BOARD OF TRUSTEES
MINUTES
MONDAY, November 10th, 2025, at 7:00 PM

I. **Call To Order:** The regular meeting of the Silver Plume Board of Trustees was called to order at 704 pm by mayor Leonard Berenato.

II. **Roll Call:** Board members in person: Leonard Berenato, Martin Gitlin, Randal "Mac" McDonald, Michael Frey, Tammy Frey, Mark Basham, Bryon Monseu. Town Clerk Chelsea Nihiser. Guests in attendance: Cindy Neely, Blake Lumpkins, Katherine Flecksing

III. **Motion to Approve Agenda:** M. Gitlin motioned to approve the agenda. T. Frey seconded the motion. Motion carried with all in favor.

IV. **Bills for Approval:** Bills from October 27th, 2025, and Quote for ACH approval from October 27th, 2025: T. Frey motioned to approve the bills and quote from October 27th, 2025. M. Basham seconded motion. Motion passed unanimously. Bills for November 11th, 2025: T. Frey motioned to approve the bills and quote from November 10th, 2025. M. Basham seconded motion. Motion passed unanimously

V. **Approval of Minutes from October 13th, 2025 (October 27th, 2025, meeting CANCELLED):** M. Gitlin motioned to approve the minutes from October 13th, 2025. T. Frey seconded motion. Motion passed with all in favor.

VI. **Public Comment:** Katherine Flecksing is here to ask for an update on the status of CDOT's Public Restroom Proposal submitted on September 22nd, 2025. L. Berenato updates Katherine that CDOT had informed the Town Clerk earlier in the day that due to the public outrage at the proposal they have decided to pursue a different location for their restroom facility.

VII. **Administrative Items:**
   a. **Mayor Report:** N/A
   b. **Town Clerk Update:** N/A

VIII. **New Business / Action Items**

a. **Land Acquisition Update:** Cindy Neely joins the Board of Trustees with a few updates regarding the Town's efforts to purchase the Taylor Kennedy Land on Republican Mountain. She shares her funding update report: GOCO application is going well, is on their consent agenda but no formal notice until December 12th. This will not be publicly announced; this is an internal announcement. With GOCO grant, we will have met the purchase price, having raised approximately $900,000. There will be additional costs on top of the listing price, such as title work and a Conservation Easement etc. The title work has been done and covers 122 mining claims; it is extensive work and will be a bit costly. There are several exceptions listed on the title policy. First off, to address a concern L. Berenato had expressed to C. Neely, the identifying assessors' numbers have not been included in the report and show up as an exception. The taxes on all the mining claims have all been paid and current. The most interesting exception is number 16, a use agreement from 1901 that a company could use the Dives Pelican entrance, and the heirs of said company could use the entrance. The company does not own the mines, just the ability to use the entrance. The heirs of the signatories on that agreement could possibly have a case to enter the Dives Pelican. The Town attorney has stated that there is no evidence that those heirs know of the

agreement, and after 124 years they probably don't intend on using the use agreement. Jo Seavy states that there is no way to substantiate the risk, and the title company will not insure against this agreement becoming legitimate. Also potentially concerning is exception 19, which deals with apex mining claims, or claims that overlap. The owner of the apex claim can follow their vein, even if it goes under the other owners claim. The 1874 apex mining law is still in effect and was born on Republican Mountain with the Dives and Pelican mine. Apex is the place where it comes closest to the surface of the ground. This means, if someone was mining the mountain, this could potentially affect many of the claims. Again, the chances of this happening at all, especially to the middle claims, are small due to the logistics that legally mining the mountain would entail, but this remains an exception listed in the title work. Another exception is 15, concerning the tunnels that run through the mountain. These tunnels are not mines; they are simply passageways through the mountain. These are not insured by title insurance. Moving on from the title work, the Environmental Site Assessment has been completed, very important due to the entire Clear Creek Watershed being a superfund site. This was $16,400, paid from the Restricted Fund. Cindy asks Mickey to look at the cribbing at the Dives and Pelican mines and make a plan on how to address them. Also, a correction needs to be made to the ESA regarding the assessment of the cables, as the ESA states they have been installed recently, when they have not. On a funding level, we will also need to purchase a Conservation Easement, so in total with the land purchase we are looking at close to a million dollars. Cindy is missing $20,000 and is asking the Town to make this contribution from 2026 budget, in addition to the $25,000 already pledged from 2025. Cindy also requests that the $25,000 already pledged be transferred prior to the end of the year due to budgetary reasons, and the Clerk states this will be done. One of the last items in this project is a planning grant to include this chunk of land with the master plan for the original purchase, which will be paid from the general fund. The planning grant contract should be coming through to Cindy soon.

b. Proposal: Purchase and Sale Contract 915 Main Street (Old Town Shop): Blake Lumpkins joins the Board of Trustees with a proposal to purchase the Old Town Shop, located at 915 Main Street**.** Blake Lumpkins, owner of the former Catholic Church on Main Street, had approached Lee Berenato a few months back and asked if the Town is interested in selling the Old Town Shop. Lee said the Town would like to see that lot be developed commercial not residential. Also, he communicated to Blake the Town needs to be able to build a new town shop with the profits of selling the old town shop. Blake has submitted a proposal to the Town to purchase the old town shop, 915 Main Street, for $125,000. Lee states that the first thing that needs to be done is to price out a new shop, Town needs to form an exploratory committee to figure out how big a unit the Town needs, how much it will cost, and where it will be located (possibly at the bottom of Silver Street). Blake states he understands that the Board is new to this idea, and wants the Board to know

he thinks the building in question is cool and potentially could be a few different things such as a parking lot or an apartment building. His intention is not to demolish the building, however, but would be to restore and improve the building and bring it back to its former glory, and to use it as a personal storage space. Blake is willing to answer any questions the Board may have at this time. The $125,000 is based on lot value, as condemned buildings are often valued based on the dirt they sit on. A similarly sized lot in town sold in 2023 for $130,000, and that is how he based his offer. He has a friend that is also going into this endeavor with him, and would be used for personal use, such as vehicle storage and dark room set up. Beyond that, Blake would need to assess the cost of repairing the walls and redoing all the electrical as the electrical system is condemned. Marty encourages the Board to look at what Blake has done by restoring the Catholic Church, as Marty feels that Blake has done an excellent job of restoring that building with the historical character of the Town in mind. Marty feels that Blake would do justice and honor the building if he were to purchase. L. Berenato states that he, Mickey, and someone else should start working on planning out a new Town Shop so the Town has a better idea of what they would need to collect from the sale of the Old Town Shop. Town Shop exploratory committee was formed and will report to the Board at Large by the second meeting in December. They will first determine if the bottom of Silver Street will accommodate the size of the building they will need. Then they will start pricing out a new building. The Board appoints Lee, Mickey, and Marty to the Town Shop Exploratory Committee. Lee will stay in contact with Blake and will update him once the Town has more information. Mark suggests that before the Town starts selling buildings, they need to have a master plan as to what their vision is for their assets. He advises not to react in an impulsive way and encourages an overall plan for the Town's land. The Board will do more fact finding and will revisit mid-December.

c. **2026 Budget Update:** Town Clerk informs Board that the Mill Levy Certification is due to the County by December 12th. Budget must be adopted by December 31st. Resolutions appropriating sums must be approved by December 31st. Final Budget due to DOLA January 31st, 2026. L. Berenato has already shared a preliminary Budget with the Board and will work with the Town Clerk this week to finalize the Mill Levy Certification and the Budget Resolutions. The Board will approve these by their December 8th meeting for certification to the County by the 12th.

d. **2024 Audit Update:** Town Clerk shares she spoke with the Auditor Patrick Hall this morning, and he shared via email that he "has his team on our audit and will push to get it done this week." He also stated that he will contact Crystal Dorsey at the State Auditor's Office and let her know that the audit is in process and will be filed ASAP. The Town Clerk was informed last Friday that the State intends to have the county withhold Property Tax Distributions until the Audit is submitted. Still there are no requests from the Auditor to the Town Clerk as of yet, but the Clerk is organized and ready to go whenever the Auditor is.

e. **Zoning Regulation Violations:** There are two zoning regulation violations in Town

currently, one is the fence being built without a permit on West Main Street on the North side of the road. This issue has been discussed in prior meetings. The property owner has been notified, they have not continued work but also have not applied for a building permit. L. Berenato will keep an eye out for the work to begin again and serve the property owners with a stop work order. The other is the Windsor Hotel. The owner came in and spoke to the Clerk and a few weeks back and told her they plan on repairing an existing shed. She informed them if the shed is less than 120 square feet, they do not need a building permit, but if the footprint is larger than 120 sq. ft., or if there is structural alterations done, then they need to apply for a Building Permit with the Planning and Zoning Board. The Clerk never heard back, and no permit was applied for. Then, a large amount of lumber showed up and was placed in the street, and workers on site begin to build a second story onto the shed. Lee and Chelsea stopped by and asked what their plan was, and the contractors stated they are not repairing the shed, but instead building an apartment with Water and Sewer hookups. L. Berenato and C. Nihiser advised the contractors on site to stop work, and informed them that a permit is required for that type of work, in addition to a $10,000. Water and Sewer Tap Fee. Lee also called Michael, the owner of the Windsor, to ask him to stop the work, and the owner agreed to stop the work as he did not know that the project had grown and thought they still were simply repairing the shed. Michael has been advised to button up the roof on the shed and obtain a Building Permit prior to commencing work.

f. Appointment of Representative to the Clear Creek Regional Housing Authority Board: Tammy Frey has been speaking with Jess Ballard-Culp regarding Jess taking over as the Towns representative on the CCRHA Board. Tammy will update the Clerk once she has more information on the potential replacement.

g. Appointment of Representative to the Clear Creek Fire Authority Board: Leonard Berenato volunteers to serve on the CCFA Board as Chris Frey's replacement. Town Clerk will get him meeting information for the CCFA meetings.

h. Initial Reading and Discussion of Proposed Ordinance 358: Lee states the Town is liening a number of properties in Town. While some folks have made payment plans and have taken care of it, the ones who have not will be certified to the County Treasurer for collection. The verbiage in the Town's Ordinance was not clear enough to have the treasurer collect these delinquent charges, and so the Town is amending the Ordinance to allow for those certifications. This is the first reading of Ordinance 358: an Ordinance allowing for the Certification of Special Assessments to the County Treasurer. L. Berenato reads the proposed ordinance in full. Mark motioned to approve the initial reading of Ord. 358. Tammy Frey seconds. Motion passes with all in favor.

i. **Determination of November 24th Regular Board Meeting. Reschedule due to Holiday, or Hold As Is:** The Board discusses Thanksgiving travel plans. It is determined the Board will need to reschedule the November 24th meeting due to lack of quorum. Board plans to meet the first and eighth of December and cancel the December 22nd meeting due to the holidays. If a special meeting is needed to take a vote on

matters before the end of the year, the Board will call one.

IX. Updates:

a. **Road and Bridge Committee:**
b. **Budget Committee:**
c. **Personnel Management Committee:**
d. **Cemetery Committee: Wreaths** for Veterans Day wreaths across America are on back order, should be placed tomorrow along with flags, but might be placed late.
e. **Short Term Rental Committee:**
f. **Silver Plume Mountain Park Commission:**
g. **Miscellaneous Updates:** Marty asks if PFSP has paid for the church roof, and Lee states he does not know what the status of that payment is as that is handled by People for Silver Plume. Tim will finish the final touches on the roof. The original design of the handicap ramp had a gravel pad, but the builders hit a few bumps that had delayed the final portion to be completed. It will be done before Christmas Eve Service. The Caboose has finally been moved from the Shop to the Railroad Museum. It was moved last week and is already being worked on. The lumber will continue to be stored in the Old Town Shop as the Railroad Museum does not have enough space for extra lumber.

X. Adjournment:

M. Basham motion to adjourn at 818. T. Frey seconded. Motion passed with all in favor.