

**CALL TO ORDER AND ROLL CALL**

Mayor Blake called the March 25, 2008 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Mr. Bergeron, Mr. Mamula, Ms. McAtamney, Mr. Rossi, Mr. Millisor, Dr. Warner and Mayor Blake.

**APPROVAL OF MINUTES** – March 11, 2008 Regular Meeting

Dr. Warner commented that under Citizens Comments it was David Jefferson, not Steve. April was missed spelled in Corry Mihm's report. And the motion for Council Bill No 16, Series 2008 does not indicate who made the second. With those changes the minutes were approved.

**APPROVAL OF AGENDA**

Town Manager, Tim Gagen, added an Executive Session.

**COMMUNICATIONS TO COUNCIL**

A. Citizens Comment - (Non-Agenda Items ONLY; 3 minute limit please)

1. Alton Scales- CMC Groundbreaking has been moved to April 7<sup>th</sup> at 3:00pm. The poetry slam was great and they will do it again next spring.

B. BRC Director's Report – Corry Mihm- Meet and Greet is on Thursday morning from 8-10am. "Breck 150" group is meeting once or twice a month. They are working on the budget. Mr. Mamula asked if Corry could get info out about Clean Up Day and start thinking about cleaning up outside businesses as snow melts. Make it more of a "Beautify Breckenridge Day" instead of a "Clean out Your Garage Day."

C. Goose Gossage Proclamation

**CONTINUED BUSINESS**

**A. SECOND READING OF COUNCIL BILLS, SERIES 2007 & 2008 – PUBLIC HEARINGS\*\***

**1. Council Bill No. 10, Series 2008- AN ORDINANCE AMENDING SECTION 12-6-4 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DISCONTINUANCE OF WATER SERVICE TO OUT OF TOWN WATER CUSTOMERS WHEN NECESSARY TO COMPLY WITH A CEASE AND DESIST ORDER**

Tim Berry commented that the Town's Water Ordinance authorizes the Town to discontinue water service to customers under certain circumstances, the most common being non-payment of water charges.

The ordinance would authorize the Town to discontinue water service when a final, nonappealable order has been issued directing an out-of-town water customer to stop using his or her septic system. There were no changes from first reading.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Millisor moved to approve Council Bill No. 10, Series 2008 on second reading. Mr. Bergeron made the second. The motion passed 7-0.

**2. Council Bill No. 11, Series 2008- AN ORDINANCE REPEALING CHAPTER 6 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING SECURITY GUARDS**

Tim Berry commented that this ordinance would repeal the Town's Security Guard Licensing Ordinance. Under the current ordinance, the Town has the duty and responsibility to provide a license for security guard applicants of all employers in Breckenridge. By providing this license, this ordinance also requires the Town to review and evaluate the application, and ensure that applicants are "...of good character and reputation". In addition, the Town must review evidence that demonstrates that the applicant's "mental and physical conditions are such as to warrant confidence that his performance will not jeopardize the health, safety or welfare of any person."

By assuming responsibility for the above, the Town is in a position of being required to conduct thorough background reviews of all local security guard applicants. In the past, this has not proven too difficult, as generally only one security guard was hired by a local establishment. There has recently been an addition of ten (10) new Breckenridge Emergency Services staff members hired by Vail Resorts, and we anticipate further use of security guard services by local employers.

As such, placing the burden on the Town to make certain that the backgrounds of these individual security applicants is appropriate is no longer feasible. This appears to be a responsibility of any employer when hiring an employee, and can now be obtained through a variety of service providers who verify backgrounds of applicants. The Chief does not feel the Town should be in the position of regulating the application and hiring process for security guards retained by local employers. There were no changes from first reading.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Millisor moved to approve Council Bill No. 11, Series 2008 on second reading. Mr. Mamula made the second. The motion passed 7-0.

**3. Council Bill No. 12, Series 2008- AN ORDINANCE APPROVING AN AGREEMENT TO EXCHANGE REAL ESTATE WITH THE ROCK PILE RANCH OWNERS ASSOCIATION, INC., A COLORADO NONPROFIT CORPORATION**

Tim Berry commented that the ordinance would approve a proposed land exchange with the Rock Pile Ranch Owners Association. The purpose of the exchange from the Town's perspective is to acquire 25,364 square feet of land owned by the association located just north of the Rock Pile Ranch Condominium on Airport Road and west of the Town's Block 11 property. In exchange, the Town would

convey to the Association a parcel of equal size to be carved out of the Town's Block 11 property adjacent to (and easterly of) the Rock Pile Ranch Condominium.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Millisor moved to approve Council Bill No. 12, Series 2008 on second reading. Mr. Mamula made the second. The motion passed 7-0.

**4. Council Bill No. 13, Series 2008- AN ORDINANCE APPROVING A FRANCHISE AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE AND PUBLIC SERVICE COMPANY OF COLORADO**

Tim Berry commented that the ordinance would approve a 20 year franchise agreement. Both Mr. Fellman and a representative from the PSCo will be here for second reading.

Mr. Mamula didn't feel right about it. He felt like the Town was just having to say "yes". It would be nice to have some leverage. Their level of customer service is not great up here. The Town does not get much except electricity from this and a small franchise fee.

Tim Berry commented that Franchise Agreements do not vary much from municipality to municipality and he feels they have done a good job with this agreement. He will indicate to Todd Anderson that the Council was not completely happy with the franchise agreement. There are no changes from first reading.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Bergeron moved to approve Council Bill No. 13, Series 2008 on second reading with the dates March 29, 2008 added to the document in the first blank and March 28, 2028 in the second blank. Mr. Millisor made the second. The motion passed 7-0.

**5. Council Bill No. 14, Series 2008- AN ORDINANCE APPROVING AN AGREEMENT WITH STILES PARTNERSHIP LLP AND STILES II PARTNERSHIP LLP**

Tim Berry commented that In December of 2007 the Council supported the proposed cost for exterior façade improvements to the back of the Bunchman building (215 S. Main St.) in exchange for a perpetual easement for the remaining property (less the existing outdoor seating area for the Crown) to allow for riverwalk improvements and staging of special events.

The agreement and easement would commit the Town to pay up to \$127,182 for the proposed facade improvements. Any cost savings would be a savings for both parties. The Town in turn will be able to construct walkways, landscaping improvements, locate street furniture and lighting and stage special events within the easement area. The proposed facade improvements and landscaping will receive the appropriate development permit prior to any construction. There were no changes from first reading.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Millisor moved to approve Council Bill No. 14, Series 2008 on second reading. Ms. McAtamney made the second. The motion passed 7-0.

**6. Council Bill No. 15, Series 2008- AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE; ADOPTING BY REFERENCE AND AMENDING THE INTERNATIONAL BUILDING CODE, 2006 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, INCLUDING APPENDIX CHAPTERS G AND K; THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION, INCLUDING APPENDIX A; THE INTERNATIONAL PLUMBING CODE, 2006 EDITION; INCLUDING APPENDICES C, E, F AND G; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2006 EDITION; THE NATIONAL ELECTRICAL CODE, 2008 EDITION; THE ICC ELECTRICAL CODE—ADMINISTRATIVE PROVISIONS, 2006 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2006 EDITION, INCLUDING APPENDICES A AND B; THE UNIFORM CODE FOR BUILDING CONSERVATION, 1997 EDITION, INCLUDING APPENDIX CHAPTER 3; AND THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; AND PROVIDING PENALTIES FOR THE ENFORCEMENT OF SAID CODES**

Tim Berry commented that the Building Codes currently adopted by the Town are the 2000 International Code series and the 2002 National Electric Code. The International Code series is published and updated by the International Code Council on a three-year basis. The 2006 series of codes are the most updated published codes. The Electrical Code is published by the National Fire Protection Agency and the 2008 Code is the latest published edition. To enforce the provisions of the latest published codes, Council must adopt those codes by reference along with local amendments as deemed appropriate.

In conjunction with the code update, an additional code the 2006 International Energy Conservation Code has been included for adoption. Colorado House Bill 07-1146 effective July 1, 2007, requires that any Municipality that has adopted a Building Code must adopt an energy code by July 1, 2008. An energy code means, at a minimum, the 2003 International Energy Conservation Code, or any successor (such as the 2006 Code). Breckenridge does not currently have an adopted energy code. The State legislation applies to all buildings, including mixed use, commercial and residential. Adoption of the 2006 International Energy Conservation Code will satisfy the state legislation. There were no changes from first reading.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Millisor moved to approve Council Bill No. 15, Series 2008 on second reading. Mr. Mamula made the second. The motion passed 7-0.

**7. Council Bill No. 16, Series 2008- AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING POLICY 47(ABSOLUTE) CONCERNING FENCES AND GATES**

Staff member, Chris Neubecker, reviewed some revisions made from the work session. Mayor Blake asked for public comment. There was no comment. He closed the public hearing. Mr. Millisor moved to approve Council Bill No. 16, Series 2008 on second reading. Mr. Mamula made the second. The motion passed 7-0.

**B. FIRST READING OF COUNCIL BILLS, SERIES 2008-  
NONE**

**C. RESOLUTIONS, SERIES 2008**

**1. A RESOLUTION APPROVING A STREET LIGHT MAINTENANCE AGREEMENT WITH PUBLIC SERVICE COMPANY OF COLORADO**

Tim Berry commented that the ordinance would approve a new Franchise Agreement with Public Service Company of Colorado. There were no changes from first reading.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Bergeron moved to approve the Resolution, Series 2008. Mr. Mamula made the second. The motion passed 7-0.

**2. A RESOLUTION APPROVING AN AGREEMENT WITH CHIHUAHUA, LLC, A COLORADO LIMITED LIABILITY COMPANY, CONCERNING THE PROPOSED SNAKE RIVER LAND EXCHANGE**

Tim Gagen commented that The US Forest Service is in the formal process of consideration of a potential land exchange involving the privately held Chihuahua Town site and the Forest Service owned Dercum Dash parcel, Claimjumper parcel and Wedge parcel. The Town of Breckenridge has expressed interest in acquiring the Claimjumper and Wedge parcels for the purposes of affordable housing and open space. With the start of the formal exchange process, there is a need for an agreement between Chihuahua, LLC and the Town of Breckenridge to formalize their roles, relationships and financial responsibilities as the exchange moves forward. The agreement defines who will take the lead role in the exchange and how Chihuahua and the Town of Breckenridge will work together throughout the exchange including if the framework of the exchange is modified. Further, the agreement defines the financial responsibility of each party related to acquisition cost and sharing of direct expenses of the exchange. From the Town's point of view, it sets clear limits on our financial outlay and provides for reimbursement of our cost if for some reason the exchange is modified or does not proceed. Based on the feedback at the 3/11 work session language has been added to allow the Town to work with Chihuahua regarding the Wedge if for some reason the valuation process does not proceed as expected. Also, language has been deleted that would have allowed Chihuahua LLC to acquire the Wedge if the Town did not proceed with the exchange.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Mamula moved to approve the Resolution, Series 2008. Dr. Warner made the second. The motion passed 7-0.

**3. A RESOLUTION ADOPTING THE "TOWN OF BRECKENRIDGE COMPREHENSIVE PLAN, DATED MARCH 25, 2008", AS THE MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE TOWN**

Staff member, Mark Truckey, handed out an Errata sheet to the Council which included some changes from the work session which has been included as part of the record at the end of the minutes.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Bergeron moved to approve the Resolution, Series 2008. Mr. Mamula made the second. The motion passed 7-0.

**4. A RESOLUTION CONCERNING THE COBB AND EBERT PLACER OPEN SPACE MANAGEMENT PLAN**

Staff member, Heide Anderson, commented that when the Town and the County purchased the B&B property in 2005, we received a GOCO Open Space Grant for \$500,000 for the Cobb & Ebert Placer. A stipulation for this grant was that a third party hold a conservation easement on the property and that a management plan be developed and approved. The Continental Divide Land Trust now holds the conservation easement and a draft management plan has been developed by County and Town staff.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Dr. Warner moved to approve the Resolution, Series 2008. Mr. Mamula made the second. The motion passed 7-0.

**D. OTHER**

**PLANNING MATTERS**

**• Planning Commission Decisions of March 18, 2008.**

With no requests for call up, Mayor Blake stated the Planning Commission decisions of the March 18, 2008 meeting will stand as presented.

**• Town Council Representative Report.**

Dr. John Warner had nothing to report.

**REPORT OF TOWN MANAGER AND STAFF**

Tim Gagen, Town Manager, commented on the Sanitation District Meeting on March 31. Dr. Warner will try to attend.

**REPORT OF MAYOR AND COUNCILMEMBERS**

- A. **Report of Mayor (CAST)**  
Mayor Blake had nothing to report.
- B. **Breckenridge Open Space Advisory Commission (Mr. Bergeron)**  
Mr. Bergeron commented that there is a site visit on March 31 at 4:30pm.
- C. **BRC (Mr. Rossi)**  
Mr. Rossi had nothing to report.
- D. **Multi-Jurisdictional Housing Authority (Mr. Millisor)**  
Mr. Millisor commented that they may get some push back on the pool fund for the affordable housing. If the majority wants to do it the way we plan then we will stay with it.
- E. **Breckenridge Heritage Alliance (Ms. McAtamney)**  
Ms. McAtamney commented that there is a presentation for the Carter Museum next week. Linda Kay Peterson is looking to talk to people about the French Gulch trail.
- F. **Liquor Licensing Authority (Mr. Bergeron)**  
Mr. Bergeron had nothing to report.

**OTHER MATTERS**

Dr. Warner commented that the crosswalk on the Northend of Main Street is blocked by a pile of ice. Snow and ice needs to be moved out of the way. Mr. Mamula commented that he has a Gondola Meeting coming up. Mayor Blake commented that he does not think the hotel idea fits with the Valley Floor. Mr. Mamula explained that the concept came from the group and not Vail Resorts. He also commented that it really seems to make sense to have a hotel there and it will not be any more than 2.5 floors.

Mayor Blake commented that, despite the different views, very early on he encouraged them to be honest, to listen to other people and to be collegiate and he is very proud of the Council.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

At 8:15pm Dr. Warner moved to go into Executive Session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions. Mr. Mamula made the second. All were in favor.

At 8:21pm Mr. Mamula moved to convene in the Town Council's regular meeting. Dr. Warner made the second. All were in favor of the motion.

With no further business to discuss the regular meeting was adjourned at 8:21 pm.

Submitted by Alison Kellermann, Administrative Services Coordinator

**ATTEST:**

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Mary Jean Loufek, CMC, Town Clerk

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Ernie Blake, Mayor

**Changes to Draft 3/25/08 Comprehensive Plan  
Based on Town Council Afternoon Work Session (3/25/08)**

*Rearrange chapter order in Plan to be consistent with the order in the Vision Plan.*

*Minor grammatical and formatting issues will be made to the Plan.*

*Amend policy 21 on p. 22 as follows:*

1. Encourage the reclamation of dredge mining piles, where environmentally and socially feasible and practical, while leaving some for historic interpretation.

*Amend line 10, p. 82 to incorporate the following BEDAC recommendation:*

Another method is to diversify the economy by encouraging commercial businesses that provide wages greater than traditional tourist-oriented businesses provide and that serve the needs of local residents and second homeowners. One way to accomplish this would be to work towards attracting small "green" businesses, such as software development companies.

*Add the following paragraph on line 15, p. 82 to incorporate BEDAC recommendations:*

As is discussed in this chapter, a portion of the local economy is fueled by construction of second homes and the resulting commercial businesses needed to support the second home industry and its employees. As the Town reaches buildout within the next ten years, the construction business may experience less volume than it does today, as construction will be focused on redevelopment projects. The exact effects on the construction industry are difficult at this time to predict, but they should be monitored as the Town approaches buildout. These could be somewhat offset by other changing aspects of the demographics that affect the economy (e.g., second homeowners becoming full-time residents, additional visitors with buildout of resort properties).

*Amend policy 2, p. 83, as follows (BEDAC recommendation):*

2. ~~Analyze the impacts of~~ Promote festivals on ~~to support tourism and~~ the local economy, particularly during non-peak visitation periods.
  - Monitor and analyze the impacts of festivals on local infrastructure (e.g., traffic) during both peak and non-peak visitation periods.

*Amend Policy 3, p. 83 (BEDAC recommendation):*

3. Support the location, retention and expansion of businesses that provide higher-than-average wages (e.g., software development companies).

*Amend policy 11, p. 84, to include the following sub-bullet (BEDAC recommendation):*

11. Work with the Breckenridge Resort Chamber and the Breckenridge Ski Resort to coordinate marketing and guest services in order to attract more destination visitors and other market segments.
  - Capitalize on fluctuations in currency and increase marketing to international visitors, particularly in times when the U.S. dollar is weak relative to foreign currencies.

*Add a new policy on, p. 84, as follows (BEDAC recommendation):*

18. Work with private landowners with businesses backing to the Riverwalk to provide amenities that improve the appearance and pedestrian attractiveness of the Riverwalk and adjacent areas.

*Add the following new fifth bullet on p. 127:*

- Establish a new open space land use district for open space properties intended to be managed into perpetuity as open space.

*Amend the text on p. 131, line 31, as follows:*

Smaller areas of retail commercial use are found or planned near the golf course/Tiger Road/Braddock Flats area and at the bases of Peak 7 and 8, but they should be discouraged in other outlying locations.

*Amend goal 4 on p. 135 as follows:*

4. Strive to achieve a 25 percent reduction in the actual buildout of the Town, in order to reduce ultimate activity levels and to maintain the Town's character.

*Amend policy 5 on p. 136 as follows:*

5. Retail commercial uses should be discouraged in outlying areas, with the exception of ~~Limited commercial uses may be allowed in~~ previously-identified appropriate locations ~~outlying areas (e.g., bases of Peak 7 and 8, golf course/Tiger Road/Braddock Flats).~~ provided they do not compete with the downtown business district.
  - Retail commercial uses in outlying locations should not compete with the downtown business district.