

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, JANUARY 25, 2011
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CALL TO ORDER and ROLL CALL

Mayor Warner called the January 25, 2011 Town Council Meeting to order at 7:39 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 – January 11, 2011 Regular Meeting

Mr. Dudick pointed out a spelling correction on page 43 under the section of Communications to Council in the second paragraph. The word budget was misspelled.

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

APPROVAL OF AGENDA

Town Manager Tim Gagen added an item under Planning Matters regarding whether or not to retain Rodney Allen on the Planning Commission.

COMMUNICATIONS TO COUNCIL

- A. Citizen's Comments - (Non-Agenda Items ONLY; 3 minute limit please) - None.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2011 – PUBLIC HEARINGS

- 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**

Town Attorney Tim Berry explained that this ordinance would revise the Town's development code concerning energy conservation. After the work session, Mr. Berry made one change on the second page, second box, changing the allocated starting points from two to one. Mr. Berry had nothing to add to Julia Puester's (Community Development Department) memo that was included in the packet.

Mayor Warner opened the public hearing. Mayor Warner thanked the Planning Commission and Ms. Puester for their work and patience. There were no further comments and the public hearing was closed.

Mr. Dudick moved to approve Council Bill No. 1, Series 2011. Mr. Mamula seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2011

- 1. **Council Bill No. 4, Series 2011 – AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE TO ALLOW FOR THE PUBLICATION OF TOWN NOTICES TO BE MADE BY POSTING ON THE TOWN'S OFFICIAL WEBSITE, INSTEAD OF REQUIRING PUBLICATION IN A NEWSPAPER**

Mr. Berry explained that in April of 2010 voters gave approval for most town notices to be published on the town website. This ordinance would make appropriate changes to various sections of the Breckenridge Town Code to allow for publication on the town website.

Mr. Bergeron moved to approve Council Bill No. 4, Series 2011. Mr. Mamula seconded the motion. The motion passed 7-0.

- 2. **Council Bill No. 5, Series 2011 – AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE RESIDENTIAL GROWING OF MEDICAL MARIJUANA**

Town Attorney Tim Berry explained that this ordinance would put Breckenridge in line with only a few other municipalities specifically dealing with the residential growing of medical marijuana. It is a conceptual ordinance created by using certain ideas from the ordinances used by Denver and Aurora. The ordinance would limit a residence to six plants per caregiver. A residence of two caregivers could have up to 12 plants. Mr. Berry added that this ordinance was drafted on his understanding of the current law.

Mayor Warner invited Peter Caamano, age 13, to speak before council even though this ordinance wasn't open for public hearing. Mr. Caamano thanked council for their response to a letter he had submitted to council. He reminded council that in the letter he spoke of truth, saying that if it is not true for everyone, then it isn't true for anyone. Mr. Caamano was in favor of the ordinance and encouraged council to consider that when voting for the ordinance. Mayor Warner thanked Mr. Caamano for speaking before the council.

Mr. Mamula moved to approve Council Bill No. 5, Series 2011. Mr. Burke seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2011

- 1. **A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER'S SIGNING OF AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO, AND THE CLOSING OF THE TOWN'S PURCHASE OF AN INTEREST IN CERTAIN REAL PROPERTY PURSUANT THERETO (LOTS 42 AND 43, LOMA VERDE, FILING NO. 2)**

Mr. Berry explained that council previously authorized this purchase with the County and that it is currently under contract with Summit County. This resolution would ratify and approve the town manager's signature on the contract. The closing for this property occurred last Friday, January 21.

Mr. Mamula moved to approve a Resolution Ratifying And Approving The Town Manager's Signing Of An Assignment Of Partial Interest In Real Estate Option Agreement With Summit County, Colorado, And The Closing Of The Town's Purchase Of An Interest In Certain Real Property Pursuant Thereto (Lots 42 and 43, Loma Verde, Filing No. 2). Mr. Joyce seconded the motion. The motion passed 7-0.

C. OTHER

- 1. None.

PLANNING MATTERS

A. Planning Commission Decisions of January 18, 2011

There were no requests for call up. Mayor Warner declared the Planning Commission decisions were approved as presented with one approval of a Class C application.

Mr. Gagen pointed out the Planning Commission code requirements on page 23 of the council packet and that council would need to take action concerning Rodney Allen's position on the commission. The council had a discussion on the proper process for this subject. Mr. Berry encouraged council to vote on the decision and let the vote determine the outcome. Mayor Warner thanked Mr. Allen for submitting his letter to the Council. Mr. Allen emphasized his commitment to the Planning Commission. Mr. Burke stated that he would like to retain Mr. Allen. Mr. Bergeron asked Mr. Allen for clarification of his schedule in the upcoming year. Mr. Allen anticipated that he would miss two meetings in the next 12 months.

Mayor Warner asked for a roll call vote to retain Mr. Allen on the Planning Commission. The vote passed 7-0.

B. Town Council Representative Report (Mr. Burke)

Mr. Burke encouraged council to consider issues concerning vendor carts. These issues were outlined in the minutes from the Planning Commission. Mr. Gagen reminded council of the land use issues associated with vendor carts. Ms. McAtamney added that size and portability are also things to consider. Mr. Burke reminded council that the length of time that they will have the business is also something to consider and the need to preserve the character of the town. Mr. Joyce questioned fire issues associated with having a vendor cart.

REPORT OF TOWN MANAGER AND STAFF

None.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (Mayor Warner) – Mayor Warner reported during the work session.

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

C. Breckenridge Resort Chamber (Mr. Dudick) – Mr. Dudick reported during the work session.

D. Summit Combined Housing Authority (Mr. Joyce) – No meeting.

E. Breckenridge Heritage Alliance (Mr. Burke) – No meeting.

F. Sustainability (Mr. Bergeron, Mr. Joyce, Mayor Warner) – Mr. Bergeron reported that the committee is looking at how the town could implement a multi-use bag program with businesses and possible participation with the rest of the county. Mr. Joyce mentioned the use of a green business certification for main street retailers who are participating and have the business display the certificate on their door to show community members that retailers are behind sustainability and saving money along the way. They also discussed energy efficiency in our own town buildings along with scrutinizing the use of our fleet vehicles and taking a better look at their use. Mr. Joyce was happy to inform council that the town has saved 22,000 miles with the shared ridership program and that behavioral-based energy savings - such as turning off the lights when you leave a room – **would show a potential cost savings of 25%.**

G. Marketing Committee (Mr. Dudick) – Mr. Dudick reported during the work session.

H. Joint Upper Blue Master Plan Update Committee (Mr. Bergeron, Mr. Mamula) – Reported during the work session.

OTHER MATTERS

Mr. Bergeron asked if the town could change the timing of the street lights in the town, stating that they tend to turn on too early in the evening and shut off too late in the morning. Mr. Gagen clarified that the lights operate on photo cells and that wouldn't be possible at this time but the town is working on a plan to take some of the lights out of service in areas where they aren't needed. Mr. Bergeron mentioned a second issue regarding being approached by business owners who operate on Airport Road in the special overlay district. The business owners would like to use sandwich boards in order to bring in more customers. Mr. Burke mentioned that in-town businesses have the same issue, stating that he had tried placing a sandwich board towards the front of LaCima Mall but it was taken away because policy states that the sign needs to be near the front door. Mr. Bergeron asked all council members if they were in favor of discussing this issue. There were no council members in favor of discussing or eventually approving any changes to the sign code regarding sandwich board signage in the special overlay district.

Mr. Mamula wanted to discuss the parking issues at the Peaks Trailhead parking lot. He would like the ski area to take care of the issue of the lot filling up early in the morning and felt that it is unfair to customers of the Nordic Center and people who are there to use the Peaks Trail. Mr. Dudick felt that part of the blame falls on Grand Lodge due to the fact that people come up and expect to be able to park there, but doesn't feel that it would be fair to characterize it as ski area employees who are parking there. Mr. Mamula mentioned that the signage needs to be improved at the trailhead. Mr. Gagen added that it's very difficult to define who is using the trail. Therese Dayton of the Breckenridge Nordic Center informed council that their guests do not use the Peaks Trailhead for parking their vehicles. Ms. Dayton believes it is being used by locals and employees of the ski area. Ms. Dayton expressed her concern for the safety of her customers using the Nordic Center because alpine skiers sometimes ski down into the nordic area neighborhood. Mayor Warner suggested having this issue as an item during a later work session.

Mr. Bergeron was concerned with the exaggerated weather forecasts given by a particular Denver news television station. Mr. Bergeron felt that the meteorologist would make the weather conditions sound worse than they actually are.

Ms. McAtamney informed council of a letter from the Bureau of Land Management and recommended support of Ken Salazar and BLM's desire to manage its own wilderness area lands. Ms. McAtamney felt that it was very important for them to be able to manage their own lands.

Mr. Dudick would like Mr. Berry to bring a definition of "seriously ill" to a work session as it pertains to medical marijuana.

Mr. Dudick expressed his concern for the safety issues of the people using the tubing hill at Carter Park. He felt that the priority has always been centered around the dog park and a recent personal experience was quite terrifying. He gave the suggestion of routing people up one side of the tubing hill. Mr. Gagen explained that the hill doesn't have any staff to supervise the area. Mr. Mamula added that it is a great amenity for the town. Mr. Bergeron would be happy to see staff look at the costs associated with potential staffing of the area.

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Mr. Joyce asked Mr. Gagen about the status of the Speakeasy lease located in the old Colorado Mountain College (CMC) building. Mr. Gagen informed council that the lease has been renewed but that the theater is still not covering its costs. The theater is looking for a longer term lease; however, the town won't allow for a longer lease until we know more details about the plan to move town hall into the building. Mayor Warner would like to see the town move forward on the plan for CMC and enjoys seeing the Speakeasy at the CMC building. He also stated that he would support their request for a multi-year lease and would like to hear from the whole council before making a decision. Mr. Burke agreed with Mayor Warner on that process. Mr. Gagen stated that he would have Town Engineer Tom Daugherty review the plan again.

Mayor Warner received a phone call from Holly Robb of Holly's Pizzazz expressing her desire to revive the "unofficial high school reunions" that used to occur in Breckenridge many years ago for Summit High School graduates. She would like to see this activity come back to the community through the use of the building at Carter Park. Council members explained that a general reservation and payment were all that is required to rent the facility. They also recommended that Ms. Robb reserve the facility as quickly as possible because the reservation list fills up during summer months. Mr. Burke thought that it was a great idea. **Mr. Dudick mentioned that he would discuss this event with the Breckenridge Resort Chamber (BRC).**

Mayor Warner reminded Ms. Dayton that BOSAC would like to see a map of current nighttime operations for the Nordic Center. The committee was concerned with possible disturbances of birds, etc towards the northern boundary of the Theobald property line. Ms. Dayton clarified that the Nordic Center does not use any part of the Cucumber Gulch during the nighttime snowshoeing sessions. She also added that they limit the number of nights per week and that the amount of people in each group is very small.

SCHEDULED MEETINGS

None.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:57 p.m.

Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor