

**TOWN OF BRECKENRIDGE  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, JUNE 14, 2011  
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**CALL TO ORDER and ROLL CALL**

Mayor Warner called the June 14, 2011 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Mr. Dudick, Ms. McAtamney, Mr. Bergeron, Mr. Mamula, Mr. Burke, and Mayor Warner. Mr. Joyce was absent.

**APPROVAL OF MINUTES – May 24, 2011 Regular Meeting**

There were no changes.

**APPROVAL OF AGENDA**

There were no changes.

**COMMUNICATIONS TO COUNCIL**

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

Town Manager Tim Gagen mentioned a letter from David O'Neil and that council could bring this up under Other Matters.

**B. BRC Director Report**

John McMahon of the Breckenridge Resort Chamber (BRC) reported that they are working on their marketing for summer. The month of July looks a little soft. The BRC is looking at new initiatives including a mobile application that will take you directly to the BRC website. The Sales Department is currently 200 percent above their goal. During Oktoberfest last year there were some concerns regarding security. This year they plan to have more security personnel. Mr. McMahon reported great results for the Lyle Lovett concert on June 16. The concert will be expanded onto the lawn area behind the Riverwalk Center building. Mr. Bergeron asked how things were going for Kingdom Days. Mr. McMahon reported that it was going well; however, there were only three teams entered in the outhouse race as of this morning. As of the afternoon, they had about six teams registered and seemed to think that the event would have enough entries.

**C. USA PCC Update**

Lucy Kay of the BRC reported that the race would take place on Highway 9, Park Avenue, and then down Main Street. Dogs won't be allowed at the event. There will be two hours of live television coverage on Versus. Versus has agreed not to do a hard stop in programming, which means they wouldn't switch over to another program. The BRC recently learned that the race teams won't be spending the night in Breckenridge; however, the BRC would at least like to provide people with box lunches or something similar. They will have a little extra money in the budget so they plan to include more post-event items such as marketing, merchandise, and concerts. The BRC has between \$25,000 and \$30,000 in verbal sponsorship commitments. Over 300 volunteers are signed up on the website for assistance during the event. Colorado Mountain College has offered the use of their campus to conduct registration if it is a rainy day. They are encouraging local businesses to provide lodging deals, restaurant deals, etc. They are also thinking of having a hand-cycle event before the main racing event gets into town. Ms. Kay added that the workload is increasing for everyone involved she thanked the staff at the Riverwalk Center and Police Department for their help. She also stated that before the racers come into Breckenridge, they will have the prior week off. It is thought that the race participants will be up in the high country getting acclimated to the elevation and we could use this to our advantage.

**CONTINUED BUSINESS**

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

1. None.

**NEW BUSINESS**

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

1. **Council Bill No. 24, Series 2011 - AN ORDINANCE FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY LOCATED 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 (Woods Manor Subdivision – 4.5664 ACRES, MORE OR LESS)**

Town Attorney Tim Berry explained that the State Municipal Annexation Law allows the town to annex an enclave without an annexation petition and hearing. Town staff has advised Mr. Berry that this property meets the statutory and constitutional guidelines of an enclave. This ordinance would annex lots one, two, and three of the Woods Manor subdivision into the Town of Breckenridge as an enclave.

Even though this was a first reading, Mayor Warner invited Jay Rust, President of the Woods Manor Home Owners Association to speak before the council. Mr. Rust thanked council for their stewardship and leadership. A few years ago they were wondering how they could get annexed. Mr. Rust felt that being legally associated with the town was held in very high esteem. They have discussed this as a board and are delighted that this situation has happened. Mr. Rust appreciated the notification from Chris Neubecker of the Community Development Department. Mr. Rust also mentioned that it is privilege to be a part of the Town of Breckenridge.

Mr. Berry stated that due to public notice requirements regarding an enclave, the second reading of this ordinance will take place at the July 26 council meeting. He asked that council refer to these details when making the motion for this ordinance.

Mr. Dudick moved to approve Council Bill No. 24, Series 2011. Mr. Mamula seconded the motion. The motion passed 6-0 with the second reading taking place at the July 26 council meeting.

2. **Council Bill No. 25, Series 2011 - AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICT 30 (Woods Manor Subdivision – 4.5664 ACRES, MORE OR LESS)**

Mr. Berry explained that the State Municipal Annexation Law requires that an annexed property be placed inside the town within 90 days. This ordinance would zone the Woods Manor property into the town's Land Use District 30. Mr. Berry added that that this ordinance can't be adopted unless the above annexation ordinance is adopted and that the motion should state that the second reading will occur during the July 26 council meeting.

Mr. Bergeron moved to approve Council Bill No. 25, Series 2011. Mr. Burke seconded the motion. The motion passed 6-0.

3. **Council Bill No. 26, Series 2011 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Lot 79, Bartlett and Shock Addition)**

Mr. Berry explained that as part of the recently approved development permit for the Palomo property, Palomo submitted an application for Landmark designation. Town staff has reviewed the application and determined that it satisfies the landmark designation criteria and recommends adoption.

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Ms. McAtamney moved to approve Council Bill No. 26, Series 2011. Mr. Bergeron seconded the motion. The motion passed 6-0.

4. **Council Bill No. 27, Series 2011 - AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF GRANDVIEW DRIVE**

Mr. Neubecker explained that this ordinance would vacate a portion of Grandview Drive. The property is located next to the White Wolf subdivision and east of the existing Breckenridge Nordic Center. This would facilitate the new Breckenridge Nordic Center and would move the property approximately 200 feet to the east. The land would then become part of the Town of Breckenridge. Staff has no concerns with the ordinance and recommends approval.

Mr. Mamula moved to approve Council Bill No. 27, Series 2011. Mr. Burke seconded the motion. The motion passed 6-0.

5. **Council Bill No. 28, Series 2011 – AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO (Coyne Valley Road)**

Mr. Berry explained that the Town Charter requires an ordinance to grant an easement of town property. This ordinance would grant the Coyne Valley Road easement to the Public Service Company of Colorado.

Mr. Bergeron moved to approve Council Bill No. 28, Series 2011. Mr. Mamula seconded the motion. The motion passed 6-0.

B. **RESOLUTIONS, SERIES 2011**

1. **A RESOLUTION FINDING A PETITION FOR ANNEXATION OF A PARCEL OF LAND TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1). C.R.S. (Part of Summit County Road 3 - 0.901 acres more or less)**

Mr. Berry explained that the town has received a petition for annexation from Summit County for part of Summit County Road 3 into the Town of Breckenridge. Under the Municipal Annexation Law, the first step is that council receives the petition from the Town Clerk then council will determine if the form of the petition is sufficient and if it meets the requirements of the State law. Mr. Berry has reviewed the petition and found that it does meet the requirements of the State law. He recommended approval of the resolution. Mr. Berry recommended setting the public hearing for July 26 to determine if the property is eligible for annexation. This language was included in the resolution.

Mr. Mamula moved to approve A Resolution Finding A Petition For Annexation Of A Parcel Of Land To Be In Substantial Compliance With Section 31-12-107(1). C.R.S. (Part of Summit County Road 3 – 0.901 acres more or less). Mr. Dudick seconded the motion. The motion passed 6-0.

C. **OTHER**

1. **Planning Commission Appointment**

Mayor Warner explained that there are currently two openings on the Planning Commission. Jack Wolfe had resigned as of yesterday. Mayor Warner thanked Mr. Wolfe for his service. The council discussed their options for the two openings stating they could either choose one person and re-post the notice or appoint two people to the commission – one of them being a council member. The council members agreed to vote and then re-post for the remaining opening. After a vote, it was determined that Michael Rath was the successful candidate.

**PLANNING MATTERS**

A. **Planning Commission Decisions of June 7, 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)**

No report.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen made council aware of a letter received from David O'Neil and suggested that council might want bring this up during Other Matters.

Mr. Gagen also mentioned that the Town Party will take place this Friday, June 17.

Mr. Gagen and Mr. Berry have created a draft ordinance for medical marijuana taxation which is scheduled for the June 28 town council meeting where council can decide if they would like to see it on the ballot in November. The council had a lengthy discussion regarding the ski lift user tax, mentioning the possibility of having this issue on the ballot in April.

Mr. Gagen mentioned the possibility of Town Hall being available for purchase. He first contacted Summit County to determine if they would be interested in purchasing the property – they don't think they will be purchasing it, but they are thinking about it. There have been a couple of other interested parties.

Mr. Gagen will also send out the Convention Center Study from 2001 so that council can see how things will move forward with the F-Lot discussion.

**REPORT OF MAYOR AND COUNCILMEMBERS**

A. **CAST/MMC** (Mayor Warner) – The next meeting is in two weeks.

B. **Breckenridge Open Space Advisory Commission** (Mr. Dudick) – The next meeting is on Monday and Mr. Dudick won't be able to attend.

C. **Breckenridge Resort Chamber** (Mr. Burke) - The next meeting will take place tomorrow morning.

D. **Marketing Committee** (Mr. Dudick) – The next meeting will take place in August.

E. **Summit Combined Housing Authority** (Mr. Joyce) – Mr. Joyce was not present to report.

F. **Breckenridge Heritage Alliance** (Mr. Burke) – The next meeting will take place on Thursday.

G. **Sustainability** (Mr. Bergeron, Mr. Joyce, Mayor Warner) – The committee adopted a plan, which has gone through Community Development and will be presented to council in the near future.

H. **Joint Upper Blue Master Plan Update Committee** (Mr. Bergeron, Mr. Mamula) – The next meeting will take place on June 30 at the Summit County Courthouse.

I. **Water Task Force** (Mr. Mamula) – No meeting.

**OTHER MATTERS**

Mayor Warner gave a short explanation of the term limit subject matter mentioned in a letter received by council from David O'Neil. The council had a discussion as to how they would respond to Mr. O'Neil's letter. Mayor Warner summarized that council would allow the committee to proceed with the signatures needed for the petition and council would review it in August.

**SCHEDULED MEETINGS**

There were none.

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***ADJOURNMENT***

With no further business to discuss, the meeting adjourned at 8:58 p.m.  
Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

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John Warner, Mayor