

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, JULY 14, 2009
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CALL TO ORDER and ROLL CALL

Mayor Warner called the July 14, 2009 Town Council Meeting to order at 7:35 p.m. The following members answered roll call: Ms. McAtamney, Mr. Joyce, Mr. Millisor, Mr. Bergeron, Mr. Rossi, Mr. Mamula and Mayor Warner.

APPROVAL OF MINUTES – June 23, 2009 Regular Meeting

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

APPROVAL OF AGENDA

Town Manager commented that there was a new agenda handed out with changes to the numbering of the ordinances. There was also a new Council Bill No. 18 handed out.

COMMUNICATIONS TO COUNCIL

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

Mayor Warner commented that the petition for the defensible space was accepted. It will be on the agenda for July 28, 2009. The most effective time to comment would be during public comment on July 28.

Ron Chopin discovered that he only needed to remove 7 trees and wants to defend his property but now is told that he can't remove those trees. Tim Berry commented on where the ordinance was at and what he has directed staff to do, which was to conduct business as they did before the Defensible Space Ordinance existed. Can't approve anything that they couldn't approve before the ordinance was approved. Mr. Mamula and Mr. Millisor commented that staff was approving the removal of these trees through Class D permits before the ordinance was approved. Tim Berry commented that they need to document it and make it legal. As long as that is what they were doing before then he has no problem with continuing to do it. Tim Berry will give a few options to Council to consider in regard to this ordinance. 1 will be an ordinance to repeal, 1 will be to send it to an election and the last will be an emergency ordinance for voluntary removal of trees.

B. Bill Wishowski- July 4th weekend reservations were up. Occupancy for July is down 1% from a year ago. June down 12 %. August is down right now about 15%. Revenue per available room is down 20%. Breckenridge is fairing better than other mountain areas. Bill gave more details on the Occupancy Forecast.

More activities are being booked through CenRes. Getting referrals through SC Chamber. Direct interfaces with Management companies. Looking at a pilot program with a restaurant in Town. Welcome Center volume is very strong. Contacted Restaurant Association about Value Added program.

July reservations are up 11% but revenue down 7%. Marketing- Banner ads on travel sites. Radio ads, etc.

Carly thanked Council for attending media event.

Samantha Brown feature on Breckenridge- July 18th- 8pm.

St Louis Dispatch had a great article.

You Tube video from Fourth of July Weekend on website.

Budweiser was pleased with the number of people they were able to fit in such a short distance.

CONTINUED BUSINESS

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

1. Council Bill No. 18, Series 2009 - AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING THE REQUIRED REMOVAL OF WASTE MATERIALS FROM CONSTRUCTION SITES

Tim Berry commented that he made the changes requested from the work session. The ordinance started out as a way to get rid of a duplicative code section but changes have been made since first reading and since the work session. The definition of construction site was added.

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

Mr. Bergeron moved to approve Council Bill No. 18, Series 2009. Ms. McAtamney seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2009

1. Council Bill No.20, Series 2009- AN ORDINANCE APPROVING A MUTUAL EASEMENT AGREEMENT WITH BLUE FRONT OFFICE SUITES, INC., GHW ASSOCIATES, AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO

Tim Berry commented that the ordinance will approve the mutual easement agreement. He provided an executive summary. It is a four way agreement between two developers and the Town and the County. It provides the Town the first right to interest in that parcel.

Mr. Bergeron moved to approve Council Bill No. 20, Series 2009. Mr. Mamula seconded the motion. The motion passed 7-0.

2. Council Bill No.21, Series 2009- AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Silverthorne House and Carriage Barn–South 60 Feet of Lots 22 and 22½, Snider Addition, and the North 15 Feet of Lot 60 and 61 Bartlett and Shock Addition)

Tim Berry commented that the ordinance designate the two structures as local landmarks.

Mr. Mamula moved to approve Council Bill No. 21, Series 2009. Mr. Bergeron seconded the motion. The motion passed 7-0.

3. Council Bill No.22, Series 2009- AN ORDINANCE AMENDING THE INTERNATIONAL BUILDING CODE, 2006 EDITION, ADOPTED BY REFERENCE IN CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE, BY ADOPTING BY REFERENCE CERTAIN NEW AND UPDATED STANDARDS PROMULGATED BY THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS CONCERNING ELEVATORS, ESCALATORS, AND SIMILAR FORMS OF CONVEYANCE

Tim Berry commented that the Colorado Legislature passed a bill that requires that this be adopted by the Town.

Mr. Bergeron moved to approve Council Bill No. 22, Series 2009. Mr. Mamula seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2009 –

1. A RESOLUTION APPROVING THE “AMENDMENT TO VIC’S LANDING EMPLOYEE HOUSING RESTRICTIVE COVENANT AND AGREEMENT”

Tim Berry commented that the developer of Vic’s landing requested that the Town amend the covenant so that FHA loans can be made available for purchase of Vic’s landing.

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

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Mr. Millisor moved to approve the resolution, Series 2009. Mr. Joyce seconded the motion. The motion passed 6-1 with Mr. Mamula objecting.

C. OTHER - None

PLANNING MATTERS

A. Planning Commission Decisions of July 7, 2009

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

B. Report of Planning Commission Liaison

Mayor Warner had nothing to report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen commented that the Neighborhood Preservation is now on July 22nd at 5:30pm. Water discussion between County and Clinton Board has resurfaced.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (Mayor Warner) – Mr. Gagen commented that there was a lot of budget discussion. Some areas they talked about were 2010 and they suggested that groups that they are all members of should not increase. They all agreed. They also discussed other memberships and they all agreed that NWCCOG could be suspended for a few years. County updated them on a letter that they sent to proponents of the Wilderness Issue (GEMS). Mr. Rossi commented that no letter was sent. There was a letter sent to EPA about leveraging grant funds. Senior Housing Task Force was discussed. Not a high priority and study does not show much of a need.

B. Breckenridge Open Space Advisory Commission (Mr. Joyce) – Had a joint meeting with OSAC. 3 main topics: (1) Swan River Restoration- conceptual at this point, (2) Proposed Backcountry hut on Open Space (Black Gulch Area), no consensus. County does not view huts on Open Space as an approved idea. They will talk about it individually and report back. (3) Golden Horseshoe Management Plan.

C. Breckenridge Resort Chamber (Ms. McAtamney) – Elections are coming up. Talked about recap on Dew Tour. They are in communications with them right now. They may be looking for extra money to sweeten the pot. Mayor Warner commented that the parade, firecracker 50 and Breck Epic were great. Mr. Mamula commented that the coverage on the Breck Epic was unbelievable.

D. Summit Combined Housing Authority (Mr. Millisor) – Next meeting is in September.

E. Breckenridge Heritage Alliance (Mr. Bergeron) – They had a 5 hour retreat. They decided that Larissa Ens is going to take over Linda Kay's job. Saving money on labor fees, abbreviated schedules, fundraising options, need to set up bus tours, will ho back to a fee for premier sites.

F. Sustainability (Mr. Millisor) – There was no report.

OTHER MATTERS

Mr. Bergeron thanked staff for the stop signs at Wellington & Reiling Rd. Mr. Rossi commented that David O'Neil said they are confident that they will have the path at Wellington done by the end of the month. Mr. Mamula commented that there is still a big piece of dangerous art in the river. Mr. Mamula asked Tim Gagen about the guard rail on Wellington. Tim commented that those types of projects were cut from the budget. Tim will check with Terry about another alternative. Mr. Mamula feels it is a life/safety issue.

SCHEDULED MEETINGS

ADJOURNMENT

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At 8:40 pm, Mr. Rossi moved that the Town Council go into executive session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for the purposes of receiving legal advice on specific legal questions; and Paragraph 4(f) of Section 24-6-402, C.R.S., relating to personnel matters; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators. Mr. Bergeron made the second. All were in favor.

The conference with the Town Attorney primarily involves a discussion of the recent court ruling in the case of Town of Breckenridge and Mary Jean Loufek, Town Clerk v. Colorado Mountain News Media, Co. d/b/a Summit Daily News, but may also include conferences with the Town Attorney on other matters covered by the attorney-client privilege that exists between the Town and the Town Attorney.

The personnel matters to be discussed in the executive session involve issues related to the current and future Town budgets.

At 10:05 pm, Mr. Mamula moved to adjourn the executive session. Mr. Millisor. Seconded the motion. All were in favor.

With no further business to discuss, the meeting adjourned at 10:05 p.m.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor