

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 24, 2012
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CALL TO ORDER, ROLL CALL

Mayor Warner called the April 24, 2012 Town Council Meeting to order at 7:29 p.m. The following members answered roll call: Mr. Dudick, Ms. McAtamney, Mr. Gallagher, Mr. Brewer, Ms. Wolfe, Mr. Burke and Mayor Warner.

APPROVAL OF MINUTES - APRIL 10, 2012

Mayor Warner corrected the report from John McMahon to show that the rodeo does fit the Breckenridge brand; he also corrected the Breckenridge Resort Chamber and Breckenridge Heritage Alliance reports to say that they were provided via email. Mayor Warner also added one correction under Other Matters to have the word "is" changed to "if". Ms. Wolfe added one correction from John McMahon's report regarding wording of the budget amount. Mayor Warner declared the minutes approved as corrected.

APPROVAL OF AGENDA

Town Manager Tim Gagen recommended the addition of an Executive Session under Other Matters since time did not allow for it during the work session.

COMMUNICATIONS TO COUNCIL

A. POLICE DEPARTMENT LIFE SAVING AWARD

Chief of Police Shannon Haynes presented Officer Kylor Dossett with a life saving award for his exemplarity service call on the evening of March 4th, 2012. Officer Dossett thanked the town council for the honor of working in Breckenridge. Mayor Warner thanked him for being a part of the police force and serving the community.

B. USA PRO CYCLING CHALLENGE UPDATE FROM LOCAL ORGANIZING COMMITTEE CO-CHAIRS

Lucy Kay reported to the council that Breckenridge will be a Stage 5 start this year for the bike race. Teams will start on Main Street, head south, make a right on Park Avenue, loop around on French Street and do three laps through the town. The event will take place on a Friday and there will be a great mix of organizations who will be involved. The formation of a smaller executive committee has been done in order to make quicker decisions. The Breckenridge Resort Chamber (BRC) will do the marketing and take care of all destination marketing for the event. Communications Director Kim Dykstra-DiLallo has offered to do the close-in marketing in town. The general concept will be to start the activities around breakfast time and to gather everyone together at 4:00 p.m. to view the event finish on the large screen televisions. The event will have the expo village like last year and organizers would like it to be a zero-waste event. Finance Manager Brian Waldes reported that the town committed \$150,000 to the event last year and will contribute the same amount this year. This amount should adequately cover the expenses for this year's event.

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

Mayor Warner started the citizen's comment section by summarizing the council's views from the work session earlier in the day, stating that the rodeo event will primarily occur during the month of August.

Ann Lucas spoke in favor of the rodeo. She was able to travel with the rodeo circuit for five years and presented council with a film called "Behind the Chutes".

Janet R Hogel spoke against the rodeo due to the animal cruelty issue and noise issue and feels that the sounds will carry.

Jack Rueppel reminded the council of an email that they received stating that this event is an "experiment". Mr. Rueppel doesn't appreciate the town using them as an experiment.

Christina O'Hern spoke favor of the rodeo and is a animal rights activist. She also added that she has no complaints about the possible noise from the event.

Linda ~~Schett~~ **Schutt** spoke against the rodeo and thanked the one council member who voted against this issue. She also reminded the council that this will affect our visitors and fisherman along the river.

P.J. Kern spoke against the rodeo and doesn't feel we need to get into the controversial issue regarding the cruelty of animals.

Samantha Kosanovich spoke against the rodeo and asked council how they would handle the negative publicity

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and possible picketing in the month of August when the Pro Cycling Challenge is in town.

Gail Marshall spoke against the rodeo and invited council to come on a walk with her to show them her neighborhood. She also asked the council how they will evaluate the event. Mayor Warner stated that there are many parameters where it could be measured as a success. The council would like to hear from the homeowners in the area after the event is over.

Sheri Shelton, owner of Hand & Glove spoke in favor of the rodeo stating respect for the council when they take in so much consideration for this issue. Ms. Shelton felt that all of the businesses in town should be represented and that they should be surveyed as well.

John Scheffler, father-in-law to Brad Bays spoke in favor of the rodeo. He is currently in charge of ticket sales and clean-up. Mr. Scheffler offered his personal phone number in order for people to contact him for any clean-up issues.

Cindy Shanholtz, Professional Rodeo Cowboys Association (PRCA) assured council about the precautions that the event organizers are taking for the event.

Linda ~~Shett~~ **Schutt** spoke again and asked council if there has been any consideration regarding the proximity to the river if it is a rainy day. Mayor Warner assured her that this will be a condition and it will be looked into.

Jerry Honeycut, Honeycut Rodeo spoke in favor of the rodeo and is in charge of hiring contract personnel. Mr. Honeycut further stated that this type and level of rodeo takes a lot of work to put together and encouraged the council to move the process along as quickly as they can. He thanked the council for listening to the concerns from the public.

Justin Stone spoke in favor of the rodeo stating that rodeos are a lot of fun and recognizes that it's difficult to please everyone.

Chmurny Cain, owner of Motherloaded Tavern spoke in favor of the event stating that it is an awesome opportunity for the town and for people who may not have come here otherwise. Ms. Cain also felt that it will increase our resort parameters and is very excited about the event.

Brad Bays, Event Organizer has met with the Engineering department in case it rains and added that the event may only use less than half of the. Mr. Bays assured the council that fisherman will have access to the river. Mr. Bays also mentioned the possible organization of local homeowners to meet once a week where communication will be possible.

Glen Brady spoke in favor of the event and thanked council for the positive action for the rodeo and feels that it will be good, clean fun and also stated that nothing good happens unless someone actually tries. He appreciates the fact that the town is willing to see how it goes.

Michael Immanis came to speak on behalf of his 27-year old disabled daughter who lives in Pinewood Village. Mr. Immanis would like to see the addition of a section of sidewalk on Airport Road in between the transit stop and the business on the corner. Mr. Gagen advised Mr. Immanis of who to contact o get the issue resolved.

CONTINUED BUSINESS

- A. SECOND READING OF COUNCIL BILLS, SERIES 2012 - PUBLIC HEARINGS - NONE

NEW BUSINESS

- A. FIRST READING OF COUNCIL BILLS, SERIES 2012
1. COUNCIL BILL NO. 13 - AN ORDINANCE AMENDING BRECKENRIDGE DEVELOPMENT CODE POLICY 4 (ABSOLUTE), ENTITLED "MASS", AND MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE RELATED TO SUCH AMENDED DEVELOPMENT POLICY

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Julia Puester of the Community Development department stated that this ordinance is regarding the renewable source of energy for structures which are already over mass. This was approved by the Planning Commission on April 3. One change included a bonus for mechanical rooms.

Ms. McAtamney moved to approve Council Bill No. 13, Series 2012. Mr. Dudick seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2012

1. A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF COLORADO ACTING BY AND THROUGH THE COLORADO DEPARTMENT OF TRANSPORTATION (Four O’Clock Road Roundabout)

Mr. Gagen stated that this resolution is an agreement between CDOT and the town that would provide for the implementation of the roundabout at Four O’Clock Road and outlines the funds which would be provided by the State of Colorado. Approval of this resolution would allow the town to move forward with the project this year.

Mr. Dudick moved to approve A Resolution Approving An Intergovernmental Agreement With The State Of Colorado Acting By And Through The Colorado Department Of Transportation (Four O’Clock Road Roundabout) . Mr. Burke seconded the motion. The motion passed 7-0.

2. A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY SUNSET COVENANT (For The Valley Brook Attainable Workforce Housing Project)

Mark Truckey of the Community Development department explained that this resolution would adopt a deed restriction regarding density on the Carter Museum property and would also implement one of the policies in the Joint Upper Blue Master Plan regarding extinguishing density for affordable housing that is created in the future.

Mr. Burke moved to approve A Resolution Authorizing The Execution And Recording Of A Density Sunset Covenant (For The Valley Brook Attainable Workforce Housing Project). Ms. McAtamney seconded the motion. The motion passed 7-0.

C. OTHER - NONE

PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS – April 17, 2012

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

B. CALL-UP HEARING: PC#2012019, WELLINGTON NEIGHBORHOOD

Mayor Warner stated that this is a call up hearing with respect to Class A Subdivision Application PC #2012019 related to the proposed resubdivision of a portion of Lot 3, Block 6, of the Wellington Neighborhood. The Applicant is Poplar Wellington LLC. At its meeting on April 10th the Town Council called up the Planning Commission’s decision with respect to this Application. Pursuant to Section 9-2-3-4(B)(2) of the Town’s Subdivision Standards, this is a de novo hearing at which the Town Council will make its own decision with respect to the Application.

The Mayor further stated that pages 89-109, inclusive, of the Council’s Agenda Packet for this meeting is also made a part of the record of these proceedings.

Senior Planner Chris Neubecker stated that the Planning Department and Applicant have agreed that the Application can be approved by the Town Council with those Findings and Conditions that were contained in the Planning Commission’s approval of the Application, except that Condition No. 15 of the Planning Commission’s Decision relating to conditions that must be complied prior to improvement construction shall read as follows:

15. Applicant shall submit and obtain approval from the Town Engineer of final grading, water quality, drainage, utility, erosion control and street lighting plans. These plans are to include the detention areas located at the south end of this subdivision.

The change to the Planning Commission’s Condition No. 15 is the inclusion of the words “water quality” in the text of the condition. All other portions of the Planning Commission’s Decision and Findings/Conditions remain the same. The proposed change to Condition No. 15 is reflected in the form of the Decision and Findings/Conditions that are included in tonight’s Town Council Agenda Packet.”

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Ms. Wolfe moved that the council approve the application PC#2012019 concerning the resubdivision of a portion of Lot 3, Block 6 of the Wellington Neighborhood with the findings and conditions set forth on pages 93 and 94, inclusive, of tonight's Town Council Agenda Packet. Mr. Burke seconded the motion. A roll call vote was taken. The motion passed 6-0 with Ms. McAtamney excused from the discussion and abstaining from the vote.

REPORT OF TOWN MANAGER AND STAFF – No report.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. CAST/MMC (MAYOR WARNER) – Mayor Warner spoke before the Colorado Creative Industries. The meetings are usually held in Denver; however, they decided to come to Breckenridge for their recent meeting.
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER) – Mr. Brewer was not able to attend the meeting.
- C. BRC (MR. BURKE) – Mr. Burke stated that they will have their official board meeting tomorrow.
- D. MARKETING COMMITTEE (MR. DUDICK) – Mr. Dudick stated that the next meeting is on May 7.
- E. SUMMIT COMBINED HOUSING AUTHORITY (MS. WOLFE) – Ms. Wolfe stated that the next meeting is in June.
- F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER) – Mr. Brewer stated that Jerry ~~Detziak~~ **Dziedzic** is now the President and that he was voted on as member; they talked about street signs; the group was awarded a ~~\$50,000~~ **\$15,000** grant for the Sawmill area near Wakefield and discussed the masterplanning of that area; Rotary Snowplow Park; Jim Nichols and the possible naming of a ski run after him.
- G. WATER TASK FORCE (MR. GALLAGHER) – Mr. Gallagher stated that the meeting is later in the week.

OTHER MATTERS

A. BOSAC APPOINTMENTS (3)

The council discussed the candidates and their experience. The successful candidates were Devin O'Neil, Jeffrey Bergeron, and Chris Tennal. Ms. McAtamney moved to approve the candidates for BOSAC. Mr. Brewer seconded the motion. A roll call vote was taken. The motion passed 5-2 with Mr. Burke and Mr. Gallagher voting in opposition.

Mr. Gallagher mentioned **Chief Miller of Red, White, and Blue updated him on a meeting with the that he visited with Scott Fargo Vargo**, the Assistant County Manager recently. The county is leaning toward putting a real estate tax initiative on the November ballot. It would cover the communications center, landfill, and support for ambulance services.

Mayor Warner reminded everyone that Town Clean-Up Day is Saturday, May 19th and that the Colorado Municipal League (CML) conference is scheduled for June ~~22—28th~~ **19-22nd**.

Ms. McAtamney mentioned that 10 Breckenridge girl scouts will be honored by the organization.

Ms. McAtamney also mentioned the formation of groups in Boulder and Colorado Springs who are interested in personal rapid transit (PRT), involving structures that would run in the median area of streets.

B. EXECUTIVE SESSION

As part of the Town Council evening meeting on Tuesday, April 24, 2012 at 9:18 pm, Mr. Burke moved to convene in executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators.

The Mayor then restated the motion. The Mayor further stated the subject matter of the executive session to be relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators.

The subject matter of the executive session includes: (1) updates and discussions on the status of several negotiations the Town is or will soon become involved in; and (2) two parcels of open space land the Town

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Council may have an interest in acquiring.

A roll call vote was taken and all were in favor of the motion.

Ms. McAtamney moved to adjourn the executive session at 10:34 pm. Mr. Burke made the second. All were in favor of the motion.

SCHEDULED MEETINGS – NONE

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 10:34 p.m.
Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor