

**TOWN OF BRECKENRIDGE  
TOWN COUNCIL**

**Tuesday, July 8, 2025**

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

Mayor Owens called the meeting of July 8, 2025, to order at 7:00pm. The following members answered roll call: Steve Gerard, Marika Page, Carol Saade, Jay Beckerman, Dick Carleton, Todd Rankin and Mayor Kelly Owens.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES – JUNE 24, 2025**

There were no changes or corrections to the meeting minutes of June 24, 2025. Mayor Owens declared they would stand approved as presented.

**III) APPROVAL OF AGENDA**

Town Manager Shannon Haynes stated there were no changes to the agenda.

**IV) COMMUNICATIONS TO COUNCIL**

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

Mayor Owens opened Public Comment.

Angela Boeke, a Breckenridge Resident, spoke in concern of the noxious weed program. Boeke submitted a video as part of her public comment to the Town Council. She described how the video depicts herbicide being applied in an indiscriminate and unsafe manner. She further described the harmful impacts the herbicide had on her neighbor's yard and their pets. Boeke listed alternative noxious weed treatment methods, and requested the Town abandon a one-size-fits- all approach in their noxious weed program. She encouraged Town Council to be better prepared for next year.

Town Manager Shannon Haynes noted Angela Boeke's video was shared with Town Council and the Town Clerk, and it has been included as part of the public record. She further stated the town is investigating alternatives to address noxious weeds for next year.

Terese Broderick, a Breckenridge Resident, spoke against the impacts of the dark sky town code. Broderick stated she supports the intent of the dark sky but is concerned about the code enforcement. She described the alterations made to her home's outdoor lighting to comply with Town code resulted in unsafe walkway conditions around her home. Broderick stated there has been a lack of sufficient communication, outreach, and partnership with homeowners. Broderick is concerned about the cost to become dark sky compliant. Broderick requested the code be changed to include safety and financial hardship exceptions, a grandfather clause for older homes and fixtures, and exemptions for under-roof lighting with minimal impact.

Carol Rockne, a Breckenridge Resident, spoke in concern of the International Dark Sky Association. She believed this added another level of unnecessary bureaucracy. Rockne further stated she would like to see the Town of Breckenridge create its own dark sky regulations and not rely on the International Dark Sky Association. She recommended potentially putting the dark sky regulations to a town vote.

Mayor Owens thanked the public for their comments and engagement and encouraged commenters to continue to reach out to staff.

With no additional public comments, Mayor Owens closed public comment.

**B) BRECKENRIDGE TOURISM OFFICE UPDATE**

Lucy Kay, President and CEO of the Breckenridge Tourism Office (BTO), stated lodging and Colorado-based revenue is down for the summer. She further stated BTO has intensified PR efforts on the front-range to increase Colorado based revenue. Kay explained BTO is hosting meetings with lodging, restaurant, and retail representatives to brainstorm ideas to increase tourism and revenue. Kay described the different marketing methods BTO is utilizing to increase tourism, such as the Wildflower Watch. Kay stated BTO's 2026 priorities are PR, service, and creating a welcoming environment.

Mayor Owens thanked Lucy Kay for being a partner.

V) CONTINUED BUSINESS

- A) SECOND READING OF COUNCIL BILLS, SERIES 2025 - PUBLIC HEARINGS  
1) COUNCIL BILL NO. 10, SERIES 2025 – AN ORDINANCE APPROVING AN AMENDED AND RESTATED FIBER LEASE AND NETWORK OPERATIONS AGREEMENT

Mayor Owens read the title into the minutes.

Chris Luberto, Director of the IT Department, stated the amendments in the agreement increase revenue for infrastructure investment and ensure community access to the fiber network. Luberto noted there have been no changes since first reading and staff recommend Town Council passes on second reading.

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

Council Member Rankin moved to approve COUNCIL BILL NO. 10, SERIES 2025 – AN ORDINANCE APPROVING AN AMENDED AND RESTATED FIBER LEASE AND NETWORK OPERATIONS AGREEMENT. Council Member Gerard seconded the motion.

The motion passed 7-0

- 2) COUNCIL BILL NO. 11, SERIES 2025 – AN ORDINANCE APPROVING THE GRANT OF A CABLE FRANCHISE TO COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC., AND APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC. AND THE TOWN OF BRECKENRIDGE, COLORADO

Mayor Owens read the title into the minutes.

Chris Luberto, Director of the IT Department, stated the renewal agreement maintains the towns oversight authority, preserves franchise fee revenue, and ensures continued support for public programming. He stated there have been no changes since first reading and staff recommend Town Council passes on second reading.

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

Council Member Rankin moved to approve COUNCIL BILL NO. 11, SERIES 2025 – AN ORDINANCE APPROVING THE GRANT OF A CABLE FRANCHISE TO COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC., AND APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC. AND THE TOWN OF BRECKENRIDGE, COLORADO. Council Member Saade seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

There was no new business.

VII) PLANNING MATTERS

- A) PLANNING COMMISSION DECISIONS

No Planning Commission Decisions.

- B) DE NOVO HEARING BGV PARCEL 3 SITE PLAN MODIFICATION

Mayor Owens introduced the DEVO HEARING BGV PARCEL 3 SITE PLAN MODIFICATION. Sarah Crump, Senior Planner, and Mark Truckey, Director of Community Development, reviewed the original conceptual site plan. Crump stated the Colorado Passenger Tramway Safety Board requested BGV to revise the site plan, including removing several buildings from underneath the gondola's line of travel. Crump stated the applicant is requesting a site plan modification to comply with

Tramway Board revision requests. Crump noted there are four buildings already entitled and are not part of the modification request.

Crump reviewed the requested changes, which included modifications in building locations, road access, and an increase in the amount of hardscape. She further described aspects of the site plan that were to remain the same. Crump reviewed policy requirements for structure location, snow & storage, recycling & refuse, internal & external circulation, and open space. She discussed how the requested site plan modifications impact the policies. Crump stated staff finds the requested site plan modifications are compliant with policy.

Crump described various waivers to the development and engineering code policies included in the Developer Agreement. Crump stated these waivers were for site & environmental design, landscaping, and wetlands. Crump compared tree locations in the requested site plan modification to the November 2023 conceptual plan. Crump explained tree locations were changed to accommodate new structure locations and a second retention pond. Crump further stated staff finds the proposal for replanting has improved since the approved conceptual plan. Crump noted the applicant agreed to provide wetland disturbance mitigation. Crump stated the Town Engineer has reviewed the updated wetland mitigation report and concurs the applicant's mitigation efforts comply with requirements in the Developer Agreement.

Crump stated staff are not recommending any changes to points with the site plan modification request. She further stated the site plan modifications have a total passing score of 0. Crump stated staff believes the requested site plan modification meets the concept plan from 2023 and staff recommends Town Council approves the site plan modification request.

Council Member Carleton inquired about the height of the retaining walls and size of the units. Crump stated the retaining walls are 2-3 feet and the units are about 6,000 square feet each.

Council Member Gerard stated he reviewed the written submissions from the public and asked Crump several questions about matters raised in the comments. Council Member Gerard asked Crump to explain the difference between a concept plan and a development application. Crump explained concept plans are meant to be representative and can change. She further stated the concept plan is less concrete than the development permit which is less concrete than the building permit.

Council Member Gerard asked if there were sidewalks in the site plan the Planning Commission approved? Crump stated there were no sidewalks that extended up Woods Drive to connect the three units. She stated the Town Engineer and engineering code did not require the applicant to construct sidewalks further up Woods Drive.

Council Member Gerard asked Crump to address the public complaint that the site plans parking spaces are not compliant. Crump explained code requires 23 feet from the garage to the right-of-way. She further noted a variance was granted in the Developer Agreement to allow a shorter distance from the garage to the right of way because a snow storage easement provided for more space. She stated functionally there is about 30 feet from the garage to the right-of-way.

Council Member Gerard asked if two detention ponds are different functionally than one detention pond. Crump deferred to the applicant engineer to answer the question. Council Member Gerard further asked Crump what the difference between a vegetated detention pond and an unvegetated detention pond is. Crump explained an unvegetated detention pond is cheaper and functionally the same as a vegetated one. She further explained how a vegetative detention pond is more expensive but more desirable.

Council Member Beckerman asked if the proposed landscape plan is substantially similar to the previously approved plan. Crump believes the proposed landscape plan goes above and beyond what was previously approved. Council Member Beckerman asked if the town would have enforcement mechanisms in the modified site plan to ensure compliance. Crump explained the applicant will need to have the number of trees listed in the modified site plan to receive a building permit set.

Council Member Gerard asked if it is common to lose planned trees during the construction process. Crump affirmed it is common. She further explained any tree meant to be preserved that is lost would require replacement at a 2:1 or 3:1 ratio.

Mayor Owens asked if it is typical for wetland impacts to go beyond what was approved during site development. Town Attorney Keely Ambrose explained the applicant would not normally be allowed to impact more wetlands than what was approved in the development permit.

Council Member Carleton asked how far the town is with the development of the roundabout. Shannon Smith, Town Engineer, explained the roundabout will be permitted through CDOT and town staff has seen 30% plans. Council Member Carleton asked if we knew definitively where the line of disturbance for the roundabout would be in relation to the property. Smith stated the town will not know the line of disturbance until they receive a permit from CDOT.

Mayor Owens asked what is standard process for the Town to approve a project if the applicant is waiting for a variance approval from the Tramway Board. Crump explained the Tramway Board requires approved plans prior to submitting with them and the applicant followed the appropriate process.

Council Member Beckerman asked if the structures changed size from the initial proposed plan. Crump stated the structures did not change size. Council Member Carleton recalls the buildings being significantly smaller in terms of square footage in the conceptual plan. Crump and Truckey both stated the current size corresponds to what the Development Agreement and conceptual site plan anticipated.

With no further questions for Staff, Mayor Owens stated Town Council will now hear the applicant's presentation.

The applicant Graham Frank, BGV Chief Development Officer, and Bill Campie, Principal of DTJ Design, gave the applicant presentation to Town Council. Frank provided additional clarification of the questions posed to staff. He provided additional details about square footage, roundabout development, the detention ponds, enforcement mechanisms, tree count, and the Tramway Board approval process.

Frank described the cornerstones of project approval, which include maximizing wetlands, preserving open space, and maintaining landscape and screening. He described how the current site plan was a result of Tramway Board revision requests whilst still meeting the three cornerstones of approval from Town Council. He further stated the result was a more compact site plan that is code compliant.

Frank described recent tree loss on the site and stated the new site plan makes the best effort to preserve the remaining trees. He further described the plan to replace existing willows along Park Avenue with larger, evergreen trees to provide better screening overall.

Council Member Beckerman asked if the site plan had a two for one wetland credit purchase. Frank stated they went above the two for one credit purchase.

Council Member Page asked if the willows along Park Avenue are part of the wetland. Campie clarified the willows are not a part of a classified wetland. He further explained the willows were a result of a man-made ditch that came through the property. Town Manager Shannon Haynes stated it is important to clarify if cutting off the ditch resulted in the decline of the willows. Frank explained the ditch was artificially created and removed for site development. Frank further explained the ditch water was redirected to flow into the classified wetlands. He noted this resulted in the decline of the non-wetland willows along Park Avenue.

With no additional questions for the applicants, Mayor Owens opened Public Comment for the BGV Parcel 3 Site Plan Modification De Novo Hearing.

Richard Himmelstein, a Breckenridge Resident, is concerned about the roundabout. He stated the roundabout will experience increased traffic and the lack of sidewalks to Woods Drive is a safety concern. He urged Town Council to put in a sidewalk. Himmelstein stated he sent an email to Town Council with that outlines his concerns. The

email has been included as part of the public record. Himmelstein described how he is concerned about the gondola variance and long-term safety protocols. Himmelstein believes the removal of half a townhouse can resolve any potential issues. Himmelstein also stated waivers were granted based on the conceptual plan and the applicant therefore needs to abide by the conceptual plan. Himmelstein stated he is confused about inconsistencies granted for parking waivers.

With no additional public comment, Mayor Owens closed public comment.

Town Attorney Keely Ambrose stated Town Council has 30 days to issue their final decision in writing.

Council Member Carleton stated he does not believe there has been an effort to preserve trees as required. Council Member Carleton believes the proposed buffer is significantly different from the original willow and lodgepole buffer. Council Member Carleton recommends making the site plan smaller to better fit the available space. He further highlighted that the vegetative buffer screen is important to maintaining the Town's character. Council Member Carleton is concerned the buffer screening is located on a narrow piece of land that allows for no margin of error. Council Member Carleton plans to vote against the project in the hopes the applicant will work with the town to decrease the size of units.

Mayor Owens asked if the buffer trees are closer to Park Avenue than the willows were. Crump stated the proposed trees are further away from Park Avenue.

Council Member Saade asked if the roundabout takes some land, what would be the Towns' opportunity to preserve the buffer. Crump stated a findings and conditions document can include a contingency if the right of way is taken from the property boundary.

Council Member Beckerman believes there has been an impactful change to the entrance of town. He stated he would be supportive of the project if a multi-year bond is instituted to preserve the buffer vegetation.

Council Member Rankin is supportive of requiring an additional landscaping assessment if the roundabout encroaches into the buffer. He is in favor of proceeding with the new site plan with some stipulations on landscaping.

Council Member Gerard stated the project meets the code requirements. He explained the land has a right to be developed and received a passing development code score. Council Member Gerard stated he plans to make a motion to pass the modified site plan and approve the project. Council Member Gerard read his intended motion with findings and conditions into the record.

Council Member Page inquired about the timeline for the project. Crump explained the roundabout and certificate of occupancy for employee housing on Parcel 2 must be completed before the applicant can receive certificates of occupancy for Parcel 3.

Council Member Page agrees with Council Member Carleton's comments and plans to vote against the project.

Council Member Saade concurs with Council Member Gerard. Council Member Saade is supportive of the project with findings and conditions either as outlined by Council Member Gerard or those recommended by staff.

Mayor Owens concurs with Council Member Gerard and Council Member Saade. She highlighted she feels more confident in the project knowing the applicant followed the correct process with the Tramway Board. She is supportive of a bond and suggests it includes language requiring the buffer vegetation to look like what was presented in the simulation.

Council Member Carleton suggests the town establish covenant against disturbing the buffers by homeowners once the site is built.

Crump reviewed Town Councils requested findings and conditions.

With no additional comments, Mayor Owens closed the hearing.

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

Town Manager Haynes asked Town Council to sign up for the Town of Breckenridge table at the Mountain Dreamers Fundraiser. Town Manager Haynes provided an update on the public lands letter. Haynes stated a public lands letter was not drafted because the provision was removed from the Big Beautiful Bill. Thank you letters have been drafted to send to Colorado Representatives who voted against the provision. Town Manager Haynes reminded Town Council the July 22<sup>nd</sup> Incident Command Emergency Management training is postponed and will be rescheduled. Town Manager Haynes noted the town plans to post the Police Chiefs position next week.

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

**A) CAST/MMC**

Town Manager Haynes stated there is an MMC meeting on Thursday and there is a CAST meeting in Estes Park in August.

**B) BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE**  
Council Member Beckerman stated there is a meeting on July 21<sup>st</sup>.

**C) BRECKENRIDGE TOURISM OFFICE**

Council Member Carleton stated there is a meeting on July 24<sup>th</sup>. Council Member Carleton also noted BTO hosted a brainstorming session last Thursday with the lodging community to generate ideas to address the shortfall in lodging reservations. BTO will host another brainstorming meeting this Thursday and invitations have been expanded to include restaurant and retail establishments, in addition to lodging.

**D) BRECKENRIDGE HISTORY**

Council Member Rankin stated there is a meeting tomorrow.

**E) BRECKENRIDGE CREATIVE ARTS**

Council Member Gerard stated there is a meeting later this month and there is a fundraiser Thursday night.

**F) CML ADVISORY BOARD UPDATE**

Council Member Saade was elected Secretary of the CML Advisory Board. Council Member Saade noted there will be no more updates until January.

**G) SOCIAL EQUITY ADVISORY COMMISSION**

Council Member Saade stated the commission discussed hosting a government 101 training. Council Member Saade noted Mae Watson, Town Clerk and the Municipal Services team is in the process of developing a training. Council Member Saade note the next meeting is next Wednesday and the commission will be discussing housing and elements of the Runway Project.

**H) ARTS & CULTURE MASTER PLAN STEERING COMMITTEE**

Council Member Beckerman stated the steering committee and Corona Insights had a meeting today that presented initial survey feedback and results. Council Member Beckerman reviewed some of the initial draft results of the survey.

Council Member Beckerman noted the Steering Committee will start focus groups in early August. He asked Council if they had any additional focus groups they would recommend. Council Member Carleton recommended a workforce focus group. Council Member Gerard recommended a second homeowner focus group. Mayor Owens recommended speaking to different Colorado Mountain College Classes to engage a younger demographic.

Mayor Kelly Owens asked when Town Council will be able to see the final survey results. Council member Beckerman stated they hope to include the certified results in an upcoming agenda packet; however, there are plans to give a formal presentation to Town Council after the focus groups are completed.

**I) EVENTS**

Council Member Page stated the Events Committee is meeting tomorrow. She highlighted there was a great turnout at the Cirque Mechanic Performance and there have been many positive comments about the Farmers Market.

**X) OTHER MATTERS**

Council Member Beckerman described the application process to the planning commission. He noted applications often change between planning and building permitting. Council Member Beckerman requested Community Development examine options where engineering comes before or concurrently to the planning process, and the planning commission can see the final product before it is approved.

Gerard encouraged everyone to look at video submitted by Angela Boeke and to continue to work to improve the noxious weed program.

Mayor Owens thanked public works and everyone who helped with the 4<sup>th</sup> of July and all the town events.

**XI) SCHEDULED MEETINGS**

SCHEDULED MEETINGS FOR JULY, AUGUST, AND SEPTEMBER

**XII) ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:56 pm. Submitted by Mae Watson, Town Clerk.

ATTEST:

  
Mae Watson, Town Clerk

  
Kelly Owens, Mayor