

**TOWN OF BRECKENRIDGE  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, SEPTEMBER 14, 2010  
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**CALL TO ORDER and ROLL CALL**

Mayor Warner called the September 14, 2010 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Ms. McAtamney, Mr. Dudick, Mr. Bergeron, Mr. Burke, Mr. Mamula, Mr. Joyce, and Mayor Warner.

**APPROVAL OF MINUTES – August 24, 2010**

The Mayor corrected a misspelling on page 80 Mr. Westerhoff's name is spelled correctly at the beginning but misspelled the rest of the time.

Mr. Dudick corrected page 81 point .004% should be .004 of the accommodation tax (not percent); Page 84 a contract that is three years in duration not a contract that would be renewed annually; and in the same vain the third paragraph the marketing committee should be "discuss" not "obtain" a long term contract.

Mayor Warner stated the minutes were approved as corrected.

**APPROVAL OF AGENDA**

Mr. Gagen added under "Other Matters" an Executive Session, as well as the School District, and Hidden Gems Wilderness Proposal.

**COMMUNICATIONS TO COUNCIL**

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

Dick Taft spoke on behalf of the Village at Breckenridge's Home Owner's Association. He is the chair of the architecture and design committee, and is the homeowner overseeing the process of the remodel project. He discussed the clock tower regarding any comments that may have been received by the Town Council. He responded to the letter to the editor in the Summit Daily News. He stated that the intent of the clock tower was to create a definite icon, and not for the clock tower to be offensive in any way; it is brighter than they thought it would be. The manufacturer specializes in clocks that are easy to read and be seen, and is working on a couple of fixes, including the amount of light that hits the face. Mr. Taft thinks the manufacturers should change the color and make it more yellow instead of the bright light, but he doesn't know the methods. He stated he was really there to answer any questions, and to make sure Town Council knows that the Village at Breckenridge Home Owner's Association is working to correct it. He mentioned that the remodel project is ahead of schedule and the project is going very well. The Village is getting positive feedback from both locals and visitors. The Mayor stated he likes the idea of an iconic clock, and has contemplated ways it could be changed. Mr. Mamula remarked that the face is difficult to read, which may be the brightness, and that the brightness takes away from what they are trying to do. Mr. Taft reiterated that the Village is taking the feedback from the public and Town Council seriously. Mr. Bergeron said thank you for coming in and that he has heard a lot about the clock tower's brightness, and believes that Mr. Taft is on the case, and appreciates it. Mr. Burke mentioned he has taken a tour of the Village at Breckenridge and is impressed. He also stated he loves the iconic clock idea, and hopes that it is toned down. He remarked that they are doing a great job on the remodel.

Greg Abernathy stated that the Village at Breckenridge has always been an icon. He stated that the clock is way too bright, and it shines into his bedroom at night. He mentioned that the Village is now easy to point out. He stated he hoped there is mitigation going on in the Village, and compared the brightness of the clock to the sign on the Qwest Building in downtown Denver. He thanked the Breckenridge Resort Chamber for doing a good job promoting Breckenridge this summer.

Julie Chandler, the National Repertory Orchestra Director of Development thanked the Town Council for supporting the orchestra. She pointed out some features in the National Repertory Orchestra's 2010 Season Program: Page Five, shows the NRO has been in Breckenridge since 1993; Page nine has information regarding the education and community outreach program; Page twelve shows for a donation, a chair in the audience can be named after the donor; Page forty-eight has a great advertisement for Imagination Express put together by Kim DiLallo and her staff; and, Page fifty-eight demonstrates how the National Repertory Orchestra collaborates with the Arts District in Breckenridge, enabling Breckenridge to be a cultural center, with gallery sponsorship on the second Saturday. She mentioned Colorado Mountain College is holding an Opera Series in the Breckenridge Auditorium with twelve different Met Life Operas. The Opera Series is represented on forty different website calendars. She spoke about a marketing plan to get younger people to concerts by promoting free beer at mixers, and inviting the attendees to go to a National Repertory Concert after. Ms. Chandler thanked the Town Council for their support. She stated the NRO is a cultural gem for the Town of Breckenridge, and enjoys its support. Mr. Bergeron asked Ms. Chandler if they were seeking a new director. Ms. Chandler stated yes.

**B. Breckenridge Resort Chamber Director Report**

John McMahan encouraged the Town Council members to enjoy their beer steins with their credentials, and to have fun at Oktoberfest. He mentioned the Breckenridge Resort Chamber offices are moving to the old store drug building; the

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Breckenridge Resort Chamber has a new Public Relations Manager, Rachel Zerowin; and the Resort Chamber is ahead on revenue for Oktoberfest. Mr. Gagen remarked the weather should be good.

**CONTINUED BUSINESS**

**A. SECOND READING OF COUNCIL BILLS, 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)**

Town Attorney, Tim Berry stated the property involved in the annexation has been sold. The new owner agreed that repealing the annexation makes the most sense. Mr. Berry mentioned the new owner may reengage the annexation at a later date. Mr. Gagen stated it is best to adopt this ordinance and put it back at square one. The Council discussed the planning implications of the property under Summit County's building code, the future plans for the property, and the purchase price.

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

Mr. Mamula moved to approve Council Bill No. 19, Series 2010 An Ordinance Repealing Ordinance No. 23, Series 2010, Concerning the Proposed Annexation of a Parcel of Land to the Town of Breckenridge (Entrada-3.98 acres, more or less). Mr. Joyce seconded the motion. The motion passed 7-0.

2. **Council Bill No. 29, Series 2010 – AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING EXTERIOR LIGHTING**

Mr. Berry revised the ordinance after the work session and handed out the revised version to the Council. Mr. Berry read through all the changes, and stated that the Town Council would be adopting this revision. Mr. Mamula made one change stating Section 5B should read "through end of ski season". Mr. Berry said that if there is a motion to approve that it includes the correction on line 5 of the word "though" to "through" and the Council should make the motion with reference to the changed version.

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

Mr. Bergeron asked if he could vote against it because he wants lighting to be year round. The Mayor said yes, and remarked the Council should ask themselves if on balance the ordinance is acceptable. The Council discussed the public's perception of whether or not this Ordinance was to be year-round or seasonal, and whether or not the lighting is an issue in the summer because there is longer daylight. Ms. Puester stated the original issue for the change in the ordinance was to allow back alley businesses to have canopy lighting during the winter, and this change would be consistent with the policy regarding lighting for summer outside dining.

Mr. Bergeron moved to approve the revised version of Council Bill No. 29, Series 2010 An Ordinance Amending Chapter 12 of Title 9 of the Breckenridge Town Code Concerning Exterior Lighting. Ms. McAtamney seconded the motion. The motion passed 6-1, with Mr. Burke voting no.

**NEW BUSINESS**

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

1. **Council Bill No. 30, Series 2010 – AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE REGARDING BUILDING FOOTPRINT LOTS**

Planner, Julia Puester said this ordinance would amend the subdivision code by adding definitions for "footprint lots" and "wall plane" would change the definition of Class C subdivisions to include footprint lots, require building footprint lots to be approved as part of the master plan, and require setbacks for footprint lots within the Downtown Overlay District.

Ms. McAtamney moved to approve Council Bill No. 30, Series 2010 An Ordinance Amending the Breckenridge Town Code Regarding Building Footprint Lots. Mr. Burke seconded the motion. The motion passed 7-0.

2. **Council Bill No. 31, Series 2010 – AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE BY AMENDING "THE BRECKENRIDGE DESIGN STANDARDS" CONCERNING FOOTPRINT LOTS**

Ms. Puester stated this Ordinance would modify the Handbook of Design Standards, so that all secondary structures would have standards of design and size. She added one correction on page 100, line 33 "should" has been changed to "must".

The Council and Planner, Chris Neubecker discussed setbacks in the conservation district. The Council agreed that there should be a discussion about setbacks during the next work session.

Mr. Joyce moved to approve Council Bill No. 31, Series 2010 An Ordinance Amending Chapter 5 of Title 9 of the Breckenridge Town Code by Amending "The Breckenridge Design Standards" Concerning Footprint Lots. Mr. Burke seconded the motion. The motion passed 7-0.

**B. RESOLUTIONS, SERIES 2010**

1. A RESOLUTION OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61, URGING THE VOTERS OF BRECKENRIDGE TO VOTE AGAINST THESE PROPOSITIONS AND AMENDMENTS AND URGING THEM TO EDUCATE THEIR FAMILY AND FRIENDS ON THE NEGATIVE IMPACTS THEY WILL HAVE ON THE STATE OF COLORADO

Mr. Gagen stated this Resolution is the Town Council taking a formal position on these State wide ballot issues which may impact revenue streams and property taxes for the Town of Breckenridge. He stated the Resolution has included the financial impacts, and the formal position allows the staff to comment on the Town of Breckenridge's stance.

The Council discussed the rules regarding public funds to fight these bills. Mr. Gagen stated there is a state law regarding funding and people are looking for violations.

Mr. Bergeron moved to approve the Resolution Opposing Proposition 101 and Amendments 60 and 61, urging the Voters of Breckenridge to Vote Against These Propositions and Amendments and Urging them to Educate their Family and Friends on the Negative Impacts they will have on the State of Colorado. Ms. McAtamney seconded the motion. The motion passed 7-0.

**C. OTHER**

1. Red, White and Blue Burn Permit

Ms. McAtamney made a motion to approve a special permit to allow the Red White and Blue Fire Protection District (RWB) to burn ten burn piles in two locations as noted on the attached site plan as early as the end of October through January as weather permits and with the approval from the Colorado Air Pollution Control Division. All burning of the burn piles shall comply with the "Open Burning" requirements of Section 307 of the International Fire Code, 2000 Edition. The RWB shall notify the Town when the burning of the ten piles commences.

Mr. Gagen relayed the information regarding a controlled burn for slash and other material, stating this would give the Red, White and Blue Fire Protection District the authority when all other conditions are met.

Mr. Burke seconded the motion. The motion passed 7-0.

2. Marketing Committee Selection

The Council voted for Marketing Committee members according to Council Bill 19, Series 2010. The Council discussed the voting process. Mr. Gagen wondered if any members of the Breckenridge Resort Chamber Board should be considered since it is not an independent group looking at the marketing. Mr. Dudick agreed that there should be some disconnect between the two groups. The Council discussed the merits of the candidates and how they may fit in within the vision of the committee. The Voting results were as follows: For Lodging Bruce Horii, Toby Babich, and Peyton Rogers, with the alternate fourth, Mitch Weiss; Retail/Restaurant is Dick Carleton; and, Dick Sosville, and Brad Perry for At-Large. Mr. Gagen suggested all the appointees' names be put in a hat to determine the terms of one and two years.

**PLANNING MATTERS**

- A. Planning Commission Decisions of September 7, 2010

There were no requests for call up. Mayor Warner declared the Planning Commission Decisions approved as presented.

- B. Town Council Representative Report (Mr. Burke) No report.

**REPORT OF TOWN MANAGER AND STAFF\***

No report.

**REPORT OF MAYOR AND COUNCILMEMBERS\***

A. CAST/MMC (Mayor Warner) - Mayor Warner reported on the CAST meeting. The topics were Aspen's method of providing grant money for Town events, the real estate boom and its relation to the Tax Reform Act of 1986, the Colorado Main Street Heritage Tour, the program Save Our Snow, which gives communities funds for conservation efforts and community education, Amendments 60, 61, and Proposition 101, the Zipper Lane Proposal, and the Towns are budgeting for a flat 2011, although all Towns reported they were up for 2010. He also reported that Dillon's lodging is down 17%, and that everyone is planning on losing full-time employees in the coming years, which is similar across Summit County.

B. Breckenridge Open Space Advisory Commission (Ms. McAtamney) - The next meeting is on Monday. Mr. Mamula requested Ms. McAtamney mention the sign at Sally Barber.

C. BRC (Mr. Dudick) - Mr. Dudick had nothing additional to add.

D. Summit Combined Housing Authority (Mr. Joyce) - The next meeting is next Wednesday.

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E. Breckenridge Heritage Alliance (Mr. Burke) - Mr. Burke reported the Alliance is moving forward with the plans for the locomotive. They are on track to build the structure. There have been a lot of donations. The Alliance is confident they will stay within the \$100,000 budget.

F. Sustainability Committee (Mr. Bergeron, Mr. Joyce, Mayor Warner) - The council was debriefed with the breakout and survey results.

**OTHER MATTERS**

At this point of the meeting, Mayor Warner drew names from a bowl to determine the Marketing Committee members' term length. The names picked from the bowl were for a one-year term. Mr. Mamula made a motion to appoint Brad Perry, Henry Babich, and Dick Carlton to a one-year terms; Richard Sosville, Bruce Horii, and Peyton Rogers to two-year terms. Mr. Burke seconded the motion. The appointees were approved by a voice vote. All were in favor.

Hidden Gems Wilderness Proposal – Mayor Warner mentioned three concerns regarding the Hidden Gems Wilderness Proposal: 1) Representative Polis would like to submit a statement to Congress regarding the proposal, 2) the Forest Service has reservations regarding the Quandary region of the South portion of Summit County, and may reject that portion for mining claims, and management issues, 3) the companion designation originally discussed by the Town Council that would allow some mechanized travel including mountain bikes, has been largely reduced in some areas. Overall, the Mayor stated the Hidden Gems Wilderness Proposal has been watered-down, but it will still protect the Breckenridge watershed, and maintain the Town of Breckenridge's ability to protect the watershed. The Mayor mentioned Representative Polis would like to know if he can still count on the Breckenridge Town Council for their support. The Council discussed how much the proposal has changed and whether or not they can support the proposal with all the changes. The Council agreed that Mayor Warner would talk to Heidi Andersen regarding the proposal, and if time allows have Ms. Andersen come to a work session to talk about the proposal. Mr. Bergeron stated he would like more information from the Summit Fat Tire Society on the subject, and perhaps have a presentation made by the Summit Fat Tire Society.

School District – Mayor Warner stated the Town Council should support the School District ballot question. The Council members were all in favor of preparing a resolution.

Mr. Mamula mentioned that his lunch discussion with Andy Carlberg, the Breckenridge Sanitation District Manager, went well.

Mr. Mamula mentioned a gentleman suggested that Breckenridge become a non-smoking town.

Mr. Burke discussed an issue regarding parking. A local business owner, Anthony Bulfin, Napper Tandy's Restaurant sent an email to Mr. Burke regarding a parking situation on Sunday. Chief Holman mentioned he had tracked down the complaint regarding afternoon tickets during the opening season of the NFL. The Council discussed the fall parking policies, and agreed that consistency is important when implementing the parking policies. The Council discussed the re-parking rule, and that it is only unacceptable in the Lower Exchange Parking Lot.

Mr. Bergeron has been monitoring the canine waste station at the Bomber Trail, B&B trailhead, and they have been emptying it. He noticed a lot less canine waste on the first 100 yards of the trail. He suggested the Reiling Dredge parking lot needs improvement regarding waste.

Mayor Warner received a letter from the woman affected by the AT&T cell phone tower, stating she has moved from her home. The Council discussed the implications of the agreement including responsibility of compensation. The Council agreed that Mayor Warner should contact the woman to talk about the situation.

Mr. Burke voiced concerns regarding the Breckenridge Recreation Center's plan for more budget cutbacks. Mr. Gagen reminded the Council that not everyone seen working at the Recreation Center is in a full time positions, and that the Aquatics department and After-School Program have legal requirements for staffing; and, that even with these requirements staffing has been cut back thousands of hours.

**SCHEDULED MEETINGS**

**EXECUTIVE SESSION**

Mr. Burke 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, redeveloping strategies for negotiations; and instructing negotiators. Mr. Mamula seconded the motion.

The Mayor stated "a motion has been made for the Town Council to go into an 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, redeveloping strategies for negotiations; and instructing negotiators."

The subject matter of the executive session involves:

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1. Confidential consideration of certain privately-owned land that the Town might want to acquire, and instructing the Town Manager as to how to proceed with negotiations to acquire such lands; and

2. Developing a strategy for negotiations concerning the Breckenridge Nordic Center, and instructing the Town Manager as to how to proceed with respect to such negotiations.”

A roll call vote was taken. All members of Council were in favor of the motion.

At 10:30 p.m. Mr. Mamula moved to reconvene in the regular meeting. Mr. Bergeron made the second. All members of Council were in favor of the motion.

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 10:30 p.m.

Submitted by Cathy Boland, Municipal Court Clerk

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

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John Warner, Mayor