

CALL TO ORDER AND ROLL CALL

Mayor Warner called the September 9, 2008 Town Council Meeting to order at 7:38 p.m. The following members answered roll call: Mr. Bergeron, Mr. Joyce, Ms. McAtamney, Mr. Mamula, Mr. Millisor, Mr. Rossi, and Mayor Warner.

APPROVAL OF MINUTES – August 26, 2008 Regular Meeting

Mayor Warner commented that on Page 82, “The” is spelled wrong. Hearing this one change, Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Town Manager, Tim Gagen, added an Executive Session under Other Matters.

COMMUNICATIONS TO COUNCIL

- A. Citizens Comment - (Non-Agenda Items ONLY; 3 minute limit please)
1. Jan Kutsar- District Forest Ranger in the Dillon Ranger District- Introduced herself.
 2. Jim Berg- Summit Independence Business Alliance- Introduced his company and invited the Council to partner with them to enhance the business community. Mayor Warner asked him to look into Workforce Issues and Environmental Sustainability efforts from businesses.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2008 – PUBLIC HEARINGS

1. Council Bill No.36, Series 2008- AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2003 EDITION, CONCERNING THE OPERATION OF SKATEBOARDS WITHIN THE TOWN OF BRECKENRIDGE

Tim Berry commented that the ordinance would amend the Model Traffic Code to allow for the operation of skateboards on public roadways. There are no changes from first reading. Tim Berry did review the details of the ordinance for the benefit of the audience.

Mr. Mamula moved to approve Council Bill No. 36, Series 2008 on second reading. Mr. Rossi made the second. Mayor Warner opened the public hearing.

David Wagner commented that not allowing skateboarding on streets was unconstitutional. He commented that skateboarding is very controllable. Had a strong opinion to let people who are not presenting any risk.

Dr. Richard Haas- No problem with skateboarders but a retentative device should be required or a skateboard with a break. He also thinks there should be a restricted lane. He believes they should have a permit. Possibly have liability Insurance.

Angus Morrison- He believes this boils down to an equality issue. A few bad apples that do not know how to ride a skateboard should not ruin this. Skateboard easily fit in cars and a lot of people ride them because they can not afford bikes.

Karen Blanco- Feels the issue is about responsibility. There are 10-year olds riding bikes around town. It is about personal and parental responsibility.

Carolyn Foley- asked for someone to elaborate on the 10-year old. She would like the age limit lifted. She will claim responsibility for her child.

Gary Renick- commented that he was in town the other day and a skateboarder was weaving across the road, lost control. He asked what the rules were. Mayor Warner commented that it would be a violation and would be carelessness. You can not impede traffic. He asked who would be liable if a skateboard hit his car. Tim Gagen helped to clarify. Tim Berry also commented.

Skylar Drakos- He thinks skateboarders should be on the street because they have good control and they have better balance than bikes.

Chris Johnson- everyone is bringing up some good points. They just want to be treated the same as other groups. He commented that they will occasionally impede traffic, they will lose control but it is not any worse than biking or a vehicle trying to find a parking spot and stopping, starting and driving 10mph. Ask to be treated like everyone else.

Carolyn Foley- Can something being amended so if the 10 year olds can ride with an 18 year old and not get a ticket.

Gale Renick- Asked if since the government is supposed to protect public safety, does the police department support this ordinance. Asst Chief Greg Morrison commented and read Chief Holman’s comments in opposition of the ordinance. She is opposed. She does not consider skateboarding and biking as equivalent.

Kurtis Prince- They do not reach the speeds of bicycles. They can stop fast. Supports the ordinance and walking takes too long from some areas in Town.

Mayor Warner closed the public hearing.

Mr. Mamula asked Tim Berry about 10-year olds riding on neighborhood streets such as the Wellington Neighborhoods. This ordinance would make skateboarding on such streets illegal and it already is without this ordinance. Tim Berry commented that they could do some sort of amendment.

Mr. Millisor commented that he thinks this is a character thing and is neat to see the boarders on the street but he can not ignore the public safety issue. He did research that suggested Skateboarders should not be on the road and that cars and skateboarders do not mix. He is having a hard time ignoring this issue.

Mr. Mamula commented that it is really about personal responsibility. He feels there are 6 weeks that this can really be an issue. He thinks the majority of the group is responsible. He can not get over the 10 year old age thing and he thinks that is too young to be cruising down Main Street on their own.

Mr. Millisor commented that the Chief of Police of Steamboat said that if they could change their ordinance they wouldn't allow them on the steep roads.

Mr. Rossi thinks a benefit is that we are giving this group a shot to prove us right or wrong. There is a limit to how much we can legislate personal responsibility. It gives the Police Department something else to do. Give the group the chance.

Mr. Bergeron commented that the things that annoy people about skateboarding are still going to be illegal. They are taking a big chance so they need to self-police. Begged the skateboarders to obey the law and talk to their buddies.

Ms. McAtamney thanked the group for coming to comment. It is a big part of our culture. They need to be the ambassadors. Will have no problem next year denying it if they do not abide by the rules. Concerned with the big hills. May want to restrict areas where there is congestion. Struggles with the age issues. Runaway devices would be fabulous if they were possible.

Mr. Joyce commented that he had an incident with skateboarders the other day that really made him reconsider his support of the ordinance but he does still support it and hopes that the skateboarders will be responsible and he will be the first to tell the Police Department to ticket if they are not.

Mr. Rossi echoed everyone else and still had concerns about a child being able to ride on a neighborhood street.

Mr. Mamula commented that he thinks the age limit needs to be changed to 16 years old unless you are accompanied by an adult. He feels this is for the core of town and that they need some sort of compromise.

Mayor Warner commented that he voted against this on the first reading. He wants to create a zone where skateboarders are prohibited. Anything West of Ridge Street should be prohibited. He still can not get his arms around the safety and congestion issues. He would favorably consider an ordinance that would prohibit side streets coming into Main Street from Ridge. This would help solve some of the age concerns if there was a zone and kids could ride in the neighborhoods.

Mayor Warner, Mr. Millisor, Ms. McAtamney, Mr. Joyce would vote against it in the current form. Mr. Mamula, Mr. Rossi and Mr. Bergeron would approve it in this form.

Mayor Warner would like to eliminate East-West Roads from Ridge to Main. Mr. Millisor commented that he thinks that there is a reason why other towns do not allow skateboarding in the core of Town. 5-2 vote on eliminating side streets. Mr. Mamula and Mr. Rossi don't want limit it.

Council agreed not to eliminate Main Street.

Tim Berry commented that they could allow parental supervision. Mr. Mamula clarified on what they would like to see. The Council agreed that the age should be 15-years old before they do not have to be supervised.

No restrictions in a residential play area.

Please see additional written public comments related to this ordinance at the end of the minutes.

Mr. Mamula moved to table the motion. Ms. McAtamney made the second. The motion passed 7-0. The Council moved through the remaining portion of the agenda

At 9:50 p.m. the ordinance was once again addressed. Tim Berry commented on the changes he made.

Mr. Mamula moved to remove the ordinance from the table. Mr. Bergeron made the second. The motion passed 7-0.

Mr. Rossi moved to approve Council Bill No.36, Series 2008 as revised. Mr. Bergeron made the second. Mayor Warner commented that he would vote for it but would be the first to get rid of it if it did not go well. Mr. Millisor commented that he will vote "no" because he can not get over the public safety portion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2008

1. Council Bill No.37, Series 2008- AN ORDINANCE PROVIDING FOR AN INCREASE IN THE COMPENSATION PAID TO MEMBERS OF THE BRECKENRIDGE PLANNING COMMISSION

Tim Gagen commented that the ordinance would increase the salary of all members of the Planning Commission from \$200 to \$400 per month effective January 1, 2009.

Mr. Mamula moved to approve Council Bill No. 37, Series 2008 on first reading. Mr. Bergeron made the second. Mr. Rossi commented that he would like to see the Town try to cover these expenses. The motion passed 7-0.

2. Council Bill No.38, Series 2008- AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO

Tim Gagen commented that this as well as the following 2 ordinances be a part of the exchange process for the Claimjumper Parcel.

Mr. Bergeron moved to approve Council Bill No. 38, Series 2008 on first reading. Mr. Mamula made the second. The motion passed 7-0.

3. Council Bill No.39, Series 2008- AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO BRECKENRIDGE SANITATION DISTRICT

Tim Gagen commented that this ordinance will replace the Special Use Permit with Breckenridge Sanitation District.

Mr. Mamula moved to approve Council Bill No. 39, Series 2008 on first reading. Mr. Rossi made the second. The motion passed 7-0.

4. Council Bill No.40, Series 2008- AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO CLAIMJUMPER CONDOMINIUM ASSOCIATION, INC.

Tim Gagen commented that this ordinance will grant an easement for a driveway and water lines for the Claimjumper.

Mr. Millisor moved to approve Council Bill No. 40, Series 2008 on first reading. Mr. Bergeron made the second. The motion passed 7-0.

5. Council Bill No.41, Series 2008- AN ORDINANCE APPROVING A DEED OF DEDICATION FOR THE CUCUMBER GULCH "WEDGE" PARCEL (16.80 acres, more or less)

Tim Gagen commented that this would allow the Wedge Parcel to stay in the "Open Space" category.

Mr. Mamula moved to approve Council Bill No. 41, Series 2008 on first reading. Mr. Bergeron made the second. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2008

1. A RESOLUTION APPROVING AN EXCHANGE AGREEMENT WITH CHIHUAHUA, LLC, A COLORADO LIMITED LIABILITY COMPANY, AND THE UNITED STATES OF AMERICA, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, CONCERNING THE SNAKE RIVER LAND EXCHANGE

Tim Gagen commented that the resolution would approve an exchange agreement with Chihuahua.

Mr. Bergeron moved to approve the Resolution, Series 2008. Mr. Mamula made the second. Motion passed 7-0.

PLANNING MATTERS

• Planning Commission Decisions of September 2, 2008

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the September 2, 2008 meeting would stand as presented.

• Report of Planning Commission Liaison

Eric Mamula had nothing to report.

REPORT OF TOWN MANAGER AND STAFF

Town Manager, Tim Gagen, commented that he talked with Dan Gibbs and if Council has any thoughts on legislation to please let Dan know.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Report of Mayor (CAST/MMC)

Mayor Warner reported at the work session.

B. Open Space Advisory Commission (Mr. Rossi)

Mr. Rossi reported at the work session.

C. BRC (Mr. Bergeron)

Mr. Bergeron commented that they will come to council with a modest request for funds rather than a spike that they asked for last year. He is encouraged.

D. Summit Combined Housing Authority (Ms. McAtamney)

Ms. McAtamney commented that she had a conversation with Jennifer Kermode, Housing Authority, about the comments on Entrada. Talked about Valley Brook property and pricing. County is interested in pursuing a partnership on Claimjumper. The Council talked about making sure that people are getting credit counseling so that people can actually make lifestyle changes so they can get financing. They do not want to duplicate a service but we do not know of any case management services. Citizen, Turk Montepare, commented that he does not show property to anyone until they have gone to see a lender. He believes the Council can use local resources such as lenders to help. Working with good lenders is important. There are a lot of people having trouble getting financing. There are good private sector resources out there. A possible lottery came up in the discussion as well.

E. Breckenridge Heritage Alliance (Mr. Joyce)

Mr. Joyce had nothing to report.

F. Peak 6 Task Force (Mr. Rossi)

Mr. Rossi commented that they hired a facilitator. Lucy is not willing to go with the Council's past recommendations. They did decide to add another community member. There was further comment by various Council members.

At 9:50p.m. the Council re-addressed Council Bill No.36, Series 2008. See notes above.

OTHER MATTERS

Mr. Mamula commented that he would like to, in some form, be able to respond to comments or articles from the SDN.

Mr. Bergeron commented that he has gotten a lot of public comment on having a community compost pile.

Mr. Millisor commented that you can donate blood for Children's Hospital at the Breck Inn

Mr. Millisor asked if there is a reason we can't lower the speed limits at the daycares, and make it a school zone.

ADJOURNMENT

At 10:09p.m. Mr. Joyce moved to that the Town Council go into executive session pursuant to 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. Mr. Bergeron made the second. All were in favor.

At 10:32 p.m., Mr. Rossi moved to adjourn the executive session. Mr. Joyce made the second. The motion passed unanimously.

With no further business to discuss the regular meeting was adjourned at 10:33 p.m.
Submitted by Alison Kellermann, Administrative Services Manager.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

Skateboarding Ordinance Additional Public Comments

To whom it may concern-

It was brought to my attention that there is an opposition against the ordinance to allow skateboarding on the streets of Breckenridge. It is also my understanding the ordinance is to simply allow skateboarding as a form of transportation & do not feel personally that this should be a problem. There are many more forms of transportation that pose much more of a threat than skateboarding does. I also understand that Main Street in downtown Breckenridge is a very busy route & can be dangerous for children & adults as well though do not see a problem with allowing it on secondary roads.

Although I am not a resident of Breckenridge, I do share much of my time there through the winter months as well as the summer.

I grew up as a skateboarder & faced these types of problems constantly. I feel as though skateboarding should be looked upon as something that can be healthy & should actually be encouraged within our youth.

Thank you- MC

The proposed skateboarding ordinance lacks safety considerations for operation on public streets and sidewalks. The ordinance should include the following:

1. Skateboards must be equipped with retention devices to prevent injury and property damage.
2. Restricted lanes should be provided for skateboarders on city streets.
3. Permits should be required to insure proper training, equipment, and liability insurance for riders over 18 years.

Dick & Evie Haas, Winterpoint homeowners, Breckenridge

Sadly, we can't be in attendance at the Town Council meeting this evening.

Under no circumstances do we approve any ordinance which allows skateboarding in Breckenridge on Main Street or its sidewalks!
That this idea is even being considered is unbelievable!!

Gala and Sam Eppstein

WHAT ARE YOU THINKING?

I find it incredulous that the town council would even entertain the thought of skateboarding on the streets. And for several reasons;

Children as young as 10 years old would be allowed to skate on the streets without protection or adult supervision.

Breckenridge's economy is based on the tourist trade. What a surprise when a skateboarder whizzes by them on Main Street, or worse yet, collides. Who is liable? Do the skateboarders carry insurance?

Who is going to police this?

I'm all for fun, but this is an accident waiting to happen!

Peggy Weintraub