



**TOWN OF  
BRECKENRIDGE**

**Town Council Regular Meeting**  
Tuesday, January 9, 2024, 7:00 PM  
Town Hall Council Chambers  
150 Ski Hill Road  
Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE CONDUCTS HYBRID MEETINGS. This meeting will be held in person at Breckenridge Town Hall and will also be broadcast live over Zoom. Login information is available in the calendar section of our website: [www.townofbreckenridge.com](http://www.townofbreckenridge.com). If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 547-3127, at least 72 hours in advance of the meeting.

**I. CALL TO ORDER, ROLL CALL**

**II. APPROVAL OF MINUTES**

A. TOWN COUNCIL MINUTES - DECEMBER 12, 2023

**III. APPROVAL OF AGENDA**

**IV. COMMUNICATIONS TO COUNCIL**

A. PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

**V. CONTINUED BUSINESS**

A. SECOND READING OF COUNCIL BILLS, SERIES 2023 AND 2024

1. *COUNCIL BILL NO. 42, SERIES 2023 - AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023*
2. *COUNCIL BILL NO. 43, SERIES 2023 - AN ORDINANCE CONCERNING THE LEASING OF THE BRECKENRIDGE PROFESSIONAL BUILDING*
3. *COUNCIL BILL NO. 44, SERIES 2023 - FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO LENGTHEN THE TERM OF ELECTION COMMISSIONERS FROM TWO YEARS TO FOUR YEARS*
4. *COUNCIL BILL NO. 45, SERIES 2023 - FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO REMOVE THE RESIDENCY AND ELECTOR REQUIREMENT FOR MEMBERSHIP*

**VI. NEW BUSINESS**

A. FIRST READING OF COUNCIL BILLS, SERIES 2024

B. RESOLUTIONS, SERIES 2024

1. *RESOLUTION NO. 1, SERIES 2024 - A RESOLUTION DETERMINING THAT THE APRIL 2, 2024 REGULAR TOWN ELECTION SHALL BE A MAIL BALLOT ELECTION*
2. *RESOLUTION NO. 2, SERIES 2024 - A RESOLUTION OF TOWN COUNCIL ACCEPTING THE RESIGNATION OF MAYOR ERIC MAMULA*
3. *RESOLUTION NO. 3, SERIES 2024 - A RESOLUTION OF TOWN COUNCIL CALLING A SPECIAL MUNICIPAL ELECTION TO FILL A VACANCY IN THE OFFICE OF MAYOR TO BE HELD ON APRIL 2, 2024, AT THE SAME TIME AND IN THE SAME MANNER AS THE REGULAR MUNICIPAL ELECTION*
4. *RESOLUTION NO. 4, SERIES 2024 - A RESOLUTION APPROVING A SETTLEMENT AGREEMENT MADE AMONG THE CITY OF COLORADO SPRINGS ACTING THROUGH ITS UTILITIES ENTERPRISE (“CSU”), THE COLORADO RIVER WATER CONSERVATION DISTRICT, THE COUNTY OF SUMMIT, THE TOWN OF BRECKENRIDGE, THE GRAND VALLEY WATER USERS ASSOCIATION, THE ORCHARD MESA IRRIGATION DISTRICT, AND THE UTE WATER CONSERVANCY DISTRICT, ACTING BY AND THROUGH THE UTE WATER ACTIVITY ENTERPRISE*

C. OTHER

**VII. PLANNING MATTERS**

A. PLANNING COMMISSION DECISIONS

**VIII. REPORT OF TOWN MANAGER AND STAFF**

**IX. REPORT OF MAYOR AND COUNCIL MEMBERS**

A. CAST/MMC (Town Manager)

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (Bergeron)

C. BRECKENRIDGE TOURISM OFFICE (Carleton)

D. BRECKENRIDGE HISTORY (Saade)

E. BRECKENRIDGE CREATIVE ARTS (Rankin)

F. CML ADVISORY BOARD UPDATE (Saade)

G. CHILD CARE ADVISORY COMMITTEE (Beckerman)

H. SOCIAL EQUITY ADVISORY COMMISSION (Saade)

**X. OTHER MATTERS**

**XI. SCHEDULED MEETINGS**

A. SCHEDULED MEETINGS FOR JANUARY AND FEBRUARY

**XII. ADJOURNMENT**

**I) CALL TO ORDER, ROLL CALL**

Mayor Mamula called the meeting of December 12, 2023, to order at 7:00pm. The following members answered roll call: Todd Rankin, Carol Saade, Jeffrey Bergeron, Dick Carleton, Jay Beckerman, Kelly Owens and Mayor Eric Mamula.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES – November 28, 2023**

With no changes or corrections to the meeting minutes of November 28, 2023, Mayor Mamula declared they would stand approved as presented.

**III) APPROVAL OF AGENDA**

Town Manager Rick Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as presented.

**IV) COMMUNICATIONS TO COUNCIL**

**A) PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)**

Mayor Mamula opened Public Comment.

Alan Bergstein, a homeowner and president of a neighborhood HOA, spoke regarding two issues related to short term rental fees. First, he recommended greater transparency in the regulatory fee. Secondly, he spoke about the Town defending against the lawsuit regarding short term rental caps, which would waste one million dollars.

With no further public comment Mayor Mamula closed public comment.

**V) CONTINUED BUSINESS**

**A) SECOND READING OF COUNCIL BILLS, SERIES 2023 - PUBLIC HEARINGS**

**VI) NEW BUSINESS**

**A) FIRST READING OF COUNCIL BILLS, SERIES 2023**

**1) COUNCIL BILL NO. 42, SERIES 2023 - AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023**

Mayor Mamula read the title into the minutes. Tracey Lambert, Senior Accountant, stated this ordinance would appropriate additional funds for the 2023 budget year.

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

Council Member Bergeron moved to approve COUNCIL BILL NO. 42, SERIES 2023 - AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023. Council Member Carleton seconded the motion.

The motion passed 7-0.

**2) COUNCIL BILL NO. 43, SERIES 2023 - AN ORDINANCE CONCERNING THE LEASING OF THE BRECKENRIDGE PROFESSIONAL BUILDING**

Mayor Mamula read the title into the minutes. Town Manager Rick Holman stated this ordinance would approve a lease in the Professional Building for US Bank.

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

Council Member Bergeron moved to approve COUNCIL BILL NO. 43, SERIES 2023 - AN ORDINANCE CONCERNING THE LEASING OF THE BRECKENRIDGE PROFESSIONAL BUILDING. Council Member Saade seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 44, SERIES 2023 - FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO LENGTHEN THE TERM OF ELECTION COMMISSIONERS FROM TWO YEARS TO FOUR YEARS

Mayor Mamula read the title into the minutes. Kirsten Crawford, Town Attorney, stated this ordinance would set the ballot title of a proposed Charter Amendment that would lengthen the terms of the Election Commissioners from two years to four years. She further explained Election Commissioners are required by Charter to oversee the municipal election.

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

Council Member Bergeron moved to approve COUNCIL BILL NO. 44, SERIES 2023 - FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO LENGTHEN THE TERM OF ELECTION COMMISSIONERS FROM TWO YEARS TO FOUR YEARS. Council Member Beckerman seconded the motion.

The motion passed 7-0.

- 4) COUNCIL BILL NO. 45, SERIES 2023 - FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO REMOVE THE RESIDENCY AND ELECTOR REQUIREMENT FOR MEMBERSHIP ON PERMANENT BOARDS AND COMMISSIONS

Mayor Mamula read the title into the minutes. Kirsten Crawford, Town Attorney, stated this ordinance would set the ballot title of a proposed Charter Amendment concerning removing the residency requirement for certain boards and commissions. She further explained the residency requirement would stay in place for Council.

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

Council Member Bergeron moved to approve COUNCIL BILL NO. 45, SERIES 2023 - FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO REMOVE THE RESIDENCY AND ELECTOR REQUIREMENT FOR MEMBERSHIP ON PERMANENT BOARDS AND COMMISSIONS. Council Member Saade seconded the motion.

The motion passed 7-0.

- B) RESOLUTIONS, SERIES 2023  
1) RESOLUTION NO. 23, SERIES 2023 - A RESOLUTION PROVIDING TOWN ATTORNEY ASSISTANT FOR MUNICIPAL PROSECUTION AND ESTABLISHING RATES

Mayor Mamula read the title into the minutes. Kirsten Crawford stated this resolution would approve an agreement for the Municipal Prosecutor.

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

Council Member Bergeron moved to approve RESOLUTION NO. 23, SERIES 2023 - A RESOLUTION PROVIDING TOWN ATTORNEY ASSISTANT FOR MUNICIPAL PROSECUTION AND ESTABLISHING RATES. Council Member Rankin seconded the motion.

The motion passed 7-0.

- C) OTHER
- 1) LIQUOR AND MARIJUANA LICENSING AUTHORITY APPOINTMENTS  
Mayor Mamula read into record the names of the four applicants for two seats on the LMLA. Council voted by ballot and the following two applicants received the highest number of votes and were appointed to the Authority: Garren Riechel and Austyn Dineen.

- 2) BRECKENRIDGE EVENTS COMMITTEE APPOINTMENT  
Mayor Mamula stated the memo recommends the appointment of Jeff Edwards to the Breckenridge Events Committee.

Council Member Bergeron moved to appoint Jeff Edwards to the Breckenridge Events Committee for a 4-year term beginning in January. Council Member Owens seconded the motion.

The motion passed 7-0.

- 3) BRECKENRIDGE SOCIAL EQUITY ADVISORY COMMISSION APPOINTMENTS  
Council Member Saade moved to appoint Jordan Burns, Isaura Cirillo and Jotwan Daniels to the Breckenridge Events Committee for 3-year terms beginning in January 2024. Council Member Carlton seconded the motion.

The motion passed 7-0.

**VII) PLANNING MATTERS**

- A) PLANNING COMMISSION DECISIONS  
Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

**IX) REPORT OF TOWN MANAGER AND STAFF**

Deputy Town Manager Shannon Haynes stated the Summit Combined Housing Authority has had offices in Frisco County Commons in a very inadequate space. She stated they now have an opportunity to purchase a property where Summit Daily News was and it is a great opportunity for them to be in a bigger working space. However, they are \$450,000 short and the Board has suggested that the five municipalities go in \$90,000 each. She stated an agreement will be put in place and staff recommends moving forward with it. All council members agreed.

**X) REPORT OF MAYOR AND COUNCIL MEMBERS**

- A. CAST/MMC  
Mayor Mamula stated there was a meeting last week.
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE  
Council Member Bergeron said the meeting consisted of a field season review discussing the accomplishments and volunteer days. He stated one thing of note is that a very small percentage of overall effort goes into creating new trails and the majority of effort lies in maintaining current trails. He further stated the winter use of trails is growing and the committee discussed naming the McCain land/project and landed on two general options of something like Little Daisy or influential women of the early days of Breckenridge. Scott Reid stated we try not to name properties after the people we purchase from and Mayor Mamula said he would be in favor of keeping the name in this case.
- C. BRECKENRIDGE TOURISM OFFICE  
Council Member Carleton stated they reviewed the financial situation which is strong. He also stated Oktoberfest was successful, and the group touched on strategic planning, incorporating DEI, philanthropic and sustainability topics, and shifting branding to more food and arts and crafts. He also stated they finalized the sponsorship policy around tobacco, alcohol and marijuana.

**D. BRECKENRIDGE HISTORY**

No update.

**E. BRECKENRIDGE CREATIVE ARTS**

Meeting later this week. Council member Rankin asked all council members to consult with BCA as Council works through the beverage and food delivery plans at Tiger Dredge parking lot.

**F. CML ADVISORY BOARD UPDATE**

No update.

**G. CHILD CARE ADVISORY COMMITTEE**

No update.

**H. SOCIAL EQUITY ADVISORY COMMISSION**

Council Member Saade stated they will meet next week to continue to review the blueprint.

**XI) OTHER MATTERS**

Council Member Carleton said a local wants Council to consider selling season passes to the parking garage, no price was discussed. Council members agreed they would be interested in continuing discussions with ski resort about the use of the garage.

Council Member Owens said Mountain Top will be rolling out a robust after school program. She stated they did not receive a town grant due to a misunderstanding about the focus of the grant program, however the manager is very committed to providing local programming.

Mayor Mamula gave a shout out to Leigh Girvin and Haley Littleton for serving on the LMLA.

**XII) SCHEDULED MEETINGS**

A) SCHEDULED MEETINGS FOR DECEMBER, JANUARY AND FEBRUARY

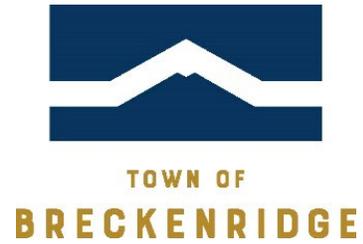
**XIII) ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:34pm. Submitted by Dannie York, Administrative and Liability Coordinator.

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

\_\_\_\_\_  
Eric S. Mamula, Mayor



# Memo

**To:** Breckenridge Town Council  
**From:** Tracey Lambert, Senior Accountant  
**Date:** December 27th, 2023 (for the January 9, 2024 meeting)  
**Subject:** 2023 Supplemental Budget Appropriation

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The Town Council approves a budget each year. From time to time, it is necessary to make changes to the budget as circumstances necessitate. This appropriation is being submitted based upon review of November year to date actuals and December projections by Fund. Any Fund with expenses over the 2023 Adopted Budget is included in this appropriation.

Please find below the ordinance appropriating the funds required for the Adopted Budget 2023. The ordinance is submitted for the second reading.

FUND	REVENUE	EXPENSE	RESTRICTIONS	NOTES
HEALTHCARE BENEFITS #18		\$750,000		Expense: \$750,000: Anticipated UMR payments for variable medical costs
PARKING & TRANSPORTATION #17		\$500,000		Expense: \$500,000: Interstate Parking Management fees-increase due to budgeting error
SPECIAL PROJECTS #13		\$121,000		Expense: \$100,000: Summit County Rescue grant Expense: \$21,000: Breck Create Paley Sculpture repair
AFFORDABLE HOUSING FUND #7	(\$338,192)	\$3,734,249	(\$3,396,057)	Revenue: \$338,192: Excise Fund transfer to offset Expense and Restriction changes  Expense: \$300,000: Housing Helps-Summit County reimbursement recognized as revenue Expense: \$1,600,000: Stables-Timing budgeted in 2024 Expense: \$1,834,249: Reclass Assets Held for Resale for units with no intention of selling  Restriction: (\$1,834,249): Reclass Assets Held for Resale for units with no intention of selling Restriction: \$3,555,679: Assets Held for Resale units with planned sell date of 2024 Restriction: (\$1,000,728): Alta Verde I loan update of DOLA grant payment Restriction: (\$4,061,218): Alta Verde II loan payments budgeted in 2024 Restriction: (\$55,541): Pinewood 2 loan principal payment
EXCISE FUND #6		\$338,192		Expense: \$338,192: Affordable Housing transfer to offset Expense and Restriction changes
GOLF #5		\$50,000		Expense: \$50,000: Pro shop merchandise
<b>TOTAL</b>	<b>\$ (338,192)</b>	<b>\$ 5,493,441</b>	<b>\$ (3,396,057)</b>	

COUNCIL BILL NO. XX

Series 2023

**AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023**

WHEREAS, at the direction of the Town of Breckenridge Council, the Town Manager has prepared and submitted a proposed budget for the fiscal year beginning January 1, 2023, and ending December 31, 2023, to the Town Council; and

WHEREAS, in accordance with the municipal charter, § 5.8, the Town Council hereby appropriates to the various funds as hereinafter stated to be used for the purpose for which these funds were created and exist.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE THAT:

1. Town Council hereby approves the ordinance appropriating supplemental expenditure of the Town of Breckenridge for the year beginning January 1, 2023, and ending December 31, 2023, to the various funds as hereinafter stated to be used for the purpose for which these funds were created and exist.

FUND	REVENUE	EXPENSE	RESTRICTIONS
HEALTHCARE BENEFITS FUND #18		\$750,000	
PARKING & TRANSPORTATION FUND #17		\$500,000	
SPECIAL PROJECTS FUND #13		\$121,000	
AFFORDABLE HOUSING FUND #7	(\$338,192)	\$3,734,249	(\$3,396,057)
EXCISE FUND #6		\$338,192	
GOLF FUND #5		\$50,000	
TOTAL	(\$338,192)	\$5,493,441	(\$3,396,057)

2. The amounts set forth above and in the annual budget of 2023 as approved by Resolution No. \_\_\_\_\_, Series of 2023, are hereby appropriated to the uses stated and the Town Manager has the authority to expend the amounts shown for the purposes stated.

3. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 12<sup>th</sup> day of December 2023.

ATTEST:

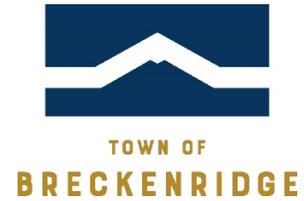
TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Helen Cospolich, Town Clerk

\_\_\_\_\_  
Kelly Owens, Mayor Pro Tem

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney                      Date



# Memo

To: Town Council  
From: Scott Reid, Deputy Town Manager  
Date: 12/26/2023 (for 1/9/24 Town Council meeting)  
Subject: Ordinance to Approve USBank Lease Renewal (Second Reading)

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USBank is a reliable tenant in good standing seeking to renew their lease in the Breckenridge Professional Building. Per Town Code, a lease renewal for a duration of more than one year must be approved by ordinance.

Attached, please find the ordinance approving the Fourth Amendment to the USBank lease, which would renew the lease for two years (June 1, 2024 – May 31, 2026) with an annual cost escalation as outlined in the ordinance. USBank will also have the option to extend the lease term once for a period of one (1) year. All other lease provisions are proposed to remain the same, including Section 2 in which "Operational Costs" (including common area maintenance and insurance) are prorated based on the square footage of the leased space.

There have been no changes to the ordinance since first reading.

Staff will be available Tuesday to answer any questions about this lease renewal.

1 COUNCIL BILL NO. \_\_

2  
3 Series 2023

4  
5 **AN ORDINANCE APPROVING AN AMENDMENT TO A LEASE OF THE**  
6 **BRECKENRIDGE PROFESSIONAL BUILDING.**  
7

8 WHEREAS, the Town owns the real property commonly known as the Breckenridge  
9 Professional Building (“Professional Building”) located at 130 Ski Hill Road, Breckenridge,  
10 Colorado;

11 WHEREAS, the Town has leased the Professional Building to U.S. Bank National  
12 Association (“U.S. Bank”) in a Lease Agreement dated May 7, 1997, which has been amended  
13 as follows: First Amendment to Lease dated November 28, 2006, Second Amendment to Lease  
14 dated April 19, 2013, and Third Amendment to Lease dated November 25, 2020 (collectively,  
15 the “Lease”);

16 WHEREAS, the Town Council desires to approve a fourth amendment to the Lease with  
17 U.S. Bank for a term of two years and further grants U.S. Bank an option to extend the term of the  
18 Lease for an additional one (1) year period;

19 WHEREAS, Section 1-11-4 of the Breckenridge Town Code requires that leases of Town  
20 real property longer than one year must be approved and authorized by ordinance;

21 WHEREAS, in the event U.S. Bank exercises its option to renew the lease for an additional  
22 one-year period, the Town Manager is authorized to execute an amendment upon the terms and  
23 conditions set forth in the Fourth Amendment to the lease.

24 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
25 BRECKENRIDGE, COLORADO:

26 Section 1. Town Council hereby approves the Fourth Amendment to the lease  
27 between the Town of Breckenridge and U.S. Bank National Association, a copy of which is  
28 attached hereto as **Exhibit A**.

29 Section 2. This ordinance shall be published and become effective as provided by  
30 Section 5.9 of the Breckenridge Town Charter.

31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
32 PUBLISHED IN FULL this 12th day of December 2023. A Public Hearing shall be held at the  
33 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_ day of  
34 \_\_\_\_\_, 2024, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building  
35 of the Town.

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TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Kelly Owens, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

## FOURTH AMENDMENT TO LEASE

THIS FOURTH AMENDMENT TO LEASE (the “Amendment”) is made as of \_\_\_\_\_, 2023, between the **Town of Breckenridge**, as successor in interest to Breckenridge Professional Building, LLC (“Landlord”) and **U.S. Bank National Association**, a national banking association (“Tenant”).

- A. Pursuant to the Lease Agreement dated as of May 7, 1997, First Amendment to Lease dated November 28, 2006, Second Amendment to Lease dated April 19, 2013, and Third Amendment to Lease dated November 25, 2020 (collectively, the “Lease”), Landlord leased to Tenant approximately 1,892 square feet of space in the Breckenridge Professional Building located at 130 Ski Hill Road, Breckenridge, Colorado, 80424, as more particularly described in the Lease (the “Premises”).
- B. Landlord and Tenant desire to amend the Lease to alter certain provisions thereof on the terms and conditions hereinafter set forth.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

- 1. **Lease Term.**
  - a. The Lease Term is hereby extended for a period of two (2) years commencing on June 1, 2024, and expiring on May 31, 2026 (the “Fourth Amendment Term”).
  - b. Tenant shall have one (1) option to extend the Lease Term for a period of one (1) year. In order to exercise the option, Tenant shall give Landlord written notice not less than six (6) months prior to the end of the then current term. All terms and conditions shall remain the same during the extension term, with the exception of base rent which shall be as set forth in Section 3 below.
- 2. **Premises.** The parties agree that the Premises and the Building have been remeasured, and that effective as of June 1, 2024:
  - a. the Premises shall be deemed to contain 1,918 rentable square feet,
  - b. the Building shall be deemed to contain 17,489 rentable square feet.
  - c. Tenant’s Fraction of Operating Costs shall remain at 11%.
- 3. **Minimum Rent:** The Minimum Rent payable for the Second Amendment Term shall be payable as follows:

<u>Period</u>	<u>Monthly Minimum Rent</u>
06.01.2024 – 05.31.2025	\$5,434.33
06.01.2025 – 05.31.2026	\$5,597.36
06.01.2026 – 05.31.2027*	\$5,765.28

\*if exercised pursuant to Section 1(b) above.

4. **Authority.** Landlord and Tenant each represents and warrants that it has all the necessary approvals and authority to enter into this Amendment and shall indemnify and hold each other harmless for any breach of this representation and warranty.

5. **No Existing Defaults.** Landlord and Tenant represent that there are currently no defaults by either party under the Lease.

6. **Counterparts.** This Amendment may be executed in two or more identical counterparts and delivered by facsimile or by .pdf or other comparable electronic format, with the same force and effect as if all required signatures were contained in a single, original instrument.

7. **Ratification.** All of the terms of the Lease, as amended hereby, are hereby ratified and confirmed.

8. **Defined Terms.** Unless otherwise stated, all capitalized words in this Amendment that are not normally capitalized shall have the meaning ascribed in the Lease.

*[Remainder of page intentionally left blank. Signature page follows.]*

WHEREFORE, Landlord and Tenant have executed this Amendment as of the date first above written.

**LANDLORD:**

Town of Breckenridge

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

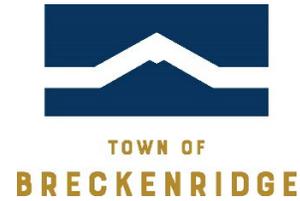
ATTEST:

\_\_\_\_\_  
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**TENANT:**

U.S. Bank National Association

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_



# Memo

**To:** Breckenridge Town Council Members  
**From:** Shannon Haynes, Deputy Town Manager  
**Date:** January 3, 2024 (for January 9th Meeting)  
**Subject:** Proposed Charter Amendment – Election Commissioner Terms

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Section 3.5 of Town Charter requires the Council to appoint two electors to serve as Election Commissioners. This appointment is to take place every two (2) years in May, after the regular municipal election. The Town Clerk serves as the Chair of the Election Commission. The purpose of the Election Commission is to oversee the conduct of Town elections. The Election Commission will provide for ballots and sample ballots, voting machines or electronic voting equipment for determination of the winner by lot in the event of a tie vote, for canvass of returns and for the issuance of appropriate certificates. It will also provide procedures to establish proof of residency qualification where residency is in question.

This Council Bill proposes amending the Charter to set each Election Commissioner term at four (4) years. By extending the term length from two (2) to four (4) years, the Election Commissioners will be able to exercise valuable experience and knowledge over multiple election cycles.

This bill would set the Charter amendment question and ballot title for the April 2, 2024 Regular Municipal Election. A majority vote by the Town's registered electors is required to adopt the revised proposed charter amendment.

**FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO LENGTHEN THE TERM OF ELECTION COMMISSIONERS FROM TWO YEARS TO FOUR YEARS.**

WHEREAS, election commissioners fill an essential role in the Town of Breckenridge municipal election process;

WHEREAS, there is a need to have commissioners who have experience and understanding of the election process; and,

WHEREAS, lengthening the term of election commissioners would allow for appointees to serve two election cycles.

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE:

**Section 1.** There is hereby submitted to the registered electors of the Town of Breckenridge for their approval or rejection at a regular municipal election to be held on April 2, 2024, a proposed amendment to the Charter of the Town of Breckenridge, as follows:

**Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the following section of the Charter of the Town of Breckenridge is amended to read as follows:**

Section 3.5

ELECTION COMMISSION:

An election commission is hereby created, consisting of the town clerk and two electors of the town. Neither of the two electors during their term of office shall be town officers or employees or candidates or nominees for elective town office. These two electors shall be appointed by the council in May following a regular town election, for a term of ~~two~~ four ~~(2)~~ (4) years and shall serve without compensation.

The town clerk shall be chairman of the election commission. The election commission shall have charge of all activities and duties required of it by statute and this charter relating to the

1 conduct of elections in the town. In any case where election procedure is in doubt, the election  
2 commission shall prescribe the procedure to be followed.

3  
4 The commission shall provide procedures to establish proof of residency qualification where  
5 residency is in question. Upon a showing for good cause, the election commission may require  
6 proof of residency by any person registered to vote or attempting to register to vote in the town  
7 of Breckenridge. Said person shall not be qualified to vote in any municipal election until the  
8 election commission is satisfied that he has presented sufficient proof of residency as required  
9 by statute or ordinance adopted pursuant to this charter.

10  
11 The election commission shall provide for ballots and sample ballots, voting machines or  
12 electronic voting equipment for determination of the winner by lot in the event of a tie vote, for  
13 canvass of returns and for the issuance of appropriate certificates.

14 **Section 2.** The ballot shall contain the following title and submission clause:

15  
16 **REFERRED QUESTION \_\_\_\_\_**

17  
18 **Shall section 3.5 of the Charter of the Town of Breckenridge be amended to**  
19 **lengthen the term of election commissioners from two years to four years?**

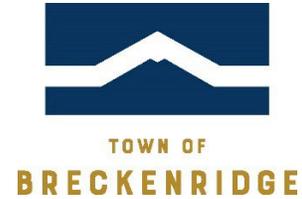
20  
21 **Section 3.** The proper officials of the Town of Breckenridge as charged with duties  
22 relating to the election shall, before the election, issue such calls, make such certifications and  
23 publications, give such notices, make such appointments, and do all such other acts and things  
24 in connection with the submission of this Charter amendment to the registered electors of the  
25 Town of Breckenridge at the election as are required by the Constitution and laws of the State  
26 of Colorado and the Charter and ordinances of the Town of Breckenridge.

27 **Section 4.** The ballots cast at such election shall be canvassed and the results  
28 ascertained, determined, and certified in accordance with the requirements of the Constitution  
29 and laws of the State of Colorado and the Charter and ordinances of the Town of Breckenridge.

30 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is  
31 held to be invalid or unenforceable for any reason, the validity of the remaining portions of this  
32 ordinance shall not be affected.



# Memo



**To:** Town Council  
**From:** Kirsten J. Crawford, Town Attorney  
**Date:** January 3, 2024 (for January 9th Meeting)  
**Subject:** Charter Amendment for Criteria for Appointment to Permanent Boards and Commissions

---

The Council is presented with a bill for an ordinance amending section 9.5 of the Charter that limits appointment to permanent boards and commissions solely to residents and electors of the Town. The bill also fixes section 9.2 of the Charter as the criteria for the Planning Commission and Election Commission will not be altered by this amendment both of which require appointees to be residents and electors. This bill would set the Charter question and ballot title for the April 2, 2024, regular municipal election. A majority vote by the Town’s registered electors is required to adopt the revised proposed Charter amendment.

Staff has determined that there are challenges with recruitment of diverse candidates to be considered for appointment to Town boards and commissions, specifically to the Town advisory boards including Breckenridge Social Equity Advisory Commission, Breckenridge Childcare Advisory Commission and Breckenridge Events Committee. Staff has further determined that there are benefits to including nearby residents on these boards as they are impacted by the Town’s programs. Thus, staff proposes that the Charter be amended to delete that limitation in the Charter. If the measure passes, staff will present Council with a proposed municipal code amendment establishing the criteria for appointment to these three permanent boards and commissions.

The proposed amendment to sections 9.2 and 9.5 of the Charter will not alter or amend the requirements for appointment to Charter established boards such as Planning Commission and the Election Commission.

Further, staff does not recommend Council change the qualifications for the boards existing in the municipal code, including the Breckenridge open space advisory commission (see §2-4-2) and the liquor and marijuana and licensing authority (see § 2-5-3) which both require that appointees be residents and electors of the Town. Staff believes that a broader pool of will improve recruitment, retention, and promote diversity in Town boards and commissions.

**FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSED AMENDMENT TO THE CHARTER OF THE TOWN OF BRECKENRIDGE TO REMOVE THE RESIDENCY AND ELECTOR REQUIREMENT FOR MEMBERSHIP ON PERMANENT BOARDS AND COMMISSIONS.**

WHEREAS, the Town desires to provide a broader opportunity for community members working in the Town of Breckenridge and those living within the Upper Blue Basin to participate on the Town advisory boards including Breckenridge Social Equity Advisory Commission, Breckenridge Childcare Advisory Commission and Breckenridge Events Committee; and,

WHEREAS, there is a rational basis for amending the Charter, section 9.5, to broaden the opportunity for appointment to permanent boards and commissions to include, not only residents and electors of the Town, but also non-residents who are working within the Town of Breckenridge municipal boundaries or living in the Upper Blue Basin; and,

WHEREAS, the proposed amendment to section 9.5 of the Charter will not alter or amend the requirements for existing boards and/or commissions established in the Charter.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

**Section 1.** There is hereby submitted to the registered electors of the Town of Breckenridge for their approval or rejection at a regular municipal election to be held on April 2, 2024, a proposed amendment to the Charter of the Town of Breckenridge, as follows:

**Effective upon publication and filing with the Secretary of State in accordance with the Constitution and laws of the State of Colorado, the following sections of the Charter of the Town of Breckenridge are amended to read as follows:**

Section 9.2

COMPOSITION OF BOARDS AND COMMISSIONS:

The following shall apply to the composition of all existing permanent boards and commissions and those created by this charter or subsequently by ordinance:

- 1 (a) Neither the mayor nor any town employees shall serve on any such board or commission.  
2 (b) No board or commission shall have more than one council member appointed to serve on  
3 such board or commission.  
4 (c) Terms and conditions of appointment to such boards and commissions shall be determined  
5 by ordinance, except as ~~provided in section 9.3 regarding the planning commission~~ otherwise  
6 provided in this charter.

7 Section 9.5 RIGHT TO ESTABLISH:

8 In addition to those boards and commissions heretofore created by ordinance or this charter,  
9 council shall have the power and authority to create boards and commissions, including  
10 advisory and appeal boards. All permanent boards and commissions, including advisory and  
11 appeal boards, shall be created by ordinance, which shall set forth the number of members,  
12 the eligibility of members, and the powers and duties delegated to such boards and  
13 commissions. ~~Members shall be residents and electors of the town.~~ Initial appointments by  
14 the council to any board or commission shall specify the term of office of its members in order  
15 to achieve overlapping tenure. All members shall be subject to removal by the council. Each  
16 board and commission shall elect its own chairman and vice-chairman from among its  
17 members. Each board and commission shall operate in accordance with its own rules of  
18 procedure and its meetings shall be open to the public. Any board or commission created  
19 under this article which is not required by statute or this charter may be abolished by the  
20 council.

21 **Section 2.** The ballot shall contain the following title and submission clause:  
22

23 **REFERRED QUESTION \_\_\_\_\_**  
24

25 **Shall sections 9.2 and 9.5 of the Charter of the Town of Breckenridge be**  
26 **amended to remove the requirement that appointees to permanent boards**  
27 **and commissions be electors and residents thereby allowing Council to**  
28 **create criteria for appointment by ordinance?**  
29

30 **Section 3.** The proper officials of the Town of Breckenridge as charged with duties  
31 relating to the election shall, before the election, issue such calls, make such certifications and  
32 publications, give such notices, make such appointments, and do all such other acts and things  
33 in connection with the submission of this Charter amendment to the registered electors of the

1 Town of Breckenridge at the election as are required by the Constitution and laws of the State  
2 of Colorado and the Charter and ordinances of the Town of Breckenridge.

3 **Section 4.** The ballots cast at such election shall be canvassed and the results  
4 ascertained, determined, and certified in accordance with the requirements of the Constitution  
5 and laws of the State of Colorado and the Charter and ordinances of the Town of Breckenridge.

6 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is  
7 held to be invalid or unenforceable for any reason, the validity of the remaining portions of this  
8 ordinance shall not be affected.

9 **Section 6.** This ordinance shall be published and become effective as provided by  
10 Section 5.9 of the Breckenridge Town Charter.

11 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
12 PUBLISHED IN FULL this 12th day of December 2023. A Public Hearing shall be held at the  
13 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_ day of  
14 January 2024, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
15 Town.

16

17 TOWN OF BRECKENRIDGE, a Colorado municipal corporation

18

19

20 By: \_\_\_\_\_

21 Kelly Owens, Mayor Pro-Tem

22

23 ATTEST:

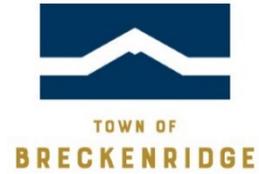
24

25 \_\_\_\_\_

26 Helen Cospolich, CMC,

27 Town Clerk

# Memo



**To:** Breckenridge Town Council  
**From:** Helen Cospolich, Municipal Clerk  
**Date:** 1/2/2024  
**Subject:** Mail Ballot Election Resolution

---

This resolution, if approved, would set the April 2, 2024 Town of Breckenridge Municipal Election to be conducted by mail ballot. Section 1-12-8 of Breckenridge Town Code states that Council may choose to hold a municipal election as mail ballot by resolution. Since our last municipal election (2022) was conducted by mail ballot, and all subsequent coordinated elections have also been by mail ballot, staff believes conducting the April 2, 2024 Town of Breckenridge municipal election by mail ballot is consistent with the expectations of our electorate.

Staff will be present at the meeting to answer any questions you may have.

RESOLUTION NO. \_\_\_\_

SERIES 2024

A RESOLUTION DETERMINING THAT THE APRIL 2, 2024 REGULAR TOWN ELECTION  
SHALL BE A MAIL BALLOT ELECTION

WHEREAS, Section 1-7.5-104(1), C.R.S., and Section 1-12-8 of the Breckenridge Town Code authorize the Town Council, by resolution, to determine that any municipal election shall be conducted as a mail ballot election; and

WHEREAS, the Town Council determines that the regular Town election to be held on Tuesday, April 2, 2024 shall be conducted as a mail ballot election.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, as follows:

Section 1. The regular Town election to be held on Tuesday, April 2, 2024 shall be conducted as a mail ballot election.

Section 2. The mail ballot election to be held on Tuesday, April 2, 2024, shall be conducted under the supervision of the Colorado Secretary of State and pursuant to the rules for mail ballot elections promulgated by the Colorado Secretary of State.

Section 3. The mail ballot election to be held on Tuesday, April 2, 2024, shall be held in accordance with the Colorado Municipal Election Code of 1965 and the Uniform Election Code of 1992.

Section 4. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 9th day of January, 2024.

TOWN OF BRECKENRIDGE

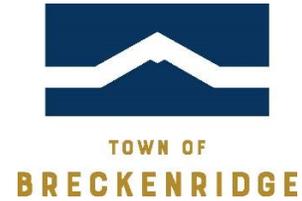
By: \_\_\_\_\_  
Kelly Owens, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC  
Town Clerk

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney                      Date



# Memo

**To:** Breckenridge Town Council Members  
**From:** Kirsten Crawford, Town Attorney  
**Date:** 1/3/2024  
**Subject:** Office of the Mayor, Resignation and Special Vacancy Election

---

Mayor Mamula has tendered the attached letter of his resignation from the office of mayor of the Town of Breckenridge. Council will be asked to take action on a resolution accepting the resignation thereby creating a vacancy in the office of mayor.

Council also will be asked to approve a proposed resolution calling a special municipal election to fill the office of mayor and establishing the date of that election. The special election to elect a new mayor will be held concurrently with the regular municipal election on April 2, 2024.

During the period of time between the resignation of Mayor Mamula and the April 2, 2024, election, the Charter provides that the mayor pro tem shall perform all duties and have all powers of the mayor. Charter, § 4.4 (“In the absence or disability of the mayor, the mayor pro tem shall perform all duties and have all powers of the mayor.”) Thus, Mayor Pro Tem Kelly Owens will preside over Council until the office is filled upon the April election.

12/21/23

Breckenridge Town Council, Town Manager Shannon Haynes, TOB Staff,

It is with genuine sadness that I write this letter of resignation to you. My time with the Town of Breckenridge in multiple roles, both elected and appointment, has been wonderful. The last 8 years as mayor have been incredibly rewarding, even during COVID and the STR discussions. I can truly say that the current Town council and staff are the most competent, most effective that I have had the pleasure to work with. As I transition to Summit County, please know that my heart will always be in Breckenridge. Thank you for everything.

A handwritten signature in black ink, appearing to read 'Eric Mamula', with a stylized, cursive script.

Eric Mamula

1 RESOLUTION NO. \_\_\_\_

2  
3 Series 2024  
4

5 **A RESOLUTION OF TOWN COUNCIL ACCEPTING THE RESIGNATION OF**  
6 **MAYOR ERIC MAMULA.**

7 WHEREAS, Mayor Eric Mamula’s current term expires as of April 2, 2024;

8 WHEREAS, on December 18, 2023, the Summit County Democrats voted to appoint  
9 Eric Mamula as County Commissioner for the Summit County Board of County Commissioners  
10 to fill a seat vacated by Commissioner Elizabeth Lawrence who resigned effective December 8,  
11 2023;

12 WHEREAS, on December 21, 2023, Mayor Mamula tendered the attached letter of  
13 resignation to the Town Council;

14 WHEREAS, the Town Council has been presented with a Resolution to Accept the  
15 Resignation hereby creating a vacancy in the office of the mayor;

16 WHEREAS, per section 4.8 of the charter, the office of the mayor shall become vacant  
17 whenever a mayor resigns;

18 WHEREAS, contemporaneously filed with this Resolution Accepting the Resignation of  
19 Mayor Mamula is a Resolution Calling a Special Election to be held on April 2, 2024, in  
20 conjunction with the Regular Municipal Election;

21 WHEREAS, per the municipal charter, section 4.4, the mayor pro tem shall perform all  
22 duties and have all powers of the mayor in the absence of the mayor and, as such, Mayor Pro  
23 Tem Kelly Owens shall perform all duties and have all the powers of the Mayor of the Town of  
24 Breckenridge until a new mayor is selected at the April 2, 2024 Special Election.

25 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
26 BRECKENRIDGE, COLORADO:

27 **Section 1.** The Town Council of the Town of Breckenridge hereby calls a Special  
28 Election to select a new mayor of the Town of Breckenridge which shall be held on April 2, 2024,  
29 in conjunction with the Regular Election.

30 **Section 2.** This resolution is effective upon adoption.

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RESOLUTION APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_, 2024.

TOWN OF BRECKENRIDGE

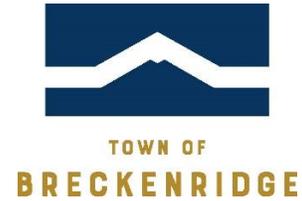
By: \_\_\_\_\_  
Kelly Owens, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney          Date



# Memo

**To:** Breckenridge Town Council Members  
**From:** Kirsten Crawford, Town Attorney  
**Date:** 1/3/2024  
**Subject:** Office of the Mayor, Resignation and Special Vacancy Election

---

Mayor Mamula has tendered the attached letter of his resignation from the office of mayor of the Town of Breckenridge. Council will be asked to take action on a resolution accepting the resignation thereby creating a vacancy in the office of mayor.

Council also will be asked to approve a proposed resolution calling a special municipal election to fill the office of mayor and establishing the date of that election. The special election to elect a new mayor will be held concurrently with the regular municipal election on April 2, 2024.

During the period of time between the resignation of Mayor Mamula and the April 2, 2024, election, the Charter provides that the mayor pro tem shall perform all duties and have all powers of the mayor. Charter, § 4.4 (“In the absence or disability of the mayor, the mayor pro tem shall perform all duties and have all powers of the mayor.”) Thus, Mayor Pro Tem Kelly Owens will preside over Council until the office is filled upon the April election.

12/21/23

Breckenridge Town Council, Town Manager Shannon Haynes, TOB Staff,

It is with genuine sadness that I write this letter of resignation to you. My time with the Town of Breckenridge in multiple roles, both elected and appointment, has been wonderful. The last 8 years as mayor have been incredibly rewarding, even during COVID and the STR discussions. I can truly say that the current Town council and staff are the most competent, most effective that I have had the pleasure to work with. As I transition to Summit County, please know that my heart will always be in Breckenridge. Thank you for everything.

A handwritten signature in black ink, appearing to read 'Eric Mamula', with a stylized, cursive script.

Eric Mamula

1 RESOLUTION NO. \_\_\_\_

2  
3 Series 2024  
4

5 **A RESOLUTION OF TOWN COUNCIL CALLING A SPECIAL MUNICIPAL**  
6 **ELECTION TO FILL A VACANCY IN THE OFFICE OF MAYOR TO BE HELD ON**  
7 **APRIL 2, 2024, AT THE SAME TIME AND IN THE SAME MANNER AS THE**  
8 **REGULAR MUNICIPAL ELECTION.**

9  
10 WHEREAS, on December 18, 2023, the Summit County Democrats voted to appoint  
11 Eric Mamula as County Commissioner for the Summit County Board of County Commissioners  
12 to fill a seat vacated by Commissioner Elizabeth Lawrence who resigned effective December 8,  
13 2023;

14 WHEREAS, Mayor Eric Mamula's term expires April 2, 2024 and prior to the expiration  
15 of his current term, on December 21, 2023, Mayor Mamula tendered his letter of resignation  
16 from the office of mayor of the Town of Breckenridge;

17 WHEREAS, filed contemporaneously herewith, the Town Council has for its  
18 consideration a Resolution Accepting the Resignation of Mayor Mamula;

19 WHEREAS, by accepting the resignation of Mayor Mamula, a vacancy exists in the  
20 officer of the mayor of the Town of Breckenridge;

21 WHEREAS, per the municipal charter, section 4.8(d), if a vacancy occurs in the office of  
22 mayor, the council shall call a special municipal election within sixty days to elect a new mayor  
23 and set the date for the special municipal election;

24 WHEREAS, the resolution of the council shall set forth the date and the purpose of such  
25 special municipal election;

26 WHEREAS, because the term of Mayor Mamula expires in 2024, the office of mayor is  
27 on the ballot for the regular municipal election to be held on April 2, 2024;

28 WHEREAS, to avoid the cost, redundancy and potential for confusion caused by holding  
29 both a special municipal election close in time to the regular municipal election, and to meet  
30 state and local requirements, the Town Council believes it is in the best interests of electors and  
31 taxpayers that the Town shall hold the special municipal election to fill the office of mayor on the  
32 same date, time, and in the same manner as the regular municipal election on April 2, 2024.  
33

1 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
2 BRECKENRIDGE, COLORADO:

3 **Section 1.** The Town Council of the Town of Breckenridge hereby approves the calling  
4 of a special municipal election for the purpose of electing a mayor of the Town of Breckenridge  
5 and, further, sets April 2, 2024 as the date of the special municipal election to be held in  
6 conjunction with the regular election.

7 **Section 2.** This resolution is effective upon adoption.

8  
9 RESOLUTION APPROVED AND ADOPTED this \_\_\_ day of \_\_\_, 2024.

10  
11 TOWN OF BRECKENRIDGE

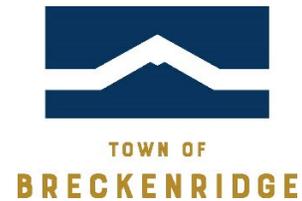
12  
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14  
15 By: \_\_\_\_\_  
16 Kelly Owens, Mayor Pro-Tem

17  
18 ATTEST:

19  
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22 \_\_\_\_\_  
23 Helen Cospolich, CMC,  
24 Town Clerk

25  
26 APPROVED IN FORM

27  
28  
29 \_\_\_\_\_  
30 Town Attorney Date



# Memo

**To:** Breckenridge Town Council Members  
**From:** Kirsten Crawford, Town Attorney & Glenn Porzak, Porzak Law  
**Date:** 1/4/2024  
**Subject:** Settlement Agreement Concerning Water Rights and Construction of Lower Blue Reservoir

---

Attached (via website link: <https://www.townofbreckenridge.com/home/showdocument?id=23967&t=638403024099228978>) for your approval is the comprehensive Settlement Agreement Concerning Water Rights (“Settlement Agreement”) among the Town of Breckenridge, the Colorado Springs Utilities (“CSU”), the Colorado River Water Conservation District (“Colorado River District”), Summit County, the Grand Valley Water Users Association, Orchard Mesa Irrigation District and Ute Water Conservancy District. The Settlement Agreement requires approval from each entity’s governing body and that process is underway.

The elements of this agreement include support and approval of CSU’s effort to enlarge Montgomery Reservoir by 8100-acre feet. This is an existing reservoir in Park County that would be filled by diversions from CSU’s existing facilities in the Upper Bluer River (see the attached map of CSU’s Blue River Collection System). As these diversions would occur at high flows in the spring run off season, this would not adversely impact the Town’s water rights or diversions.

In return for this support and a Summit County 1041 permit for this project, CSU would pay 50% of the cost of building the Lower Blue Reservoir that would be owned by the Town and Summit County. The reservoir would be 600-acre feet and the Town and the County would each own 300 acre feet. Most of the details of this element of the Settlement Agreement are set forth in a separate agreement entitled the Lower Blue Reservoir Operating Agreement (“Operating Agreement”), which is attached to the Settlement Agreement.

The Settlement Agreement also contains the terms under which CSU will not oppose the west slope acquisition of the Shoshone power plant water right. This was the principal reason why the Colorado River District and Grand Valley entities were parties to this transaction.

1 RESOLUTION NO. \_\_\_\_

2  
3 Series 2024  
4

5 **A RESOLUTION APPROVING A SETTLEMENT AGREEMENT MADE AMONG THE**  
6 **CITY OF COLORADO SPRINGS ACTING THROUGH ITS UTILITIES ENTERPRISE (“CSU”),**  
7 **THE COLORADO RIVER WATER CONSERVATION DISTRICT, THE COUNTY OF SUMMIT,**  
8 **THE TOWN OF BRECKENRIDGE, THE GRAND VALLEY WATER USERS ASSOCIATION,**  
9 **THE ORCHARD MESA IRRIGATION DISTRICT, AND THE UTE WATER CONSERVANCY**  
10 **DISTRICT, ACTING BY AND THROUGH THE UTE WATER ACTIVITY ENTERPRISE.**

11 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
12 BRECKENRIDGE, COLORADO:

13 **Section 1.** That the Town Council hereby approves a Settlement Agreement, a copy  
14 of which is attached hereto as **Exhibit A**, between among the City of Colorado Springs Acting  
15 Through Its Utilities Enterprise (“CSU”), the Colorado River Water Conservation District, the  
16 County of Summit, the Town of Breckenridge, the Grand Valley Water Users Association, the  
17 Orchard Mesa Irrigation District, and the Ute Water Conservancy District, acting by and through  
18 the Ute Water Activity Enterprise (hereinafter referred to as the “Parties”).

19 **Section 2.** All resolutions, or parts thereof, inconsistent herewith are hereby repealed  
20 to the extent only of such inconsistency. This repealer shall not be construed to revive any such  
21 resolution, or part thereof, heretofore repealed.

22 **Section 3.** The Town Attorney is authorized to make minor modifications necessary  
23 to satisfy the intent of the Parties.

24  
25 **Section 4.** This resolution is effective upon adoption.  
26

27 RESOLUTION APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_, 2024.  
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TOWN OF BRECKENRIDGE

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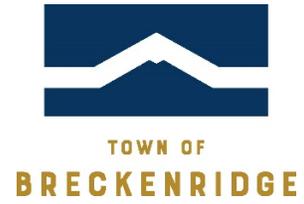
By: \_\_\_\_\_  
Kelly Owens, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney            Date



# Memo

To: Breckenridge Town Council Members  
From: Mark Truckey, Director of Community Development  
Date: January 3, 2024  
Subject: Planning Commission Decisions of the January 2, 2024 Meeting

---

***DECISIONS FROM THE PLANNING COMMISSION MEETING, January 2, 2024:***

**CLASS A APPLICATIONS:** None.

**CLASS B APPLICATIONS:** None.

**CLASS C APPLICATIONS:** None.

**TOWN PROJECT HEARINGS:** None.

**OTHER:** None.

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:33 pm by Chair Leas.

### ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Susan Propper
Ethan Guerra	Steve Gerard	Elaine Gort	

### APPROVAL OF MINUTES

With no changes, the December 5, 2023 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the January 2, 2024 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

### WORK SESSIONS:

#### 1. Window Signage (CC)

Mr. Cross presented an overview of current regulations on window signage and examples of window signage located in Town. The following specific questions were asked of the Commission:

1. Does the Commission support Code amendments that would allow whole window coverings in certain instances (e.g. non-primary facades and to conceal back of house operations)?
2. Are there other comments or suggestions that the Commission has?

#### *Commissioner Questions / Comments:*

Mr. Leas: The Town regulates building colors routinely; can we regulate sign colors? The most objectionable part of this window covering is the many colors. (Mr. Cross: No, we can only look at material, size, location, lighting, etc. Ms. Crump: It's a Supreme Court ruling on sign regulation regarding content-neutral regulations. It's not about trademarks. We can't consider the content of the sign.)

Ms. Gort: Has staff considered requiring only mountain scenes for the rear window coverings? (Mr. Cross: Currently, pictorial imagery is considered copy in the Code, we could not decline an application based on pictorial content. There are examples of whole window coverings installation where the Town has looked the other way because the installation did not have any message copy. Staff has a recommendation to not include "pictorial" and "graphic" in the sign code definition to allow for these larger non-lettered coverings.)

Mr. Guerra: Based on the current code, the window coverings at Patagonia would not be allowed? (Mr. Cross: Correct.)

Ms. Propper: If we remove pictorial and graphic terms from the sign code then those would not be considered signs. (Mr. Cross: Yes, staff supports being able to screen back-of-house operations from pedestrians. Mr. Kulick: This example building location on the Riverwalk was likely intended to have double store-frontages on both sides but over time as tenants have changed the rear has become more like a back-of-house function.)

Mr. Gerard: I gather, Patagonia did not apply for a permit for these rear window signs? (Mr. Cross: No, we are coming to a recommendation about how to approach that violation based on this discussion.)

Ms. Gort: Can you speak to what Staff believes is appropriate? (Mr. Cross: Staff would prefer non-message pictorial images if they were needed on the rear to screen back-of-house storage or operations.)

- Mr. Leas: What distinction is being made between the Patagonia window coverings and the Breck Sports example? (Mr. Cross: It is how it is used. One location is for screening, the other does not provide screening from back-of-house and is just a graphic window covering.)
- Mr. Truckey: We want to make a distinction between signage on front of house versus back of house. In the Historic District, there is specific language in the historic guidelines to preserve the character of the pedestrian way and allowing visitors to see in storefronts on Main Street.
- Mr. Leas: Will that not be the same issue on the alleyway if the Riverwalk becomes more pedestrian friendly?
- Mr. Truckey: I agree, that would be the goal to achieve in the future. However, that is not the reality of how the retail spaces on the Riverwalk are being used. They're being used for storage and other back-of-house operations, as it's not realistic for the retailers to maintain to customer entrances.
- Mr. Kulick: Over the past 30 years there have been attempts to increase pedestrian interest along the Riverwalk, but businesses have made a decision not to activate that entrance as a storefront.
- Mr. Frechter: Would they be allowed to go back 2 ft and have the same signage just not affixed to the window and have a display in front? (Staff: Yes, that is currently allowed.)
- Mr. Leas: All these businesses may have their own opinion on what is appropriate for the window but that doesn't mean the code has to adhere to the business decisions or accommodate them if it is different than the Town's desire.
- Mr. Truckey: Ideally, we would have storefronts on the Riverwalk but that is not the reality now. Is there a solution now for a code change that would allow businesses to screen these areas? We currently don't have the staffing or time to enforce these issues.
- Mr. Leas: That doesn't mean we shouldn't have a regulation even if it can't be enforced. We could point to that and enforce it in the future. We can choose not to enforce it but we shouldn't change regulations to accommodate what the business owners want.
- Ms. Propper: If the stores are not using the rear entrance for patrons, it doesn't seem to me that requiring the use of the area as a display area would be that useful. Patrons would still have to go to the front of the store to enter and see the product. Deleting the words "pictorial" and "graphic" do not address the problem. If we only want these coverings in the rear, we could add a new sub-section that allows only pictorial or graphic coverings in the rear as a separate provision. "If it is in the back and solely pictorial, with no wording or messaging copy, that would not be subject to the limitations of size for window signage." An extension of 9-15-5 as a new paragraph. That would be in the affirmative and allow retailers to know what they can do. Otherwise, the example Breck Sports sign would be allowed in the front windows too. (Mr. Kulick: It might make sense to have that provision in the development code to make clear it is development and not signage.)
- Mr. Frechter: What if a business has back-of-house operations in the front? (Mr. Cross: An example is Lululemon.)
- Ms. Propper: We could work on wording to only allow for screening of storage uses. How is symbolic defined in the code? This matters as it relates back to "pictorial" or "graphic." (Mr. Cross: Staff would use the general definition of symbolic as it is not defined in the code.)
- Mr. Guerra: Can these businesses frost their windows?
- Mr. Giller: That would be preferable, frosted windows. (Mr. Cross: Yes, that is allowed.)
- Mr. Guerra: There is no building code conflict with frosted windows.
- Ms. Gort: I would prefer to see mountain scenes than frosted windows.
- Mr. Kulick: Frosted glass does not provide the same solar protection benefits so may not be the preferred option for some locations.

- Mr. Guerra: They could also put up shades for screening.
- Mr. Frechter: They could also by-pass this by just having a curtain with the logo 1” off of the glass. (Mr. Cross: That would be allowed and is not considered a sign.)
- Mr. Guerra: I think that is outside the discussion. The way I see it, these window sign examples are excessive and we should not allow them. We have good reason to not like them and we should not allow them as the current codes states.
- Mr. Giller: Windows are an important part of the design guidelines and architectural design and we spend a lot of time working on getting the architectural features correct. These are easy cheap graphics and we are losing the window architectural character and gaining billboards. If we allow these we must require these to be affixed to the inside of the window like the Mountain Vibe example and not the outside like Patagonia.
- Mr. Gerard: Talking about the pictorial versus graphic images, those in my mind would be murals, which are not allowed in the historic district.
- Mr. Kulick: If you have a mural on the inside, we cannot regulate that content. (Mr. Cross: We don’t review signage on the interior unless it is affixed to the glass.)
- Mr. Frechter: Window wraps don’t count toward sign allowance, correct? (Mr. Cross: Correct.)
- Mr. Kulick: We could regulate the solid to void ratio per the handbook for window frontages. It would become a solid facade.
- Ms. Gort: What about the doors? It is strange that you can’t see in or out the rear. (Mr. Kulick: That is the purpose, to make the area closed off and secured from pedestrians. In some cases, the design standards conflict with activating the Riverwalk. The rear of buildings are to be utilitarian in nature according to the handbook but through precedent we have allowed buildings that appear to be more of a storefront on this river alley.)
- Ms. Propper: The UPS example, if they remove the wording and just had the photos would that be allowed under Staff’s proposal? (Mr. Kulick: That would actually fall under symbolic instead of having a generic scene. This example is branded and symbolic and would still be considered a sign. If it is just pictorial it isn’t attached to any commercial use.) I see the point, I don’t think it obviates what I was suggesting about the separate paragraph for these only be allowed in the rear. (Mr. Cross: In this location staff would recommend window wrap signage that doesn’t obscure the entire window from view.)
- Mr. Guerra: The code we have in place is adequate. If they are trying to obscure operations in back-of-house and hide operations, there are code compliant ways to do that. We should enforce the code we have.
- Ms. Propper: I agree with that and also my suggestion to not delete “graphic or pictorial” from the code. And add a paragraph regarding storage or areas to be non-customer facing allowed at the rear of buildings that can be solely pictorial or graphic with no wording.
- Mr. Giller: Graphics across a row of windows is detrimental to the Town’s character and architecture. If the purpose is just screening, we should just encourage frosting the interior without graphics and no “billboard style” windows.
- Mr. Gerard: We are better off doing nothing at this time. We have to consider murals in this discussion and whether the coverings are art or not.
- Ms. Gort: I think we should look into this more. I am not in favor of the exterior murals.
- Mr. Frechter: I think we have a sufficient code right now. I came up with a work-around in a few minutes; I don’t see a need to change what we have right now. If we want to change the code in the future to make the Riverwalk more enticing to pedestrians, we could revisit that. Pedestrian areas are different than areas like Airport Road, there may be different sign requirements for areas depending on who is viewing the signs, signage for cars can be different than for pedestrians.
- Mr. Leas: Mr. Giller said it eloquently, we need to let windows be windows. We should not have signs filling the window space. Window space is part of the architecture and character of the Town and we need to respect that.

**OTHER MATTERS:**

1. Town Council Summary

**ADJOURNMENT:**

The meeting was adjourned at 7:03 pm.

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Mark Leas, Chair



**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL**

**Scheduled Meetings**

**Shading indicates Council required attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

**January 2024**

<b>Tuesday, Jan. 9th, 2024</b>	<b>Council Chambers</b>	<b>First Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>
Jan. 22nd - 26th, 2024	Tiger Dredge Parking Lot	ISSC - Sculpting Week	All Day
<b>Tuesday, Jan 23rd, 2024</b>	<b>Council Chambers</b>	<b>Second Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>
Jan. 27th - 31st, 2024	Tiger Dredge Parking Lot	ISSC - Viewing Week	All Day

**February 2024**

<b>Tuesday, Feb. 13th, 2024</b>	<b>Council Chambers</b>	<b>First Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>
<b>Tuesday, Feb. 27th, 2024</b>	<b>Council Chambers</b>	<b>Second Meeting of the Month</b>	<b>3:00 pm / 7:00 pm</b>

**Other Meetings**

January 9th, 2024	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 10:30am
January 10th, 2024	Breckenridge Heritage Alliance	Noon
January 11th, 2024	Upper Blue Sanitation District	5:30pm
January 16th, 2024	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
January 19th, 2024	Breck Create	3:30pm
January 22nd, 2024	Social Equity Advisory Commission Open Space & Trails Meeting	7:30am 5:30pm
January 23rd, 2024	Board of County Commissioners Meeting	9:00am / 1:30pm
January 25th, 2024	Summit Stage Transit Board Meeting Breckenridge Tourism Office Board Meeting NWCCOG Board Meeting RW&B Board Meeting	8:15am 8:30am 10:00am 3:00pm
February 6th, 2024	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
February 7th, 2024	Breckenridge Events Committee Childcare Advisory Committee	9:00am 3:00pm
February 8th, 2024	I-70 Coalition Upper Blue Sanitation District	1:00pm 5:30pm
February 13th, 2024	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 10:30am



## Scheduled Meetings

**Shading indicates Council required attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

February 14th, 2024	Breckenridge Heritage Alliance	Noon
February 16th, 2024	Breck Create	3:30pm
February 19th, 2024	Social Equity Advisory Commission	7:30am
	Summit Combined Housing Authority	9:00am
February 20th, 2024	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
February 22nd, 2024	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	RW&B Board Meeting	3:00pm
February 26th, 2024	Open Space & Trails Meeting	5:30pm
February 27th, 2024	Board of County Commissioners Meeting	9:00am / 1:30pm
March 5th, 2024	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
March 6th, 2024	Police Advisory Committee	7:30am
	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	10:00am
March 21st, 2024	QQ - Quality and Quantity - Water District	10:00am
June 13th, 2024	QQ - Quality and Quantity - Water District	10:00am
TBD	Tourism Overlay District Advisory Committee Meeting	10:30am
	Transit Advisory Council Meeting	8:00am
	Water Task Force Meeting	9:30am
	Summit Combined Housing Authority	9:00am