

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, JANUARY 11, 2011
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CALL TO ORDER and ROLL CALL

Mayor Warner called the January 11, 2011 Town Council Meeting to order at 7:38 p.m. The following members answered roll call: Mr. Bergeron, Mr. Burke, Mr. Dudick, Mr. Mamula, Ms. McAtamney, Mr. Joyce, and Mayor Warner.

APPROVAL OF MINUTES – December 14, 2010

With no changes or corrections to the meeting minutes of December 14, 2010 Mayor Warner declared they would stand approved as presented.

APPROVAL OF AGENDA

Mr. Gagen added an Executive Session under Other Matters.

COMMUNICATIONS TO COUNCIL

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

With no comments from the public, Mayor Warner closed the citizen comment portion of the meeting.

B. BRC Director Report

John McMahon, BRC Director, opened by addressing concerns expressed at an earlier meeting concerning Oktoberfest. The BRC analyzed their numbers. Revenue was up 3%, expenses were at 22%. For next year the BRC will look at having another tap truck, encourage more credit card transactions and use a lock box for cash. Mr. McMahon suggested the use of bartenders from establishments throughout town to oversee beer service. The event saw 35,000 people on Saturday. Typically, these events see 2/3 of their visitors on Saturday and 1/3 on Sunday. Mr. McMahon stated the BRC could offer incentives to boost attendance on Sunday, however, he didn't feel incentives would help - Sundays are typically a football game day.

Mr. McMahon reported on Marketing efforts. As a destination, Breckenridge saw a 12% increase in occupancy in November, 6% in December. Central Reservations is up from budget by 75% in November, 25% in December, and 18% in January. March is looking good for visitors, however, he is concerned about April and is looking at ways to animate the town during that month. Mr. McMahon reported on the \$100 deal. Currently the BRC is looking at a 50% "breakage" on cash (50% of the people participating in this promotion are not picking up their \$100).

The Snow Sculpture event is coming together. He asked council how they felt about the tree lighting in December. There was favorable response. The BRC will continue to build that event. He reported on Ullr Fest. Rick Ascher and Annie Evans were crowned Ullr King and Queen.

Mr. Bergeron asked how Mr. McMahon felt about the Dew Tour. He felt it went well. The BRC will continue to work with the promoter to bring the event into town. Mr. Mamula asked why Ullr week overlaps Martin Luther King weekend. He would like to see it occur during a week when the town is slow. Ms. DiLallo reported Ullr Fest has always been in January. Martin Luther King is a relatively new holiday. She stated the town is running out of weeks in January and February runs into Fat Tuesday and Mardi Gras. Mr. Mamula responded Ullr Fest can occur during any winter month. Mr. McMahon will look at occupancy from past years and suggest an alternate week to hold the event. Mayor Warner commented on the bonfire and crowning event on Monday. He would like to see the bonfire moved back into town. Many agreed. Mr. Mamula thanked Mr. McMahon for looking seriously at Oktoberfest. In closing, Mr. McMahon reported the BRC is very happy with the new office space.

CONTINUED BUSINESS

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

1. Council Bill No. 38, Series 2010 – AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 22 (ABSOLUTE) AND POLICY 22 (RELATIVE) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING LANDSCAPING

Mr. Berry mentioned Jennifer Cram's memo in the packet outlines changes to this ordinance. She was present to answer questions. A change was made under Absolute – Section C. – Required Wildfire Mitigation, #4b. The word "existing" was added in the first sentence for clarity. Mr. Berry further stated that nothing in the ordinance is intended to hinder the town's ability to continue with forest management. For this reason, language was added to 3(b) and 3(c) to clarify that point. Those changes were handed out to council during the work session. Mr. Berry asked that if there is a motion to approve this ordinance, that the motion include the changes.

Mayor Warner opened a public hearing. There were no questions or comments from the public. He closed the public hearing. Mr. Bergeron moved to approve Council Bill No. 38, Series 2010 on second reading with the word "existing" being added for clarification to 4(b) and the addition of language addressing forest management activities "approved or permitted by the town" being added to 3(b) and 3(c). Ms. McAtamney seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2010

- 1. Council Bill No. 1, Series 2011-AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING ENERGY CONSERVATION; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE DEVELOPMENT CODE**

Julia Puester, Planner II, was present and introduced this council bill for first reading. It replaces the current Policy 33R and makes the policy more quantifiable. It is a relative policy. It quantifies the positive points for residential and commercial spaces and assigns negative points for excessive energy use. The policy is not required to be used to pass a point analysis, however, it does provide an option among other polices within the Development Code to make up positive points for developments which receive negative points.

Mr. Bergeron moved to approve Council Bill No. 1, Series 2011 on first reading the title of which was previously read into the record. Mr. Dudick seconded the motion.

Mr. Mamula clarified a request he made earlier in the day. Before council's second reading review of this council bill, he asked staff to look at "What is the savings for the points given?", "What is the benefit to the community for the town issuing the positive 6 points?" Ms. McAtamney stated she will be voting in opposition to this council bill. She feels there should be more work done on it. In particular she referenced ICEE and further review of water features. Mr. Dudick commented on the cost benefit from a developer's perspective. This should be about creating incentives for developers to want to invest in energy savings systems.

Mr. Burke called the vote. Mayor Warner asked for a roll call vote. The motion passed with 5 members of council in favor of passage. Ms. McAtamney and Mr. Mamula voted in opposition to the motion.

- 2. Council Bill No. 2, Series 2011-AN ORDINANCE FINDING AND DETERMING THAT CERTAIN REAL PROPERTY LOCATED IN AN UNINCORPORATED AREA OF SUMMIT COUNTY IS AN ENCLAVE UNDER APPLICABLE LAW; MAKING CERTAIN OTHER FINDINGS IN ACCORDANCE WITH THE "MUNICIPAL ANNEXATION ACT OF 1965"; AND ANNEXING SUCH REAL PROPERTY TO THE TOWN OF BRECKENRIDGE (0.459 ACRES, MORE OR LESS)**

Mr. Berry introduced this council bill for first reading. He explained the process for annexing most properties, but added the process for annexing enclaves is different. Annexation of an enclave requires the property be surrounded by town property for at least three years. Staff has confirmed this is the case with the properties addresses in this council bill and the subsequent council bill. A four week special notice is required for each council bill. If approved on first reading the second reading date will be February 22. Mr. Berry asked that the February 22 date be included in the motion to approve.

With no further questions or comments from council, Mayor Warner asked for a motion. Mr. Dudick moved to approve Council Bill No. 2, Series 2011 on first reading as previously read into the record, directing the town clerk to make the appropriate notifications and the second reading to occur on February 22. Mr. Mamula seconded the motion. A roll call vote was taken with all members of council in favor of passage. The motion passed 7-0.

- 3. Council Bill No. 3, Series 2011-AN ORDINANCE FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY LOCATED IN AN UNINCORPORATED AREA OF SUMMIT COUNTY IS AN ENCLAVE UNDER APPLICABLE LAW; MAKING CERTAIN OTHER FINDINGS IN ACCORDANCE WITH THE "MUNICIPAL ANNEXATION ACT OF 1965";AND ANNEXING SUCH REAL PROPERTY TO THE TOWN OF BRECKENRIDGE (5.93 ACRES, MORE OR LESS)**

Mr. Berry stated everything stated earlier applies to this ordinance. He wanted to point out that this property is owned by Public Service Company or Xcel. Mr. Burke asked a question earlier concerning the net loss to the town to annex this property. Mr. Berry reported there is a statutory process where utility companies pay taxes through the State property tax administrator. The town will find out if Xcel has been paying taxes on this property. If they have it may offset some of the cost to the town to annex this property. He will report back to council during second reading of this ordinance.

With no further questions or comments, Mayor Warner asked for a motion. Mr. Dudick moved to approve Council Bill No. 3, Series 2011 on first reading as previously read into the record with instructions to the town clerk to make proper notification for a second reading to occur on February 22, 2011. Mr. Burke seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2010

There were no Resolutions.

C. OTHER

- 1. Special Permit for International Snow Sculpture Championships Event Barrel Fire(s)**

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Mr. Berry stated that in conjunction with the 2011 International Snow Sculpture Championships, there is a request to have open fire(s) in a 55 gallon drum and/or in a "kiva" stove on Thursday, January 27, 2011 from 7pm-11:30pm, and Friday, January 28, 2011 from 7pm to 1am on Saturday, January 29, 2011. Red, White and Blue would approve use of both a 55 gallon drum or a "kiva" stove. The proposed fires would be set up in the event site for International Snow Sculpture Championships which is located in the Tiger Dredge Lot in front of the Riverwalk Center at 150 West Adams.

Ms. McAtamney moved to approve a special permit to allow open fires during the International Snow Sculpture Championships, on Thursday, January 27, 2011 from 7pm-11:30pm, and on Friday, January 28, 2011 from 7pm to 1am on Saturday, January 29, 2011. All burning shall comply with the "Open Burning" requirements of Section 307 of the International Fire Code, 2003 Edition. In addition, the applicant shall obtain a bonfire or open burning permit from the Red, White & Blue Fire Department." Mr. Bergeron seconded the motion. The motion passed 7-0.

2. Village at Breckenridge Call Up Decision

Mr. Berry summarized that on December 14 the council held a call up hearing on the application of the Village of Breckenridge Homeowners' Association master sign plan. Council heard the evidence and entered an oral decision. As part of the motion to approve Mr. Berry was directed to compile a Decision. He believes the Decision along with the Findings and Conditions included in the council's packet reflects the council's desires.

Mr. Dudick moved that the written Decision prepared by the Town Attorney regarding the town council's call up hearing on Application No. PC2010057, the Class B Development Permit application submitted by Village at Breckenridge Homeowners' Association for a Master Sign Plan Amendment, as set forth in tonight's agenda packet on pages 137-151, inclusive, be adopted as the final decision of the town council with respect to such application." Mr. Burke made the second. Six members of council voted in favor of the motion. Mr. Mamula voted in opposition. The motion passed 6-1.

PLANNING MATTERS

A. Planning Commission Decisions of January 4, 2011

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions would stand approved as presented.

B. Town Council Representative Report (Mr. Burke) - Mr. Burke had nothing further to report

REPORT OF TOWN MANAGER AND STAFF*

None.

REPORT OF MAYOR AND COUNCILMEMBERS*

A. CAST/MMC (Mayor Warner) – Mayor Warner gave this report during the work session.

B. Breckenridge Open Space Advisory Commission (Ms. McAtamney) – Ms. McAtamney gave her report during the work session.

C. BRC (Mr. Dudick) – Mr. Dudick reported the next meeting will be held Wednesday, January 12.

D. Marketing Committee (Mr. Dudick) – Mr. Dudick reported the next meeting will be Tuesday, January 18.

E. Summit Combined Housing Authority (Mr. Joyce) – Mr. Joyce reported there was no meeting

F. Breckenridge Heritage Alliance (Mr. Burke) – Mr. Burke reported year end visitors were up 12%, revenue was up 23%. The group will initiate a new membership drive. Engine #9 has some work to be done – electrical, security cameras and lighting. Interpretive outdoor signs will be done by summer, 2011. French Gulch interpretive signs are done and will be in the ground by summer, 2011. Summit County Government and Open Space & Trails contributed \$5,000 to this effort. Reiling Dredge Stabilization Plan is complete and to be implemented by summer, 2011. Open Space Advisory Council (OSAC) committed funds to this effort.

G. Sustainability Committee (Mr. Bergeron, Mr. Joyce, Mayor Warner) - Mr. Bergeron attended. Mr. Joyce reported the group discussed commercial code opportunities. Mayor Warner continued by stating the group talked about parking - where will all the cars be parked in 20 years? Discussion occurred concerning parking on Block 11. Mr. Mamula felt the town should start charging the leasee to use the property. Mr. Dudick felt there is a bigger objective and a discussion with the ski area should be held sooner than later. College Mountain College has parking that could be used for skier parking. Mr. Gagen reminder council that the question "what if you (referring to the ski area) need more parking" was part of the council's list of issues. Mr. Burke felt the satellite parking is a separate issue than the Gondola parking issue. It has been suggested to the ski area that they only park the free lots when the town lots are full.

H. Joint Upper Blue Master Plan Update Committee (Mr. Bergeron, Mr. Mamula) – Mr. Bergeron stated he felt the Town of Blue River would like to be "off the table". During the meeting discussion occurred concerning the cost of and/or purchasing of TDRs, and 2 to 1 affordable housing.

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OTHER MATTERS

Ms. McAtamney mentioned the February 3 fundraiser for the Culinary Institute scholarship fund.

Mr. Dudick stated he would like to see the town become more restrictive on MMDs. He would also like to see a time line set, two years for instance, to see the town become plastic bag fee. He would like visitors to see that this community is serious about 20% reduction in 20 years – how do we get there? Mr. Burke asked if the retail community could be included in the initial discussion. Mr. Dudick's third item dealt with an email received by a few council members about a person who had received a parking citation. This person reported it would cost them \$35 to go to court to contest the parking citation. Chief Holman clarified for this person. If someone contests any citation in municipal court and they are successful there are no court costs assessed.

Mr. Mamula reported on a meeting with a concert promoter out of Denver. The meeting occurred on Friday, December 17. Mr. Mamula met with Vanessa Agee, Kim DiLallo and Tim Jarrell from the Events and Communications division, and with Chuck Morris of AEG Live. The town has received a thank you letter from AEG stating they were impressed with the facility and dates are being looked at.

Mayor Warner mentioned there is a small group of citizens interested in duplicating the Telluride ordinance concerning discontinuing use of plastic bags. Mayor Warner would also like to see the town's smoking ordinances get in line with legislation at the State level.

Mr. Bergeron commented on how much energy is wasted when a retail space keeps doors open for one hour. Mayor Warner suggested an energy saving plan to initiate buy in from store owners.

Mr. Mamula commented on a concealed weapon incident that occurred in his building over the holidays. Chief Holman mentioned it is a town offense to possess, carry or display a weapon in a liquor licensed premise. Mr. Burke suggested liquor license premise owners be made aware of this town law. Mr. Berry reminded council there is a sign prohibiting the open carry of a weapon in town buildings.

At 8:55, Mr. Burke moved that the town council go into Executive Session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, 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 seconded the motion.

The Mayor stated a motion has been made for the town council to go into an Execution Session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, 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 subject matter of the Executive Session includes discussions about: (1) negotiations related to the Breckenridge Nordic Center; and (2) negotiations related to a parcel of privately-owned land located north of the Town of Breckenridge. The property that is the subject of the executive session includes: (1) the "MBJ Parcel" the town currently has under contract to purchase; (2) the "BOEC Building" property that the town owns; and (3) an open space parcel the Town Council may have an interest in purchasing.

A roll call was taken. All members of the Council were in favor of the motion.

At 9:55 p.m. Mr. Burke moved to reconvene the regular meeting. Mr. Mamula made the second. All members of council were in favor of the motion.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:56 p.m.

Submitted by Wanda Creen, Deputy Town Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor