

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 23, 2010
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CALL TO ORDER and ROLL CALL

Mayor Warner called the November 23, 2010 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Mr. Bergeron, Mr. Burke, Mr. Mamula, Mr. Joyce, and Mayor Warner. Mr. Dudick and Ms. McAtamney were absent.

APPROVAL OF MINUTES – November 9, 2010 Regular Meeting

Mayor Warner pointed out a correction on page 96 with the spelling of Ms. McAtamney's name. He added one other correction on page 96, under the item of "Other", the word "budget" needed to be spelled correctly.

With no other changes or corrections to the meeting minutes of November 9, Mayor Warner declared the minutes were approved as corrected.

APPROVAL OF AGENDA

Under Communications to Council, the Breckenridge Resort Chamber (BRC) Director's Report won't take place during this meeting because it occurs during the first meeting of every month.

Mayor Warner added the first order of business to be the first reading of Council Bill No. 37, Series 2010 – An Ordinance Amending Ordinance No. 16, Series 2010, to Allow for the Change of Location of Town of Breckenridge Medical Marijuana Dispensary Permits; Setting Forth the Terms and Conditions Under Which Such Change of Location May Be Approved; and Continuing All Existing Medical Marijuana Dispensary Permits Until July 1, 2011.

Mayor Warner also stated that the committee reports were given during the work session.

COMMUNICATIONS TO COUNCIL

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

There were none.

NEW BUSINESS

A. **FIRST READING OF COUNCIL BILL, SERIES 2010**

1. **Council Bill No. 37, Series 2010 - AN ORDINANCE AMENDING ORDINANCE NO. 16, SERIES 2010, TO ALLOW FOR THE CHANGE OF LOCATION OF TOWN OF BRECKENRIDGE MEDICAL MARIJUANA DISPENSARY PERMITS; SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH CHANGE OF LOCATION MAY BE APPROVED; AND CONTINUING ALL EXISTING MEDICAL MARIJUANA DISPENSARY PERMITS UNTIL JULY 1, 2011.**

Town Attorney Tim Berry explained that this ordinance would create an exemption to the current Town moratorium to allow the Town Manager to process and approve a change of location for an existing medical marijuana dispensary under these conditions: 1) the new permit must be issued to the old permit holder 2) the old permit must be surrendered concurrently with the issuance of the new permit and 3) the new permit must meet all the qualifications of the current medical marijuana dispensary ordinance - primarily the location - except that no new license can be issued in the downtown overlay district. All existing valid permits will be continued until July 1, 2011 to allow the Town to implement the State law and create Administrative Regulations. More information will be brought before Council in the early part of next year.

Mr. Bergeron moved to approve Council Bill No. 37, Series 2010 with one correction on page two, line five where the word "ordinance" was misspelled. Mr. Burke seconded the motion. The motion passed 5-0.

CONTINUED BUSINESS

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

1. **Council Bill No. 32, Series 2010 - AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2011**

Mr. Berry recommended that Council open the hearing to public comment since it was advertised as such and then make a motion to continue the ordinance to the December 14 regular meeting. Town Manager Tim Gagen added that the reason for continuance was that the Town had not received the final assessed value from the County.

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

Mr. Burke moved to continue Council Bill No. 32, Series 2010 to the December 14 regular meeting. Mr. Mamula seconded the motion. The motion passed 5-0.

2. **Council Bill No. 33, Series 2010 – AN ORDINANCE PROVIDING FOR AND INCREASE IN MUNICIPAL WATER USER FEES EFFECTIVE JANUARY 1, 2011; ESTABLISHING A FEE FOR MAILING PAPER BILLING STATEMENTS; PROVIDING AN EXCEPTION FROM SUCH STATEMENT FEE FOR BILLING STATEMENTS DELIVERED ELECTRONICALLY; AND ESTABLISHING A FEE FOR SETTING UP AND TRANSFERRING WATER USER ACCOUNTS**

Mr. Berry explained that this ordinance would go into effect January 1, 2011 and would create a fee for mailing paper billing statements; provide an exemption if the statement was delivered electronically; and also set up a fee for transferring water user accounts. There were no changes from the first reading.

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

Mr. Bergeron moved to approve Council Bill No. 33, Series 2010. Mr. Burke seconded the motion. The motion passed 5-0.

3. **Council Bill No. 34, Series 2010 – AN ORDINANCE AMENDING SECTION 1-8-11 OF THE BRECKENRIDGE TOWN CODE CONCERNING COSTS ASSESSED AGAINST PERSONS IN THE TOWN'S MUNICIPAL COURT**

Mr. Berry explained that this ordinance would establish costs assessed against persons who plead guilty in municipal court cases and would increase court fees to \$35.00 per case. Mr. Berry pointed out the council packet memo prepared by the Court Administrator, which explained important facts about the ordinance as well as other fees throughout the State. There were no changes to the ordinance from the first reading.

Mayor Warner opened the public hearing. Judge Buck Allen complimented Mr. Berry and Court Administrator Ben Wilkins on the memos included in the packet which addressed several issues. Judge Buck agreed with Council's position of making government as self-supporting as possible and felt that \$35.00 was a perfect amount for court costs. There were no further comments and the public hearing was closed.

Mr. Mamula moved to approve Council Bill No. 34, Series 2010. Mr. Joyce seconded the motion. The motion passed 5-0.

4. **Council Bill No. 35, Series 2010 – AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SIGN ORDINANCE" BY ADOPTING PROVISIONS CONCERNING SIGNS ON HUMAN-POWERED VEHICLES**

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Mr. Berry explained that this ordinance would establish a permitting procedure for sign placement on pedicabs. There were no changes from first reading. Mr. Berry added that staff had contacted the applicant and he will voluntarily agree not to advertise for any medical marijuana establishments.

Mayor Warner opened the public hearing. Len Hoffius spoke about his support of Council Bill No. 35 and felt that the pedicab business wouldn't be able to succeed without advertising in the form of signs. Mr. Hoffius complimented Kevin and Heather Olson on their wonderful product. He felt that this business was very unique and anticipated that it would be featured on television ads for Breckenridge. The pedicab would add to the quaintness of Breckenridge and felt that the Town would improve transportation services with the addition of this business and hoped that it would grow into a larger project in the future. Mr. Hoffius requested the support of the council. There were no further comments and the public hearing was closed.

Mr. Burke moved to approve Council Bill No. 35, Series 2010. Mr. Bergeron seconded the motion. The motion passed 4-1, with Mr. Mamula voting "no".

Mayor Warner asked for discussion. Mr. Mamula reminded council that he originally supported the business being in town and feels that what they are doing is great, but he preferred not to support a change that is essentially for financial reasons that would make a business more successful. Mr. Mamula added that he would vote in opposition because of off-premise sign code but wished them all the best in their business endeavor. Mr. Mamula politely suggested the use of the Blue River Plaza area in order to keep the pedicab off of Main Street during the winter months. Mr. Olson stated that he talked to Public Works and would like to utilize that area but written approval would be needed. Mr. Gagen clarified that this step could be done administratively by council, summarizing that council would support the use during the winter months and they will revisit the issue later. Ms. Olson thanked council for their help and support. Mayor Warner thanked them for their help and wished them the best.

5. Council Bill No. 36, Series 2010 – AN ORDINANCE REPEALING AND READOPTING WITH CHANGES SECTION 6-3A-1 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSE OF ASSAULT

Mr. Berry explained that this ordinance would rewrite the Town's municipal assault ordinance to match the State version for third degree assault and would make it easier to prosecute assault cases in municipal court. Mr. Berry had reviewed the ordinance with the Town Prosecutor and recommended approval by the council. There were no changes from first reading.

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

Mr. Joyce moved to approve Council Bill No. 36, Series 2010. Mr. Mamula seconded the motion. The motion passed 5-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2010

1. Read during the earlier part of this meeting.

B. RESOLUTIONS, SERIES 2010

1. A RESOLUTION ADOPTING THE 2011 BUDGET AND MAKING APPROPRIATIONS THEREFORE

Mr. Gagen summarized that the general fund for the 2011 town budget is less than 2009, which continues the reductions of personnel and other expenses – all of which are permanent. The town is projecting flat revenue in the general fund and only a slight revenue increase in accommodation and real estate transfer tax. The golf fund is relatively flat for this year. Affordable housing has enough funds to move forward with phase two of the Valley Brook project. There are also enough funds for the scholarship program for childcare. Mr. Burke felt that it was important that the community understands that even though Council approved a merit increase for 2011, with that came a reduction in payroll of \$1.7 million for the years of 2009-2011. Mr. Burke also added that payroll is down approximately \$240,000 with the three percent merit increase for 2011.

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

Mr. Bergeron moved to approve a Resolution Adopting the 2011 Budget and Making Appropriations Therefore. Mr. Mamula seconded the motion. The motion passed 5-0.

2. A RESOLUTION APPROVING A SECOND AMENDMENT TO ANNEXATION AGREEMENT WITH UNION MILL, INC. (The Wellington Neighborhood)

Mr. Gagen explained that this resolution would essentially do three things: 1) it would allow single family homes to be substituted for double homes 2) the developer would continue to sell the units below the 100 percent AMI until interest rates rise above six percent and 3) it would give relief from the deed restriction, which would allow the developer to obtain financing with less complications.

Mr. Joyce moved to approve a Resolution Approving a Second Amendment to Annexation Agreement with Union Mill, Inc. (The Wellington Neighborhood). Mr. Mamula seconded the motion. The motion passed 5-0.

3. A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATEWIDE INTERNET PORTAL AUTHORITY

Financial Services Manager Brian Waldes explained that staff has been working hard to implement e-Governmental solutions. He asked for Council's support for an intergovernmental agreement (IGA) between the Town of Breckenridge and the Statewide Internet Portal Authority (SIPA) in order to pursue grant funds for e-Governmental solutions.

Mr. Burke moved to approve a Resolution Approving an Intergovernmental Agreement with the Statewide Internet Portal Authority. Mr. Joyce seconded the motion. The motion passed 5-0.

C. OTHER

1. None.

PLANNING MATTERS

A. Planning Commission Decisions of November 16, 2010

There were no requests for call up. Mayor Warner declared the Planning Commission Decisions were approved as presented.

B. Town Council Representative Report (Mr. Burke) – Mayor Warner and Mr. Gagen clarified that the call up for the de novo hearing will occur during the December 14 council meeting.

REPORT OF TOWN MANAGER AND STAFF

None.

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REPORT OF MAYOR AND COUNCILMEMBERS

- A. **CAST/MMC** (Mayor Warner) – Mr. Warner reported during the work session.
- B. **Breckenridge Open Space Advisory Commission** (Ms. McAtamney) – Ms. McAtamney was absent.
- C. **Breckenridge Resort Chamber** (Mr. Dudick) - Mr. Dudick was absent.
- D. **Summit Combined Housing Authority** (Mr. Joyce) – Mr. Joyce reported at the work session.
- E. **Breckenridge Heritage Alliance** (Mr. Burke) – Mr. Burke reported at the work session.
- F. **Sustainability** (Mr. Bergeron, Mr. Joyce, Mayor Warner) – Reported at the work session.
- G. **Marketing Committee** (Mr. Dudick) – Mr. Dudick was absent.
- H. **Joint Upper Blue Master Plan Update Committee** (Mr. Bergeron, Mr. Mamula) – Reported at the work session.

OTHER MATTERS

None.

SCHEDULED MEETINGS

None.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:07 p.m.

Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor