

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, JULY 27, 2010
PAGE 1**

CALL TO ORDER and ROLL CALL

Mayor Warner called the July 27, 2010 Town Council Meeting to order at 7:35 p.m. The following members answered roll call: Ms. McAtamney, Mr. Dudick, Mr. Bergeron, Mr. Burke, Mr. Mamula, Mr. Joyce, and Mayor Warner.

APPROVAL OF MINUTES – July 13, 2010 Regular Meeting

Mr. Dudick had one correction to the minutes on page 104. The original minutes showed the text as “He stated they should not give points for it, but encourage it”. Mr. Dudick would like it corrected to say, “He stated they should not give *negative* points for it, but encourage it”.

With no other changes or corrections to the meeting minutes of July 13, Mayor Warner declared the minutes were approved as corrected.

APPROVAL OF AGENDA

Mr. Gagen removed two items from the regular meeting agenda. The first item under section seven, new business, first reading, Council Bill No. 20. The second item removed was under resolutions, new business, series 2010, the first resolution titled “A Resolution Approving an Intergovernmental Agreement with Summit County Concerning the Administration of the “Help! Summit Home Energy Loan Program”.

Mayor Warner recognized Rob Millisor and Dave Rossi for their service to Town Council. Mayor Warner congratulated Rob Millisor for his six years of service and presented him with a plaque. Mayor Warner presented a plaque to Dave Rossi for his four years of service to the Council and indicated his passion for process **and open space**.

COMMUNICATIONS TO COUNCIL

- A. Citizen’s Comments - (Non-Agenda Items ONLY; 3 minute limit please)
There were none.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2010 – PUBLIC HEARINGS

1. **Council bill No. 18, Series 2010 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN TOWN-OWNED REAL PROPERTY TO THE SUMMIT HOUSING DEVELOPMENT CORPORATION, A COLORADO NON-PROFIT CORPORATION (Tracts 1, 2, and 3 Valley Brook Subdivision)**

Town Attorney Tim Berry explained that this council bill would make it possible for the ownership of the Valley Brook property to be transferred to Summit County Housing Development Corporation with the town acting as the agent to manage the development. There were no changes from the first reading.

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

Mr. Mamula moved to approve Council Bill No. 18, Series 2010 in the form included in the agenda packet. Mr. Burke seconded the motion. The motion passed 7-0.

2. **Council Bill No. 19, Series 2010 - AN ORDINANCE REPEALING ORDINANCE NO. 23, SERIES 2009, CONCERNING THE PROPOSED ANNEXATION OF A PARCEL OF LAND TO THE TOWN OF BRECKENRIDGE (Entrada – 3.98 acres, more or less)**

Mr. Berry explained this ordinance would repeal ordinance No. 23, series 2009. This ordinance is contingent upon an acceptable agreement between the property owners and the Town Council. Originally, the Town wasn’t able to obtain a signed agreement for the annexation because neither party could come to an agreement. There were no changes from the first reading.

Mayor Warner opened the public hearing.

Kirk Michelson, one of the property owners of the Entrada parcel came to speak to Council. Mr. Michelson pointed out one correction regarding the property agreement. He stated that there was a signed agreement between Summit Ridge Center and Entrada. The contract was voided because it was written in the name of the trailer park instead. Mr. Michelson asked the Council to reconsider the proposed annexation, stating that the property will go into foreclosure on September 3, 2010. The Council reminded Mr. Michelson that four out of seven of the council members felt strongly for the cross-easement. The Council conveyed their concern that Mr. Michelson was coming before them at such a late time in the process. Council didn’t take the original situation lightly and was concerned for the protection of the community and felt that Mr. Michelson should take some responsibility for the current situation. Ms. McAtamney added that if the situation were more straightforward, then things could have been handled better and she felt that the community shouldn’t have been burdened with a bad intersection. **Mr. Bergeron felt that he was sensitive to the financial realities and felt the need to protect the community. He also felt that Council was very flexible regarding the easement.**

Mr. Michelson returned to the podium and apologized for his late arrival in the process and agreed that he should take some of the responsibility. Mr. Michelson felt that he did have a cross-easement in the original agreement. He thanked the Council for their consideration.

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, JULY 27, 2010
PAGE 2**

Mayor Warner asked the Council if there were any other questions. There were no further comments and the public hearing was closed.

Mayor Warner asked for discussion from Council before a vote of continuance was taken. Mr. Dudick showed his concern for the position that Mr. Michelson is in but still felt it was very last-minute to come before Council to express his concern. He felt that Mr. Michelson had plenty of time to contact Council and would prefer this matter not be brought before Council again. **Mr. Burke personally didn't feel that the easement was required, but wouldn't want to see storage units on the property. He would be thrilled to see a nice development at the entrance to the Town of Breckenridge. Mr. Joyce felt that if revisiting the issue again didn't jeopardize the Council's situation, then it would be proper to give Mr. Michelson another chance to come to a new agreement.** Ms. McAtamney stated that she was never very comfortable with the original agreement but that she would be willing to discuss it again.

Mayor Warner asked for a motion for continuance for Council Bill No. 19, Series 2010 until the August 10, 2010 Town Council meeting.

Mr. Mamula moved for a continuance. Ms. McAtamney seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2010

- 1.. **Council Bill No. 21, Series 2010 - AN ORDINANCE AMENDING ORDINANCE NO. 16 SERIES 2010, TO ALLOW FOR THE TRANSFER OF TOWN OF BRECKENRIDGE MEDICAL MARIJUANA DISPENSARY PERMITS; SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH PERMITS MAY BE TRANSFERRED; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE**

Mr. Berry explained that this is an emergency ordinance so it will only be read into the record once. The ordinance will allow for a short window of time for the Town Manager to approve existing licenses to potential buyers and those buyers must file a State license by August 1, 2010. Mr. Berry pointed out a typing error on page 118, line 24 of the ordinance - "prior" should be corrected to say "Permits issued on or before August 1, 2010".

Mr. Burke moved to approve Council Bill No. 21, Series 2010 with the change to page 118, line 24 of the ordinance. Mr. Joyce seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2010

1. **A RESOLUTION REQUESTING A CHANGE OF THE ACCESS CATEGORY OF A PORTION OF COLORADO HIGHWAY 9 WITHIN THE TOWN OF BRECKENRIDGE**

Mr. Berry explained that this resolution would change the access category of a portion of Highway 9 from a "Rural Arterial (R-A)" to be designated as a "Non-Rural Arterial (NR-B)". The change is supported by the Town Engineer, CDOT staff, and Vail Summit Resorts.

Mr. Bergeron moved to approve a Resolution Requesting a Change of the Access Category of a Portion of Colorado Highway 9 Within the Town of Breckenridge. Mr. Mamula seconded the motion. The motion passed 7-0.

A. OTHER

1. None

PLANNING MATTERS

A. Planning Commission Decisions of July 6, 2010

Mayor Warner asked for any call-up requests. There were no requests for call-up. The Planning Commission Decisions were approved as presented.

The Council agreed to discuss the request from Dave Pringle, Planning Commission member, during the work session earlier in the day regarding his opinion that one member of the Planning Commission should also be a member of the Town Council. Normal process requires the Planning Commission member to leave the room when discussing planning matters during Town Council. Several council members felt that the Planning Commission member should not be excluded from being an important member of the group discussions.

B. Town Council Representative Report

Mr. Burke gave his report during the work session.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had nothing further to report.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (Mayor Warner) – Mr. Warner reported that the CAST meeting is at the end of month. His MMC meeting is at the end of next week.

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, JULY 27, 2010
PAGE 3**

B. **Breckenridge Open Space Advisory Commission** (Ms. McAtamney) – Ms. McAtamney reported that the BOSAC has had two requests for races through Cucumber Gulch recently. The Commission approved the first request; however, the second request was for the Summit Mountain Challenge which was not approved by the Commission with the feeling that it would be too much stress on that particular trail.

C. **Breckenridge Resort Chamber** (Mr. Dudick) - Mr. Dudick reported that it was the best attended BRC meeting so far, with the discussion centering around sustainable marketing funds. The BRC has also elected new members to the board.

D. **Summit Combined Housing Authority** (Mr. Joyce) – Mr. Joyce had nothing to report.

E. **Breckenridge Heritage Alliance** (Mr. Burke) – Mr. Burke had nothing to report. Town Manager Tim Gagen reported on Engine No. 9 at the work session.

F. **Sustainability** (Mr. Bergeron, Mr. Joyce, Mayor Warner) – Mayor Warner reported that the second breakout session of Sustainable Breckenridge was very well attended. The focus of the meeting was on economic issues, energy, and recreation. The next meeting is at Beaver Run on Monday, August 2, 2010. The topics will include local economy, water, land use, and transportation.

OTHER MATTERS

Mr. Burke wanted to discuss the letter received by Council regarding the emergency services from Red, White, & Blue Fire District. Mr. Gagen gave a brief history stating that the Council holds a strong opinion that the County should entertain the possibility of providing the ambulance service. Mayor Warner would like to see a single-provider system rather than having both the Red, White & Blue Fire District and the Summit County Ambulance Services respond to emergency calls. Council felt that the Town should still support RW&B.

Mr. Joyce would like to revisit the Valley Brook agreement process and felt that he has a different perspective because he was on both sides of process. He noted the particular guidelines to bidders and any gaps in documents when they were turned in. He expressed the need for Council to decide what variances are allowed and to possibly allow for joint ventures. Mr. Joyce felt that the situation with the Valley Brook agreement didn't reflect well on us as a Town and that the next phase would need to be very clear on the process and to follow through with original guidelines. Mr. Gagen clarified that if anyone does not follow through with the promises in the contract, they would no longer have the job. Mr. Joyce added that there should be some sort of language set in the contract for when a contractor needs to be taken off the job. Mayor Warner thanked Mr. Joyce for his comments.

Mr. Bergeron noted that the tennis courts located at Carter Park are being closed down due to disrepair. The Town would need to spend approximately \$20,000 in order to make them serviceable again but that we are not spending the money due to budget constraints. Mr. Burke felt that the tennis courts should be **removed, for safety reasons, only if the town decides not to repair them.**

Mayor Warner thanked Mr. Gagen for his reply to Mary Russell's letter regarding HOA restrictions on short-term rentals. Mayor Warner felt it was very well written.

The Nordic Center discussion will be at a later date.

SCHEDULED MEETINGS

There were none.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:24 p.m.

Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor