

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, July 10, 2012**  
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**I CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting to order at 7:41pm. The following members answered roll call: Mr. Gallagher, Ms. McAtamney, Ms. Wolfe, Mr. Brewer, Mr. Dudick, Mr. Burke, and Mayor Warner.

**II APPROVAL OF MINUTES - JUNE 26, 2012**

The following changes were made to the June 26, 2012 minutes: Mayor Warner corrected the amount listed on page four of the minutes under new business from \$60,000 to \$600,000; Mr. Dudick corrected the vote count in the executive session from a vote of 6-1 to a vote of 6-0 because he recused himself from the vote; and, Ms. McAtamney corrected the spelling page 3 from Mariai to Mairi. Mayor Warner ordered the minutes approved as corrected.

**II APPROVAL OF AGENDA**

There were no changes to the agenda.

**IV COMMUNICATIONS TO COUNCIL**

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

There were no citizen comments.

**B. BRECKENRIDGE RESORT CHAMBER UPDATE**

John McMahon, Director Breckenridge Resort Chamber, stated that so far the summer numbers were showing pretty strong increases; occupancy is showing a 21% growth and there has been a 6.3% increase in ADR; so far the summer is pacing 12% ahead; people have been re-directed to Breckenridge because of the fire impacts in other areas of the state; the BRC has been getting some fire impacts questions but does not feel that the fires have had a direct impact on Breckenridge; he attended a meeting with the Colorado Tourism Board to discuss recovery, communications strategies, and impacts from the fires in CO. Mr. McMahon also stated that he will be providing more feedback from Kingdom Days and the impact from gondola opening early from BMAC, but that so far the feedback seems to be positive; the BRC is in support of the rodeo and is helping with their advertising and sponsoring some related activities; the BRC's annual meeting is planned for this coming Thursday; and they are in the process of planning for the upcoming 2013 season.

Mayor Warner let Mr. McMahon know that the Council had discussed the SnowBall and Ice Castle events in the work session and that overall there was positive feedback for both events. The Council was not sure about the timing of the SnowBall. The Council's direction to Mr. McMahon on the SnowBall was that they would like to see this event the first week of April (April 4, 5 & 6) and not in February or March; they liked how this event would attract a younger demographic to the town. Mr. McMahon stated that he appreciates the feedback on these events and stated that the BRC really feels that the Ice Castle event really fits the image of Breckenridge and is a good addition to the snow sculptures.

Mayor Warner and Ms. Mctamney commented that the fourth of July parade was great. Mr. McMahon asked for any and all feedback regarding the events around the fourth of July. Mayor Warner wanted to pass on some constructive criticism regarding the fourth of July parade; he stated there was some concern about some parade participants taking too much time in front of the announcers; and also concern about the announcers pronouncing everyone's names correctly and being respectful to everyone in the parade. Mr. McMahon appreciated the feedback and would look at addressing both items; he stated that one of the things that the BRC is looking at for 2013 is to have timekeepers involved in the parade to keep a better cadence in the parade.

Mr. Brewer asked for a small update regarding what to expect at the upcoming annual meeting. Mr. McMahon stated that the BRC had just completed their brand survey of Breckenridge; conveying this image will have to be a community wide effort, as it involves everyone, as it is all about the guest experience. He stated that at their annual meeting they would be discussing the re-framing of the Towns advertising image; and that Al White, head of Colorado Tourism, would also be at the meeting to discuss budget challenges and the health of tourism and the effect of the fires; the mission statement would be presented on Thursday.

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

Mike Schilling stated everything is on track and on budget; there will be a press release tomorrow announcing that Maceo Parker will be the live entertainment at the Riverwalk Center immediately following the stage finish, which will be shown live on several jumbo screens; the key sponsors for the event include Grand Lodge on Peak 7, Double Tree, MiCasa, Fatty's, Downstairs at Eric's, Park & Main, Valdora Mountain Lodge, Gilchrist Catering,

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and the Breckenridge Restaurant Association; [www.Breckprocyding.com](http://www.Breckprocyding.com) is the clearing house address for all information including road closures; and, tomorrow the first big article regarding the race will be published in the Summit Daily. Mr. Schilling wanted to give kudos to staff for all of their help with this event.

**D. RED, WHITE & BLUE FIRE DEPARTMENT UPDATE**

Chief Lori Miller updated the Council on the fire danger situation. On Monday, her staff talked with White River National Forest and they decided not to lower the ban. The Fire Department decided to stay with National Forest recommendation, and they will reevaluate on Monday. Chief Miller stated that Smokey the Bear and the fire ban levels are different; the RWBFD is discussing options to help people understand the difference between the fire bans levels and the levels of fire danger; they are discussing different way of communicating this. The Council offered several different suggestions with the end suggestion being to have the sign in Smokey read 'Fire Ban' until the fire ban is lifted, at which time they would go back to the fire danger levels (low, moderate, etc).

Ms. Wolfe asked whether or not there have been any issues with lightning strikes in the County. The Chief stated that there have been no issues with lightning thus far. Chief Miller also stated that if there is any kind of fire update both fire and police will be involved and that SC Alerts will be sent out. She stated that it is possible that they could set up a notification for the Council members to alert them regarding any fire situation.

Ms. McAtamney wanted to pass on appreciation for the communication that came via the Summit County Alert system regarding the smoke that was visible in Summit County. It was great to receive that communication to confirm that there was not a fire in Summit County.

**V 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. Tom Daugherty, Public Works Director/Engineer stated that this lease is for a long-term period and thus requires this to be an ordinance. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mr. Dudick moved to approve 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). Ms. McAtamney seconded the motion. The motion passed 7-0.

2. Council Bill No. 18, Series 2012, AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING AIR QUALITY

Mayor Warner read the title into the minutes. Laurie Best, Planner III stated there were no changes to this ordinance since the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mr. Gallagher moved to approve Council Bill No. 18, Series 2012- AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING AIR QUALITY. Mr. Burke seconded the motion. The motion passed 7-0.

3. Council Bill No. 20, Series 2012, AN ORDINANCE AUTHORIZING THE EXECUTION OF A FOURTH AMENDMENT TO LEASE WITH BRECKENRIDGE VILLAGE APARTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY (PINWOOD)

Mayor Warner read the title into the minutes. Mr. Gagen stated that there were no changes to this ordinance since the first reading.

Mayor Warner asked when the Town would see payments. Mr. Gagen stated that the Town would see the debt payment right away and that it is their plan is to get all of the deferred equity paid off. He stated if they paid none of it, it would still move it up by about 4 years from the current projection. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Ms. McAtamney moved to approve Council Bill No. 20, Series 2012, AN ORDINANCE AUTHORIZING THE EXECUTION OF A FOURTH AMENDMENT TO LEASE WITH BRECKENRIDGE VILLAGE APARTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY (PINWOOD). Mr. Brewer seconded the motion. The motion passed 7-0.

4. Council Bill No. 21, Series 2012 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH THE BRECKENRIDGE OUTDOOR EDUCATION CENTER, A Colorado Non-Profit Corporation

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(Lower Level - The Maggie Building)

Mayor Warner read the title into the minutes. Ms. Best stated there were no changes to this ordinance since the first reading, however there were some changes to the actual development agreement, including a waiver of fees for the application and a waiver of parking requirements. She stated all of these changes were included in the packet, and the new copy handed out today included the provision to waive the housing impact fee.

Mayor Warner opened the public hearing. Tim Casey, chair of the BOEC thanked the Council for considering this item; since this ordinance would allow them to enhance the services offered by the BOEC in this location.

Ms. Wolfe moved to approve Council Bill No. 21, Series 2012 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH THE BRECKENRIDGE OUTDOOR EDUCATION CENTER, A Colorado Non-Profit Corporation (Lower Level - The Maggie Building) Mr. Burke seconded the motion. The motion passed 7-0.

**VI NEW BUSINESS**

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

1. Council Bill No. 23, Series 2012 - AN ORDINANCE ADOPTING CHAPTER 23 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CIVIL EMERGENCIES, EMERGENCIES, AND LOCAL DISASTERS

Mayor Warner read the title into the minutes. Chief Shannon Haynes, Breckenridge Police Department stated that this ordinance defines the specific authority of the Town Mayor and Manager in case of emergencies; and, specifies the powers and provides structure so that there can be a timely and efficient response of town resources. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Ms. McAtamney moved to approve Council Bill No. 23, Series 2012 - AN ORDINANCE ADOPTING CHAPTER 23 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CIVIL EMERGENCIES, EMERGENCIES, AND LOCAL DISASTERS. Mr. Burke seconded the motion. The motion passed 7-0.

**B. RESOLUTIONS, SERIES 2012**

1. A RESOLUTION DECLARING THE EXISTENCE OF A WATER SHORTAGE IN THE TOWN OF BRECKENRIDGE; IMPLEMENTING MANDATORY RESTRICTIONS ON THE USE OF WATER BY CUSTOMERS OF THE TOWN'S WATER SYSTEM; AND PROVIDING FOR THE IMPOSITION OF ADMINISTRATIVE WATER SURCHARGES AGAINST PERSONS WHO VIOLATE THIS RESOLUTION

Mayor Warner read the title into the minutes. Mr. Daugherty stated that this resolution was necessary given our current situation with the drought and the low levels of the rivers.

Ms. McAtamney asked about the timeframe for enforcing these restrictions. Mr. Daugherty stated that it would be approximately two weeks before the implementation would occur. Mr. Burke asked about the fee structure. Mr. Daugherty stated that the fee structure is really about getting out the message about water usage than it is about fines. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mr. Gallagher moved to approve A RESOLUTION DECLARING THE EXISTENCE OF A WATER SHORTAGE IN THE TOWN OF BRECKENRIDGE; IMPLEMENTING MANDATORY RESTRICTIONS ON THE USE OF WATER BY CUSTOMERS OF THE TOWN'S WATER SYSTEM; AND PROVIDING FOR THE IMPOSITION OF ADMINISTRATIVE WATER SURCHARGES AGAINST PERSONS WHO VIOLATE THIS RESOLUTION. Mr. Dudick seconded the motion. The motion passed 7-0.

**C. OTHER**

**VII PLANNING MATTERS**

**A. PLANNING COMMISSION DECISIONS OF JULY 3, 2012**

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 stated that there was no work session to attend.

Mayor Warner mentioned an earlier discussion regarding the historic restoration of sheds. The Council stated they would like to review the history of the code regulations for further discussions.

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**VIII REPORT OF TOWN MANAGER AND STAFF**

No report.

**IX REPORT OF MAYOR AND COUNCILMEMBERS**

- A. CAST/MMC (MAYOR WARNER) Mayor Warner stated that he had attended the MMC meeting last week and they had discussed several things: 1) They discussed bicycle stop rules; Summit County was wondering if they have the authority to enact bicycle rules within the State Statues. Mayor Warner stated that Town enacted bicycle rules last year. 2) They also discussed the CDOT funding for Highway projects for the coming year; The Town will have to come up with a 10% match for highway projects in Summit County; this will be a topic to bring up with Ski Area. 3) They also discussed CO Mental Health Detox Facility and CO West Mental Health Funding - Heavy loss in 2012; 63% of the users of the facility are Summit County residents; \$100,000 loss in 2013; Facility also serves Lake, Park and Grand county and Lake & Park do not pay toward these funds, so we are asking everyone to step up and contribute to this funding. Glenwood Spring closed their facility. 4) Alton Scales is leaving CMC. 5) Solar Garden-not much to update.
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER) Mr. Brewer stated they are meeting next week; they are expecting an update on the Firecracker 50; and the V3 completion report; this trail is a great link to the existing trails, and a safe alternate route for this year's Firecracker 50. He wanted to pass on thanks to the entire trail crew.
- C. BRC (MR. BURKE) Mr. Burke emailed his update to the other Council members, and added he will not be at the annual meeting. Mr. Gagen asked if they needed to address the marketing committee question. Mr. Dudick stated that there is a BMAC meeting next week; he questions the marketing strategy and the marketing staff; and, he feels there is possible conflict of interest within the marketing committee. Mr. Burke suggested we look at the staff make-up. The Council agreed.
- D. MARKETING COMMITTEE (MR. DUDICK) No Report
- E. SUMMIT COMBINED HOUSING AUTHORITY (MS. WOLFE) No Report
- F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER) Mr. Brewer reported they will meet next week to discuss making the museums free, an update on the Wakefield-Sawmill project and, phase two of the Rotary Park.
- G. WATER TASK FORCE (MR. GALLAGHER) No Report.
- H. LANDFILL TASK FORCE (MS. WOLFE) No Report.

**X OTHER MATTERS**

Mr. Burke and Mr. Dudick shared they have not used any plastic bags since the last meeting.

Ms. Wolfe stated that with all of the public comments about the Rodeo, evaluating events, especially new events to the town, is very important. We should be evaluating them very strongly and with the same criteria for all events so that the town can make informed decision about events in the future and get away from the notion that the Town's decision on events are experimental. Would like to have a formalize criteria, including expenses, nuisance reports, revenues, attendance, etc; Would like to put all events through this same process.

Mr. Gagen stated that the BRC has a process in place to evaluate events. So it might be best to start with them. Ms. Dilallo shared that events that go through the Special Event Permit process have a consistent criteria that are looked at.

Mayor Warner stated he would like to see a long-term strategy for forest health including, an evaluation of ground cover, prescribed cuts, and prescribed burns; and, that he would like to add this item to their top 10 list. Ms. McAtamney added she would like to see a voluntary defensible space initiative in the Town, and possible reforestation projects. Mr. Gagen shared that there is a Forest Health Management Task Force in place.

**XI SCHEDULED MEETINGS**

**XII ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:59pm  
Submitted by Mistaya Pierpont, Administrative Services Specialist

ATTEST:

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Laura Kennedy, Town Clerk

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John Warner, Mayor