

TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
Tuesday, August 28, 2012
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I CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of August 28, 2012 to order at 7:31pm. 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 - AUGUST 14, 2012

The following changes were made to the meeting minutes of August 14, 2012: The call to order time was changed from 7:02 to 7:32; The gentleman who spoke regarding the Harris Street building was Ken Bell not Dan Bell; Corrections to the spelling of Jerry Dzedzic's and Russell Whitt's names. Mayor Warner clarified that under his CAST/MMC report, the person from Summit Ford was requesting a Summit County use tax not a Silverthorne use tax. Mayor Warner declared the minutes would be approved as corrected.

III APPROVAL OF AGENDA

There was one minor change to the agenda. Pat Campbell was unable to attend the meeting to provide a ski area update. She will be attending the September 25th, 2012 meeting.

IV COMMUNICATIONS TO COUNCIL

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

Sandy Greenhut, Chair for Fall for the Arts, wanted to thank the Town for their support and participation with the Arts and the development of the Art District. The 'Fall for the Arts' county-wide event will run September 7-9, 2012. For more information see www.fallforthearts.org

With no further comments the citizens comments were closed.

V CONTINUED BUSINESS

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

1. Council Bill No. 26, Series 2012 - AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BRECKENRIDGE (WEDGE & MBJ PARCELS - 34.026 ACRES)

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

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mayor Warner stated that this annexation has been a 14 process and is a vital portion of the Cucumber Gulch Preserve. Ms. McAtamney moved to approve Council Bill No. 26, Series 2012 - AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BRECKENRIDGE (WEDGE & MBJ PARCELS - 34.026 ACRES) Mr. Gallagher seconded the motion.

The motion passed 7-0.

2. Council Bill No. 27, Series 2012 - AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS REQUIRING THE ISSUANCE OF A SPECIAL PERMIT TO CONDUCT CERTAIN BUSINESS OPERATIONS ON TOWN STREETS

Mayor Warner read the title into the minutes. Mr. Berry stated that there were a few minor changes made to the ordinance as outlined in the Council's attached memo including: 1. Language added in Section 4-15-9(D)(2) (on page 8 of the ordinance) to allow for the newspaper notice of a public hearing to be published in the Summit County Journal on the Friday before the public hearing 2. Language added in Section 4-15-11 (on page 11 of the ordinance) to allow the Town Manager to administratively modify or eliminate any permit condition during the term of the permit if good cause for such action is shown.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Ms. McAtamney moved to approve Council Bill No. 27, Series 2012 - AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS REQUIRING THE ISSUANCE OF A SPECIAL PERMIT TO CONDUCT CERTAIN BUSINESS OPERATIONS ON TOWN STREETS Ms. Wolfe seconded the motion.

The motion passed 7-0.

VI NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2012

1. Council Bill No. 25, Series 2012 - AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BRECKENRIDGE (CLAIMJUMPER PARCELS - 25.633 ACRES)

Mayor Warner read the title into the minutes. Mr. Berry stated that these parcel were recently acquired by the Town of Breckenridge.

Mr. Brewer moved to approve Council Bill No. 25, Series 2012 - AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BRECKENRIDGE (CLAIMJUMPER PARCELS - 25.633 ACRES) Mr. Burke seconded the motion.

The motion passed 7-0.

B. RESOLUTIONS, SERIES 2012

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1. Harris Street Building IGA-A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY GOVERNMENT CONCERNING THE USE OF THE TOWN'S REAL PROPERTY AT 103 SOUTH HARRIS STREET AS THE SOUTH BRANCH OF THE SUMMIT COUNTY LIBRARY

Mayor Warner read the title into the minutes. Mr. Berry stated that he had made the changes to the resolution per the discussion in the work session.

Mayor Warner opened this item up for public comment.

Mayor Warner stated that all of the emails that have been received to date regarding this agreement will be available to the public.

Larry Crispell, stated that he would like to lend his families support for this agreement with Summit County for the Harris St Building. He thinks that renovating this historical structure not only preserves this structure but provides a community icon.

Patti Casey, wanted to give her support for this agreement and thinks that is it a great partnership between the Town and the County. She also stated that she feels that the Peaks school is a private organization and that this building should remain a public building.

Tom Schaetzel wanted to express his concern with the current library hours. Mayor Warner thanked Tom for his comments and agreed that the hours are something that needs to be looked at in the future.

Lee Edwards stated that he feels that the Town Council got it right by entering into this agreement. He had a couple of question, 1) He wanted to know if the costs proposed included everything in the building top to bottom. Mr. Gagen stated that the cost figures do include top to bottom the entire structure. 2) He also asked about the ratios of use in the building. Mr. Gagen stated that Tom Daugherty could provide exact ratios of the uses of the building including the library, community rooms, shared space, movie theatre, restrooms, etc. 3) He wanted to ask the Council to be cautious about selling the naming rights to a public building. He thinks that the naming rights for library itself are ok but not the public building. He also suggested calling it the Breckenridge Schoolhouse, the former name of the building. Mayor Warner stated that the Council has not ruled out selling the naming rights but they will be cautious with their decisions about this.

Trisha Hyon, a neighbor of the Harris Street building, is concerned about the traffic that this building could generate in the neighborhood. Mayor Warner noted her concern and let her know that they have really looked at the intensity of use in this building.

Ken Bell, spoke against the intergovernmental agreement. He stated that the renovation of this building to make a library space is much more costly than the costs of constructing a new library building. He also questions the usable space in this community building.

Kevin Berkley, spoke against this agreement. He stated that he feels there will be backlash from the public over the costs of renovating this building. He is a fan of preserving the Harris St. building, but thinks there is a better solution than spending this amount of money trying to accommodate a library in this location.

Catherine Schultz, neighbor of the Harris building, stated that she feels that the Council needs to be cautious about trying to retrofit a 21st century library into this existing building.

Mayor Warner closed the public comments.

Mr. ~~Burke~~ **Dudick** moved to approved A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY GOVERNMENT CONCERNING THE USE OF THE TOWN'S REAL PROPERTY AT 103 SOUTH HARRIS STREET AS THE SOUTH BRANCH OF THE SUMMIT COUNTY LIBRARY with the amended resolution language as amended in the work session.

Ms. McAtamney seconded the motion. Mr. Burke stated that his decision is based in that fact that this building is much more than a library, it is a community center; Stated that the community will be able to raise funds because of the location, the uses of the building and because it is a historic gem. Mr. Gallagher is not voting in support of this agreement because he feels that the Town is being overly generous in the offering of this building; Thinks there is an imbalance in this agreement. Mr. Brewer thinks that this agreement supports all of the values of the town; He remembers when this was a community building and is hopeful that it will once again be a community anchor; The Town is going to renovate this building, why not have a partner in the costs and include an anchor like a library. Mayor Warner stated that he supports this agreement.

The motion passed 6-1 with Mr. Gallagher dissenting.

2. IGA Breckenridge North Route-A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY GOVERNMENT CONCERNING THE PROVISION OF FIXED ROUTE TRANSIT SERVICES FOR THE BRECKENRIDGE NORTH (FRENCH GULCH/WELLINGTON AREA) AREA

Mayor Warner read the title into the minutes. Tim Gagen stated that this agreement renews a previous agreement with Summit County to operate this transit route; this has been a very successful agreement to date.

Ms. McAtamney moved to approved A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY GOVERNMENT CONCERNING THE PROVISION OF FIXED ROUTE TRANSIT SERVICES FOR THE BRECKENRIDGE NORTH (FRENCH GULCH/WELLINGTON AREA) AREA

Mr. Brewer seconded the motion. The motion passed 7-0.

3. Stan Miller Property Second Amended And Restated Annexation Agreement-A RESOLUTION APPROVING A SECOND AMENDED AND RESTATED ANNEXATION AGREEMENT WITH SMI LAND, LLC, A COLORADO LIMITED LIABILITY COMPANY, AND BRADDOCK HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY

Mayor Warner read the title into the minutes. Mike Mosher stated that this agreement provides more flexibility in terms of the location of uses, adds some commercial, and clarifies possible residential uses, specifically the introduction of Commercial uses to the Master Plan, with a maximum density set as 20 SFES;

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Clarification of the definitions of “Unrestricted Residential Units”, “Restricted Units”, and “Units”; Clarification on how the unrestricted SFEs may be used; Clarification of the Surcharge Fees associated with the Annexation; There are no proposed modifications to the Land Use Guidelines for Land Use District 33-North. Any negative impacts can be mitigated with the Development review.

Mr. Gallagher moved to approved A RESOLUTION APPROVING A SECOND AMENDED AND RESTATED ANNEXATION AGREEMENT WITH SMI LAND, LLC, A COLORADO LIMITED LIABILITY COMPANY, AND BRADDOCK HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY

Ms. McAtamney seconded the motion. The motion passed 7-0.

C. OTHER

VII PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission decisions would stand approved as presented.

VIII REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen attended a meeting with CDOT; They have approved \$10, 000 in allocations for improvements for the roundabout and the continued expansion of Hwy 9; Expect this to be a two year project.

IX REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (MAYOR WARNER)

No report

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

Mr. Brewer stated that the Cucumber Gulch wetland restoration is ongoing; The extension of the Betties trail is complete; The Galena ditch project with the support of Volunteers of Colorado was very successful; The Slalom trail reconfiguration is underway; Trail density standards were discussed and BOSAC feels this is not really an issue at this point but this will be on everyone’s radar; They also discussed acquisition priorities for the Town; BOSAC retreat September 12th.

C. BRC (MR. BURKE)

No Report

D. MARKETING COMMITTEE (MR. DUDICK)

No Report

E. SUMMIT COMBINED HOUSING AUTHORITY (MS. WOLFE)

No Report

F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER)

Mr. Brewer stated that the BHA is in support of the Harris St building renovation and agreement with Summit County; Good turnout for rail road day; Reiling dredge work is going to be completed this fall.

G. WATER TASK FORCE (MR. GALLAGHER)

No Report.

H. LANDFILL TASK FORCE (MS. WOLFE)

Ms. Wolfe stated that they had a good meeting and started to put some numbers together; Too soon for details but there is progress.

X OTHER MATTERS

Ms. Wolfe wanted to talk about the timing budget retreat with it being in October in relation to basic public services and the contracts they are going to be discussing; Tim Gagen stated that he is not concerned with the timing; Public Works has a plan in place and will get you all the numbers and how they expect to meet the services levels at the retreat; The budget process has to be completed because the levy needs to be approved prior to November.

Ms. McAtamney wanted to applaud the new recycle containers on Main Street. She also wants to make sure that Pinewood 2 is going to be even better than Pinewood 1 in terms of what they have learned about storage and parking and other items that make this a really livable community. Mr. Gagen stated that the Community Development dept is really looking at all of these items, including underground parking.

Mr. Burke stated that he saw solar trash compactors on his visit back east.

Mr. Gallagher stated that Red White and Blue Fire District will have an interim Fire Chief, Jim Keating, on November 1, 2012; Lori Miller is retiring.

XI SCHEDULED MEETINGS

A. GFOA BUDGET AWARD MEMO- Council wanted to give kudos to the staff.

B. ECONOMIC INDICATORS EXECUTIVE SUMMARY

XII ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:04pm
Submitted by Mistaya Pierpont, Administrative Services