

CALL TO ORDER and ROLL CALL

Mayor Warner called the April 26, 2011 Town Council Meeting to order at 7:33 p.m. The following members answered roll call: Ms. McAtamney, Mr. Bergeron, Mr. Mamula, Mr. Joyce, Mr. Burke, Mr. Dudick and Mayor Warner.

APPROVAL OF MINUTES – March 22, 2011

With no changes or corrections, Mayor Warner declared the minutes were approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen removed from New Business Council Bill No. 18, Fences Policy, and added Council Bill No. 19, Town Council Liaison to the Planning Commission, and under Other Matters added a discussion for Council committee appointments.

COMMUNICATIONS TO COUNCIL

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

Daniel Johnson handed the Council several examples of how decisions made years ago that continue to be implemented now are causing problems for individuals with affordable housing. He stated three examples of people who are having difficulty within the affordable housing system, and asked the Council to consider these issues. Mayor Warner stated the Council discussed the affordable housing issues during the work session, and will discuss it further during the Council retreat on May 24, 2011.

Mayor Warner seeing no other comments closed the communications to council.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2011 - PUBLIC HEARINGS

1. Council Bill No. 15, Series 2011 – An Ordinance Amending Policy 3 (Absolute) Of Section 9-1-19 The Breckenridge Town Code, Known As The “Breckenridge Development Code”, Concerning The Density Exemption For Basement Areas Of Town-Designated Landmark Commercial Structures

Mr. Berry stated if adopted the ordinance would revise the Town's policy regarding basement density. He mentioned the second reading of the ordinance was continued from the previous Council meeting, and the staff's recommendation is not to change the ordinance with respect to grade or level of a building due to the variance process already in place, and to address the fee structure outside of the ordinance. He stated there are no changes to the ordinance from the last reading.

Mr. Joyce abstained from the discussion.

Mayor Warner opened the public hearing.

Janet Sutterly stated that the Engineering Department is able to make elevation recommendations on a case by case basis, and mentioned if there is no change to the ordinance the Council should ensure that the fee structure is financially feasible to incentivize builders to stabilize their structures.

Lee Edwards stated he appreciates the Council is working to save these structures; mentioned the history of grade and elevation changes to structures; asked the Council to consider the financial aspects of the ordinance; and stated that the USGS (United States Geological Survey) statement on page 110 line 32 does not have any practical reason to be in the ordinance.

Chris Neubecker addressed the issues and stated that USGS language is currently in the policy, and the historic preservation processes are a class B process, which is run through the same application process. The Council discussed the fee and time constraints of the process, and whether or not a new fee structure would incentivize builders or buyers to stabilize the structures, or cause a financial hardship.

Mayor Warner asked for a motion.

Mr. Mamula moved to approve Council Bill No. 15, Series 2011. Mr. Bergeron seconded the motion. The motion passed 5-1, with Mr. Dudick voting against and Mr. Joyce abstaining.

Mr. Dudick stated for the record his vote was not against density, but against the variance process.

2. Council Bill No. 16, Series 2011 – An Ordinance Making Miscellaneous Amendments To Chapter 1 Of Title 9 Of The Breckenridge Town Code, Known As The “Breckenridge Development Code”, Chapter 2 Of Title 9 Of The Breckenridge Town Code, Known As The “Breckenridge Subdivision Standards”, And Chapter 10 Of Title 9 Of The Breckenridge Town Code Concerning Development And Subdivision Application Fees

Mayor Warner read the title into the record.

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Mr. Berry stated if adopted the ordinance would allow the Director of Community Development to lower the classification of a particular development permit. He mentioned that the current code allows a change to a higher classification but not to a lower classification. He stated this amendment also changes administrative rules and regulations, and codifies how fees are handled if a development permit is reclassified. He stated there are no changes from the first reading.

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

Mr. Burke moved to approve Council Bill No. 16, Series 2011. Mr. Dudick seconded the motion. The motion passed 7-0.

3. **Council Bill No. 17, Series 2011** – An Ordinance Amending Section 4-3-2 Of The Breckenridge Town Code To Authorize The Issuance Of An Optional Premises Liquor License For A Performing Arts Facility
Mayor Warner read the title into the minutes.

Mr. Berry stated the Colorado Liquor Code allows for the issuing of an optional premise liquor license, which are currently authorized for the golf course and the ski area. If adopted this ordinance would add performing arts centers to the list, including but not limited to the Riverwalk Center lawn, and would streamline the approval process.

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

Mr. Bergeron moved to approve Council Bill No. 17, Series 2011. Mr. Mamula seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2011

1. **Council Bill No. 19, Series 2011** – An Ordinance Amending Chapter 2 of Title 2 of The Breckenridge Town Code By Eliminating The Position Of Town Council Liaison To The Planning Commission; Authorizing One Member Of The Town Council To Serve On The Planning Commission; And Providing Other Matters Related To The Town Council Member Of The Planning Commission.

Mr. Berry stated this ordinance repeals the Town Council Liaison ordinance, and returns to ordinance to the original language that existed prior to the ordinance. He mentioned the ordinance makes conforming amendments to the Planning Commission section of the code, and makes the Town Council representative a voting member. He stated if there is a call up, the Town Council representative cannot participate.

Mr. Bergeron moved to approve Council Bill No. 18, Series 2011. Mr. Burke seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2011

1. None

C. OTHER

1. Breckenridge Open Space Advisory Committee (BOSAC) Appointments

Mayor Warner stated two council members will speak on the incumbent BOSAC committee members' behalf since they were not interviewed.

The Council discussed the voting process.

Ms. McAtamney stated that the current commission felt that Jeff Cospolich and Erin Hunter have been good contributors to BOSAC, and asked that the council give them a highly functioning commission. The Council discussed the make-up of the current committee and the residency of one of the candidates with the historical relevance of former Town Council members, Planning Commission and board members. Mayor Warner spoke on behalf of Jeff Cospolich. Mr. Bergeron spoke on the behalf of Erin Hunter. The Council discussed the merits of the various applicants. Mr. Gagen tallied the results, and announced the three open positions would be filled by Jeff Cospolich, Jeff Carlson, and Erin Hunter. Mr. Gagen will check to make sure they are all for four year terms, and if not, the persons with the most votes will get the longer terms.

2. 2010-2011 Committee Appointments.

The Council discussed the appointment for Mayor Pro-Tem. The Council discussed the possible appointments on the Planning Commission in light of the changes to the ordinance; the additional training from the planning staff regarding the mission and job description; and, the time constraints of serving on both the Council and Planning Commission. The Council also discussed the importance of experience and knowledge of the town code. Mayor Warner stated he would confer with Tim Gagen about the Planning Commission appointment. The Mayor stated he would discuss the other committee appointments with the Council members individually and get back to them with the appointments.

PLANNING MATTERS

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A. Planning Commission Decisions of April 5 and April 19, 2011

With no request to call an item off the consent calendars of April 5 and April 19, 2011, the Mayor declared the Planning Commission Decisions would stand approved as presented.

B. Town Council Representative Report (Mr. Burke) – No report.

REPORT OF TOWN MANAGER AND STAFF*

Mr. Gagen mentioned the Sanitation District new plant tour on May 12th, and that most of the Council will be able to attend. He stated there will be a formal announcement of the water agreement at Devil's Thumb, and Governor Hickenlooper will attend. He stated there will be a summary of public comments regarding the proposed transit changes for summer through fall in the Warrior's Mark area. He mentioned Nikki Arcieri will be the new Council contact, and Kim DiLallo discussed her part-time hours. He mentioned the Swan Mountain project will be completed by the Fourth of July, and budget money was already committed, but is being bumped up one year. He mentioned the staff should be called up to discuss the change in monitoring in the Cucumber Gulch area.

Mayor Warner mentioned that he wants new ideas on the transit services brought to the retreat, and does not want the Council to simply react to the public comments. He stated the Council should look at a prime-time scheduling, time shifting of schedules, or a fee for low performing routes.

REPORT OF MAYOR AND COUNCILMEMBERS*

A. CAST/MMC (Mayor Warner)-No report.

B. Breckenridge Open Space Advisory Commission (Ms. McAtamney)-Ms. McAtamney reported on a site visit to the BnB trailhead where the primary topics were the costs of dog poop cleanup and the trail monitoring system.

C. BRC (Mr. Dudick)-No. report. Mr. Bergeron mentioned the Breckenridge Resort Chamber hired Sandy Metzger.

D. Marketing Committee (Mr. Dudick)- No Report.

E. Summit Combined Housing Authority (Mr. Joyce)-Mr. Joyce stated the last meeting was an Executive Session. He stated the Housing Authority is currently working on proper job descriptions for the staff to fit within the current County pay structure.

F. Breckenridge Heritage Alliance (Mr. Burke)-Mr. Burke reported that Peter Grossheusch updated the alliance on the progress with the tender; the Alliance is hiring a commission-based sales person to work out of the Welcome Center who will put together tour packages including stamps for each museum; the Alliance is working on signs for the tender and other sites; and, the Reiling Dredge stabilization project is held up waiting to find an expert, and will have some testing done. He mentioned the success of the Royal Afternoon tea, which raised \$1000.00 in one afternoon. He stated they will start charging for Museum tours, and that the tours will be part of the new passport system. He discussed the relationship of the alliance with the BRC with regards to adding Heritage places to their tours.

G. Sustainability Committee (Mr. Bergeron, Mr. Joyce, Mayor Warner)-no report.

H. Joint Upper Blue Master Plan Update Committee (Mr. Bergeron, Mr. Mamula)-Mr. Mamula reported on the open house last week which had decent attendance, also heard John Roberts is leaving and going to Mt. Hood.

OTHER MATTERS

Mr. Dudick mentioned he saw a presentation on solar powered golf carts, but that Robbins Manley said they were expensive. He remarked he would like to know how expensive they are in regards to costs of the fleet. He mentioned City Market's value card is a blatant invasion of privacy; that the real price is actually the sale price; and, if there is anything the Town council can do about it.

Mr. Mamula showed the council pictures of a solar installation at a middle school in Boulder, where they incorporated the solar as a cover for a bike rack, and stated if a PPA is available in the future, they push for a good design. He mentioned the amount of recreation benefits that the council receives, and stated a Council person should be able to use the Recreation Center. Mr. Gagen stated the current council cannot benefit from an increase in their compensation. He stated the retreat is an ideal time to talk about that since they will be discussing ballot questions at that time.

Mr. Burke mentioned the ~~size of the screen~~ lack of large screens at the Riverwalk, and stated that they should look into a bigger screen since most concerts have a screen in their show. The Council discussed the new business model, and how the original design of the Riverwalk included a bigger screen, but the parties involved at the time did not want to contribute. The Council decided to discuss a menu of items that could be offered at the Riverwalk at the retreat.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, Mr. Burke moved to adjourn the meeting at 9:23 p.m.

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Submitted by Cathy Boland, Municipal Court Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor