

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, MAY 24, 2011
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CALL TO ORDER and ROLL CALL

Mayor Warner called the May 24, 2011 Town Council Meeting to order at 7:30 p.m. The following members of council answered roll call: Mr. Bergeron, Mr. Burke, Mr. Dudick, Ms. McAtamney, Mr. Mamula, Mr. Joyce, and Mayor Warner.

APPROVAL OF MINUTES – May 10, 2011 Regular Meeting

Mr. Dudick corrected a portion of his comments related to the Joint Upper Blue Master Plan public hearing. He stated in the sentence beginning “There were 190 units valued between \$45,000 and \$283,000 per SFE which makes this sunset cost (not worth) between \$8.5 million and \$53.5 million...”. With no additional changes to the meeting minutes of May 10, 2011, Mayor Warner declared they would stand approved as amended.

APPROVAL OF AGENDA

Tim Gagen, Town Manager, stated there were no changes to the agenda.

COMMUNICATIONS TO COUNCIL

A. Lifesaving Award

Red, White and Blue Fire Protection District Chief, Gary Green and Battalion Chief/PIO, Kim Scott presented Lifesaving Awards to individuals who helped save a life on Monday, March 14, 2011 at 7:00 p.m. at the Sundowner Condos. Captain Scott explained the four steps of the chain of survival were all present that evening. The four steps are early access (calling 911), early CPR, early defibrillation and early advance care.

Tara Stanley, Dispatcher; Jennifer Brodbeck, Dispatcher; Grant Cooley, Dispatcher; Bryan Ridge, Breckenridge Police Officer, Paul Kuhn, Battalion Chief; Chris Sutton, Captain; Angelo Lodice, Driver/Operator; Phil Graham, Paramedic/Firefighter; and Firefighter, Marty Keenan, were asked to come to the front. Rebeka Whitney, Dispatcher, was not present to receive her award.

Chief Green reported the events of the evening. Chief Holman thanked everyone for a job well done. He thanked the town council for allowing the two divisions to make this presentation. Both he and Chief Green felt it was important to publicly recognize the efforts of this group. Because of their efforts a husband and father is alive today. Mayor Warner assisted in presenting the awards.

Chief Green continued by recounting another event that occurred on September 3, 2010 at 8:30 p.m. at Beaver Run Resort and Conference Center. Battalion Chief, Paul Kuhn; Captain, Andrew Hoehn; Captain, Bill Randall; and Captain Keith McMillan were recognized and awarded Lifesaving Awards. Firefighter Ryan Doyle was unable to attend this evening to receive his award.

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

Dick Carleton, Hearthstone Victorian Dining and Mi Casa, introduced himself and the accompanying business owners. The group would like to see council put a question before the voters to abolish term limits in Breckenridge. Mr. Carleton summarized how term limits came about. He stated in a small community there is a limited pool of talented people willing to serve their community in the capacity of a council member. The group would like the community to have another chance to vote on a term limit question.

Mayor Warner thanked the group and asked if they had considered whether they would like to do away with term limits in total or make a change to the amount of terms a person could serve. Mr. Carleton stated this group preferred doing away with term limits in total. He acknowledged the group could go the route of an Initiative and acquire the required signatures to have a question appear on a ballot, however, it was felt that the group would rather spend their time educating the community on the benefits of not having terms limited.

Mr. Bergeron commented he didn’t feel council would be harming themselves by putting a question on the ballot. Mr. Burke stated he did not support term limits, however, he felt it would appear to be “self serving”. It would be inappropriate for the council to proceed on this. He would like to see this question go through the Initiative process.

It was determined that by June 14 a decision would have to be made to give the citizen’s group enough time to begin the Initiative process. Mr. Joyce asked how the citizen group could help get the information out about term limits and how they could help keep it from appearing to be self serving to council members? Mr. Carleton stated the group will be available to come to meetings and make public comment. Mayor Warner asked for other council opinions. Mr. Mamula wished to abstain from the discussion. Mr. Burke did not want to hold up the process. Mr. Dudick, Ms. McAtamney, Mr. Bergeron, Mr. Joyce were fine with council beginning the two reading process to have a question put on the November ballot. There were no further questions or comments. Mr. Carleton thanked council for their time.

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CONTINUED BUSINESS

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

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, Senior Planner, stated there are no changes proposed from first reading. Council is familiar with this piece of legislation. Throughout the discussion process changes were made. Changes include use of recycled materials; a section addressing construction fencing; and a change to the section on Gateway Entrance Monuments. Mayor Warner asked if there were any questions or comments from council. There were none. He opened a public hearing. With no comments from the public he closed the public hearing.

Mr. Mamula moved to approve on second reading Council Bill No. 18, Series 2011 the title of which was read into the record. Mr. Joyce made the seconded. The motion passed 6-1 with Mr. Burke voting in opposition to the motion.

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 Holman stated there are no changes from first reading. He explained what is being asked is that a minor modification be made to the Model Traffic Code in reference to bicycles, electrical bicycles, and pedicabs. The modification would require bicycles, electrical bicycles and pedicabs to slow and check for oncoming traffic at a stop sign. As these vehicles approach a stop light they would be required to slow and come to a complete stop before proceeding into the traffic intersection.

Mr. Bergeron asked for clarification in reference to approaching stop signs verses stop lights. Mayor Warner asked if a full stop would require putting a foot down? Chief Holman responded, putting a foot down, is not included in the definition of a full stop. Mr. Mamula asked when this piece of legislation would become effective. Mr. Berry responded Colorado Department of Transportation (CDOT) will need to formally approve these changes. At this time, they have approved it preliminarily. With no additional questions from council, Mayor Warner opened a public hearing. With no comments from the public he closed the public hearing.

Mr. Mamula moved to approve on second reading Council Bill No. 20, Series 2011 the title of which was previously read into the record. Mr. Bergeron seconded the motion. The motion passed 7-0.

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

Mr. Berry stated the town council recently approved the master plan for redevelopment of the Columbia Lode property. By State law the period of vested property rights associated with a master plan is three years. The State law and the town’s ordinances allow property owners to request an extension of property rights through a development agreement. If approved on second reading this ordinance and the development agreement would extend property rights for ten years. In return for extension of property rights, as a public benefit, the developer has agreed to dedicate the right turn lane property and construct the right turn lane by no later than October 31, 2012. Additionally, on or before the October 31, 2012 date, the developer has agreed to demolish the existing structure on the Columbia Lode site. There are no changes from first reading to either the development agreement or the ordinance. With no questions or comments from council, Mayor Warner opened a public hearing. With no comments from the public, Mayor Warner closed the public hearing.

Mr. Bergeron moved to approve on second reading Council Bill No. 21, Series 2011 the title of which was previously read into the record. Mr. Burke seconded the motion. The motion passed 7-0.

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 the town recently annexed an enclave referred to as the Xcel property. State law requires the property be zoned within 90 days of annexation. This parcel is set to be placed in Land Use District 13. There are no changes from first reading. Mayor Warner asked for clarification of the acreage associated with this parcel. With no further questions from council, Mayor Warner opened a public hearing. With no comments from the public he closed the public hearing.

Mr. Joyce moved to approve on second reading Council Bill No. 22, Series 2011 the title of which was previously read into the record. Mr. Mamula made the second. The motion passed 7-0.

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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 this ordinance has the same effect as the previous ordinance. The council recently annexed an enclave referred to as the First Bank or 112 Beavers Drive property. There are no changes from first reading. With no questions or comments from council, Mayor Warner opened a public hearing. With no comments from the public he closed the public hearing.

Mr. Bergeron moved to approve on second reading Council Bill No. 23, Series 2011 the title of which was previously read into the record. Ms. McAtamney seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2011

There were no first readings.

B. RESOLUTIONS, SERIES 2011

1. A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE RED WHITE & BLUE FIRE PROTECTION DISTRICT CONCERNING THE ADMINISTRATION OF THE TOWN'S VOLUNTARY DEFENSIBLE SPACE ORDINANCE

Jennifer Cram, Planner III, along with Captain, Kim Scott of the Red, White & Blue Fire Protection District introduced this item. Changes to the Intergovernmental Agreement were highlighted in the council's packet. Mayor Warner asked about a report showing the level of compliance dropping off. Captain Scott addressed numbers appearing in past reports. RWB is working to educate insurance agents and underwriters on local objectives and efforts in creating defensible space. Additionally, they are working with Dan Schroder, Town Planning Commission and CSU/4-H Extension, to address the public education aspect of defensible space. Ms. Cram stated she will be working with the town's communication staff to keep the town's website updated. She has conducted two tree cutting contractor training sessions and will continue to educate homeowner associations. Captain Scott reported, for the third year this community has received 75% – 80% of the Wildfire Council Grant money. This year, Golden Horseshoe received the State grant.

Mayor Warner thanked Captain Scott and Ms. Cram for the update. Mayor Warner opened the matter for questions or comments from the public and council. With no questions or comments from either the public or council, Mayor Warner asked for a motion.

Ms. McAtamney moved to approve A Resolution Approving An Intergovernmental Agreement With The Red White & Blue Fire Protection District Concerning The Administration Of The Town's Voluntary Defensible Space Ordinance. Mr. Joyce made the second. The motion passed 7-0.

2. A RESOLUTION APPROVING AN AGREEMENT WITH BRECKENRIDGE NORDIC CENTER LLC A COLORADO LIMITED LIABILITY COMPANY, CONCERNING THE NEW BRECKENRIDGE NORDIC CENTER

Mr. Gagen introduced this matter stating the town has been in a long term relationship with the current owner of the Breckenridge Nordic Center. Through the years certain purchases of land have occurred resulting in the town owning most of the land related to where the current nordic center and facility is located. Agreements have been entered into that will require the removal of the current nordic facility because it is located at an access point for a planned subdivision.

Recently, the town entered into negotiations with Breckenridge Nordic Center. The town would like to lease the land for a nordic operation. As part of the negotiations, Breckenridge Nordic Center will construct a new facility for nordic operations. In exchange for the construction of the facility the town will offer a 30 year free lease to Breckenridge Nordic Center. After the 30 year lease is up, the town will retain ownership of the facility. The town retains rights to plan review and code approval. Mr. Gagen closed by stating the lease is ready for council's review.

With no questions or comments from council, Mayor Warner asked if there was anyone present in the audience who would like to make a public comment. Dave Garrett, Christie Heights homeowner, commented that he is looking forward to these improvements and feels the changes will be favorable for the area. Mayor Warner stated the council is confident of the operation and the improvements to be made. The nordic operation adds a lot to the community. Throughout the 30 year lease the town retains the right to monitor and make determinations as to whether winter operations are creating too much impact on Cucumber Gulch.

Mr. Bergeron moved to approve A Resolution Approving An Agreement With Breckenridge Nordic Center LLC, A Colorado Limited Liability Company, Concerning The New Breckenridge Nordic Center. Ms. McAtamney made the second. The motion passed 7-0.

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C. OTHER

1. Arts District Pit Fire

Jennifer Cram stated in conjunction with a proposed summer workshop featuring guest artist Sumi von Dassow there will be a pit fire within the Arts District on Saturday, June 4. The Town's Code prohibits open burning within town limits, however, Section 5-5-5 allows town council to grant a special permit to authorize open burning. If this is acceptable to council a motion is required. Mayor asked council if there were any questions. There were none.

Ms. McAtamney moved to approve a special permit to allow a pit fire within the Arts District of Breckenridge as part of a scheduled workshop, on June 4, 2011, from approximately 10:00 a.m. – 3:00 p.m. All burning at the pit fire shall comply with the "Open Burning" requirements of Section 207 of the International Fire Code, 2000 Edition. In addition, the town shall obtain an open burning permit from the Red, White & Blue Fire Protection District. Mr. Burke made the second. A voice vote was taken. All were in favor of the motion.

PLANNING MATTERS

A. Planning Commission Decisions of May 3, 2011

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions of May 3, 2011 would stand approved as presented.

B. Town Council Representative Report (Mr. Burke)

Mr. Burke had no report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen asked what council's desire would be concerning the term limit question. Would council like to have the item appear on a work session agenda for the next meeting (June 14)? Mayor Warner felt there was a majority of council members who felt comfortable with having a question appear on the ballot. Mr. Berry will bring a draft council bill to the next meeting.

REPORT OF MAYOR AND COUNCILMEMBERS

Reports were given during the dinner break.

- A. **CAST/MMC** (Mayor Warner)
- B. **Breckenridge Open Space Advisory Commission** (Mr. Dudick)
- C. **Breckenridge Resort Chamber** (Mr. Dudick)
- D. **Breckenridge Marketing Advisory Committee** (Mr. Dudick)
- E. **Summit Combined Housing Authority** (Mr. Joyce)
- F. **Breckenridge Heritage Alliance** (Mr. Burke)
- G. **Sustainability** (Mr. Bergeron, Mr. Joyce, Mayor Warner)
- H. **Joint Upper Blue Master Plan Update Committee** (Mr. Bergeron, Mr. Mamula)
- I. **Water Task Force** (Mr. Mamula)

OTHER MATTERS

Ms. McAtamney reported on an interest in having a community garden. Other gardens in the county have been successful. She believes organizers are looking for land. Would the council be interested in donating land? Mr. Gagen commented he believes the group is looking for land that has access to water. How permanent the organizer feels a structure would be will determine the types of parcels that are suggested. Mr. Perkins commented Stillson has a well. Organizers should contact either Terry Perkins or Tim Gagen if they would like to move forward. Mr. Burke asked that costs be included in any reports to council. Council felt it was a good idea.

SCHEDULED MEETINGS

Mayor Warner stated some future event dates and meetings dates. He thanked staff for putting the Retreat together.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:35 p.m.
Submitted by Wanda Creen, Deputy Town Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor