR committee will need new members, April 22nd appointment with new board.

Miscellaneous Follow Up:

HDPLC follow up, Mac attended meeting as he replaced C. Frey on this board. Is still trying to find a relationship between Silver Plume, HDPLC, CFH... But wants to communicate that if the Town needs someone to report to the HDPLC, such as parking issues, maintenance of land, or something else that needs to go through that committee, let Mac know.

B. Monseu reports that he spoke with Amy Saxon regarding the Multi-Jurisdictional Housing Authority, a project the County is in the process of forming and spoke to Silver Plume about

back in December of 2023. She would like to come back and speak with the Board again. B. Monseu sees value in having an authority and would like to follow up further. The board agrees to have Amy Saxon back up. B. Monseu to coordinate with the Clerk to get her on the agenda. Amy Saxon does CDOT for the county too, B. Monseu plans on jumping on the CDOT issues with Amy, and she has some good contacts, so he is working in conjunction with her, and wants to know how he can represent the Town better in these meetings.

Mac reports they are looking at renaming the Pulaski Trail along the Argentine in honor of Frank Young.

C. Frey reports the CCFA municipal meeting is next Monday at 6pm at the Georgetown courthouse; all board members are invited to attend.

County finance director has stepped down.

M. Gitlin has requested that the I-70 coalition get Bryon's contact information as the new liaison. The clerk will facilitate this.

X. Adjournment

L. Berenato motions to adjourn the meeting. M. Gitlin seconds. Motion passes with all in favor