

**TOWN OF BRECKERIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 14, 2009
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CALL TO ORDER and ROLL CALL

Mayor Warner called the April 14, 2009 Town Council Meeting to order at 7:33 p.m. The following members answered roll call: Mr. Joyce, Mr. Millisor, Mr. Bergeron, Mr. Rossi, Mr. Mamula and Mayor Warner. Ms. McAtamney was absent.

APPROVAL OF MINUTES – March 24, 2009 Regular Meeting

There were no changes, and Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Mayor Warner requested that Item No. 3 under “New Business” Council Bill No. 14, Series 2009, the Defensible Space Ordinance, be removed from the agenda. With that change, the agenda was approved.

COMMUNICATIONS TO COUNCIL

A. Citizen’s Comments - (Non-Agenda Items ONLY; 3 minute limit please) – Rick Hague and Linda Kay Peterson of the Breckenridge Heritage Alliance were present. Mr. Hague started by reading a resolution passed at a recent meeting, expressing appreciation for and supporting the efforts of Robin and Patty Theobald for their preservation of the Town’s historic assets. Mr. Hague recommended that the Town, together with assistance from the Breckenridge Heritage Alliance, publicly recognize the Theobalds during the Breck 150 celebration. Ms. Peterson then presented the Council with a beautifully framed map, one of the earliest to depict the Colorado territory and the Town of Breckenridge. The Heritage Alliance recently entertained the editor of American Heritage Magazine and hopes to get some good future coverage of Breckenridge and the Breck 150 celebration.

Breckenridge Nordic Center operator Gene Dayton thanked the Town for the opportunity to run the center for 39 years. Mr. Dayton said the center celebrated its best year ever and as a token of his appreciation he would like to donate logs that he turned for the Engine No. 9 building. He presented the Council with an award recognizing the Shock Hill development, Nordic Center and the Town for an excellent ski trail bridge. He commented that many communities feel development is a detriment to Nordic ski trails, but not so for Breckenridge.

Chris Hart of Great Adventure Sports thanked the Mayor and Council for their help with the Imperial Challenge events, noting that insurance costs went down dramatically. Three hundred participants are expected.

B. Police Department Grant Review – Chief Rick Holman explained the Police Department is eligible for a \$12,000 direct funding grant to be used for a new program that does not to supplant already budgeted funds. In response to increasing complaints of speeding vehicles in different neighborhoods, he is proposing to use the grant funds to purchase two 12-inch solar powered LED devices that give a digital display of vehicle speed. The smaller units are more appropriate for use in residential areas and are easily moved around Town. Also being considered is portable evacuation route signage in case of a critical incident, as well as flashing school zone signage. A requirement of the grant application is that there is an opportunity for public comment. The Council was supportive and felt it was a great project. The Mayor asked if there were any public comments. There were none.

C. Breckenridge Resort Chamber – John McMahan and Carly Grimes were present. Mr. McMahan commemorated Jeffrey Bergeron as a member of BRC, noting that Mr. Bergeron was instrumental in getting him to come to Colorado. Mr. McMahan then reported on highlights including performance using new metrics; some positive results in terms of occupancy versus competitors in December through February; slight drop in March; average daily rates are not as competitive, particularly in December; April occupancy is flat; educating properties on pricing for next year; and an increase in visitors from Latin markets. Mr. McMahan went to the Mountain Travel Symposium and met with other central reservation organizations from around the country. The BRC is taking a number of cost cutting

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measures including reducing staff by 16 percent and salaries by 20 percent, renegotiating contracts with vendors and looking at new revenue streams. Mr. McMahon noted that Vail and Aspen had received additional marketing funds, and that people are trying to get market share. He thanked Council, the Police Chief and Sgt. Staufer for such a quick decision on and implementation of the free parking after 3 p.m. program. The merchants are grateful and appreciative, and the BRC will survey to see if merchants feel it increased their sales. An additional sidewalk sale has been scheduled to take advantage of the last weekend of ski season. BRC staff has been doing some clean-up around Town. During May, the Chamber is planning to bring in some expertise to help retailers through difficult times and is also looking into Breck Bucks. Mr. McMahon closed by informing Council that Breckenridge was recently selected as the best meeting destination outside of Denver. Mr. Rossi asked for Mr. McMahon's thoughts on whether businesses leaving their front doors open in winter was a benefit? Mr. McMahon felt it was and helped draw people in. He will see if he can track down sales information. Mr. Bergeron suggested the Town consider "Free at 3" every year if it does not impact revenue significantly. Mr. Millisor questioned about progress on a new funding source. Mr. McMahon explained that it is complicated and the biggest barrier is that the tax rate is high already, however he continues to pursue new sources.

Carly Grimes handed out a copy of a presentation and clip book of accomplishments. She also passed around the new media guide on jump drives. Ms. Grimes has been busy hosting journalists and her biggest accomplishment has been the Travel Channel. She is waiting to hear the air dates for the show focusing on Ullr Fest and winter. The BRC has been busy with Breck 150, and she thanked the Mayor for hosting a journalist in her absence. A last minute marketing promotion for spring break that pushed "things to do for under \$25" received good press. The BRC is embracing Breckenridge's biking assets and is working with Mike McCormick to put some biking events together through the summer.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS**

1. Council Bill No. 11, Series 2009- AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING SOLAR PANELS, SOLAR DEVICES, AND SOLAR ARRAYS

Town Attorney Tim Berry explained that this ordinance rewrites and updates the town's solar device ordinance. Mr. Berry noted two minor changes from first reading - one in the definition of "solar panel" and the second to change a reference from solar "device" to solar "heating system" on page 92 of the agenda packet.

Mr. Millisor moved to approve Council Bill No. 11, Series 2009 on second reading in the form contained in the council packet. Mr. Mamula seconded the motion. Mayor Warner opened the public hearing. Sean McPherson thanked Council for changing the ordinance. The public hearing was then closed. The motion passed 6-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2009

1. Council Bill No. 12, Series 2009 - AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING MUNICIPAL OFFENSES RELATED TO ALCOHOL, CIGARETTES AND AMUSEMENT ESTABLISHMENTS

Mr. Berry explained that Council recently adopted several state laws as municipal offenses in the Town Code. The Liquor Licensing Authority recommended that two additional state liquor laws be adopted into the town code, those being "after hours" alcoholic beverage sales and consumption in licensed establishments. This ordinance also rectifies a conflict in the existing Code to clarify that

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fermented malt beverage, beer and wine can be consumed in Carter Park and Kingdom Park, and eliminating the Riverwalk Center lawn except when it is part of a liquor-licensed event.

Mr. Mamula moved to approve Council Bill No. 12, Series 2009. Mr. Rossi seconded the motion. The motion passed 6-0.

2. Council Bill No. 13, Series 2009 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 11 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING MOUNTAIN PINE BEETLES AND BEETLE INFESTED TREES

Mr. Berry noted inclusion of the staff memo in the agenda packet that outlines the changes made from prior versions of the ordinance. This ordinance repeals and readopts the mountain pine beetle ordinance with numerous changes. Mr. Berry noted one typo on page 43, line 6 of the ordinance. The reference should read "subsection J" rather than "subsection K."

Mr. Joyce moved to approve Council Bill No. 13 Series 2009, with the one numbering change as noted. Mr. Rossi seconded the motion. Council then discussed holding up final approval of this ordinance until May 26 to occur at the same time as the defensible space ordinance. After discussion they agreed that there is no guarantee that the defensible space ordinance would be approved at that time, and the pine beetle season is fast approaching. The motion passed 6-0.

RESOLUTIONS, SERIES 2009

1. A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2008 TOWN BUDGET

Mr. Gagen explained this resolution corrects the 2008 budget to reflect debt service payment that was not included when the budget was approved.

Mr. Bergeron moved to approve A Resolution Making a Supplemental Appropriation to the 2008 Town Budget. Mr. Mamula seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 6-0.

2. A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2009 TOWN BUDGET FOR PROJECTS NOT COMPLETED IN BUDGET YEAR 2008

Mr. Gagen explained this resolution amends the 2009 budget by rolling over funds for projects budgeted in 2008 but not completed. Included are Breck 150 and projects funded by grants and donations.

Mr. Bergeron moved to approve A Resolution Making Supplemental Appropriations to the 2009 Town Budget for Projects Not Completed in Budget Year 2008. Mr. Joyce seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 6-0.

OTHER

There was discussion about whether the Council should appoint a person to fill Gene Baker's position on the Neighborhood Preservation task force. Council agreed to hold off on a replacement at this time.

PLANNING MATTERS

A. Planning Commission Decisions of April 7, 2009

Mayor Warner noted receipt of a letter requesting call-up of an item on the consent calendar. There was then discussion about homeowner association approval.

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the April 7, 2009 meeting would stand as presented.

B. Report of Planning Commission Liaison

No report. The work session was rescheduled.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had no report.

REPORT OF MAYOR AND COUNCILMEMBERS

A. **CAST/MMC** (Mayor Warner) – The Mayor submitted a written report. He commented that he would like to thank the Breckenridge Ski Resort; he had a fun time skiing with the “people from Broomfield.”

B. **Breckenridge Open Space Advisory Commission** (Mr. Joyce) –Mr. Joyce reported on a “great meeting.” Dennis Kuhn is the new chair. Discussion included budget cuts; the Swan bike path; and, thoughts on open space in general. There was a report on Cucumber Gulch monitoring, which generally looks good except for recent concern with water quality below Boulder Ridge that may be construction related and which could have a negative effect if it continues. Vegetation, avian and mammal populations are generally good, with some problems noted with crows and brown-headed cowbirds. There is a proposal for a new hut up Black Gulch on open space currently owned by the town and county. Access is the biggest focus and a trail possibility has been identified with a trailhead at the Lincoln town site. BOSAC has changed its meeting date to the third Monday of the month and will meet in the administration conference room on the third floor of Town Hall.

C. **Breckenridge Resort Chamber** (Ms. McAtamney) – No report

D. **Summit Combined Housing Authority** (Mr. Millisor) – No meeting

E. **Breckenridge Heritage Alliance** (Mr. Bergeron) – Mr. Bergeron reported on discussions about fundraising possibilities, but there were no real good ideas. They talked about the train and it is still a work in progress. Karen Fisher is the new board member. The Board is looking at a seamless transition from Linda Kay Peterson to her replacement, but is waiting to see how they are funded. Mr. Gagen noted the Town may get another engine that ran on the Georgetown Loop and that the State did offer ideas for grant funding.

F. **Neighborhood Preservation** (Eric Mamula) – Mr. Mamula explained that the group is looking at a Floor Area Ratio approach, with a minimum/maximum density and potential bonus based on massing. This approach has worked well in other areas. The group will be looking at neighborhood examples to see what size homes can fit on lots.

G. **Sustainability** (Rob Millisor) – Mr. Millisor reported the group saw examples of other communities that have sustainable master plans, including Ann Arbor, Michigan and Santa Barbara, California. The group’s goal will be to set policy for the Town for the next 20 years, taking the framework of the vision plan and going from there. The group will meet twice a month through July.

H. **Peak 6 Task Force** (Mr. Bergeron) – Mr. Bergeron reported that local ski area representatives will meet with corporate officials to discuss mitigation contributions and areas where they can participate on social issues. They will then come back to Council with a proposal. Task force member Dick Carleton is adamant that the task force should continue to be a part of the process. The group is discussing different levels of participation to fund non-profits and social services such as the Community Care Clinic and FIRC, and who should direct where the funds go. The group received copies of letters written, and most were against the expansion.

OTHER MATTERS

Mr. Bergeron reported that the Resort Chamber was “psyched” about how fast the Town addressed the “Free after 3” parking idea.

Mr. Rossi wants to make sure that more than just the bike path is being promoted to the biking community.

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Mayor Warner suggested a meeting with the Resort Chamber may be necessary to let them know what the Council feels is important.

The Mayor then noted that he signed two proclamations – one for Soldier Spring Week, recognizing participation by Grand Timber Lodge and the Breckenridge Outdoor Education Center, and the other for National Autism Month.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:03 p.m.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor