

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
Tuesday, May 22, 2012
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CALL TO ORDER/ROLL CALL

Mayor Warner called the May 22, 2012 Town Council Meeting to order at 7:30 p.m.

The following members answered roll call: Mr. Brewer, Mr. Burke, Mr. Dudick, Mr. Gallagher, Ms. McAtamney, Ms. Wolfe, and Mayor Warner.

APPROVAL OF MINUTES - MAY 8, 2012

Mr. Brewer made a correction to a minor typo \$15,000 grant not grand. Mr. Dudick changed renovations to revenue in the BRC report, and changed Aspen to Avon in the Snow Bowl discussion, and added that Kim Dykstra-DiLallo would talk to people about the Snowball. Mayor Warner ordered the minutes approved as corrected.

APPROVAL OF AGENDA

Mr. Gagen reported there were no changes to the agenda.

COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)

Chuck Daley, a realtor in Breckenridge for 12 years, reported he came to a dead end in a real estate transaction because of the Town of Breckenridge. He disagreed with the Town collecting Real Estate Transfer Tax (RETT) on a public trust deed, in which the property was foreclosed on by Bank of America, which in turn gave the property over to Fanny Mae. He remarked that the Town should not be allowed to collect the 1% transfer tax since not a penny changed hands. He questioned the legality of the tax, and indicated a document that the Sales Tax auditor read from governing.com. Mr. Gagen, Town Manager stated he reviewed the Town Code with Tim Berry, Town attorney, and that the tax is owed. Mr. Berry stated they would look at it again. The Council discussed RETT; instances where the sale is taxable; the ordinance; and, administrative regulations.

Mayor Warner seeing no other public comments closed Communications to Council.

B. SKI AREA UPDATE

Pat Campbell, Breckenridge Ski resort reported the 3rd quarter earnings will be released on June 6; the 6 Vail Resorts had a 12.6% decline in skier visits; Colorado was down 6%; Tahoe was down 24%; the industry was down 10 million skier visits; revenue did not follow in the same percentages due to season pass sales, ski school sales and investments in snow making; Season Pass sales for next season are looking good; the 50th Anniversary highlights included the Dew Tour, and the 50 wishes campaign; this is the second year of Spring Fever, which had a new format including well-attended concerts; Dew Tour made a big announcement for next year; they are way ahead for Summer programs; are ahead on projects, including the replacement of every chair on the Colorado lift; they are continuing to enhance the Fun Park; have added new programming, including an adventure day camp for kids, and a mountain bike guide program. She mentioned the Fun Park opens June 15 in conjunction with Kingdom Days; the mountain clean up day is June 14, which includes a local's appreciation opening of the Fun Park for two hours; and, they are anxious about the next Peak 6 update from the Forest Service, which includes the Fish and Wildlife opinion.

C. PUBLIC WORKS WEEK PROCLAMATION

Mayor Warner read the Proclamation declaring May 20 - 26, 2012 as National Public Works Week in the Town of Breckenridge.

CONTINUED BUSINESS

A. SECOND READING OF COUNCILS BILLS, SERIES 2012 - PUBLIC HEARINGS

1. Council Bill No. 14, Series 2012 - AN ORDINANCE AMENDING SECTION 9-1-21 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING THE "TOWN OF BRECKENRIDGE LANDSCAPING GUIDE (REVISED MAY 2012)" AS A CORRELATIVE DOCUMENT TO THE BRECKENRIDGE DEVELOPMENT CODE

Mayor Warner read the title into the record. Mr. Berry, Town Attorney, stated the Town Code has a section of correlative documents, which does not speak to the version it has adopted, this ordinance adopts the landscaping guide from May 2012. He stated there are no changes from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve Second Reading of Councils Bills, Series 2012 - Public Hearings. Ms. McAtamney seconded the motion. The motion passed 7-0.

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The Mayor and Council thanked Jen Cram for her hard work.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2012

1. Council Bill No. 15, Series 2012- AN ORDINANCE APPROVING A LEASE WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (Part Of Town's Public Works Facility)

Mayor Warner read the title into the record. Mr. Berry stated this ordinance if adopted approves a long term lease between the Town and Board of County Commissioners (BOCC) to lease the Public works facility to the County for their Road and Bridge facility. Tom Daugherty, Director Public Works, has been working on this agreement. Mr. Berry stated the lease needs approval since it is a long term lease, and is longer than one year.

Ms. Wolfe moved to approve Council Bill No. 15, Series 2012- AN ORDINANCE APPROVING A LEASE WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (Part of Town's Public Works Facility). Mr. Burke seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2012

1. A RESOLUTION APPROVING A "COOPERATIVE PURCHASING AGREEMENT" WITH SUMMIT COUNTY GOVERNMENT AND THE RED, WHITE & BLUE FIRE PROTECTION DISTRICT

Mayor Warner read the title into the record. Mr. Berry stated this resolution if adopted approves the Town Manager to sign a cooperative agreement with Red, White and Blue (RWB) and Summit County for cooperative purchase of fuels for government uses. He mentioned the agreement, that has been in place for several years, has been revised, and must have Council approval. He stated this agreement has been reviewed by all parties, and staff requests adoption of the resolution. Chief Miller, Red, White and Blue, stated she is pleased with the agreement which makes clear things that have been vague in the past, and the location is convenient, especially with the lack of available diesel fuel in the county.

Mr. Gallagher moved to approve A RESOLUTION APPROVING A "COOPERATIVE PURCHASING AGREEMENT" WITH SUMMIT COUNTY GOVERNMENT AND THE RED, WHITE & BLUE FIRE PROTECTION DISTRICT. Mr. Burke seconded the motion. The motion passed 7-0.

C. OTHER

1. Burn Permit In The Arts District For Saturday, June 2, 2012

Jennifer Cram, Planner III appeared before the Council to answer any questions. There were none.

Mr. Dudick moved to approve Burn Permit in the Arts District for Saturday, June 2, 2012. Ms. McAtamney seconded the motion. The motion passed 7-0.

PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS - MAY 15, 2012

With no request to call an item off the consent calendar. Mayor Warner declared the Planning Commission Decisions from May 15, 2012 would stand approved as presented.

B. PLANNING COMMISSION REPORT

No report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen mentioned the Pro Forma that was distributed for the Council Retreat on Tuesday, May 29, 2012. He stated this is the same as the information that will be in the agenda packet that will be available online next Thursday.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (MAYOR WARNER)

No report.

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER)

Mr. Brewer report on a site visit to the Wakefield property, where the grant from Climax will be put into place; there is a new trail which may start there with a natural grade around the mountain allowing for great views of the Town; the

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committee discussed new trails in the Moonstone area; there is a trail realignment through the Barney Ford trail; they elected Jeff Cospolich as chair, and Erin McGinnis as vice chair; discussed a BOSAC retreat; and, discussed trail density in the Moonstone area.

C. BRC (MR. BURKE)

Mr. Burke reported there is an issue when the Town Council established BMAC that a BRC board member cannot serve on both. The Council discussed the conflict; that anyone can attend the meetings; the tactics of brand marketing versus discount marketing; lack of communication between the BRC board to BMAC meetings; BRC is not on the board because we hire BRC; the importance of small, medium and large representation; the plan to leave it as it is, and revisit it in 6 months; and, that future interview questions need to address conflicts of interest.

D. MARKETING COMMITTEE (MR. DUDICK)

Mr. Dudick reported he and Kim Dykstra-Dilallo met with Cat Alletto and Byron Swezy from Breck Bike Week to evaluate the budget against other events; John McMahon said Breck Bike Week is similar in costs to Kingdom Days, and keeps with the Breckenridge Brand; and, the BRC has committed \$9,000 to the event. He stated if the Town helps, they are asking for \$23,000. He mentioned the viability issues of the event; the Town would need to make changes to accommodate the event in the future; and, John McMahon said it would take 5 years until the event is established with sponsors and promoters. The Council discussed how many years the event is into the 5 year plan; there needs to be money left for events that have not been thought of yet; the Council does not want to give money and hope they don't ask for it next year; that they like that it is a community event; and, how the Town needs a swift fund to indicate the amount of money available each year. The Council agreed to fund Breck Bike Week this year, and that they need a plan for future years.

E. SUMMIT COMBINED HOUSING AUTHORITY (MS. WOLFE)

No report.

F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER)

Mr. Brewer reported the Alliance presented BOSAC a site plan around the Sawmill project; there are future issues for winter trails use and accessibility since the Town does not currently plow the Rotary Park; Tony Harris completed the stabilization of the Reliance Dredge; and, the Jim Nicholls memorial fund will donate \$2,000 to the Sawmill project through the Heritage Alliance.

G. WATER TASK FORCE (MR. GALLAGHER)

Mr. Gallagher reported Colorado Springs would like to meet with the task force.

H. LANDFILL TASK FORCE (MS. WOLFE)

Ms. Wolfe reported the task force met to debate bigger ways to recycle; they do not have the funds to pay for the project; the current model does not work; the issue of cost-effectiveness of changing from single-stream recycling to further processing in County, where it is \$750,000 just for the equipment; how they need volume to make it work; how it is too soon to take a position; and, with tourists it is easier to have single-stream recycling.

OTHER MATTERS

Mayor Warner suggested the Council members attend the Colorado Municipal League (CML) conference June 19-22, 2012. He stated it is a worthwhile course if you can attend.

SCHEDULED MEETINGS

ADJOURNMENT

With no other business to discuss the meeting adjourned at 8:54 p.m.

Submitted by Cathy Boland, Accounting Coordinator.

ATTEST:

Laura Kennedy, Town Clerk

John Warner, Mayor