

**TOWN OF BRECKENRIDGE  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, FEBRUARY 23, 2010  
PAGE 1**

***CALL TO ORDER and ROLL CALL***

Mayor Warner called the February 23, 2010 Town Council Meeting to order at 7: 30 p.m. The following members answered roll call: Mr. Bergeron, Mr. Mamula, Mr. Millisor, Mr. Joyce, and Mayor Warner. Ms. McAtamney and Mr. Rossi were absent.

***APPROVAL OF MINUTES – February 9, 2010 Regular Meeting***

With no changes or corrections to the meeting minutes of February 9, Mayor Warner declared they would stand approved as presented.

***APPROVAL OF AGENDA***

There were no changes to the agenda. Mayor Warner accepted the agenda as submitted.

***COMMUNICATIONS TO COUNCIL***

A. Citizen's Comments - (Non-Agenda Items ONLY; 3 minute limit please). There were none. However, a citizen comment was allowed later in the meeting.

***CONTINUED BUSINESS***

**A. *SECOND READING OF COUNCIL BILL, SERIES 2010 - PUBLIC HEARINGS\*\****

**1. *Council Bill No. 3, Series 2010- AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 2 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING SOLID WASTE AND WEEDS; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE***

Tim Berry, Town Attorney explained the ordinance would rewrite the town code regarding trash and garbage related ordinances into one chapter of the town code with additional clarification on line 31 through 33, Section 5-2-2(C). There is one proposed change to the ordinance from the first reading which deals with the placement of trash recyclables at curbside and does not apply to the placement of rubbish.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve Council Bill No. 3, Series 2010. Mr. Mamula seconded the motion. The motion passed 5-0.

After this ordinance was approved by Council, Andrew Biggen, a realtor from Breckenridge Associates Real Estate made a request for public comment. Mayor Warner explained that his comments would come under Planning Matters. Mr. Berry clarified that there was to be no public proceeding as to the decision to call up. Mr. Berry asked for the Council's permission to have Andrew Biggen speak. The Council approved.

Andrew Biggen a realtor from Breckenridge Associates Real Estate explained that he attended the Planning Commission meeting held on February 16, 2010 where an AT&T emergency cell site was discussed. Several letters were submitted to the Planning Commission to support the addition of another cell tower for extra usage which has occurred over approximately the past 18 months during peak times. Bandwidth usage increased by 400% last summer although the usage during the Christmas season was around 700%. These calculations were underestimated; therefore AT&T has requested that an additional tower be placed in the historic district that will take up approximately two or three parking spaces with a tower height of about 30 feet. Mr. Biggen explained that people have had problems with placing emergency 911 cell calls. Mr. Biggen strongly requested the Council's approval. Mayor Warner expressed concern with compromising the historic district for a corporation that should have had planners to figure out the situation before it occurred.

**2. *Council Bill No. 4, Series 2010 – AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE, AT THE REGULAR TOWN ELECTION TO BE HELD APRIL 6, 2010, PROPOSED AMENDMENTS TO THE BRECKENRIDGE TOWN CHARTER SETTING FORTH***

**THE BALLOT TITLE; AND PROVIDING OTHER DETAILS IN CONNECTION  
WITH THE SUBMISSION OF THE QUESTIONS TO THE ELECTORS**

Mr. Berry explained the Town of Breckenridge is a Home Rule municipality. Under Colorado law, any proposed charter amendments must be submitted to the voters. This ordinance would submit four different questions to voters. The first deals with reserved powers of initiative which would authorize the Council to adopt procedures to explain how a citizen's right of initiative would be implemented. Second, it would also change the effective date of a town ordinance from five days following newspaper publication to 30 days, the reason for this being is so that an ordinance would not go into effect until the 30 day referendum period by law. Third, it submits a question to the voters concerning the definition of "elector". Fourth, the definition of "publication" is intended to allow the posting of adopted ordinances to the Town's official website. There are no changes from the first reading.

Council asked about the format of the questions on the election ballot. Mr. Berry confirmed they would be the same as in the ordinance.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Mamula moved to approve Council Bill No. 4, Series 2010. Mr. Bergeron seconded the motion. The motion passed 5-0.

***NEW BUSINESS***

***A. FIRST READING OF COUNCIL BILL, SERIES 2010***

- 1. Council Bill No. 5, Series 2010- AN ORDINANCE AMENDING ORDINANCE NO. 9, SERIES 2009, BY EXTENDING THE SUNSET DATE FOR THE "TOWN OF BRECKENRIDGE OPEN HOUSE SIGN ORDINANCE"**

Mr. Berry introduced this council bill stating that it would extend the automatic repeal date of this ordinance to April 1, 2011. Mayor Warner asked for questions. There were none. Andrew Biggen thanked Council concerning the sign ordinance. Mayor Warner was thankful that everyone was agreeable to the ordinance and that cooperation with local realtors was positive.

Mr. Bergeron moved to approve Council Bill No. 5, Series. Mr. Millisor made the second. A roll call vote was taken. The motion passed 5-0.

***B. RESOLUTIONS, SERIES 2010***

- 1. A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2009 TOWN BUDGET**

Mr. Gagen explained that the items in the resolution would provide additional 2009 budget in the following areas: Police Department, Community Development, and Transit. It would also provide funds for the levy payment of debt for the Golf Fund, as well as the purchase of Colorado Mountain College. Council had no questions.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Millisor moved to approve the "Resolution Making Supplemental Appropriations to the 2009 Town Budget". Mr. Joyce seconded the motion. The motion passed 5-0.

- 2. A RESOLUTION APPROVING A CONTRACT FOR THE MAINTENANCE OF COLORADO HIGHWAY 9 WITH THE STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION**

Mr. Berry explained that CDOT annually pays \$27,000 towards the maintenance services performed by the Town for State Highway 9.

**TOWN OF BRECKENRIDGE  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, FEBRUARY 23, 2010  
PAGE 3**

Mr. Joyce moved to approve the “Resolution Approving a Contract for the Maintenance of Colorado Highway 9 with the State of Colorado, Department of Transportation”. Mr. Mamula seconded the motion. The motion passed 5-0.

**3. A RESOLUTION APPROVING THE “CITIZEN PARTICIPATION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – VALLEY BROOK HOUSING DEVELOPMENT, BRECKENRIDGE, COLORADO**

Mr. Berry explained the citizen participation plan and that the federal government requires the Town to adopt a citizen participation plan to ensure public participation. The Town is required to certify and hold a public hearing. Council would need to approve the plan and submit it.

Mr. Bergeron moved to approve the “Citizen Participation Plan for the Community Development Block Grant Program – Valley Brook Housing Development”. Mr. Mamula seconded the motion. The motion passed 5-0.

**4. A RESOLUTION TO BECOME AN OFFICIAL CENSUS 2010 PARTNER**

Mr. Gagen explained that this resolution encourages public participation and formalizes it through a legislative act through the Council.

Mr. Mamula moved to approve the “Resolution to become an Official Census 2010 Partner”. Mr. Millisor seconded the motion. The motion passed 5-0.

**C. OTHER**

None.

**PLANNING MATTERS**

**A. Planning Commission Decisions of February 16, 2010**

With no questions, comments, or requests to call up an item, Mayor Warner declared the Planning Commission Decisions of the February 16, 2010 Planning Commission meeting would stand approved as presented. One Council member expressed concern about placing the cell tower in the historic district.

**B. Town Council Representative Report**

No report.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen had nothing further to report.

**REPORT OF MAYOR AND COUNCILMEMBERS**

**A. CAST/MMC** (Mayor Warner) – CAST meeting is next Thursday. Mayor Warner is unable to attend the MMC meeting; Mr. Gagen will attend.

**B. Breckenridge Open Space Advisory Commission** (Mr. Joyce) – Mr. Joyce reported on dog waste at trailheads. He made the suggestion of constructing a bag station with a trash can. A volunteer will be responsible for discarding the waste for a time period of one year. Mr. Gagen reminded the Council of hidden gems and watershed protection. BOSAC is open to the thoughts that Council has expressed in the past. Things are moving forward.

**C. Breckenridge Resort Chamber** (Ms. McAtamney) – Mr. Mamula will attend the meeting tomorrow.

**D. Summit Combined Housing Authority** (Mr. Millisor) – Mr. Millisor attended the February 18 meeting where it was discussed that they apply for funds through the County for the energy audit.

**TOWN OF BRECKENRIDGE  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, FEBRUARY 23, 2010  
PAGE 4**

E. **Breckenridge Heritage Alliance** (Mr. Bergeron) – The next meeting is to take place next Tuesday. More direction is needed from Council to talk with BHA regarding town issues. Larissa O’Neil is requesting guidance from Council and that they take a more active role.

F. **Sustainability** (Mr. Millisor) – The next meeting will be on March 12 where they will talk about the public process.

***OTHER MATTERS***

Mayor Warner added that he’d like to see the possibility of an additional tax on medical marijuana on the November ballot and stated that others would like to see it as well. There was some concern from other Council members with putting it on the November ballot. Others don’t think that it would be a problem. Mr. Gagen stated that there are several other communities that are considering doing the same thing.

***SCHEDULED MEETINGS***

The next Town Council meeting is March 9. Candidate petitions are due in the Town Clerk’s office by Friday, March 5. A candidate forum will be held on Thursday, March 18 from 7:00 to 9:00 p.m. in the Town Hall auditorium. The Breck Buzz meeting is on March 4; Kim DiLallo will attend the meeting.

***ADJOURNMENT***

With no further business to discuss, Mr. Warner moved to adjourn the meeting at 8:14 p.m.

Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

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John Warner, Mayor