

**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of March 8, 2016 to order at 7:35 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Warner.

**APPROVAL OF MINUTES - FEBRUARY 23, 2016**

Ms. Lawrence stated under the BOSAC report that she didn't say she wasn't comfortable with the extended time for the gondola, and she would like that sentence eliminated. Mr. Brewer stated at the end of page 5, he would like to add that everything confirms with our ethics code, and the work that Mr. Montepare has done has benefitted the Town. With no additional changes or corrections to the meeting minutes of February 23, 2015, Mayor Warner declared they would stand approved as amended.

**APPROVAL OF AGENDA**

Mr. Holman stated there was one change to the agenda, and that is under Planning Matters, Council will need to make a motion to schedule a show cause hearing on the horse and carriage Street Use Permit.

**COMMUNICATIONS TO COUNCIL**

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

Mayor Warner opened Citizen's Comment. There were no comments and Citizen's Comment was closed.

B. Breckenridge Tourism Office Update

Ms. Lucy Kay, Director of the BTO, stated February occupancy was down 5% from last year. She further stated that while the ADR was up, they are seeing lower occupancy, and March is looking flat to last year in terms of occupancy. Ms. Kay stated congestion on the highway is looking to be more Colorado residents, and not necessarily the tourists. She also stated the BTO is watching ADRs and the flattening of occupancy numbers. She stated there was a recent co-op marketing program with the Ski Resort targeting Austin and Philadelphia, and coming up will be Camp 9600 and the Film Festival Food and Wine event, along with the Governor's Conference. The BTO is also putting together the candidate forum next week, and last week they delivered a partner presentation with the Summit Foundation. She stated the BTO has made a capital investment for marketing equipment, and in the Welcome Center service scores on Trip Advisor, they are seeing some lower ratings for the bathrooms.

C. Breckenridge Ski Resort Update

Mr. John Buhler, COO of Breckenridge Ski Resort, thanked the Council for the robust discussion in worksession. Mr. Buhler further stated the Annual 5 Peaks Mountaineering Race will be this weekend, and the Breck Ascent Series had 59 participants at the last event. Mr. Buhler also stated the Spring Fever concerts are set, and the capital projects for summer are ready to begin, including a restaurant at top of the Independence Chair, and the Epic Discovery Zip Line, and the Resort is working on interpretive signage. He also stated the season ends April 24.

**CONTINUED BUSINESS**

A. Second Reading of Council Bills, Series 2016 - Public Hearings

1. COUNCIL BILL NO. 5, SERIES 2016 - AN ORDINANCE AMENDING TITLE 3 OF THE BRECKENRIDGE TOWN CODE, EFFECTIVE JULY 1, 2016, BY ADOPTING AN EXCISE LIFT TICKET TAX OF 4.5 % ON THE PRICE PAID FOR SINGLE AND MULTI-DAY SKI LIFT TICKETS PURCHASED FOR USE ONLY AT A LOCAL SKI AREA; PROVIDING THE DETAILS OF THE COLLECTION AND ADMINISTRATION OF SUCH TAX; CREATING A PARKING AND TRANSPORTATION FUND; AND REQUIRING REVENUES COLLECTED FROM THE NEW LIFT TICKET TAX TO BE USED ONLY FOR DESIGNATED PURPOSES  
Mayor Warner read the title into the minutes. Mr. Holman stated this is the second reading of this ordinance, and as staff has been working with Vail Resorts on the agreement, we are asking the Council to make a motion to continue the second reading to the March 22, 2016 meeting.

Mr. Burke stated he would support the continuance of the ordinance, but not again after that.

Mr. Gallagher moved to continue COUNCIL BILL NO. 5, SERIES 2016 - AN ORDINANCE AMENDING TITLE 3 OF THE BRECKENRIDGE TOWN CODE, EFFECTIVE JULY 1, 2016, BY ADOPTING AN EXCISE LIFT TICKET TAX OF 4.5 % ON THE PRICE PAID FOR SINGLE AND MULTI-DAY SKI LIFT TICKETS PURCHASED FOR USE ONLY AT A LOCAL SKI AREA; PROVIDING THE

DETAILS OF THE COLLECTION AND ADMINISTRATION OF SUCH TAX; CREATING A PARKING AND TRANSPORTATION FUND; AND REQUIRING REVENUES COLLECTED FROM THE NEW LIFT TICKET TAX TO BE USED ONLY FOR DESIGNATED PURPOSES. Mr. Burke seconded the motion.

The motion passed 7 - 0.

2. COUNCIL BILL NO. 6, SERIES 2016 - AN ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS TO UNION MILL, INC., A COLORADO CORPORATION

Mayor Warner read the title into the minutes. Mr. Berry stated there were no changes to this ordinance or the easement documents from the first reading. Mayor Warner opened the public hearing. There were no comments and the hearing was closed.

Ms. Lawrence moved to approve COUNCIL BILL NO. 6, SERIES 2016 - AN ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS TO UNION MILL, INC., A COLORADO CORPORATION. Mr. Burke seconded the motion.

The motion passed 7 - 0.

#### **NEW BUSINESS**

- A. First Reading of Council Bills, Series 2016 - Public Hearings

1. COUNCIL BILL NO. 7, SERIES 2016 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE

(Lot 16 Snider Addition)

Mayor Warner read the title into the minutes. Mr. Berry stated when the Council approved the redevelopment of this property in February, it was a condition of the development that it be designated a landmark. He further stated Planning Commission recommends approval of this ordinance.

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

Ms. Gigliello moved to approve COUNCIL BILL NO. 7, SERIES 2016 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Lot 16 Snider Addition). Ms. Wolfe seconded the motion.

The motion passed 7 - 0.

2. COUNCIL BILL NO. 8, SERIES 2016 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE , KNOWN AS THE "TOWN OF BRECKENRIDGE 2013 MARIJUANA LICENSING ORDINANCE," TO ALLOW FOR THE ISSUANCE OF A NEW RETAIL MARIJUANA LICENSE TO THE HOLDER OF A CURRENT MEDICAL MARIJUANA LICENSE

Mayor Warner read the title into the minutes. Chief Haynes stated this ordinance would amend the current marijuana licensing ordinance to allow the Authority to issue a new retail license to a current medical license holder.

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

Mr. Brewer stated he didn't see any problem with this ordinance, but he isn't going to move or second it. He further stated he thinks this is a housekeeping attempt to uphold the original intent of the ordinance, and at the time Council approved the original ordinance, he believes Council didn't understand the complexities of the licensing landscape. Mr. Brewer stated he also believes the original intent of the ordinance was to set it at 5 licensees, but he does see the wisdom of having the next Council decide this issue. Mr. Brewer stated that to take this action now is in some ways premature because it will be heard by the new Council in June or July.

Ms. Wolfe stated at this point she believes the licensing ordinance should all be considered at one time and it would be premature to discuss it now. Ms. Gigliello stated she looks forward to the moratorium discussion in June or July. Ms. Lawrence stated she understands this Council doesn't want to do something for one business, but Council has already taken a large stand on another singular business. She further stated she may have supported this ordinance, but backtracked a little when she found out this change would allow Mr. Franklin to sell the license immediately.

Mayor Warner thanked Mr. Franklin for bringing up this issue.

There was no motion made, and the ordinance did not go to a vote.

3. COUNCIL BILL NO. 9, SERIES 2016 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 36 (ABSOLUTE) CONCERNING TEMPORARY TENTS

Mayor Warner read the title into the minutes. Mr. Holman stated staff is recommending a minor amendment to this ordinance that would increase the size of the tent space allowed.

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

Mr. Burke moved to approve COUNCIL BILL NO. 9, SERIES 2016 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 36 (ABSOLUTE) CONCERNING TEMPORARY TENTS. Mr. Gallagher seconded the motion.  
The motion passed 7 - 0.

B. Resolutions, Series 2016

C. Other

1. Motion to Set Date of or Cancel First Meeting in April

Due to the new UOCAVA voting rules, the results of the election won't be certified until 10 days after the election, which is after the first Council meeting in April. Ms. Lawrence stated she disagreed with the break between meetings. Mr. Burke stated there doesn't seem to be much on the agenda that would be pressing.

Mr. Burke moved to cancel the first Town Council meeting in April. Mr. Brewer seconded the motion. The motion passed 6-1. Ms. Lawrence voted no.

#### **PLANNING MATTERS**

A. Planning Commission Decisions

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

B. Planning Commission Report (Ms. Wolfe)

Ms. Wolfe stated she was not there, and Mayor Warner stated he was there and the minutes reflect what happened at the meeting.

#### **REPORT OF TOWN MANAGER AND STAFF**

Mr. Holman stated Mr. Bays has waived the 20-day notification period for a street use permit show cause hearing, and Council could set the hearing on March 22 if it desires. Mr. Holman further stated the purpose of the hearing is to consider possible violations to the conditions of the permit, and no ex parte communication is allowed as this is a quasi-judicial matter.

Ms. Lawrence moved to set the Street Use Permit Show Cause Hearing date as March 22. Mr. Burke seconded the motion. The motion passed 7-0.

Mr. Holman stated the Town has closed on the COP financing at good rates. He also stated he sent an email to Council about the focus group for Golf with Mr. Erroll Miller, and it went well. Mr. Holman explained that programmatic changes were discussed with this group. Ms. Lawrence stated she didn't know about the focus group in advance, and she would like to know about the group's meetings in the future. Mr. Holman stated there was a possible miscommunication about Council's desires to be involved with this group. Mayor Warner stated he was glad the group met.

#### **REPORT OF MAYOR AND COUNCILMEMBERS**

Mayor Warner stated all reports were reviewed in the afternoon Worksession.

- A. Cast/MMC (Mayor Warner)
- B. Breckenridge Open Space Advisory Committee (Ms. Gigliello)
- C. Breckenridge Tourism Office (Ms. Wolfe)
- D. Breckenridge Heritage Alliance (Ms. Lawrence)
- E. Water Task Force (Mr. Gallagher)
- F. Cultural Arts Advisory Committee (Mr. Burke)

#### **OTHER MATTERS**

Ms. Lawrence asked about deed restricted homes and foreclosures. Mr. Berry stated Council may be amenable to purchase a unit as a backstop if it looks to lose the deed

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, March 08, 2016**  
**PAGE 4**

4 of 4

restriction during foreclosure.

Ms. Gigliello mentioned Recreation Center signage, and how it's not visible from the road. Mr. Burke and Mayor Warner agreed with her observation and staff will look into it.

Mr. Brewer stated he hopes those who remain on Council will carry forward important changes we have put in place, like the State of the Town report, first reading public hearings, finding ways to get to a consensus, and some of the unspoken things Council have developed in the last 8 years. Mayor Warner offered to create a white paper before he leaves, and stated he would like to still be active in the community and he is happy to provide some ideas to the new Council. Mr. Burke stated it's critical who the new Mayor is, how the meetings are run, and his or her ability to bring people together. Ms. Lawrence stated she still enjoys the phrase they used: "Open your kimono". Mr. Gallagher stated his advice would be to not enter into agreements just to agree. Mr. Brewer stated joint meetings should be productive.

Mayor Warner stated David Axelrod spoke to him about his concerns about the Town entering into seasonal housing leases. Mayor Warner further stated staff only found one seasonal lease in all the units the Town has built as affordable housing. Ms. Lawrence stated she also spoke to Mr. Axelrod and he is concerned about sub-leases, and he would like to see more service-commercial and less affordable housing built by the town. Mayor Warner stated he was happy with today's tour of Pinewood 2. Mr. Burke stated you will never get away from people trying to beat the system with sub-leases, and Ms. Wolfe stated there is a need for seasonal workers so there will always be people looking for places to live.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:37 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

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Helen Cospolich, Town Clerk

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John Warner, Mayor