

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 11, 2011
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CALL TO ORDER and ROLL CALL

Mayor Warner called the October 11, 2011 Town Council Meeting to order at 7:31 p.m. The following members answered roll call: Mr. Dudick, Ms. McAtamney, Mr. Joyce, Mr. Burke, and Mayor Warner. Mr. Bergeron and Mr. Mamula were absent.

APPROVAL OF MINUTES – September 27, 2011 Regular Meeting

The minutes were approved as presented.

APPROVAL OF AGENDA

There were no changes to the agenda.

COMMUNICATIONS TO COUNCIL

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

Sheri Shelton, owner of Hand and Glove and participant in the Retail Merchant Association came to ask if the town could split up the reporting of sales tax between retail and restaurants. **Mr. Gagen clarified for Ms. Shelton that those numbers have already been separated out from each other.** She also asked council about the possibility of having the new variable message sign direct visitors towards Main Street and if the sign could be used as a marketing tool as well as a traffic tool. Town Manager Tim Gagen explained that there are challenges in the town code regarding the sign issue and that it is limited as to what can be displayed. Mayor Warner added that the main purpose is to inform our guests of traffic updates and provide awareness.

Chris Renner along with several other parents across Summit County came to express their desire to rent out a portion of the old Colorado Mountain College (CMC) property on Harris Street (now owned by the Town of Breckenridge) for an independent (private) school. Mr. Renner mentioned that he has individually met with several council members about this issue. Mr. Renner also asked if they could have a conversation about the details of the project and any clarification points. Mayor Warner mentioned that the council would bring it up later under Other Matters. Ken Bell also added that the group is acting as an advocate for the children and that the space is ideal and would be a large benefit to the community. Mr. Renner clarified that this situation would only be short-term until the Town of Breckenridge moves into the building. Mr. Dudick stated his concern about asking the private school to vacate the building when it comes time to move Town Hall, stating that it would give a bad impression.

Marty Lessow, owner of Marty's for Kids came to ask about the progress of the F-Lot hotel project. Mayor Warner stated that the initial impression was that Breckenridge has support for a higher level of lodging; however, the council isn't currently moving ahead with the proposals that were received in August. The council doesn't have any budget figure and they are trying to understand what the current hotel inventory really looks like to our guests. Mayor Warner added that it's mostly in the "talk" stage right now. Mr. Lessow also asked about the issue of parking. Mayor Warner clarified that the town won't lose any parking with the project. There would most likely be a parking structure of some kind.

B. BRC Director Report

John McMahon reported that Oktoberfest saw about the same attendance as last year, but still saw an increase in revenue, sponsorship, and membership. Ullr Fest is coming up in January and the BRC is working on bringing more events into town during the event. This year marks the 50th anniversary of the ski area. The month of September was strong with an 11.6 percent increase in lodging, which was up about three percent from last year. The council thanked the BRC for their hard work during Oktoberfest. They received many positive comments regarding the expanded format of the event.

C. Ski Area Update (Pat Campbell)

Pat Campbell reported that they completed the ~~Eeo~~ **Echo** Day trail project on the Peaks Trail. They had 80 volunteers who contributed to the trail work. It was a great event for the ski area, and now they are focusing on opening day, November 11 on Peak 8. Snow-making operations will begin on October 18. The ski area has been promoting their 50th anniversary with fun giveaways on Facebook and granting 50 birthday wishes for the "ultimate Breckenridge experience". They have created a new 50th anniversary logo. The ski area has also updated their current logo where they will have the term "Breck" (instead of Breckenridge), adding a more local feel since that's how many people refer to the town. The Ski Spectacular will take place December 4 through December 11. The Dew Tour is scheduled for December 15 through December 18. The ski area has been active in public relations in Texas, New York, Australia, and Atlanta, as well as placing ads in Hemisphere Magazine and the Outside Ski Guide. The ski area just completed their annual leadership conference, with the main focus being service initiatives. Mayor Warner thanked them for their wonderful work on the Peaks Trail.

CONTINUED BUSINESS

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

1. Council Bill No. 35, Series 2011 – An Ordinance Amending Section 9-1-21 Of The Breckenridge Town Code By Adopting The "Upper Blue Nordic Master Plan (Revised 2011)" As A Correlative Document To The Breckenridge Development Code

Town Attorney Tim Berry explained that current Upper Blue Nordic Master Plan is a correlative document to the Breckenridge Development Code. The plan has now been updated and this ordinance would place the new version into the town's development code.

Mayor Warner opened the public hearing. Eric Weidman, a repeating visitor to Breckenridge, expressed his support for the revised plan. He thanked the council for their support of nordic skiing and encouraged them to approve the ordinance. With no further comments, the public hearing was closed.

Ms. McAtamney moved to approve Council Bill No. 35, Series 2011. Mr. Burke seconded the motion. The motion passed 5-0.

2. Council Bill No. 36, Series 2011 – An Ordinance Repealing And Readopting With Changes Chapter 3 Of Title 10 Of The Breckenridge Town Code, Known As The "Breckenridge Flood Damage Prevention Ordinance"

Mr. Berry explained that this ordinance would update the town's floodplain ordinance and maps. This is a periodic update which occurs. There were no changes from the first reading.

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

Mr. Dudick moved to approve Council Bill No. 36, Series 2011. Mr. Joyce seconded the motion. The motion passed 5-0.

3. Council Bill No. 37, Series 2011 – An Ordinance Amending Article B of Chapter 2 Of Title 6 Of The Breckenridge Town Code Concerning the Prohibition Of Animals At Certain Special Events

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Chief of Police Rick Holman explained that this ordinance designates that at certain special events, certain animals would be prohibited at the event. Signage would need to be posted at entrances to the event. This second reading adds language stating that designated animals would be authorized.

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

Mr. Joyce moved to approve Council Bill No. 37, Series 2011. Ms. McAtamney seconded the motion. The motion passed 5-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2011

1. **Council Bill No. 38, Series 2011** – An Ordinance Amending Section 1-7-1 Of The Breckenridge Town Code Concerning The Compensation Of The Mayor And Councilmembers Elected Or Appointed On Or After April 3, 2012

Town Manager Tim Gagen explained that this ordinance sets compensation for future appointments to Town Council – no existing members would receive the benefit. Mr. Gagen also explained that the current benefit credit of \$500 would be raised to \$1000 for the newly appointed council members.

Ms. McAtamney moved to approve Council Bill No. 38, Series 2011. Mr. Joyce seconded the motion. The motion failed 2-3 with Mr. Burke, Mr. Dudick, and Mayor Warner voting in opposition.

B. RESOLUTIONS, SERIES 2011

1. A Resolution Urging The Electors Of The Town Of Breckenridge To Vote “Yes” On Referred Issue “2A” On The November 1, 2011 Ballot To Impose An Excise Tax On The Legal Sales Of Medical Marijuana

Mr. Gagen explained that the council placed a question to impose a five percent excise tax on the legal sale of medical marijuana on the November election ballot to help offset the high cost that has occurred with enforcement and development of regulations. The council is allowed to take a position on a ballot issue but is restricted from spending any tax dollars. This resolution serves as that position statement to educate the voters about the ballot question.

Ms. McAtamney moved to approve A Resolution Urging The Electors Of The Town Of Breckenridge To Vote “Yes” On Referred Issue “2A” On The November 1, 2011 Ballot To Impose An Excise Tax On The Legal Sales Of Medical Marijuana. Mr. Joyce seconded the motion. The motion passed 5-0.

2. A Resolution Amending The Town Of Breckenridge Comprehensive Plan To Include The “Upper Blue Nordic Master Plan (Revised 2011)” As A Part Thereof (PUBLIC HEARING).

Mr. Berry explained that the Upper Blue Nordic Master Plan has been revised and staff has recommended that the plan be included into the town’s comprehensive plan. This resolution requires the approval of council and a public hearing. The plan has been published, reviewed by the Planning Commission, and comments from the public have been solicited.

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

Mr. Joyce moved to approve A Resolution Amending The Town Of Breckenridge Comprehensive Plan To Include The “Upper Blue Nordic Master Plan (Revised 2011)” As A Part Thereof. Mr. Burke seconded the motion. The motion passed 5-0.

3. A Resolution Authorizing The Town Of Breckenridge To Erect And Maintain An ‘Official Advertising Device’

Mr. Berry explained that the administrative rules for Colorado Department of Transportation require approval from CDOT to erect a variable message sign in the Town of Breckenridge; therefore, it is necessary for council to pass this resolution.

Mr. Joyce moved to approve A Resolution Authorizing The Town Of Breckenridge To Erect And Maintain An ‘Official Advertising Device’. Ms. McAtamney seconded the motion. The motion passed 5-0.

C. OTHER

1. Solar Garden – Letter of Interest

Mr. Gagen explained that this project will consist of one or two locations. In conjunction with Summit County, the Town of Breckenridge is being asked to authorize a letter of interest for the project. In order to begin the process, Clean Energy Collective must show interest from a variety of participants. Their hope is that council would be willing to sign a letter of interest for one small project as well as a substantially larger project. This letter wouldn’t commit the town to the project, it would only get the process started and let them know that the town would like more information.

Mr. Dudick moved to approve the Solar Garden Letter of Interest. Ms. McAtamney seconded the motion. The motion passed 5-0. Mr. Joyce added his concern for the visual impact to the river, the Highway 9 business sector, and visitors coming into town.

2. Warrior’s Mark Private Open Space Burn Permit

Matt Thompson of the Community Development Department explained that the Warrior’s Mark Homeowners Association is asking the council for permission to conduct an open burn permit of 16 piles of trees that were removed related to a forest health project. Mayor Warner suggested that findings and conditions be added which would require that an insurance policy exists and that it is accessible to any homeowner. Mr. Berry mentioned that the current policy is set at \$5 million dollars. Several council members preferred to continue this issue to the next council meeting.

Mr. Burke moved to continue the Warrior’s Mark Private Open Space Burn Permit to the October 25 town council meeting. Mr. Dudick seconded the motion. The motion passed 3-2 with Mr. Joyce and Mayor Warner voting in opposition.

3. Red White & Blue/Town of Breckenridge Burn Permits

Jennifer Cram of the Community Development Department explained that as part of a forest regeneration project, the Red White and Blue Fire Protection District has 77 burn piles in 4 different locations and would like council to grant a permit to proceed with the burning. They have agreed to follow all of the requirements of the town code, they won’t charge the town a fee, and they have agreed to give notice as to when they do will this. The piles are generally located off of Discovery Hill Drive and Hamilton Court. Red White and Blue’s goal is to burn during the end of October this year. There was one minor change to Ms. Cram’s memo. The sentence should read “...as early as the end of October through January 1”, instead of “October through November.

Ms. McAtamney moved to approve the Red White & Blue/Town of Breckenridge Burn Permits. Mr. Joyce seconded the motion. The motion passed 5-0.

PLANNING MATTERS

A. Planning Commission Decisions of October 4, 2011

There were no requests for call up. Mayor Warner declared the Planning Commission Decisions were approved as presented.

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REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had nothing further to report.

REPORT OF MAYOR AND COUNCILMEMBERS (these reports occurred during the work session; see attached notes)

- A. **CAST/MMC** (Mayor Warner)
- B. **Breckenridge Open Space Advisory Commission** (Mr. Dudick)
- C. **Breckenridge Resort Chamber** (Mr. Burke)
- D. **Marketing Committee** (Mr. Dudick)
- E. **Summit Combined Housing Authority** (Mr. Joyce)
- F. **Breckenridge Heritage Alliance** (Mr. Burke)
- G. **Water Task Force** (Mr. Mamula)

OTHER MATTERS

Ms. McAtamney asked if the town has stopped offering the 4-hour residential permits. Mr. Holman wasn't aware of this situation. Ms. McAtamney mentioned that the Parking Department indicated that they were no longer available. Mr. Holman will follow up on this issue.

Mr. Joyce asked Scott Reid of the Community Development Department if he had an update on the construction of the new Country Boy trail. Mr. Reid indicated that there are two other projects that need to be completed first before working on the Country Boy trail.

Council discussed the potential Summit County Independent School comprised of a group of parents who are interested in starting a school beginning the fall of 2012. They are asking council to revisit the possibility of using the Harris Street building for a one year period, adding that they do have some other long-term options. Mayor Warner stated his desire to stay on track and not get distracted from moving the existing Town Hall to the old CMC building on Harris Street. With that being said, he was still willing to listen to their request. Mr. Gagen reminded council that they would need more information from the Speakeasy Movie Theatre as to their timeline for improvements related to the theatre. Mr. Burke expressed his interest in hearing their plan. Ms. McAtamney doesn't want to end up being the "bad guy" when it comes time to ask the school to leave the building and wouldn't want it to become an issue with the existing school district; however, she is willing to listen to the plan. Mr. Dudick would be open to hearing ideas, but would like to see their ~~20~~ 2-year plan in order to feel good about it. Mr. Joyce pointed out the potential for conflict during early construction for the new Town Hall and wouldn't want to disrupt the school's programs. He was also concerned about code conflicts that would have to be mitigated. Mayor Warner clarified that the school would only be looking for three or four rooms to use. The representatives from the school requested to be included the council agenda in two weeks; however, Mayor Warner wasn't sure if the issue could be pushed onto the agenda that quickly. Mr. Gagen agreed to look at the upcoming agendas to try and fit it in.

Mayor Warner thanked Mr. Dudick and his wife for their participation in Dancing with the Mountain Stars.

SCHEDULED MEETINGS

There were none.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:04 p.m.
Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor