

**TOWN OF BRECKENRIDGE  
TOWN COUNCIL REGULAR MEETING  
TUESDAY, DECEMBER 13, 2011  
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**CALL TO ORDER, ROLL CALL**

Mayor Warner called the December 13, 2011 Town Council Meeting to order at 7:34 p.m. The following members answered roll call: Mr. Joyce, Ms. McAtamney, Mr. Bergeron, Mr. Mamula, Mr. Dudick, Mr. Burke, and Mayor Warner.

**APPROVAL OF MINUTES – November 22, 2011**

Mr. Burke had a correction under New Business, Council Bill No. 40, Series 2011, Mr. Burke voted to oppose, Ms. McAtamney voted for and the vote passed 6-1. Mr. Dudick asked a correction be made on page 63: BOSAC not BRC. Mayor Warner declared the minutes would be accepted as corrected.

**APPROVAL OF AGENDA**

There were no changes to the Agenda.

**COMMUNICATIONS TO COUNCIL**

- A. Special Proclamation – Mayor Warner read the Proclamation to Terry Perkins, Public Works Director. The Mayor showed an Architect’s rendering of the new Public Works Building, which will be named the “Terry L. Perkins Public Works Administration Building”, and thanked Mr. Perkins for his service. Mr. Perkins said a few words thanking everyone and gave credit to the Town Council, Tim Gagen, Kate Boniface, Gary Martinez, and the people in the trenches for doing all the work. He mentioned it has been a great pleasure to be part of the Town and the Community, the naming of the building is quite a surprise, and something he will cherish, along with the memories of the Town.
- B. Citizen’s Comment - (Non-Agenda Items ONLY; 3-minute limit please)  
Mayor Warner opened the public comments. There were no comments, and Communications to Council was closed.
- C. BRC Director- Sandy Metzger, BRC Events Director mentioned the financial report sent to the Town Council, and asked that questions be directed to her; the Race of the Santas had 140 Santas registered, which had great Public Relations (PR) including an Associated Press (AP) upload to the internet, a 2 minute piece in which 9 News will thank Adopt an Angel, and a Skype interview on Fox 31; the Breckenridge 50 Year Bash starts on Ridge Street; the Ullr Fest will have the coronation at Main Street Station; the Ullr Bon Fire will be at the Gondola lot with Stan Miller providing a steel pit, and A Cut Above Forestry putting the fuel in the pit; the Ulympics will be held at the Maggie for better lighting; the BRC has tracked all the Ullr Kings and Queens from the past, with an exception of 3 years; the International Snow Sculpture Competition runs from January 16 – February 5, 2012 with sculpting from January 24 – 28, and a viewing week January 29 – February 5; the Public Relations angle is the caliber of repeat medalists competing in the event; and an AP photographer will guarantee a photo upload to the AP wire.
- D. Recognition of USA PCC Local Organizing Committee Chairs – Mayor Warner and Brian Waldes, Financial Services Manager presented framed posters and jerseys to the LOC chairs, Lucy Kay and Mike Schilling. Mayor Warner read a script, and asked the LOC members to stand and be recognized. Mr. Schilling and Ms. Kay said a few words of thank you and remarked they are looking forward to and are already planning next year’s event, which will be a start instead of a finish.

**CONTINUED BUSINESS**

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

1. Council Bill No. 40, Series 2011 – An Ordinance Concerning Cooking Grease, Trash Dumpsters, and Trash Compactors

Mayor Warner read the title into the minutes. Mr. Berry, Town Attorney, stated the ordinance takes the town out of the business of storing cooking grease, and has the businesses take care of it on their own. There are no changes to the proposed ordinance. Mayor Warner opened a public hearing. With no comments from the public the hearing was closed.

Mr. Bergeron moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Mr. Mamula seconded the motion. The motion passed 6-1, with Mr. Burke voting against the motion.

**NEW BUSINESS**

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

1. Council Bill No. 41, Series 2011 – An Ordinance Amending The Model Traffic Code For Colorado, 2010 Edition, Concerning The Operation Of Pedal Busses Within The Town Of Breckenridge

Mayor Warner read the title into the minutes. Mr. Berry stated a couple of months ago a permit was approved for a pedal bus, a human powered vehicle about the size of a car in which everyone pedals together and the driver steers. The Colorado traffic code does not address pedal busses, and the Council needs to act to put traffic rules in place, and this ordinance would do that. He stated this ordinance has been approved by CDOT, approved by the Attorney General, adds a specific definition of a pedal bus, and addresses the traffic laws. Mr. Berry recommended the town not wait and see what happens in the legislature but rather put something in place.

Mr. Dudick moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. The motion passed 7-0.

2. Council Bill No. 42, Series 2011 – An Ordinance Amending The Breckenridge Town Code Concerning Pedal Busses

Mr. Berry stated Council Bill No. 42 is a separate ordinance adopting the same sign code regulations for Pedicabs and include Pedibusses.

Mr. Dudick moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Mr. Mamula seconded the motion. The motion passed 7-0.

3. Council Bill No. 43, Series 2011 – An Ordinance Making The Keeping Of Manure A Public Nuisance, And Providing An Exception For Aged Manure That Is Thoroughly Mixed Into The Soil And Used As Fertilizer

Mayor Warner read the title into the minutes. Mr. Neubecker, Senior Planner, stated a citizen was using manure which was fresh and not aged, there were several complaints. This ordinance gets rid of the current language in one section, declares it a nuisance unless it is aged or composted, and is tilled within 24 hours of delivery to the site. He pointed out horse and carriage manure is a separate ordinance.

Mr. Bergeron moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. The motion passed 7-0.

4. Council Bill No. 44, Series 2011 – An Ordinance Designating The Summit Fire Authority As The Emergency Response Authority For The Town Of Breckenridge

Mayor Warner read the title into the minutes. Chief Holman stated the current ordinance designates fire authority to the Summit Fire Authority as the emergency reporting authority for the town.

Mr. Mamula moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Mr. Bergeron seconded the motion. The motion passed 7-0.

5. Council Bill No. 45, Series 2011 – An Ordinance Approving A Lease With Colorado Mountain Junior College District (Part Of Former CMC/High School Building – 103 South Harris Street)

Mayor Warner read the title into the minutes. Mr. Berry stated the purchase contract allows the CMC to use certain portions of the property for 10 years after closing; this ordinance memorializes the agreement and sets standards staff felt were needed for upkeep of the building and snow removal. He stated the lease runs to the end of the 10 year period, the agreement has been reviewed and approved by CMC. The town requires approval by ordinance if it is a multi-year lease.

Mr. Mamula moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Mr. Burke seconded the motion. The motion passed 7-0.

**B. RESOLUTIONS, SERIES 2011**

1. A Resolution Authorizing The Mayor To Sign An Agreement For Attorney Services With Timothy H. Berry, P.C. For 2012

Mayor Warner read the title into the minutes. Mr. Gagen stated the Council makes two appointments in addition to the Town Manager. They are the Town Attorney and the Town Prosecuting Attorney.

Mr. Mamula moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. The motion passed 7-0.

2. A Resolution Approving An Agreement For Municipal Court Prosecution Services With Spierer, Woodward, Corbalis & Goldberg, P.C.

Mayor Warner read the title into the minutes. Mr. Gagen stated the only change from the previous year's agreement is a \$5.00 increase to the hourly rate for the Town Prosecuting Attorney. The rate has not been increased for a while.

Mr. Bergeron moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Mr. Mamula seconded the motion. The motion passed 7-0.

3. A Resolution Approving An Intergovernmental Agreement For Aid In Hazardous Substance Incidents

Chief Holman stated if passed would allowed the Town to enter into a Intergovernmental Agreement (IGA) with the other Summit County towns and the Summit Fire Authority; the Town currently pays into the Hazardous Substance Incidents Team which is able to go in and control the incident, instead of waiting for a team out of Denver; the cost is about \$7400.00 annually. This resolution will renew the terms up to 5 years. The Council discussed the hazardous responses and the jurisdiction over high mountain passes.

Ms. McAtamney moved to approve Council Bill No. 25, Series 2011 as previously read into the record. Mr. Burke seconded the motion. The motion passed 7-0.

**C. OTHER**

1. Breckenridge Marketing Advisory Committee Appointments – The Council discussed the merits of the candidates. Mr. Gagen outlined the selection process indicating the different categories. The Council voted in Toby Babich, Dick Carleton, and John Cronin.

2. Public Arts Commission Appointments – The Council discussed the merits of the candidates. The Council discussed the size of the Art Commission and the pros and cons of growing the Arts District. The Council voted in Lisa Benison Noll, Janis Bunchman, Robin Theobald, Tom Kramer, and Gene Sosville. Jenn Cram asked the Mayor to mention the next meeting date to the newly appointed members.

**PLANNING MATTERS**

A. Planning Commission Decisions of December 6, 2011

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

B. THE BRECKENRIDGE STABLES, LLC CALL UP HEARING.

The call up hearing on application number PC#2011061 was held in accordance with Section 9-1-18-5 of the Town's Development Code. A verbatim tape recording of the proceedings was made and will be maintained as required by law. No attempt is made in these minutes to set forth a verbatim record of the proceedings of this hearing.

Councilmember Mike Dudick was determined to have a disqualifying conflict of interest with respect to the application and the call up hearing. Mr. Dudick left the Council Chambers and did not participate in the hearing.

During the hearing the Council, by motion duly adopted, modified the Point Analysis for the project proposed by the staff to assess -3 points under Paragraph C of Policy 2/Relative of the Development Code concerning "Nuisances." This resulted in the application receiving a total score of -3 points on the relevant relative policies.

At the conclusion of the call up hearing, Mr. Mamula moved to deny application No. PC#2011061 because it failed to receive a score of zero or higher on the approved Point Analysis. The motion further directed the Town Attorney to prepare a written decision reflecting the Council's determination of this application for the January 10, 2012 Town Council meeting.

Mr. Bergeron seconded the motion. A roll call vote was taken. All Council members voted in favor of the motion, with Councilmember Dudick abstaining. The motion was declared to have passed. The hearing was concluded at 10:01 P.M.

**REPORT OF TOWN MANAGER AND STAFF\***

No Report

**REPORT OF MAYOR AND COUNCILMEMBERS\***

- A. CAST/MMC (Mayor Warner)-Included in the committee report.
- B. Breckenridge Open Space Advisory Commission (Mr. Dudick)-No report.
- C. BRC (Mr. Burke)-No report.
- D. Marketing Committee (Mr. Dudick)-No report.
- E. Summit Combined Housing Authority (Mr. Joyce)-No report.

- F. Breckenridge Heritage Alliance (Mr. Burke)-Mr. Burke reported national historic bookends are up and it is a priority to secure space for archives for the new library.
- G. Water Task Force (Mr. Mamula)-No report.

**X OTHER MATTERS**

Mr. Burke mentioned the article about the lift ticket tax meeting, and stated his concern that the article reported the business and lodging community were against it when not many were invited to the meeting. The Council discussed the current status of the amusement tax, de-incentivizing automobiles, having the ski area commit funds instead of imposing a tax on them, establishing an ideal transportation system, and implementing a joint vision that would be sustainable. Mr. Gagen stated, if directed, the Town could generate the 2008 numbers for transportation.

Mayor Warner stated he received a criticism of the street light policy on Ski Hill Road. The citizen asked if she could adopt a couple street lights. Mr. Gagen stated, the Town, would first want to try the experiment, however, a street light adoption program would be easy to implement since street lights have a cost. He mentioned the trial period is 6 months to 1 year. The Council discussed the street light policy.

Mr. Bergeron noted the lack of activity at Shock Hill.

Mr. Burke mentioned citizen concern regarding whether or not building inspector scheduling is meeting the current needs. Mr. Joyce stated the building department has always met his needs. Mr. Gagen suggested Mr. Burke recommend the citizens talk to Peter Grosshuesch or Glen Morgan if there is an issue with inspector scheduling and availability.

**XI SCHEDULED MEETINGS**

**XII ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 10:43 p.m.  
Submitted by Cathy Boland, Municipal Court Clerk.

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

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John Warner, Mayor