

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, June 12, 2012**  
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**CALL TO ORDER/ROLL CALL**

The following members answered roll call: Mr. Burke, Ms. McAtamney, Ms. Wolfe, Mr. Gallagher and Mayor Warner. Mr. Dudick, and Mr. Brewer were absent

**APPROVAL OF MINUTES - MAY 22, 2012**

Mayor Warner declared the minutes would stand as submitted.

**APPROVAL OF AGENDA**

Mr. Gagen added an Executive Session under Other Matters for advice from the Town Attorney regarding litigation updates and negotiations, and removed the Breckenridge Resort Chamber update due to the joint meeting with the BRC at the June 26, 2012 meeting.

**COMMUNICATIONS TO COUNCIL**

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

Mayor Warner opened Citizen's Comment. There were no comments and the Citizen's Comments were closed.

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

Lucy Kay reported they are in increasingly good shape for the event; they are in the \$40,000 range for sponsorship; all sponsorship contracts are signed; they will announce sponsor names once they have a good group in the next two weeks; they are still looking for a zero waste sponsor for the start village; they are giving window stickers to all businesses instead of just the sponsors to display in town; there is a merchandizing program for retailers to sell official merchandize; the event will have two and a half laps around town before they ride south to Hoosier Pass; there will not be a hand-cycle event due to their Olympic training schedule; there will be a fill of events, including bands throughout the day; they do not have a signature band this year because it is a Friday instead of a Saturday event; pre-event marketing will have a tie into Breck Bike Week; there will be a speaker at Colorado Mountain College's (CMC's) speaker series on July 5<sup>th</sup>; Scott Fortner is doing 30 second spots for regional and national advertising during the Tour de France, and year-round oriented 15 second spots closer to the event on Denver media; Mike Schilling did a video with Byron Swezy of two cyclists riding the Stage on You Tube; the community outreach meetings are scheduled for late July and early August; they are trying to get a meeting on the Blue River agenda, since they will be impacted during the race; volunteers are well over 200, including the Cub Scouts; they are way ahead on volunteers due to repeat members; and, they are in good shape on the budget. She thanked the Council for their support of the event.

**CONTINUED BUSINESS**

**A. SECOND READING OF COUNCILS BILLS, SERIES 2012 - PUBLIC HEARINGS**

- 1. Council Bill No. 15, Series 2012- AN ORDINANCE APPROVING A LEASE WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (Part Of Town's Public Works Facility)**

Mayor Warner read the title into the minutes. Tim Berry, Town Attorney stated the ordinance is continued to the next meeting while Tom Daugherty, Public Works Director/Town Engineer and the county continue to work out the details of the lease.

Mr. Burked moved to continue Council Bill No. 15, Series 2012- AN ORDINANCE APPROVING A LEASE WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (Part Of Town's Public Works Facility) to the June 26, 2012 meeting. Ms. McAtamney seconded the motion. The motion passed 5-0.

**NEW BUSINESS**

**A. FIRST READING OF COUNCIL BILLS, SERIES 2012**

- 1. Council Bill No. 16, Series 2012- AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF THE BRECKENRIDGE TOWN CODE CONCERNING MUNICIPAL OFFENSES RELATING TO ALCOHOL, CIGARETTES AND AMUSEMENT ESTABLISHMENTS**

Mayor Warner read the title into the minutes in the form handed out. Mr. Berry stated the ordinance has been revised to comply with state liquor laws and liquor regulations; fermented malt beverage is now included; and, all references to pedicabs, pedibusses and horse-drawn carriages have been eliminated. He asked that the Council members refer to this

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version.

Mr. Gallagher moved to approve the amended Council Bill No. 16, Series 2012- AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF THE BRECKENRIDGE TOWN CODE CONCERNING MUNICIPAL OFFENSES RELATING TO ALCOHOL, CIGARETTES AND AMUSEMENT ESTABLISHMENTS in the form handed out. Mr. Burke seconded the motion. The motion passed 5-0.

2. Council Bill No. 17, Series 2012- AN ORDINANCE AMENDING SECTION 5-5-5 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE ISSUANCE OF A SPECIAL PERMIT AUTHORIZING OPEN BURNING WITHIN THE TOWN

Mayor Warner read the title into the minutes. Mr. Berry stated the Town code has an established procedure where the town reviews and approves open burning requests, and this will change the process so the Town Manager approves open burning requests instead of the Council. Mr. Burke asked if denied requests may appeal. Mr. Berry stated yes.

Mr. Gallagher moved to approve Council Bill No. 17, Series 2012- AN ORDINANCE AMENDING SECTION 5-5-5 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE ISSUANCE OF A SPECIAL PERMIT AUTHORIZING OPEN BURNING WITHIN THE TOWN. Ms. Wolfe seconded the motion. The motion passed 5-0.

**B. RESOLUTIONS, SERIES 2012**

1. A RESOLUTION APPROVING A PRELIMINARY AGREEMENT WITH CORUM REAL ESTATE GROUP, INC. AND MOUNTAIN MARKETING ASSOCIATES, LTD. CONCERNING THE DEVELOPMENT OF PINWOOD VILLAGE, PHASE 2

Mayor Warner read the title into the minutes. Mr. Gagen, Town Manager stated this is an agreement for an exclusive partnership with Corum to move forward with the feasibility study for Phase 2 of Pinewood, with the goal to enter into the development agreement with Corum.

Ms. McAtamney moved to approve A RESOLUTION APPROVING A PRELIMINARY AGREEMENT WITH CORUM REAL ESTATE GROUP, INC. AND MOUNTAIN MARKETING ASSOCIATES, LTD. CONCERNING THE DEVELOPMENT OF PINWOOD VILLAGE, PHASE 2. Mr. Burke seconded the motion. The motion passed 5-0.

**C. OTHER**

**PLANNING MATTERS**

**A. PLANNING COMMISSION DECISIONS - JUNE 5, 2012**

Mayor Warner stated they received an email communication from Paul Dunkelman urging the Council to call up the decision of Ski Side condos. With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions would stand approved as presented.

**B. PLANNING COMMISSION REPORT (Mr. Gallagher)**

Mr. Gallagher reported the January 2011 code change to score the energy conservation for new and existing projects worked well for new, but not existing projects; Julia Puester, Planner II developed a new scoring system for existing projects; and, the revised scoring system passed unanimously and will come before Council in July.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen stated fireworks were discussed during the work session; and, the plan is purchase and stockpile fireworks until another opportunity arises, which could be New Year's or next year. He stated the Town does not plan of having fireworks this year. Kim Dykstra-DiLallo, Director of Communications mentioned the possibility of a laser light show, but agreed viewers would need to be close to see it. Ms. McAtamney asked when the name of the band for the Fourth of July. Ms. Dykstra-DiLallo it will be announced on June 16.

**REPORT OF MAYOR AND COUNCILMEMBERS**

**A. CAST/MMC (MAYOR WARNER)**

Mayor Warner reported there was a wonderful report from Tamara Drangstveit, Executive Director of Family Intercultural & Resource Center (FIRC) regarding their outreach program, educational programs and utilities support; Peter Bakken, Hearthstone Restaurant General Manager talked about the housing needs assessment; there was discussion on single-use plastic bags; concept where there is traction from the County Commissioners, interest from Frisco, and mentioned Whole Foods already has a program in place; there are phase appropriate successes in other municipalities; talked about it as SustainableBreck; and, there is some broad based support in the county to modify the use of single use bags. Mayor Warner added he would love to see the conversation get bigger to waste and water

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bottles. Ms. McAtamney suggested Council members go on Facebook and like "Bag It" the movie, because they post every day, and the Town should have a town-based project to promote the program. The Council mentioned there is a program with the 5<sup>th</sup> grade class at Upper Blue.

Mr. Gagen reported he is happy with the feedback from the Landfill Task Force because they are starting to frame the issue; the trash haulers provided good information; they seem to be leaning toward single-stream recycling leaving the glass out, which may drastically increase the volume; recycle centers will continue to be a separate business; the volume-based system is coming to the forefront, where people will be charged for the number of bags they put out; and, the recyclables may be bagged and hauled to a larger facility to sort out because it would cost over half a million dollars to sort it here.

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER)-No report.

C. BRC (MR. BURKE)-No report.

D. MARKETING COMMITTEE (MR. DUDICK)

No report.

The Council discussed branding the community as a whole versus branding for small interest groups; Mr. Dudick should lead the discussion on communication between BMAC and BRC; and, there should be a clear consensus to show that it is not driven by one Council member.

Mr. Gagen asked the Council what their preference is to fill the vacancy in BMAC since it is a small-sized lodging vacancy. Kim Dykstra-DiLallo mentioned there is some outside interest for the one spot. The Council decided to get the names from the previous pool, and if they do not want to choose from that pool, they will open it up for other candidates.

E. SUMMIT COMBINED HOUSING AUTHORITY (MS. WOLFE)-No report.

F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER)-No report.

G. WATER TASK FORCE (MR. GALLAGHER)-No report.

H. LANDFILL TASK FORCE (MS. WOLFE)-No report.

**OTHER MATTERS**

Mr. Burke mentioned three people from the Wellington neighborhood and one from another neighborhood are concerned about the dust from the stables. The Council discussed the big trucks coming to and from the area; that they could talk to Brad Bays, Breckenridge Stables if the dust from there becomes a problem; and, that the dust is most likely not from the stables, but from development, which by code needs to maintain dust mitigation.

Ms. Wolfe stated, while volunteering for the Breckenridge Film Festival, she received several complaints regarding the odor from the women's rest room at the Welcome Center.

Mr. Gallagher received a call from Greg Abernathy regarding a dangerous situation where kids on bikes take a short cut, and dart out onto the street. Mr. Gagen said staff will contact Greg Morrison, Assistant Police Chief to assess the situation.

Ms. McAtamney inquired if the Breckenridge Recreation Program has a similar program to Silverthorne's inexpensive recreation center youth Summer pass. Ms. Dykstra-Dilallo stated Breckenridge has the Summer Hip & Hop pass for \$45.00.

**2. EXECUTIVE SESSION**

Ms. McAtamney moved to go into 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. Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions. Paragraph 4(c) of Section 24-6-402, C.R.S., relating to matters required to be kept confidential by federal or state law or rules and regulations. [NOTE: A motion made under this part of the statute must include the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.] Paragraph 4(d) of Section 24-6-402, C.R.S., relating to details of security arrangements or investigations. 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. Paragraph 4(f) of Section 24-6-402, C.R.S., relating to personnel matters. Paragraph 4(g) of Section 24-6-402, C.R.S., relating to the consideration of documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act", Part 2 of Article 72 of Title 24 of the Colorado Revised Statutes. Ms Wolfe made the second. A roll call was taken and all were in favor of the motion.

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Ms. McAtamney moved to adjourn the executive session at 9:29 pm. Mr. Burke made the second. All were in favor of the motion.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 9:29 pm.  
Submitted by Cathy Boland, Accounting Coordinator.

ATTEST:

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Laura Kennedy, Town Clerk

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John Warner, Mayor