

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, September 25, 2012**  
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**I CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of September 25, 2012 to order at 7:30pm. The following members answered roll call: Mr. Gallagher, Ms. McAtamney, Ms. Wolfe, Mr. Brewer, Mr. Dudick, and Mayor Warner. Mr. Burke notified staff in advance that he was not able to attend this evening's meeting.

**II APPROVAL OF MINUTES - SEPTEMBER 11, 2012**

With no changes to the minutes of September 11, 2012, Mayor Warner declared the minutes would stand as submitted and approved.

**III APPROVAL OF AGENDA**

Mr. Gagen reported there was a change to the agenda: Item # 4 would be removed from New Business and resubmitted under New Business for the October 9<sup>th</sup> meeting.

**IV COMMUNICATIONS TO COUNCIL**

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

John McMahon – Director of the Breckenridge Resort Chamber reported that Oktoberfest was a wonderful experience. Thank you to Town Council and Staff. Early reporting indicates the numbers are up and are 20% higher than last year due to the wonderful weather and adding an additional day - Friday to this event. Mr. Gallagher commented that Friday's crowd seemed to be more locals. Sandy Metzger was attributed to advising the Chamber to expand the event and add Friday. Mayor Warner asked if there were policing issues? Chief Haynes indicated that it was comparable to what they would normally see on a Saturday evening.

**B. REP. MILLIE HAMNER**

Millie Hamner, State Representative

Since Rep. Hamner was last at Town Council, she has a new house district, and there are new council members. Prior to her selection to fill the state representative vacancy, she served as the superintendant of schools for Summit County. Ms. Hamner applauds council for supporting affordable housing as she received positive feedback from the residents in the Valley Brook Neighborhood. To date, Governor Hickenlooper appointed her to the Tourism Board and she is proud of her work on the Colorado Literacy Bill – which focuses on literacy in the 3<sup>rd</sup> grade which is an indicator and milestone for success later in school and in life. Ms. Hamner works closely with CML.

**C. SKI AREA UPDATE**

Pat Campbell, Breckenridge & Keystone Resorts

Set to begin snow making on October 17<sup>th</sup> 7:00 PM for opening on November 9<sup>th</sup>. Keystone will open a week ahead of Breckenridge.

Annual meeting with Tim, Rick, Shannon i.e. parking, transportation, permit program for skimmers' uphill access via the lot at Peak 8. Mayor Warner asked how this information will be communicated. Pat will get that info out as decisions are confirmed.

I-70 Transit Summit held at Keystone. This is an opportunity to brainstorm and communicate the I-70 corridor and potential creative solutions i.e. 3 up 3 down.

The Summer wrapped-up with Oktoberfest. The gondola stayed open for an extra two weeks after labor day and this extended the season.

Transit – Jen, John, and Pat met. 6 buses will be painted and look like town buses. They will run the town route. Press releases, changes, updates, and improvements will be seen and tangible results will measure success through our market research.

Peak 6 is in the appeal period. Nothing has been seen at this time perhaps sometime in October. However there is activity in that area in anticipation they will be given the green light by the forest service.

Epic Mix is in year 3. This will allow folks to track data, share pins, twitter, photos. New for the year is the race against Lindsey Vonn pace setter program.

A new pass holder partnership with Switzerland. Innovative way to reach out to international marketing.

Questions: Gallagher – Status of the Cucumber Gulch sentiment mitigation? Forrest Service is working with the resort and it is a high priority and a solution will be shared with the council when it is finalized. Mayor Warner was encouraged by what citizens and council are seeing.

**V CONTINUED BUSINESS**

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

**VI NEW BUSINESS**

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

**1. Council Bill No. 28, Series 2012 - AN ORDINANCE AMENDING CHAPTER 3H OF TITLE 6 OF THE**

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BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS CONCERNING THE MUNICIPAL OFFENSE OF "UNLAWFUL ACTS ON NATIONAL FOREST SERVICE LAND"

Mayor Warner read the title into the minutes.

Chief Haynes summarized the need for the ordinance – skier safety, forest service potentially intervening requiring officers to travel to Grand Junction.

Brewer asked Pat Campbell the impact of this ordinance. Is it a safety issue? Does this compromise the guest's experience, and does it leave a negative impression of Breckenridge.

Brewer will be in support; however, why are we doing this? Mayor - it is a criminal act. We're holding this person until Law Enforcement responds – Forest Service Officers. Dudick – include the officer's time as a part of the costs. Berry – up to the judge to determine the restitution.

Carol ~~Rednick~~ **Rockne** – underground ski school has been around for a long time. I don't think the Town should get involved with this issue. Many people ski without lesions. You're turning something that should be in civil courts into a criminal action. You're protecting the profits of the ski area. You don't know where the transaction has occurred. Ralph Jackson in Aspen gave the ski area a headache. The ski area should hire their own police force. How far is this going to go? The ski area is the one with an agreement with the Forest service.

Dudick moved to approve Council Bill No. 28, Series 2012 - AN ORDINANCE AMENDING CHAPTER 3H OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS CONCERNING THE MUNICIPAL OFFENSE OF "UNLAWFUL ACTS ON NATIONAL FOREST SERVICE LAND"

McAtamney seconded the motion.

Discussion: Wolfe – what is Aspen doing? What are other ski areas doing and how are they approaching this issue. Gallagher – Chief Haynes, how did this question come up? The 8 folks stranded on the mountain were the impetuous. More information requested by the Mayor – How are other resort communities handling this?

The motion passed 6-0.

2. Council Bill No. 29, Series 2012 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Lots 7 And 8, Block 5, Abets Addition)

Mayor Warner read the title into the minutes.

Attorney Berry – property will be given landmark status under the ordinance. Staff recommends the ord. be adopted.

Dudick moved to approve Council Bill No. 29, Series 2012 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Lots 7 And 8, Block 5, Abbetts Addition) McAtamney seconded the motion.

The motion passed 6-0.

3. Council Bill No. 30, Series 2012 - AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING RESTITUTION TO BE AWARDED TO VICTIMS OF CRIMES

Mayor Warner read the title into the minutes.

Attorney Berry – ordinance is based upon the state's restitution statute. Town provision needs to be updated and has been reviewed by the Chief and Town Pro

Gallagher moved to approve Council Bill No. 30, Series 2012 - AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING RESTITUTION TO BE AWARDED TO VICTIMS OF CRIMES Wolfe seconded the motion.

The motion passed 6-0.

4. Council Bill No. 31, Series 2012 - AN ORDINANCE APPROVING A LEASE WITH ALPINE ROCK COMPANY, A COLORADO CORPORATION D/B/A APC CONCRETE

Mayor Warner read the title into the minutes.

Dudick Moved to approve Council Bill No. 31, Series 2012 - AN ORDINANCE APPROVING A LEASE WITH ALPINE ROCK COMPANY, A COLORADO CORPORATION D/B/A APC CONCRETE

McAtamney seconded the motion.

The motion passed 6-0.

**B. RESOLUTIONS, SERIES 2012**

1. Resolution No. 22, Series 2012 - A RESOLUTION RATIFYING AND APPROVING A REAL ESTATE OPTION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE, THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, AND THE GERTRUDE E. YOUNG TRUST (Hendrix Lode, M.S. #3845)

Mayor Warner read the title into the minutes.

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Attorney Berry – Due to timing reasons TM approved the transactions.

Brewer moved to approve Resolution No. 22, Series 2012 - A RESOLUTION RATIFYING AND APPROVING A REAL ESTATE OPTION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE, THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, AND THE GERTRUDE E. YOUNG TRUST (Hendrix Lode, M.S. #3845)

Gallagher seconded the motion.

The motion passed 6-0.

C. OTHER-NONE

**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 as approved as presented.

B. PLANNING COMMISSION REPORT (MR.GALLAGHER)

Mr. Gallagher stated October 16<sup>th</sup> for another work session. Eric is fully engaged in the commission. October 17<sup>th</sup> field trip to Steamboat Springs. There are three Planning Commission seats available. Vacancies will be posted on Oct 12<sup>th</sup> and interviews set for October 27<sup>th</sup>.

**VIII REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen stated

**IX REPORT OF MAYOR AND COUNCILMEMBERS**

A. CAST/MMC (MAYOR WARNER)

Mayor Warner stated the placement of the solar panels and subsequent discuss as to what will the area look like in the next 5 – 10 years. Would like to receive information about what the solar garden will look like on the McCain property. McAtamney – forward thinking and laying out the vision of what that space will look like. Dudick – how does the planning process work to achieve those goals? Wolfe – what view are we looking at...a street view and the impact on the property. Gallagher – solar gardens landscaped. Mayor – directed proponents and staff to landscape the sites even though he may prefer to have them visible. Wolfe - visitor coming down highway 9 seeing the solar panels and concerned that it is an obsolete technology in approximately 30 – 50 years. Dudick – importance is it in having them or in landscaping them. TM – it’s important that our code is reviewed when evaluating the goal of either a garden, or house placement. Mayor – solar at all costs and the council is probably split on this philosophical discussion. Brewer – historical section of town should be able to purchase solar energy.

TM – McCain land has a fall that would require a dam at 30 – 40 feet to store water – 200 foot dam would be needed for water storage. Brewer- multiple year discussions on water storage. This may be a lower priority. Water system rights – above us it is a lot more usable. It didn’t add a whole lot to wet water which is a lot more storable. Planning Commission has concerns with the Lincoln Site

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

Mr. Brewer no report

C. BRC (MR. BURKE) no report

D. MARKETING COMMITTEE (MR. DUDICK)

Ms. Wolfe no report

E. SUMMIT COMBINED HOUSING AUTHORITY (MS. WOLFE)

Ms. Wolfe stated meeting is tomorrow.

F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BREWER)

Mr. Brewer stated that they raised 95K for support of their operations which is up from 70K last year. Sept visitors equal that same number as of June. 15K received from Climax in the form of a grant for the Sawmill.

G. WATER TASK FORCE (MR. GALLAGHER)

Mr. Gallagher – no report

H. LANDFILL TASK FORCE (MS. WOLFE)

Ms. Wolfe stated that they are looking at the Cadillac version and haulers would like to include more services at the drop-off sites i.e. it’s hard to recycle at certain sites – designate a time, bundling, etc. 1.6K per annum. Funding via a mill levy or sales tax. Mill level is approx. \$ 2.74 per mo. Sales Tax – .18 Dillon, Silverthorne were not wanting as sales tax. What does the Chevy look like? Get it down around a 1k or under. Largest question is the multi-family units and it would be up to the trash haulers as to how they do that. They will be having one more meeting to have information back to the council to look. Thumbs down on the sales tax. Gallagher – property tax would add roughly \$33.00 per yr. on a \$400K home. Brewer – running out of space at the landfill. Wolfe - uses our landfill wisely and incentives to the haulers and looking at the bench mark from other communities – single stream and pay as you throw. Key to marketing and communication. Gallagher - waste management would drop off at our fill at the same rate. Subsidizing the trash hauler. Brewer – tying

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another system to property tax model causes me pause. Gallagher - commercial real estate would almost double in the cost. TM – cheaper to take it down the hill. Tipping fees based in Summit County / closing the landfill / and the private sector steps in and the cost is shifted to the consumer verses a tax.

**X OTHER MATTERS**

Bad Art – Gallagher appointed by the Mayor. McAtamney – about all of the arts and not just fine arts. BHA, NRO, Backstage, how do we get the entities to work together? Mayor – guest or resident 1 piece would be handed out to guests with all of the content. Expand their focus. Brewer – our council member should be a voting member. BHA is different. Arts Commission – you approve their budget. BOCC a voting member? Voting isn't important. See where the arts district goes and see what happens the day to day. Peter Grosshuesch – they are a little reluctant to ask for involvement. Gallagher will be there every month. Dudick – Art in Breckenridge is not relevant on Go Breck.

TM – Budget Book – Download it into your computer. (3) copies – Gallagher, Brewer, **Ms. Wolfe** and McAtamney

Housing Conference in VAIL – Oct 9<sup>th</sup>.- Laurie Best is presenting – Green Building.

Marybeth Lewis – Administrator Of the Year – transportation.

Wolfe - Harris Street – Executive Session on October 9<sup>th</sup> – sponsors – keep the list alive and going. Please email Wendy. Undesignated space – how will this be handled? Community is being encouraged to submit their ideas. TM via Mind Mixer – could be used. Dudick and Brewer we should do this really fast and Wolfe stated that it could be used to increase revenues. Brewer has received questions about what process will be used. There could be several tools. Question about vendors' and the vendor selection process.

Getting a list of the rooms and the approx sizing. Probably set for the October 23<sup>rd</sup>.

Mayor – met with Blaze roundabout at French and Park.

TM – Beaver Run issue on the road easement or we may modify for official vehicles or vacate it.

**XI SCHEDULED MEETINGS**

- A. CIP MEMO
- B. ECONOMIC INDICATORS EXECUTIVE SUMMARY

**XII ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 9:20pm  
Submitted by Linda A. Coxen, Municipal Services

ATTEST:

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Mistaya Pierpont, Town Clerk

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John G. Warner, Mayor