

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, MAY 10, 2011
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CALL TO ORDER and ROLL CALL

Mayor Warner called the May 10, 2011 Town Council Meeting to order at 7:35 p.m. The following members answered roll call: Mr. Dudick, Ms. McAtamney, Mr. Mamula, Mr. Joyce, Mr. Burke, and Mayor Warner. Mr. Bergeron was absent.

APPROVAL OF MINUTES – April 26, 2011 Regular Meeting

Mr. Burke had one correction on page 74 at the section where it talks about the Riverwalk Center, Mr. Burke would like it to say “lack of large screens” rather than “the size of the screens”. With no other changes or corrections, Mayor Warner declared the minutes were approved as corrected.

APPROVAL OF AGENDA

Town Manager Tim Gagen explained that there would be several new items under New Business/First Readings. The first item was Item #3, Council Bill No. 21 Columbia Lode Development Agreement. Item #4 was Council Bill No. 22 Xcel Enclave Placement in Land Use District 13. Item #5 was Council Bill No. 23, 112 Beavers Drive Enclave Placement in Land Use District 10. Another item under Resolutions was the public hearing for Joint Upper Blue Master Plan which Council didn't actually have anything to approve during the meeting. Mr. Gagen recommended that they just refer to it as the public hearing for the Joint Upper Blue Master Plan with no other action required. During the work session, the council discussed that they would continue the Planning Commission Liaison ordinance to a later date; however, Mr. Gagen mentioned that council could still open the public hearing if they chose to do so. The Council then had a short discussion and came to the decision that they would go ahead and vote for the ordinance tonight even though Mr. Bergeron was absent. The final item was that there probably wouldn't be a report for the Water Task Force under Report of Mayor and Council Members from Mr. Mamula, but they did add it to the agenda. The Public Works department also sent their apologies that they couldn't attend tonight's meeting for the proclamation due to the winter storm warning.

COMMUNICATIONS TO COUNCIL

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

There were none.

- B. Proclamation – Public Works Week

Mayor Warner read the proclamation for Public Works Week.

- C. Breckenridge Resort Chamber – Director's Report

John McMahon reported that they are working to promote the Lyle Lovett concert on June 16. Sandy Metzger is the new Special Events Director at the BRC. They are already revamping Oktoberfest. Mr. Mamula asked if there were any lodging packages for Kingdom Days and the Lyle Lovett concert. Mr. McMahon confirmed that they were promoting lodging packages for those events.

CONTINUED BUSINESS

- A. **SECOND READING OF COUNCIL BILL, SERIES 2011 – PUBLIC HEARING**

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**

Town Attorney Tim Berry explained that this ordinance would repeal the current town ordinance regarding the Town Council liaison to the Planning Commission and replace it with an authorization that the council could allow one of its members to serve on the Planning Commission. The ordinance would also put back the old rules of how that representative can conduct business. There were two minor changes to the ordinance.

Mayor Warner opened the public hearing.

Lee Edwards came to ask how many other committees have a council representative on them. Mr. Gagen and Mr. Dudick stated that Breckenridge Open Space Advisory Commission (BOSAC) and Breckenridge Marketing Advisory Committee (BMAC) were the only two committees. Mr. Edwards also asked when communication started to become an issue between the council and the Planning Commission. Mayor Warner took a few minutes to give an overview of how everything was set up in the past and stated that he didn't think communication was an issue.

Mr. Edwards emphasized that there was a unique situation with having four people on current town council who have been on the commission in the past. They would essentially be losing one person in the vote. Mayor Warner clarified that a lot of time was spent during the work session discussing this issue and mentioned that Mr. Bergeron was absent. He added that there was an amount of flexibility when dealing with this ordinance.

Mr. Berry briefly stated several changes that he found while looking over the ordinance due to the recent developments. He read off all of the changes to the council. Mr. Berry requested that council refer to the changes read into the record when voting for the ordinance.

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

Mr. Dudick moved to approve Council Bill No. 19, Series 2011, with the changes read into the record by the Town Attorney. Ms. McAtamney seconded the motion. The motion passed 6-0

NEW BUSINESS

- A. **FIRST READING OF COUNCIL BILL, SERIES 2011**

1. **Council Bill No. 18, Series 2011 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, BY REPEALING AND READOPTING WITH CHANGES POLICY 47 (ABSOLUTE) CONCERNING FENCES, GATES AND GATEWAY ENTRANCE MONUMENTS**

Chris Neubecker of the Community Development Department explained that council initially adopted a fence/gateway policy several years ago and several updates have been made to the ordinance at the council's requests since that time. The new updates include the use of recycled materials; added a section on construction fencing; made a change to the Gateway Entrance Monument section which would reduce a property monument from two down to only one. Mayor Warner asked if there were any questions. There were none.

Mr. Dudick moved to approve Council Bill No. 18, Series 2011. Ms. McAtamney seconded the motion. The motion passed 5-1 with Mr. Burke voting in opposition.

2. **Council Bill No. 20, Series 2011 – AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING THE OPERATION OF BICYCLES, PEDICABS, AND OTHER HUMAN-POWERED VEHICLES WITHIN THE TOWN OF BRECKENRIDGE**

Police Chief Rick Holman explained that the town has adopted the State Traffic Code regarding the operation of bicycles, pedicabs, and other human-powered vehicles. He is requesting an amendment to that section regarding bicycles,

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electrical bicycles, and pedicabs specifically for dealing with stop signs. People would be required to slow down and make sure that it was safe to proceed. When dealing with red lights, they would be required to stop and make sure it was safe to proceed. Mr. Holman mentioned that the Town of Dillon is moving toward adopting this type of ordinance.

Mr. Dudick moved to approve Council Bill No. 20, Series 2011. Mr. Mamula seconded the motion. The motion passed 5-1 with Mr. Burke voting in opposition.

3. **Council Bill No. 21, Series 2011 – AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH COLUMBIA LODGE PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY (EXTENDED VESTED PROPERTY RIGHTS - COLUMBIA LODGE MASTER PLAN)**

Mr. Berry explained that the town has received a written application for a development agreement proposal. At the request of the council, an amendment was made to the development agreement where the developer is required to demolish the building during the same time the right turn lane is constructed.

Mr. Dudick moved to approve Council Bill No. 21, Series 2011. Mr. Burke seconded the motion. The motion passed 6-0.

4. **Council Bill No. 22, Series 2011 – AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICT 13 (5.8468 ACRES, MORE OR LESS)**

Mr. Berry explained that the council recently annexed an enclave referred to as the Xcel property. State law requires that the property be placed into land use district 13 within 90 days.

Mr. Mamula moved to approve Council Bill No. 22, Series 2011. Mr. Joyce seconded the motion. The motion passed 6-0.

5. **Council Bill No. 23, Series 2011 – AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICT 10 (0.488 ACRES, MORE OR LESS)**

Mr. Berry explained that the council recently annexed an enclave referred to as the First Bank or 112 Beavers Drive property. State law requires that the property be placed into land use district ten within 90 days.

Mr. Mamula moved to approve Council Bill No. 23, Series 2011. Mr. Burke seconded the motion. The motion passed 6-0.

B. **RESOLUTIONS, SERIES 2011**

1. **A RESOLUTION ADOPTING THE “JOINT UPPER BLUE MASTER PLAN, MAY 2011”**

Mark Truckey of the Community Development Department explained that this plan has been adopted by the Town of Breckenridge, Town of Blue River, and Summit County to provide guidance for land use and related growth issues in the Upper Blue Basin. It was initially adopted in 1997. Our town code requires a public hearing, which will be completed at this meeting; however, the resolution won't be acted upon tonight. Action on the resolution will take place in June by all three entities.

Mayor Warner opened the public hearing and thanked Mr. Bergeron and Mr. Mamula for serving on the Joint Upper Blue Master Plan Committee (JUBMP).

Lee Edwards mentioned that he attended the JUBMP meeting a couple of weeks ago and had a couple of questions. He asked for council's clarification on full-time residents compared to second home owners. Mr. Edwards gave the example ratio of 30 percent full-time residents and 70 percent residents are second-home owners. He asked council to think about the impacts if that ratio was ever switched around. He emphasized the huge impact that would have on the area. Mr. Edwards suggested that instead of setting the ratio at four to one, why not make it one to one? He also asked how many water rights we have that are not stored in the Upper Blue. Mr. Gagen clarified that the town doesn't currently use any of our stored water supply for the town's water supply because we have enough water rights to take it from the river. Mr. Gagen added that the town has sufficient storage when it comes to the build out of the whole town. He also added that the town currently has more water rights than storage. Mr. Edwards asked council about identifying a corridor for a fixed-rail or people-mover of some sort. Mayor Warner mentioned that he would like to see a north/south corridor incorporated instead of having Highway 9 as the only option and that option would need to be discussed at a future meeting.

There were no other comments from the public. Mayor Warner closed the public hearing and asked for comments from council members.

Mr. Dudick mentioned that according to the plan there will be 15,000 units at build out. The one to four ratio translates into little over one percent of the build out in the community. There are 190 units which are valued between \$45,000 and \$8.5 million dollars which and makes this sunset cost between \$8.5 and \$53.5 million dollars in assets that would be wiped off the balance sheet. Mr. Dudick felt that this was the most fiscally irresponsible decision that he has ever come across in his history in business. Mr. Burke added that he agrees with Mr. Dudick's comments. Mayor Warner summarized to council that the specifics of the four to one ratio should be included in the resolution. Mr. Mamula disagreed with Mr. Dudick's opinion on this matter and thanked the staff and County for all of their work on this subject.

Mayor Warner closed the public hearing.

C. **OTHER**

1. None.

PLANNING MATTERS

A. **Planning Commission Decisions of May 3, 2011**

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)**

Mr. Burke had no report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen reported that there will be an open house on May 23rd at 5:30 p.m. at the Senior Center in Frisco. The meeting will be a briefing on the emergency management steps that local towns are taking regarding the seasonal run-off.

REPORT OF MAYOR AND COUNCILMEMBERS

A. **CAST/MMC (Mayor Warner)** – Mr. Warner mentioned that electric assisted bicycles will become a part of the vocabulary of the town. The Americans with Disabilities Act (ADA) will require that people have the ability to use that means of travel on our recreational paths. Ms. McAtamney mentioned that our town trails already meet this ADA standard.

B. **Breckenridge Open Space Advisory Commission (Mr. Dudick)** – Mr. Dudick stated that his first meeting is on Monday and they will be talking about the new hut in Webber Gulch.

C. **Breckenridge Resort Chamber (Mr. Dudick new)** - Mr. Dudick reported that the Central Reservations summary was significantly off in March. Their budget was \$446,000 with an actual budget of \$219,000, projected loss was \$170,000 due to lack of inventory. The council had a lengthy discussion on marketing aspects of the town.

D. **Breckenridge Marketing Advisory Committee (Mr. Dudick)** – See BRC report.

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- E. **Summit Combined Housing Authority** (Mr. Joyce) – Mr. Joyce reported that the next meeting will be on May 25th.
- F. **Breckenridge Heritage Alliance** (Mr. Burke) – No report.
- G. **Sustainability** (Mr. Bergeron, Mr. Joyce, Mayor Warner) – Mr. Warner reported that the next Sustainability public meeting will take place tomorrow, May 11th from 6:30 to 8:30 p.m. at the Recreation Center.
- H. **Joint Upper Blue Master Plan Update Committee** (Mr. Bergeron, Mr. Mamula) – No report.
- I. **Water Task Force** (Mr. Mamula) – Mr. Mamula reported that there will be a meeting before the retreat on May 24th.

OTHER MATTERS

Mr. Berry provided a memo to Council about State reporting regarding gifts, honoraria, and other benefits. He also stated that Amendment 41 does not apply to the town because of our status as a home rule municipality; however, the State reporting aspect of it does apply. He suggested that council should look at the list of items that need to be reported. This list was included in memo format for the council. Council requested that the form be included in the July council packet as a reminder.

Mr. Mamula was recently walking near the south gondola dirt lot and thinks that the ski area should pave the parking lot. Mr. Gagen clarified that the ski area hasn't come back with any alternative plans for the parking lot because it was thought that the new development would occur. Mayor Warner asked Mr. Gagen to contact the ski area about the issue.

Mayor Warner took a tour of the Breckenridge Distillery located on Airport Road and mentioned that it was a really nice place. He felt that the "Service Commercial" aspect of their business is very exciting and is thankful to have this company in our community.

Mr. Gagen would like to see more use of the parking located at Block 11 and would like to continue talking about this issue. He would still like to fill up all the town parking lots first.

Ms. McAtamney was at the post office a few weeks ago and someone mentioned that it was the Town of Breckenridge's fault that people weren't allowed to have mail delivery at their houses. She clarified that cluster boxes are allowed according to our town code. She further mentioned that it is possible for someone to get a free, small mailbox if you live in the Town of Breckenridge and if you are a land owner. You cannot be a tenant.

Mr. Burke let council know that All Access Limo received his Public Utilities Commission (PUC) license to operate his limousine business.

Mayor Warner asked why there wasn't a Coffee Talk scheduled for June 17. Mayor Warner would like to schedule it.

SCHEDULED MEETINGS

There were none.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:38 p.m.

Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor