



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, January 10, 2012; 7:30 PM
Town Hall Auditorium

CALL TO ORDER, ROLL CALL

Mayor Warner called the January 10, 2012 Town Council meeting to order at 7:30 p.m. The following council members answered roll call: Mr. Bergeron, Mr. Burke, Mr. Dudick, Mr. Joyce, Mr. Mamula, Ms. McAtamney and Mayor Warner.

APPROVAL OF MINUTES - DECEMBER 13, 2011

With no changes or corrections to the meeting minutes of December 13, 2011, Mayor Warner declared they would stand approved as presented.

APPROVAL OF AGENDA

Mr. Gagen, Town Manager, stated there are two changes to the agenda. Under New Business; First Readings, there is a revised version of Council Bill No. 3, Series 2012. The new title reads: An Emergency Ordinance Amending Section 6-3F-16 of the Breckenridge Town Code Concerning the Municipal Offense of "Open Containers Prohibited" (Ullr Festival 2012). The second change to the agenda involves Council Bill No. 4, Series 2012. That item will be deleted from the agenda. The numbering of council bills will remain the same. For members of the public Mayor Warner summarized the content of the two council bills.

COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)

Mary Whatley Siekman addressed the council. She asked for a copy of the Red Tail Ranch Study. Mr. Gagen stated there was a study conducted, however it was decided not to proceed further with anything in that area. He asked Ms. Siekman to file an open records request with the town clerk.

B. BRECKENRIDGE RESORT CHAMBER UPDATE

John McMahon reported on Ullr Fest. The coronation was last night at Main Street Station. Jan and Eric Degerberg were crowned King and Queen. Ullr Olympics is currently in progress at the Riverwalk Center. There are approximately 75 - 100 people attending. Already the BRC is seeing the benefits to having Ullr events in town. The BRC is in the process of doing their annual calculations, numbers are exceeding 2011 goals. There is a new marketing committee. It is believed this committee will enable better oversight. The annual Snowsculpture event is coming up in late January. Teams look to be the best the event organizers have seen in a number of years. The BRC will keep an eye on the planning of ski area spring events. The BRC hopes to compliment what is being planned. Membership is up. Sponsors for Snowsculpture will be Cadillac and 5 Hour Energy. With the lack of snow, Mr. McMahon was asked if he had seen cancellations. He responded yes, however, not to the extent he would have expected. Mr. Bergeron congratulated the BRC on a job well done with the Ski Area 50th Celebration.

C. SKI AREA UPDATE

Pat Campbell, Vail Resorts, reported they have pulled past records concerning opening dates for upper terrain. This is the first time they have gone this long without having at least some of that terrain open. The good news is E Chair will open Friday. Dew Tour was very successful. Vail is in negotiations with the event organizer for next year. They are looking to "activate" the town more during that event. Ms. Campbell will update council. With limited snow at other areas, participants of the X Games are training here. The ski area is getting a lot of media exposure. Their marketing people are working hard on Spring Fever. Vail staff has been talking to town staff about transportation. Vail will be doing market research this winter.

CONTINUED BUSINESS

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

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 of this council bill into the record. Mr. Berry stated this council bill amends the town's traffic code and establishes traffic rules for the operation of pedal busses within town limits. There are no

changes from first reading. Mayor Warner opened a public hearing. With no comments from the public, he closed the public hearing. He asked for a motion.

Mr. Dudick moved to approve Council Bill No. 41, Series 2011 as previously read into the record. Mr. Mamula seconded the motion. A roll call vote was taken. The motion passed 7-0.

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

Mayor Warner read the title of this council bill into the record. Mr. Berry stated Council Bill No. 42 amends the town's Riverwalk Ordinance and Sign Code to specifically deal with pedal busses. There are no changes to this council bill from first reading. Mayor Warner opened a public hearing. With no comments from the public, he closed the public hearing. He asked for a motion.

Mr. Bergeron moved to approve Council Bill No. 42, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. A roll call vote was taken. 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 of this council bill into the record. Mr. Berry stated this council bill amends Section 5-1-7 in the Town Code adding Section K. There are no changes from first reading. Mayor Warner opened a public hearing. Andy Carlberg, resident of Warrior's Mark, thanked council for taking a look at this matter. With no further comments from the public, Mayor Warner closed the public hearing. He asked for a motion.

Mr. Bergeron moved to approve Council Bill No. 43, 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 this council bill into the record. Mr. Berry stated if approved, this council bill would designate the Summit Fire Authority as the emergency response authority for hazardous substance incidents occurring within the corporate limits of the Town of Breckenridge. Mayor Warner opened a public hearing. With no comments from the public, he closed the public hearing. He asked for a motion.

Ms. McAtamney moved to approve Council Bill No. 44, Series 2011 as previously read into the record. Mr. Bergeron seconded the motion. A roll call vote was taken. The motion passed 7-0.

5. Council Bill No. 45, Series 2011 - An Ordinance Approving A Lease With Colorado Mountain Junior College District

Mayor Warner read this council bill into the record. Mr. Berry introduced this matter and stated at the time of the old Colorado Mountain College building acquisition, a lease was never entered into for CMC's use of the Ceramic Studio, Photography Lab and Dance Studio. Both parties agreed it was time to enter into a lease. Mr. Berry stated there are no changes to the council bill from first reading. Mayor Warner opened a public hearing. With no comments from the public, he closed the public hearing. He asked for a motion.

Mr. Bergeron moved to approve Council Bill No. 45, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. A roll call vote was taken. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2012

1. Council Bill No. 1, Series 2012 - An Ordinance Amending Chapter 12 Of Title 1 Of The Breckenridge Town Code Concerning Municipal Elections

Mayor Warner read this council bill into the record. Ms. Loufek, Town Clerk, introduced this matter stating this council bill proposes several changes to Chapter 12 of Title 1 of the Breckenridge Town Code concerning "Municipal Elections". Section 1-12-1 specifies the appropriate Election Code to be followed for conducting municipal elections. The proposed change will authorize the town to also use the Uniform Election Code for conducting municipal mail ballot elections. Section 1-12-8 requires any person who wishes to run as a write-in candidate to file a "write-in candidate affidavit" by 21 days before the election. Section 1-12-9 allows for the cancellation of an election. Section 1-12-10 specifies the town council adopt a resolution to conduct any municipal election as a mail ballot election. Mr. Burke asked if the procedure related to write in candidates is standard in other communities. Mr. Berry stated several years ago the Colorado Municipal League sponsored a bill that would amend the Municipal Election Code to specifically provide this opt-in provision; it is now part of the state statute.

Mayor Warner asked for a motion. Mr. Bergeron moved to approve Council Bill No. 1, Series 2012 as previously read into the record. Ms. McAtamney seconded the motion. Mayor Warner asked for discussion. Mr. Mamula stated he does not like the provision addressing write-in candidates. He will be voting in opposition to the

motion. A roll call vote was taken. The motion passed 6-1, with Mr. Mamula voting in opposition to the motion.

2. Council Bill No. 2, Series 2012 - An Ordinance Amending Chapter 1 Of Title 9 Of The Breckenridge Town Code, Known As The "Breckenridge Development Code", Concerning Landscape Plans

Mayor Warner read this council bill into the record. Mr. Berry introduced this council bill stating in 2007 the Colorado Legislature enacted a law which is a comprehensive licensing law for landscape architects. The purpose of this council bill is to bring the town's Development Code into compliance with existing state law.

Mayor Warner asked for a motion. Ms. McAtamney moved to approve Council Bill No. 2, Series 2012 as previously read into the record. Mr. Dudick seconded the motion.

Mayor Warner asked for discussion. Mr. Bergeron was not in favor of this council bill and will be voting in opposition to the motion. Mr. Mamula was also not in favor of this council bill, he will also vote in opposition to the motion. A roll call vote was taken. The motion failed 1-6. Mayor Warner voted in favor of the motion with all other council members voting in opposition to the motion. Mr. Burke asked now that the town's code is not in compliance with the state law, what will happen? Mr. Berry stated landscape architects will still need to submit their plans. He will direct staff that state law still applies.

3. Council Bill No. 3, Series 2012 - An Emergency Ordinance Amending Section 6-3F-16 Of The Breckenridge Town Code Concerning The Municipal Offense Of "Open Containers Prohibited"

Mayor Warner read this ordinance into the read. Chief Holman was present and introduced this emergency ordinance. A new version of the ordinance was submitted to council before the meeting. Staff is asking for an amendment to the current Open Container law. Specifically a new subsection A1 has been added and will apply to Ullr Parade and Bonfire, 2012. If this ordinance passes it is set to be repealed on January 13, 2012. Mr. Berry stated a more generic form of this ordinance will be brought back to council in a non-emergency form. There were no questions for Chief Holman. Mayor Warner asked for a motion.

Mr. Mamula moved to approve Council Bill No. 3, Series 2012 as an emergency ordinance in the form handed out by the town attorney before the meeting, the title of which was previously read into the record. Mr. Burke seconded the motion. Mayor Warner asked for any questions or comments from council. There were none. A roll call vote was taken. The motion passed 7-0. Mayor Warner thanked Chief Holman for the work done on this ordinance.

4. Council Bill No. 4, Series 2012 - An Ordinance Submitting To The Registered Electors Of The Town Of Breckenridge At The Regular Town Election To Be Held On April 3, 2012 The Question Of Whether, Commencing July 1, 2012, The Town Of Breckenridge Should Impose An Admissions Excise Tax Of Four And One-Half Percent (4.5%) On Every Person Who Pays To Gain Admission To Any Place Or Event Open To The Public And Requiring Every Person, Whether Owner, Lessee, Or Operator, Who Charges Or Causes To Be Charged Admission To Any Such Place Or Event Open To The Public To Collect Such Admissions Tax For The Town, As A New Tax Pursuant To Article X, Section 20 Of The Colorado Constitution; Requiring Revenues Collected By The Town From The New Tax To Be Used Only For Designated Purposes; Setting Forth The Ballot Title; And Providing For The Conduct Of The Election

This item was removed from the agenda.

5. Council Bill No. 5, Series 2012 - An Ordinance Providing For An Increase In Municipal Water User Fees Effective January 1, 2012; And Increasing The Fee For Mailing Paper Billing Statements

Mayor Warner read this council bill into the record. Mr. Gagen introduced this council bill for first reading. The changes to the ordinance show water fees that will become effective January 1, 2012. Changes include an increase in existing fees (1% per year for water user fees, 5% per year for PIFs). There is also an increased fee for paper statements (\$10 per billing cycle). Mayor Warner asked for any questions. With none, he asked for a motion.

Mr. Bergeron moved to approve Council Bill No. 5, Series 2012 as previously read into the record. Mr. Mamula seconded the motion. A roll call vote was taken. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2012 - NONE

C. OTHER

1. Open Burn Permits - Ullr, Snowsculpting

Kim Dykstra DiLallo, Director of Communications, introduced this matter which includes a request for open burn permits for Ullr Festival: Thursday, January 12, 2012 from 5:00 p.m. - 7:00 p.m. - open fire in a metal box to be located in the Gondola South Lot and the 2012 International Snow Sculpture Championships: Thursday, January 26, 2012 from 7:00 p.m. - 11:30 p.m.; Friday, January 27, and Saturday, January 28, 2012 from 7:00 p.m. - 1:00 a.m. - open fire in a 55 gallon drum and "kiva" stove to be located in the Tiger Dredge Lot in front of the Riverwalk Center at 150 West Adams Avenue.

With no questions or comments from council Mayor Warner asked for a motion. Ms. McAtamney moved to

approve a special permit to allow open fires during the 2012 Ullr Festival and 2012 International Snow Sculpture Championships on the following dates: for Ullr Festival on Thursday, January 12, 2012 from 5:00 p.m. – 7:00 p.m. and for Snow Sculpture on Thursday, January 26, 2012 from 7:00 p.m. until 11:30 p.m. and on Friday, January 27, 2012 from 7:00 p.m. – 1:00 a.m. on Saturday, January 28, 2012. All burning shall comply with the “Open Burning” requirements of Section 307 of the International Fire Code, 2006 Edition. In addition, the applicant shall obtain a bonfire or open burning permit from the Red, White & Blue Fire Department. Mr. Dudick made the second. A roll call vote was taken. The motion passed 7-0.

PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

Mayor Warner asked council if there was a request to call an item off the consent calendar. With no request, he declared the Planning Commission Decisions of January 3, 2012 would stand approved as presented.

B. BRECKENRIDGE STABLES, LLC CALL UP DECISION

Mr. Dudick removed himself from the discussion. Mr. Berry stated after the December 10 call up hearing, council directed him to draft a Decision reflecting the Town Council’s oral decision denying the Breckenridge Stables LLC application. It is his hope that he has captured the council’s intent. Mayor Warner asked for any discussion. Council received clarification on the actual page numbers of the Decision. With no further questions or comments from council, Mayor Warner asked for a motion. Mr. Mamula moved that the written decision prepared by the Town Attorney regarding the Town Council’s call up hearing on Application No. PC #2011061, the Class C Development Permit application submitted by Breckenridge Stables, LLC, as set forth in tonight’s agenda packet on Pages 100 - 104, inclusive, be adopted as the final decision of the Town Council with respect to such application. Mr. Burke made the second. A roll call vote was taken. The motion passed 6-0 with Mr. Dudick excused from the discussion and abstaining from the vote.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had two items to report. He wanted to notify council that the REC Center has been experiencing cold water in the women's locker room. Town staff has been working to remedy the issue, however, they have now had to call the manufacturer. The second item concerns the Breck Beats. The event organizer is now looking at the Riverwalk Center rather than the site on Block 11. Mr. Gagen would like to hear discussion concerning the prospect of having an event that size on Block 11. Mr. Mamula initially wondered why the event was not in town to stimulate business in the core. Mr. Burke felt a major concert/event in that location would benefit town businesses. Mayor Warner wanted to see some benefit to the lodging community, as well as other businesses in town. Ms. Dykstra DiLallo stated currently staff does not have clear direction if there is not a venue in town large enough for some events; should staff direct these events to the Block 11 area or send the event away? Mr. Joyce felt the town and town businesses would receive some overflow benefit if an event were held on Block 11. Mayor Warner wondered if there wasn't some process to shape the organizing of the event. Ms. McAtamney felt there were benefits to be realized. Mr. Mamula was concerned about presenting the "best of Breckenridge" and wondered if this would be possible on the Block 11 site. Mayor Warner thought if there was a possibility of a branding to come out of an event, it would be worth looking into.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (MAYOR WARNER)

Mayor Warner emailed his report to council concerning topics discussed at the Mayor and Managers meeting on January 5. Council was interested in talking about the 2022 Olympics. Mayor Warner's emphasis to the group was that he thought the Olympic movement ought to change its emphasis on new venues/facilities every 4 years and move towards 2-3 permanent Olympic venues on every continent. Mr. Gagen suggested inviting Ernie Blake, who is on the organizing committee, to a council meeting. Mr. Mamula agreed with Mayor Warner and stated a sustainable event might be the way Colorado should go, using what the state currently has without creating facilities that might never be used again.

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. DUDICK)

Mr. Dudick stated there will be a meeting on Monday, January 16.

C. BRC (MR. BURKE)

Mr. Burke reported there will be a joint meeting with BMAC.

D. MARKETING COMMITTEE (MR. DUDICK)

Mr. Dudick reported there will be a meeting the following Wednesday.

E. SUMMIT COMBINED HOUSING AUTHORITY (MR. JOYCE)

Mr. Joyce reported there will be a meeting on January 25.

F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)

Mr. Burke reported the #9 Tender restoration is underway. Filming of the ski documentary has begun. The BHA is in the final stages of hiring a new operations manager.

G. WATER TASK FORCE (MR. MAMULA)

Talked about it earlier and had nothing further to report.

OTHER MATTERS

Mr. Bergeron had two items to bring up. He asked about the volume of trash around town. Mr. Gagen stated staff has noticed and is working to remedy the problem. Mr. Bergeron mentioned a town citizen who is very ill and in the hospital.

SCHEDULED MEETINGS

Other than the meetings listed in council's packet there are no further meetings scheduled. The Snowsculpture reception was brought to council's attention.

ADJOURNMENT

With no further business to discuss, Mr. Mamula moved to adjourn the meeting at 8:50 p.m.
Submitted by Wanda Creen, Deputy Town Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor