

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, JUNE 8, 2010
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CALL TO ORDER and ROLL CALL

Mayor Warner called the June 8, 2010 Town Council Meeting to order at 7:31 p.m. The following members answered roll call: Mr. Dudick, Ms. McAtamney, Mr. Bergeron, Mr. Mamula, Mr. Joyce, Mr. Burke and Mayor Warner.

APPROVAL OF MINUTES – May 11, 2010 Regular Meeting

With no changes or corrections to the meeting minutes of May 11, Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Mayor Warner added the Executive Session to evening meeting agenda.

COMMUNICATIONS TO COUNCIL

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

Marty Lessow, owner of Marty's For Kids, came to express concern regarding the Prospector Restaurant next to his business. Mr. Lessow requested the Council's support regarding the progress on the construction project taking place at the Prospector. He would like to see penalties put in place that would force them to build in a timely manner. Perhaps the Town could buy the building? Mr. Lessow commented that the Town has done a fantastic job with the sidewalk improvements at the Blue River Plaza intersection and thanked the Council for their time. Chris Neubecker of the Community Development Department clarified that the current building code allows for two years once the permit is pulled for completion of work. This is a learning process for Council since this is the first time the Town has encountered this situation. Mayor Warner added that he would like to see ~~this~~ historic buildings protected in the proper manner and that Council shares Marty's concerns.

B. Breckenridge Resort Chamber

Scott Fortner, Advertising & Promotions Manager for the Breckenridge Resort Chamber gave his summer update regarding marketing. The BRC has been placing ads related to Breckenridge in publications such as The National Geographic Traveler as well as a couple of other smaller travel publications. They have also been running a 5-minute television ad on the Discovery Channel. The BRC would like to put more focus on California and Florida residents. They have also included ads on YouTube and Frontier Airlines which include video footage telling the story of Breckenridge. They have received strong feedback from their marketing efforts including seeing a 20% increase in visits since introducing the ads. Half of the phone reservations taken through central reservations were a result of the 5-minute ad. The BRC is working with Tripadvisor.com to have all website content be provided by the BRC site whenever a person searches for "Breckenridge, Colorado". The BRC continues to support Kingdom Days and Bike Week. Other summer events include trail maintenance, a cruiser ride, and the possibility of bringing back the poker ride. The Breckenridge Summer Guide was mailed out to the whole county and all second home owners. Vail Resorts has billboards displayed along the Front Range with advertising for One Ski Hill Place condominium units. The BRC is working with Vail Resorts to make sure they don't overlap in their advertising.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2010 - PUBLIC HEARINGS

1. Council Bill No. 10, Series 2010 – AN ORDINANCE AMENDING SECTION 6-3H-1 THE BRECKENRIDGE TOWN CODE CONCERNING MARIJUANA-RELATED MUNICIPAL OFFENSES

Mr. Berry explained that he worked on two revisions to the ordinance after the work session. The changes included a re-write to Section E. defining what "owner" means. It would also amend the ordinance to a criminal and nuisance ordinance and make a human being responsible for this violation.

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

Mr. Bergeron moved to approve Council Bill No. 10, Series 2010 in the revised form provided by Mr. Berry at the evening meeting. Mr. Mamula seconded the motion. The motion passed 7-0.

2. Council Bill No. 11, Series 2010 – AN ORDINANCE APPROVING A LEASE WITH ENVIRONMENTAL ENERGY PARTNERS, LLC

Mr. Berry explained that this ordinance approves the proposed lease with Environmental Energy Partners, LLC. There was one proposed change since the work session on line 24 of the lease agreement.

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

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Ms. McAtamney moved to approve Council Bill No. 11, Series 2010 in the revised form provided by Mr. Berry at the evening meeting. Mr. Burke seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2010

1. Council Bill No. 12, Series 2010 - AN ORDINANCE AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO (Klack Placer)

Mr. Berry explained that the Public Service Company has requested an easement for the Klack Placer. The Engineering Department has reviewed and approved the legal description and map.

Mr. Joyce moved to approve Council Bill No. 12, Series 2010 in the form included in the agenda packet. Mr. Mamula seconded the motion. The motion passed 7-0.

2. Council Bill No. 13, Series 2010 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Whitehead Building and Outbuilding – Part of Lot 3, Block 1, Stiles Addition)

Mr. Berry explained that when the development permit was approved at 130 S Main Street, there was a condition that required this property to be designated as a landmark under the Historic Preservation policy. The Planning Commission recommends adoption of this ordinance.

Mr. Dudick moved to approve Council Bill No. 13, Series 2010 in the form included in the agenda packet. Mr. Mamula seconded the motion. The motion passed 7-0.

3. Council Bill No. 14, Series 2010 – AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Lot 1A, Rittenger Subdivision, Abbetts Addition)

This ordinance would designate the Bradley residence as a landmark under the Historic Preservation policy. This ordinance has been reviewed by the Planning Commission and is recommended for approval.

Mr. Mamula moved to approve Council Bill No. 14, Series 2010 in the form included in the agenda packet. Mr. Joyce seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2010

1. A RESOLUTION APPROVING THE “VALLEY BROOK DEVELOPMENT AGREEMENT” WITH SUMMIT HOUSING DEVELOPMENT CORPORATION, A COLORADO NONPROFIT CORPORATION

Mr. Berry stated that the development agreement contains an alternate designation of the title company. He will send the agreement to Jeff Huntley for his approval. Mr. Berry doesn't feel that this change is significant enough where they wouldn't sign the agreement.

Mr. Bergeron moved to approve a Resolution Approving the “Valley Brook Development Agreement” with Summit Housing Development Corporation, a Colorado Nonprofit Corporation. Mr. Joyce seconded the motion. The motion passed 7-0.

2. A RESOLUTION APPROVING AN AMENDED INTERGOVERNMENTAL AGREEMENT FOR THE OPERATION, ADMINISTRATION AND FINANCIAL SUPPORT OF THE SUMMIT COUNTY COMMUNICATIONS CENTER

Mr. Gagen explained that this resolution would bring all of the current changes up-to-date with the Summit County Communications Center and he recommends approval by the Council.

Mr. Joyce moved to approve a Resolution Approving an “Amended Intergovernmental Agreement for the Operation, Administration and Financial Support of the Summit County Communications Center”. Mr. Bergeron seconded the motion. The motion passed 7-0.

3. A RESOLUTION AMENDING THE TOWN COUNCIL “PROCEDURES AND RULES OF ORDER” BY AUTHORIZING THE TOWN COUNCIL TO CANCEL A REGULAR MEETING AND AUTHORIZING A COUNCILMEMBER TO ATTEND A SPECIAL OR EMERGENCY MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS

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Mr. Berry explained that this resolution would allow the Council to amend the Procedures and Rules of Order and 1) allow Council to cancel a regular meeting and 2) allow a councilmember to attend a special or emergency meeting by telephone or other electronic means.

Ms. McAtamney moved to approve a Resolution Approving the Town Council "Procedures and Rules of Order" by Authorizing the Town Council to Cancel a Regular Meeting and Authorizing a Councilmember to Attend a Special or Emergency Meeting by Telephone or Other Electronic Means. Mr. Bergeron seconded the motion. The motion passed 7-0.

C. OTHER

None

PLANNING MATTERS

A. Planning Commission Decisions of May 18, 2010 and June 1, 2010

The Planning Commission Decisions were approved as presented.

B. Town Council Representative Report

Mr. Burke had nothing to report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen wanted Council to be aware that the Town has had some issues related to the operator of Breckenridge Sleigh Rides. They have not paid the Town and owe approximately \$4000 in royalties. Mr. Gagen stated that the Town doesn't plan to enter into another agreement until the company has resolved the issue.

REPORT OF MAYOR AND COUNCILMEMBERS

A. **CAST/MMC** (Mayor Warner) – Mayor Warner gave his report for CAST at the work session. Mr. Gagen added that the MMC will have a Meet & Greet on Wednesday, June 23, 2010.

B. **Breckenridge Open Space Advisory Commission** (Ms. McAtamney) – Ms. McAtamney stated that she wouldn't have anything to report until later this month.

C. **Breckenridge Resort Chamber** (Mr. Dudick) - Mr. Dudick feels that a lot of education needs to be done regarding marketing and convincing Beaver Run and the Ski Resort to move forward regarding current funding levels. Mr. Gagen stressed the importance of creating a business plan that turns into a positive situation ~~later on~~ in the future.

D. **Summit Combined Housing Authority** (Mr. Joyce) – Mr. Joyce reported that the focus of the meeting was the Housing Development Corporation. He also explained that educational classes are required of new homeowners in order to receive loan approval. Mr. Joyce stated that this would be the last report until September.

E. **Breckenridge Heritage Alliance** (Mr. Burke) – Mr. Burke reported that Wendy Wolf is the new President. The summer season starts off with Kingdom Days on the weekend of June 19.

F. **Sustainability** (Mr. Bergeron, Mr. Joyce, Mayor Warner) – Mr. Warner reported that the next meeting is on Thursday, June 10, 2010 at noon.

OTHER MATTERS

Mr. Mamula commended the Open Space and Trails crews for clearing all the dead fall and getting everything moved away from trails – great job! Mr. Bergeron added that he liked the signs that say "trails closed".

Mr. Mamula asked how the AT&T cell tower was progressing. Mr. Neubecker stated that a permanent location has been chosen near Beaver Run.

Mr. Bergeron noted that the dog waste bags are being used. BOSAC will clean up the areas.

SCHEDULED MEETINGS

At 8:52 p.m., Mr. Burke moved to convene in executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchases, acquisition, lease, transfer, or sale of any real, personal, or other property interest; Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions; 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. Joyce made the second.

The Mayor then stated: "A motion has been made for the Town Council to go into an executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchases, acquisition, lease, transfer, or sale

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of any real, personal, or other property interest; Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions, 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”.

The real property that is the subject of the executive session includes two parcels that the Town may be interested in acquiring. The executive session will also include a discussion of a proposal to develop certain Town-owned real property.

The conference with the Town Attorney will concern the subject matter of the executive session, but may also include matters protected by the attorney-client privilege that exists between the Town and the Town Attorney.

The negotiations that are the subject matter of the executive session involve a proposed contract with the Breckenridge Resort Chamber.

A roll call vote was taken; all members of Council were in favor of the motion.

Mr. Mamula moved to adjourn the executive session and return to the regular Town Council meeting at 9:50 p.m. Mr. Joyce made the second. All were in favor of the motion.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:50 p.m.

Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor