MINUTES

Silver Plume Board of Trustees Regular Meeting, November 11th, 2024

Meeting called to order at 710pm by Lee Berenato

Roll Call: Lee Berenato, Martin Gitlin, Tammy Frey, Randall McDonald, Mark Basham, Bryon Monseu

Approval of Agenda: M. Gitlin moves to approve agenda, T. Frey seconds, motion passes with all in favor.

Approval of Bills: T. Frey motions, M. Gitlin seconds, motion passes with all in favor.

Approval of Minutes: Martin motions to approve the minutes from October 28th, 2024. Tammy seconds, motion passes with all in favor.

Mayor's Report: Town dumpster moved,

Clerk's Report: Report will be made under SPMP Updates.

Action Items:

A. **Clear Creek Fire Authority Revised IGA:** Lee reports he went through it, and there's nothing substantially different. There are some minor adjustments, but it's still the same as the last one. Lee met with George Marlin, the main commissioner regarding the IGA and it's his position we're just going to continue as we have been. Lee talked to him about the money from the county, and he stated that was still up in the air, because we're going to have two new County Commissioners, and he wasn't sure what they were going to want to do. He is still pushing for a sales tax to fund it, and Lee stated he didn't think that was appropriate. Silver Plume got their municipality to agree to increase our property taxes, and the county should do the same thing. Lee also spoke with Commissioner Elect Rebecca Lloyd, who just basically said, we're going to do whatever it takes to support the Fire Authority, whatever that means. That's not an answer, and Lee doesn't think she was up to speed on it when he talked to her about it. Lee is going to go try and meet with her again, once they figure out what they want to do. That being said, Lee states there's no big changes in the IGA from what we have been doing. Lee calls for a motion to adopt the CCFA revised IGA as written. M. Gitlin moves, M. Basham seconds, discussion follows: Bryon clarifies that in April Silver Plume voted for the tax increase for the Fire Authority, under the stipulation that if the County and us, being a member of it, came up with a different funding source then we would no longer be paying that extra money out of the town, right? Lee responds that Bryon's understanding is correct, and that they haven't addressed funding in the revisions to the IGA. All they have done is extend it by another two years, and they have added three new CCFA Board seats. Those new seats are spread throughout the county, like at large seats, and will be CCFA Board appointed, not appointed by the County Commissioners. Municipalities still get the same number of seats. Those are the two big differences in the new IGA. Marty inquires if Lee has spoken with Kelly Babeon in addition to George Marlin, as the Fire Chief may have different views on the IGA than the County Commissioners have. Lee states he has not spoken with Kelly directly, only George. Marty implores Lee to have Kelly come speak with the Board at the next meeting to get his input. Lee states the Town has by December 15th to adopt the IGA, so it would be appropriate to table this vote until the next meeting in November.
B. **Silver Plume Representative on CCFA Board:** Tabled until the next meeting as well.

C. **Silver Plume MJHA Representative: Tammy** Frey has been elected to serve as the representative of Silver Plume on the Multi-Jurisdictional Housing Authority. That Authority will meet once a quarter, and if Tammy finds it to be too burdensome the Board can appoint someone in her place. Lee has expressed to the MJHA that the Town Shop could be potentially used as a low-income housing project. M. Gitlin motions to appoint T. Frey as the Silver Plume MJHA Representative, M. Basham seconds, motion passes with all in favor.

D. **Planning and Zoning Board Vacancy Appointment:** Lee nominates himself on the Planning and Zoning Board. M. Gitlin motions, M. Basham seconds. Motion passes with all in favor.

E. **Silver Plume Mountain Park Commission Vacancy Appointment:** Lee nominates Randal McDonald to fill the vacancy on the Mountain Parks Commission. M. Basham motions, T. Frey seconds. Motion passes with all in favor. Marty states he spoke with Jeremy Reinke with DRMS and he confirmed that there are no active mining permits for the parcels in question. Additionally, the CCC Trails department was up in Silver Plume recording the damage done on the 7:30 Mine Road. The Town Clerk offers to give an update to the Board, which the board is agreeable to. She provides packets to the Board, which among a few other items includes a map that was made by Jon Butcher with the County Trails department. The second item in that packet is an email update that Jon wrote. Referring to the map, Jon and Logan from the Trails Department walked the 7 30 to where the new road has been cut, and Geo tracked themselves along the way. They took that data and made the map, showing the 7:30, the illegally cut road, and the land parcels the new road traverses. So the 7 30 is detailed in green, it snakes up from the bottom of the page, and then about halfway page, you see where the 7 30 loops to the left, and there is a wider kind of dotted road system that breaks off to the right. This dotted road system is the illegal road in question. You will also see survey markers along the route that correspond to the photos transposed onto the map edges. The dotted line is a freshly excavated road. All of this is brand new. All of that is freshly excavated. It's about a quarter of a mile and a brand-new, illegally cut road. When you look at the colors of the land parcels, the darker orange is part of the Silver Plume Mountain Park, and the white is privately owned, largely Taylor Kennedy trust Land. So, the road was cut through the Mountain Park, and the Trust Land. The Clerk then points out that the Porter Claim and the Lac Labelle Tunnel Load claims are bolded at the top. These are the claims that Eli Josephs owns, so he passes through one of his claims, but he ends up not even on his own land. So where the shanty building is built, where all of his lumber is being stored is not even his claim. That's on the Conqueror, which is part of the Taylor Kennedy trust. The Clerk then refers to the images that are transposed onto the map, and on the far-right hand side the top picture that is Jon standing on that new road reaching above his head. Jon is a 6-foot-tall man, and that road goes clear above his head in the mine tailings. So, it's just cut straight through. There was no consideration given for drainage or erosion. It's going to be gone in spring with run off, and the implication of that is astounding. The Clerk refers back to the packet provided to the Board, in addition to the map is John's response to the email updates that the Clerk has been providing to the Board, and the 1st page talks about the next steps from a County standpoint. With all this being said; the State, the County, and the Town are all kind of waiting on getting the official police report in order to move forward. Jon has stated very clearly that there is evidence of continued motorized use on a non-motorized trail, altering of a public trail without authorization, building of a road and driveway without a permit, Moving mine tailings with no permit or approval from the Bureau of Reclamation. Those are the things the County is looking at, how they intend on proceeding on their own. The second email string in the packet has a few responses from the State, specifically the Department of Reclamation, Mines and Safety. The Town Clerk started by speaking with Jeremy, which Marty just mentioned,

although he oversees inactive mines. Jeremy linked me up with Russ Means, and he is the active mines program director. He confirmed that there are no pending or active mining permits anywhere on this mountain, from a state level, there's some pretty significant concern there. They are holding to review the sheriff's report before they proceed in any sort of action. The Town Clerk submitted a request for the official police report last Thursday, and then resubmitted the request again today. Unfortunately, the sheriff's department could not look anything up in their system. It's all through the JeffCo system. The Clerk was advised to file an electronic request, and that can take some time. The Clerk also reached out to a gentleman with the Colorado Department of Public Health and Environment, who works with the EPA, as this mountain is a Superfund site, and someone cut through the mine tailings, DRMS thought that the CDPHE/EPA needed to be looped in as well. The Clerk also states the Town can and should pursue this individually. She spoke to Cindy Neely, and confirmed with her that we would have responsibility to pursue independent action due to the Conservation Easement, as the whole point of that is to preserve the historical landscape. The Clerk also spoke to Jo, the town's attorney, briefly regarding the matter. Eli Joseph's called her and left her a voicemail, stating that he was doing some routine excavation on his property, and just wanted to let the town's attorney know. When the Clerk filled her in, she was kind of mind blown that he would have the audacity to reach out directly to her and be so blase. The Board asks how big the excavator was, and the Clerk reports it was a mini excavator, and it has already been brought down the trail at some point. Mac states the problem is the tailing piles that he cut and moved are going to be a major issue come springtime. They're all coming down, and that's above the Town. Marty reports that it is a significant public safety concern, and that one of the folks that lives at the top of Silver Street has already expressed concern. Marty also reports that Mickey Frey was a Reporting Person during one of the reports made to the Sheriff's Department, and that Marty was with Mickey when the Sheriff's came down the 7:30 after responding. At that brief meeting, and we're awaiting the full report, the Sheriffs advised them it is a civil situation, which is obviously more than that. Marty also states he is familiar with the Sheriff's procedures, and recommends, after the Town gets the report and all of this information is included, asking for an addendum to the report because there is potential criminality. The other thing that's a concern to Marty is the environmental impact is going to be significant. We know for a fact that the tailing piles are not good. The Town has been trying to stabilize some things, and those were pretty damn stable, and now they're not. If we get some serious water movement this springtime, or even throughout the next 4 or 5 years, it's going to poison our water. It will poison our water. The Town Clerk saw the trailer come in with the ATV and the excavator on it, and didn't think anything of it until Lee called her and told her that it was on the mountain and was totally flabbergasted. She had a S.P. resident send a drone up there, and his 4 runner, his Toyota 4 runner, full sized vehicle is on the trail. He's bringing his full-size vehicle up there with lumber. There is discussion regarding ordering a vehicle gate to place at the bottom of the Trail. This is a better idea to the Board than placing boulders at the base. The next steps are to ascertain who has jurisdiction, and whether or not the sheriffs have categorized this as a civil or criminal issue. All entities, the Town, the Trust, The County and the State are all waiting on the Sheriffs report to decide on next steps. The Clerk has reached out twice to request this report, with no luck so far. There is a bit of a run around between the Clear Creek Sheriffs records request and the Jeffco records department, so this may take some time.

Committee Updates:

Budget Committee: Budget finalization meeting scheduled for Sunday, November 17th, at 3pm
Miscellaneous: Bryon reports there is a Mural on the water tower, massive graffiti
Next agenda: parking issues

Adjournment:

At 815pm Tammy Frey motions to adjourn, Marty seconds, motion passes with all in favor.