

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, AUGUST 10, 2010
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CALL TO ORDER and ROLL CALL

Mayor Warner called the August 10, 2010 Town Council Meeting to order at 7:42 p.m. The following members answered roll call: Mr. Bergeron, Mr. Burke, Mr. Dudick, Mr. Mamula, Ms. McAtamney, Mr. Joyce, and Mayor Warner.

APPROVAL OF MINUTES – July 27, 2010 Regular Meeting

Mayor Warner asked if there were any changes to the meeting minutes of July 27, 2010. Mr. Bergeron commented on Mr. Burke's statement about the tennis courts. Mr. Burke clarified he said the tennis courts should be repaired or removed for safety reasons. Depending on the cost, he would prefer they be repaired. Mr. Burke felt it was important to have the positive comments about the Entrada Annexation reflected in the minutes. Currently, only the negative comments are reflected in the minutes. Mr. Gagen stated the minutes will be amended to reflect those changes. Mayor Warner asked that his comments referencing Dave Rossi's service to the town state "...four years of service to the council indicated his passion for process and open space." With no further changes and corrections to the meeting minutes of July 27, Mayor Warner declared they would stand approved as amended.

APPROVAL OF AGENDA

Mr. Gagen reported two changes. Under New Business, First Readings, Council Bill 25, Series 2010 will be removed from the agenda. To be added to the agenda, under Other Matters, an executive session should be called. He pointed out the numbering of the ordinances on the agenda is correct, the numbering of a couple ordinances in the packet is incorrect.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comments - (Non-Agenda Items ONLY; 3 minute limit please)

Sean McAllister thanked council for their consideration today of Council Bill 25 and their decision to postpone discussion of the bill to a later date. Before the end of the year, he will review the matter with Chief Holman. He requested that, "if the town refuses to stop spending tax payer money enforcing marijuana laws, that the town at least be intellectually consistent and begin enforcing all state misdemeanor drug laws". Mr. McAllister's main reason for addressing council this evening was to comment on affordable housing. He is a resident of the Wellington Neighborhood. He stated families of four and five people are having a difficult time making their homes a livable size. He cited his situation as an example. If he adds on or improves his home he is only able to take 10% of the purchase price of the home as a credit (\$30,000). In order to build what he needs (a garage with a bedroom over that garage), it may cost him as much as \$60,000. His financing company has pointed out he doesn't have the equity in the home to support a loan of that amount. He will work with staff. In closing he stated the current rules are too restrictive, he believes the 10% credit should be 20%. Mayor Warner explained the philosophy of the council at the time the Wellington Neighborhood was being developed. They were trying to avoid the cost of these units creeping out of the affordable housing range.

Mitch Weiss, General Manager of Pine Ridge Condominiums, began by thanking Mr. Dudick for attending the lodging community meeting. Mayor Warner stopped Mr. Weiss and stated if he was going to discuss the lodging tax he should hold his citizen's comments for that portion of the meeting. Mr. Weiss will comment later in the meeting.

B. Breckenridge Resort Chamber Report - John McMahon, Director of the BRC, was present. He reported the BRC is working on a couple marketing plans. Their on-line national campaign is wrapping up for the summer. Visits for the summer are up about 17%. The BRC is reviewing finalist for the Public Relations position. They had 100 applicants. It's been a difficult process. He hopes to have a decision of some sort by next week. In the area of Sales, the BRC has seen some corporate groups come back. "Vets on the Rockies" is looking at Breckenridge for next year. The Putterhead Volleyball Tournament is in Breckenridge this weekend. This group is utilizing the sand courts in Breckenridge and Silverthorne. Mayor Warner and Mr. McMahon will be involved with the Colorado Parks and Recreation group, in town on September 22. Mr. McMahon reported the planning for Oktoberfest is ahead of schedule. He will be looking at the Tour of Colorado to see if the town's return on investment will be worth the town's participation. This event would be held in August, 2011. Occupancy numbers are up 8.4% in July, August is up 17%. At this point in time, winter bookings are slow. He hopes the momentum from the summer will continue into the winter. The BRC is working to make the Thanksgiving season a little more exciting. They are looking to see what they can do with Black Friday. The BRC realizes the potential of the Blue River Plaza for the Lighting of Breckenridge. They are looking to make it a more authentic experience. Mr. McMahon reported the plan, so far, is to have Santa go down a small section of Main Street and end in the plaza. Mayor Warner asked if the town is on board for the Dew Tour. It was brought up at "Coffee Talk" that the Dew Tour currently comes at a time when the lodging community is typically in good shape. Mayor Warner asked if it would be possible to look at the dates of the Dew Tour and bring it to town when the lodging community is a little slower. Mr. McMahon stated the event staff is always looking at a number of items before they consent to hold an event.

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CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2010 – PUBLIC HEARINGS

1. Council Bill No. 19, Series 2010 - AN ORDINANCE REPEALING ORDINANCE NO. 23, SERIES 2009, CONCERNING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BRECKENRIDGE (Entrada – 3.98 acres, more or less)

Mr. Berry explained this is a continued second reading from the July 27 meeting. At the previous meeting council asked to learn more about the proposal. That information was provided. If a decision is made to not repeal the Annexation Ordinance then a resolution will be submitted for approval at the next council meeting. It will amend the current Annexation Agreement in a form agreed upon by the parties. Mayor Warner stated the choices tonight are: approve or continue the ordinance. There were no questions or comments from council. Mayor Warner opened a Public Hearing

Kirk Michelson, was present and stated he is in agreement with what was presented to council.

With no further comments from the public, Mayor Warner closed the public hearing.

Mr. Mamula moved to continue Council Bill No. 19, Series 2010 the title of which was read into the record to the August 24th meeting. Mr. Dudick seconded the motion. Mayor Warner asked for discussion. Mr. Burke asked for clarification. Mr. Mamula explained he did not feel comfortable “making deals on the floor of the council”. Mr. Michelson will need to meet with staff. A continuance will allow council another week to talk over the matter and determine what direction they want to go in. Mr. Dudick asked for clarification. Option A – give Mr. Michelson the opportunity to come back and make a case against having the Cross Easement Agreement (council would vote for a continuance of the ordinance); Option B – throw away what the council currently has and take a new look at the property and what could go on it; Option C - start over with a new owner. Mr. Mamula would like to explore the middle option. Mr. Bergeron was in favor of either C or A. Mr. Burke was in favor of the motion, but would like to see the discussion be more public to get caught up with what had been previously discussed. He was concerned about discussing the matter on the council floor without having additional information to aid in decision making. Mr. Burke did not want to be in the same position two weeks from now as they are tonight. Mr. Dudick agreed. He would like to explore commercial on the front one third and warehouse/storage use on the back two thirds of the property with a contribution to affordable housing. Mr. Dudick needs Mr. Michelson to come in and explain why the property doesn't need the Cross Easement Agreement. Mayor Warner stated council should have a staff report in August 24 meeting packet to aid in their decision making. Mr. Gagen summarized by asking: Could the cross easement question be resolved if there is less traffic, which is what drove the previous council to the decision to have the Cross Easement Agreement? Mr. Gagen continued, and if one of the components that contributed to the increase in traffic were to no longer be in the plan, would some council members have a level of interest in reviewing a counter proposal. Mr. Bergeron likes the cross easement but he would like to see what else comes to the table. Ms. McAtemney stated she never liked the business deal. There would have to be changes to how that works. She would look at a proposal. Mr. Dudick was not sure why the Cross Easement Agreement was needed since the middle third went from employee housing to storage units. He would like to get an understanding of Option A and B. Mr. Joyce never felt the cross easement was needed. He would like to understand Option A better and would like to understand the contribution provision better. Mr. Burke did not see a need for the cross easement. He would not be in favor of this ordinance as he feels the town should protect this parcel of land: the town has nothing to lose by keeping the annexation. Mr. Burke asked if the owner can put a deal together, otherwise the council is wasting two weeks. Mr. Mamula did not feel a continuance was a waste of time. Mayor Warner stated staff needs 10 days to put their report together.

Mayor Warner allow one additional comment from the public. Faye Reynolds stated the parcel is very noticeable. She would prefer something that says Breckenridge and is not an eye sore. With no further comments from the public, Mayor Warner summarized the motion on the floor. A roll call vote was taken. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2010

1. Council Bill No. 22, Series 2010 – AN ORDINANCE ESTABLISHING THE “BRECKENRIDGE MARKETING COMMITTEE” AS AN ADVISORY BOARD OF THE TOWN OF BRECKENRIDGE

Mr. Berry stated he drafted a revised version of the ordinance after the work session. He hopes it reflects the council's desires. A revised ordinance was handed out to council with changes blacklined. Mr. Berry reviewed the changes:

2-6-2 Appointment; Qualification:

- A. The Committee shall consist of seven (7) members who shall be appointed by the Town Council.
- B. Each member of the Committee shall either be an elector of the Town or a representative of a business holding a valid Town Business and Occupational Tax (BOLT) License.
- C. Each member of the Committee, except for the Town Council member, shall have experience in marketing.
- D. The composition of the Committee shall be as follows:

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1. Three (3) members of the Committee shall be owners, operators or employees of lodging businesses within the Town. These three (3) Committee members shall be selected by the Town Council so as to provide a broad representation of the lodging businesses within the Town, including, but not limited to, large and small lodging businesses.
 2. One (1) member of the Committee shall be an owner, operator or employee of a restaurant/retail business located within the Town;
 3. One (1) member of the Committee shall be a member of the Town Council; provided, however, that the Mayor shall not serve on the Committee; and
 4. The remaining two (2) members of the Committee shall be at large members who need not represent any particular category or type of business within the Town.
- E. All members of the Committee shall serve at the pleasure of the Town Council, and may be removed by the Town Council at any time without cause.

Mr. Berry stated there was refining language added to:

2-6-5 Duties and Responsibilities:

A. The Committee shall have the following duties and responsibilities:

1. Advise the Town Council on all matters related to the implementation of the Town's marketing plan....
4. Recommend to the Town Council the hiring of a marketing agent to implement the Town's marketing plan.

Mayor Warner had a question concerning 2-6-2, item C (line 15 in the council's packet). He asked if it might be interpreted that the council can not appoint a council member who has marketing expertise. Mr. Berry does not interpret it that way. Mayor Warner asked if there were further questions for Mr. Berry. There were none.

Mitch Weiss commented on this ordinance. After a ten year hiatus, the Breckenridge Lodging Association (BLA) came together. Mr. Weiss stated initially he wasn't hung up on the 1% proposed increase, he was hung up on the dollar amount that would need to be raised in order to market the town appropriately. He recommended 1.25% or 1.5%. He feels there needs to be a bigger number than \$3,000,000 for marketing. He urged the council, in reference to the committee selection, to focus on proven players with a skill set. Don't restrict the selection base. He doesn't want to see the town limit itself. In reference to the "call to action" he stated 3 companies represent 42% of the inventory, 6 companies represent 57% of the inventory, and 28 companies (or 76% of the total number of companies) need fair representation. He asked council to not forget to allow for small business representation. He was concerned the small business owner will continue to be pushed out of the picture. He urged council to support Central Reservations and its service as an alternative lodging provider. Mayor Warner thanked Mr. Weiss. Mayor Warner stated the discussion part of this agenda item to be closed. The public hearing will be at the August 24 meeting.

With no further questions or comments from council, Mr. Mamula moved to approve Council Bill No. 22, Series 2010 in the form submitted by the town attorney. Mr. Burke seconded the motion. The motion passed 7-0.

2. Council Bill No. 23 Series 2010 - AN ORDINANCE DESIGNATING CERTAIN FUNDS FOR USE IN CONNECTION WITH THE "TOWN OF BRECKENRIDGE MARKETING FUND"

Mr. Berry stated this is the second of the three related ordinances with respect to the ballot question and the use of revenues that will be derived (if the question passes) and the placement of those funds into the marketing fund. He pointed out one change on page 81 of the council's packet. In Section 4 the word "change" should be replaced with the word "reduce".

There were no questions for Mr. Berry. Mayor Warner stated the public hearing on this matter will be at the August 24 meeting. Mr. Bergeron moved to approve Council Bill No. 23, Series 2010, the title of which was previously read into the record to include a change in Section 4, replacing the word "change" with the word "reduce". Mr. Joyce seconded the motion. The motion passed 7-0.

3. Council Bill No. 24, Series 2010 - AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2010 THE QUESTION OF WHETHER, COMMENCING JANUARY 1, 2011, THE "TOWN OF BRECKENRIDGE PUBLIC ACCOMMODATION TAX" TAX RATE SHOULD BE INCREASED FROM 2.4% TO 3.4% ON THE PRICE PAID FOR THE LEASING OR RENTAL OF ANY HOTEL ROOM, MOTEL ROOM OR OTHER ACCOMMODATION LOCATED IN THE TOWN AS A TAX RATE INCREASE TAX PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION; REQUIRING ALL OF THE INCREASED PUBLIC ACCOMMODATION TAX REVENUES COLLECTED BY THE TOWN AS A RESULT OF THE TAX RATE INCREASE TO BE PAID INTO A SPECIAL FUND OF THE TOWN AND USED ONLY TO MARKET AND ADVERTISE THE TOWN; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FOR THE CONDUCT OF THE ELECTION

Mr. Berry stated this ordinance has been drafted to comply with the Tabor Amendment. This question will be submitted to the electorate at the November General Election and if approved would increase the town's Accommodation

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Tax. Tax revenues would be placed in the marketing fund for purposes of marketing the town. It sets the conduct of the town's November Special Election.

With no questions or comments from council, Mr. Joyce moved to approve Council Bill No. 24, Series 2010, the title of which was previously read into the record. Ms. McAtemney made the second. The motion passed 7-0.

4. Council Bill No. 25, Series 2010 – AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING MARIJUANA-RELATED MUNICIPAL OFFENSES

This item was removed from the agenda.

5. Council Bill No. 26, Series 2010 – AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF TITLE 7 OF THE BRECKENRIDGE TOWN CODE; ADOPTING BY REFERENCE THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, PUBLISHED BY THE COLORADO DEPARTMENT OF TRANSPORTATION; MAKING CERTAIN AMENDMENTS TO THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION

Mr. Berry stated the Model Traffic Code (MTC) is updated periodically to reflect changes to the State's traffic laws. Local traffic laws need to be amended to reflect those changes. The Colorado Department of Transportation publishes a new MTC for use by Colorado municipalities and counties. The MTC compiles the state traffic laws into a bound pamphlet that can easily be adopted "by reference" by a municipality, and then enforced in the municipal court. This allows the fines collected to be retained by the municipality. The proposed ordinance adopts the 2010 edition of the MTC and makes a series of local amendments. Many of these changes relate to the process of administering the town's traffic laws and carries forward changes to the 2003 MTC that were approved by the council at that time. Mr. Berry stated he will look into the item Mr. Dudick brought up during the work session in reference to cell phone usage on town streets.

With no further questions or comments from council, Mr. Mamula moved to approve Council Bill No. 26, Series 2010, the title of which was previously read into the record. Mr. Bergeron made the second. The motion passed 7-0.

6. Council Bill No. 27, Series 2010 - AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE BY ELIMINATING THE DISTANCE RESTRICTIONS FOR HOTEL & RESTAURANT LIQUOR LICENSES ISSUED FOR THE CAMPUS OF A JUNIOR COLLEGE DISTRICT LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF BRECKENRIDGE

Mr. Berry introduced this matter for first reading. Colorado Mountain College has approached the town about obtaining a hotel and restaurant liquor license for use in connection with a culinary class the college offers. The town cannot currently approve such a license because the Colorado Liquor Code reads:

(N)o application for a local liquor license shall be received or acted upon by a local liquor licensing authority if the building in which the malt, vinous, or spirituous liquor is to be sold is located within five hundred feet of the principal campus of any college or university.

The liquor code authorizes a municipality to modify or eliminate this distance restriction by ordinance. The ordinance provides that the liquor code's prohibition against a liquor licensed establishment being located within 500 feet of the principal campus of a college or university will not apply in Breckenridge to a hotel and restaurant liquor license issued for premises that are part of a junior college campus. The adoption of this ordinance would allow the Liquor Licensing Authority to issue a hotel and restaurant liquor license to CMC for its culinary class, provided the college meets the other licensing requirements of the liquor code. As drafted, the current distance restriction would continue to apply to all other licenses except hotel and restaurant liquor licenses issued for premises that are part of the local college campus. Mr. Berry asked the Town Clerk if there will be any issues with Special Events being held at the college. She stated a special event permit would not be required in areas included in the CMC liquor license.

With no further questions or comments from Council, Mr. Joyce moved to approve Council Bill No. 27, Series 2010, the title of which was previously read into the record. Mr. Mamula made the second. The motion passed 7-0.

7. Council Bill No. 28, Series 2010 – AN ORDINANCE ADOPTING CHAPTER 21 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE PUBLICATION OF TOWN ORDINANCES, NOTICES, AND OTHER DOCUMENTS

Mr. Berry explained the Town Charter requires town ordinances and other documents and notices to be "published" before they become effective. In April the voters approved an amendment to the Town Charter allowing "publication" of town laws and notices to be made by posting on the town's official website unless a different method of publication is required by applicable law. Mr. Berry recommended the Council adopt an ordinance in order to fully implement the change. The

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ordinance would be codified in the Town Code, and would apply to the publication of all town ordinances, documents and other required notices. Mr. Berry explained the key points of the proposed ordinance:

- Unless a different manner of publication is required by state or federal law, the required publication of a Town ordinance, document or other required notice will be accomplished by posting the document or notice on the Town's website for a period of five consecutive days. No longer would an ordinance, document or notice be published in the newspaper unless such form of publication is required by applicable state or federal law.
- Publication of a town ordinance, document or notice on the website will be complete on the last day of such posting.
- Once the publication on the website is completed, the Town Clerk may certify that the document was published as required by the Town Charter or other town ordinance.
- If a different way of publishing a document is required by state or federal law (typically, publication in a legal newspaper for a certain number of insertions), the town will comply with the applicable state or federal law. In such circumstance, the document may also be posted on the town's website, but compliance with the applicable state or federal law is compliance with the publication requirement of the Town Charter.
- The Town Clerk is authorized to promulgate administrative rules and regulations to implement the ordinance. (The Town Clerk is currently working on such rules, you should be able to review them in the coming weeks.)

With no questions or comments from council, Mr. Bergeron moved to approve Council Bill No. 28, Series 2010, the title of which was previously read into the record. Ms. McAtemney made the second. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2010

1. A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY CONCERNING JOINTLY OWNED AND JOINTLY FUNDED OPEN SPACE PARCELS

Mr. Berry introduced this resolution stating if approved the Intergovernmental Agreement (IGA) would address the management of open space that has either been jointly acquired (the two entities split the purchase 50/50) or jointly funded (one entity purchases and the other entity only makes a contribution) by the Town of Breckenridge and Summit County Government. The IGA addresses options in the event any jointly funded parcels are sold or included in a Forest Service land exchange (e.g. refunding the contribution, right of first refusal, etc.). The document also provides direction regarding the management of jointly acquired open space (agreeing upon appropriate uses, access, etc.) and the implementation of open space management plans.

With no questions or comments from council, Mr. Bergeron moved to approve A Resolution Approving An Intergovernmental Agreement With Summit County Concerning Jointly Owned and Jointly Funded Open Space Parcels. Mr. Mamula made the second. The motion passed 7-0.

2. APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE RED, WHITE AND BLUE FIRE PROTECTION DISTRICT CONCERNING THE ADMINISTRATION OF THE TOWN'S VOLUNTARY DEFENSIBLE SPACE ORDINANCE

Mr. Berry introduced this resolution stating the Voluntary Defensible Space Ordinance was adopted in August of 2009 to allow property owners that wish to create defensible space the opportunity to do so. It was made clear that creating defensible space did not mean clear cutting. Evaluation is on a case by case basis and evaluates the best way to reduce fuels around a structure while maintaining site buffers. Specimen trees can be preserved and all required landscaping can be preserved provided it is drip irrigated. Red White and Blue (RWB) staff has been educated on the town's goals for the implementation of the ordinance. RWB has been performing site inspections, recommending appropriate tree removal and documenting the completion of voluntary defensible space since the ordinance was approved. This resolution and Intergovernmental Agreement (IGA) are housekeeping items to fulfill what was outlined in the ordinance. Per the IGA, the RWB will continue to assist property owners with the creation of defensible space per the standards outlined in the ordinance and document the completion of defensible space for possible future evaluation.

With no questions or comments from council, Mr. Mamula moved to approve A Resolution Approving An Intergovernmental Agreement With The Red, White And Blue Fire Protection District Concerning The Administration Of The Town's Voluntary Defensible Space Ordinance. Mr. Joyce made the second. The motion passed 7-0.

C. OTHER

1. Planning Commission Appointment

A ballot was handed out to council. Mr. Gagen stated 4 affirmative votes are needed for the successful candidate. Council discussed the applicants' qualifications, which included; a commitment to the community, an ability to look at Planning Commission matters with "fresh eyes", a top notch resume, and experience. Trip Butler, Carrie McConnell and Jack Wolfe were the three candidates. There will be four vacancies coming up on the Planning Commission in November.

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Discussion occurred concerning the importance of a commissioner being able to interpret the code. When the discussion was over, a ballot vote was taken. The successful candidate was Jack Wolfe.

PLANNING MATTERS

A. Planning Commission Decisions of August 3, 2010

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions of August 3, 2010 would stand approved as presented.

B. Town Council Representative Report

Mr. Burke had nothing further to report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated he and Mayor Warner will be attending meetings in reference to the Tour of Colorado. They will keep council updated. The town has not received an update from the BRC on the question of intellectual rights. In closing, Mr. Gagen stated Mr. Berry will be talking with the Tomlinson attorney. He will have an update for council soon.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (Mayor Warner) – Mr. Warner reported Mayors and Managers discussed ballot questions 60, 61, and 101. It was reported to the group that it will take \$6,000,000 to educate against passage of these ballot questions. Mayor Warner reported on Summit County Government's healthcare clinic. Mr. Burke participates in the program. He feels it works for his family, feels it is efficient and he has noticed savings. In closing, Mayor Warner reported there will be a CAST meeting at the end of August in Aspen.

B. Breckenridge Open Space Advisory Commission (Ms. McAtamney) – Ms. McAtamney had nothing further to report. Mr. Bergeron asked to revisit the woodchip issue in Cucumber Gulch. Woodchips are now off the trail but on the side of the trail, hindering growth of wildflowers. They need to be removed in total. The contract with the operator is being looked at for renewal. Mayor Warner stated best management practices should be part of that contract.

C. Breckenridge Resort Chamber (Mr. Dudick) - Mr. Dudick reported on discussions he had with the BRC in reference to the intellectual property right question. He hasn't heard anything back since initial discussions. The town needs the BRC's support heading into election season. He feels timing on this matter is not good. Mr. Berry stated he has been talking with Mr. West, attorney for the BRC. Mr. West suggested the town and the BRC enter into a contractual agreement that would guarantee acquisition of intellectual property rights in the event the BRC ceases to exist or if, one day, the BRC is no longer the marketing arm of the town. This would be in lieu of deeding intellectual property rights immediately to the town. Mr. Berry will talk to Mr. West and Mr. Dudick will talk to Mr. McMahon.

Mr. Burke felt the BRC does not market a complete picture of the town. He cited the town's Heritage Alliance and other cultural aspects that do not appear to be addressed in the town's marketing. Mr. Dudick stated the Heritage Alliance has been encouraged to participate in the current marketing group within the BRC. He further stated the BRC marketing group was formed to allow groups present in the town to come and voice their opinions. If a group doesn't show up they can't be heard. Ms. McAtamney stated there is no branding continuity for these groups. Mr. Gagen suggested, if the Accommodation Tax question passes, the new funds generated could aid in this effort. Council should consider this as an alternative to the grant process.

Mr. Mamula brought up the restrooms at the Information Center. Numbers showed 100,000 people go into the building annually, but only 9,000 visit the museum. He would like to know how the BRC is going to get people past the front desk. Mr. Dudick wondered if there is a design element that hinders people from getting to the back of the museum. Kim Dillalo, Director of Communications, stated issues with under staffing have presented challenges. She is exploring with the Breckenridge Heritage Alliance and the BRC the possibility of having Central Reservations representatives at one of the desks to help draw people into the museum area.

Mr. Burke commented on sponsorship packages for town events. He stated he and Red White and Blue Fire Protection District pitched in to pay for rooms for the Emerald Club. This group of bagpipers and drummers marched in the 4th of July Parade. Mr. Burke wondered why there were no complimentary rooms available for them. He had heard that the sponsor was given 15 rooms for family and friends. Mr. Burke wondered why sponsorship packages include not only the product promotion and sales opportunities for the sponsor, but also rooms during the town's busy tourist season. He felt strongly that the parade needs a marching band and perhaps the rooms are better used to entice groups that can offer that service to the event/parade. Mr. Dudick could not comment on what is included in a sponsorship package. Mr. Burke did not want to debate the subject at this time, but asked Mr. Dudick, as the BRC representative, if the question could be asked.

D. Summit Combined Housing Authority (Mr. Joyce) – Mr. Joyce had nothing to report

E. Breckenridge Heritage Alliance (Mr. Burke) – Mr. Burke had nothing to report. Mr. Gagen gave an update on Engine 9 and 111 during Manager's Report at the work session.

F. Sustainability (Mr. Bergeron, Mr. Joyce, Mayor Warner) – Mayor Warner reported the meeting was held on August 2. Economics and transportation were the main topics. Mr. Gagen stated there was a broader range discussion of

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tourism and marketing then at the last meeting. There was a general consensus in favor of the town's transportation system. There was conversation about utilizing smaller buses for a smaller loop route from the Riverwalk Center to Ridge Street and back. There are currently some polling opportunities on line. The wrap up session will be on September 15, at which time polling results and other items will be summarized.

OTHER MATTERS

Ms. McAtemney commented on a dirt bike issue at the vacant area on Reiling Road across from Little Read Schoolhouse. She asked if PD could patrol more and make sure people are going to the trailhead to ride their bikes.

Mr. Bergeron commented he had seen people measuring carpet at the REC Center. He had budgetary concerns about replacing carpet at this time. Mr. Gagen wasn't sure what was scheduled for replacement during the week long REC Center closing in October. Mayor Warner commented it can sometimes cost more to replace carpet if it is worn down too far.

Mr. Mamula reported on comments he had heard concerning life guards at the pool. There was an appearance of being rude. Mr. Gagen responded letters had been received and the matter was investigated. Ms. McAtemney commented some lifeguards are better at explaining the rules than others.

Mr. Burke asked if there will be a response concerning the tennis courts. Mr. Gagen responded on August 24 there will be a pre-budget discussion. Mr. Joyce asked how the budget discussion will progress. Mr. Gagen stated the council will receive a memo which will include Issues, Suggestions, and Impacts. Council will need to look at the "big picture" and answer questions about long term sustainability and maintenance in reference to items listed within the memo. It was asked of Mr. Gagen if the REC Center Director position will be filled. He stated there will be a national search for that position. The town is taking the opportunity to look at the organizational structure at the REC Center. Staff has been asked to look critically at efficiencies and think out of the box to see if some substantial changes can occur.

SCHEDULED MEETINGS

No further meetings were mentioned.

At 9:45 p.m. Mr. Joyce moved that the town council go into executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiations. Ms. McAtamney made the second.

Mayor Warner stated a motion had been made to go into executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiations.

The Mayor further stated the subject of the executive session involves confidential consideration of certain private and federally-owned lands that the town might want to acquire, and instructing the Town Manager as to how to proceed with negotiations to acquire such lands.

Mr. Burke, Ms. McAtamney, Mr. Dudick and Mayor Warner answered the roll call. All were in favor of the motion.

At 10:35 p.m. Ms. McAtemney moved to reconvene in the regular meeting of August 10, 2010. Mr. Bergeron made the second. All were in favor of the motion.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:36 p.m.

Submitted by Wanda Creen, Deputy Town Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor