

TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
Tuesday, March 26, 2013
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CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of Tuesday, March 26, 2013 to order at 7:35pm. The following members answered roll call: (Council Member) Mr. Burke – Present, (Council Member) Mr. Dudick – Present, (Council Member) Ms. McAtamney – Present, (Council Member) Ms. Wolfe – Present, (Council Member) Mr. Gallagher – Present, (Council Member) Mr. Brewer – Present, (Mayor) Mayor Warner – Present.

APPROVAL OF MINUTES - MARCH 12, 2013

The following corrections were made to the meeting minutes of March 12, 2013: Under changes to agenda, Mr. Gagen name was changed to Mr. Holman; under Town managers report, the annual budget retreat was changed to Council retreat; under the Marketing committee report the Arts Council was changed to Breckenridge Cultural Coalition; under Water task Force update, there was a correction that there was discussion about how to get water from the Colorado Springs storage facility. Mayor Warner declared the minutes would stand approved as corrected.

APPROVAL OF AGENDA

Mr. Gagen informed the Council that there was one additional item to add to New Business-First reading. The Council would be hearing an ordinance to approve a development agreement with Michael R. Cavanaugh for the Brown Hotel.

Additionally, Mr. Gagen was adding an executive session at the end of the meeting to discuss a parcel of land the Town may be interested in purchasing.

COMMUNICATIONS TO COUNCIL

- A. Life Saving Award
Chief Haynes presented a Life Saving award to officer Catilin Kontak; The officers in attendance introduced themselves to the Council.
- B. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)
Caddie Nath spoke to the Council regarding the affordable housing needs in the County from her age bracket. With no further comments the citizen's comments were closed.
- C. Breckenridge Ski Area Update
Pat Campbell, COO of Breckenridge & Keystone Resorts stated that Spring Break business has been more spread out this year because of the timing of Easter; Spring Fever events and great snow is helping with driving more late season business; They are excited about the snow pack and conditions; They are definitely closing on April 14th this year; Season passes are now on sale for next season; They have added a few new pass products; Peak 6 development is on track; They are already working on the PR for the Peak 6 expansion; Transit survey results will be provided to the Council in May; Vail Resorts has a very big year ahead of them and Breckenridge is one of the biggest things on the radar.
- D. Breckenridge Resort Chamber Update
John McMahon, President of the Breckenridge Resort Chamber stated that Easter did have an effect on occupancy; Hoping the great snow conditions and Spring Fever events will help drive some more late season business; March 30 - That 80's Band is playing at the Riverwalk Center and there is also the Golden Egg Hunt on the 30th; The new marketing committee had their first meeting and they have put together a really good group of people; The summer marketing is starting; Keeping a close eye on the impacts of the twin tunnels work.

CONTINUED BUSINESS

- A. Second Reading of Council Bills, Series 2013 - Public Hearings
 - 1. COUNCIL BILL NO. 3, SERIES 2013 - AN ORDINANCE AMENDING POLICY 5 (ABSOLUTE) (“ARCHITECTURAL COMPATIBILITY”) OF SECTION 9-1-19-5A OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING SOLAR PANELS, SOLAR DEVICES, AND SOLAR ARRAYS

Mayor Warner read the title into the minutes.

Tim Berry, Town Attorney stated that this Council Bill had been revised after the work session. The following changes were made: Section E. (1) Preference 6 was removed from this paragraph and thus the lowest and least preferred preference was changed to 5.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve COUNCIL BILL NO. 3, SERIES 2013 - AN ORDINANCE AMENDING POLICY 5 (ABSOLUTE) (“ARCHITECTURAL COMPATIBILITY”) OF SECTION 9-1-19-5A OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING SOLAR PANELS, SOLAR DEVICES, AND SOLAR ARRAYS. Mr. Burke seconded the motion. The motion Passed 7 - 0; (None) dissented. Abstain: 0; (None) abstained; Absent: 0; (None) were absent.

NEW BUSINESS

- A. First Reading of Council Bills, Series 2013
 - 1. COUNCIL BILL NO. 4, SERIES 2013 - AN ORDINANCE AUTHORIZING THE SALE OF TOWN-OWNED REAL PROPERTY (308 North French Street – Humphrey)

Mayor Warner read the title into the minutes.

Tim Berry, Town Attorney stated that this ordinance is required to sell this property; they think this is a fair offer and are ready to proceed with this purchase.

Ms. McAtamney moved to approve COUNCIL BILL NO. 4, SERIES 2013 - AN ORDINANCE AUTHORIZING THE SALE OF TOWN-OWNED REAL PROPERTY (308 North French Street – Humphrey) Mr. Gallagher seconded the motion. The motion Passed 7 - 0; (None) dissented. Abstain: 0; (None) abstained; Absent: 0; (None) were absent.

- 2. COUNCIL BILL NO. 5, SERIES 2013 - AN ORDINANCE ADOPTING CHAPTER 12 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE; ESTABLISHING A “DISPOSABLE BAG FEE”; PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH FEE; AND PROVIDING OTHER DETAILS RELATED TO THE DISPOSABLE BAG FEE

Mayor Warner read the title into the minutes.

Tim Berry, Town Attorney stated that this Council Bill was revised after the work session to include the following changes: The public outreach plan was defined in the ordinance; the definition of reusable bag was defined as a bag that is at least 2.25 mils thick; An exemption was added for a bag brought into a retail store by a customer; Under section 5-12-14. C Section 2, the Financial Services Manger was added to develop and implement the

administrative and financial process for the collection of the bag fee; Section 5, the effective date will be October 1, 2013, provided that the disposable bag public outreach plan has been approved and implemented.

Mr. Dudick wanted to express his concern that the Council does this implementation correctly; This is a great opportunity to have this be very successful; The Council had a discussion regarding how they actually roll the program out.

Ms. McAtamney moved to approve COUNCIL BILL NO. 5, SERIES 2013 - AN ORDINANCE ADOPTING CHAPTER 12 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE; ESTABLISHING A "DISPOSABLE BAG FEE"; PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH FEE; AND PROVIDING OTHER DETAILS RELATED TO THE DISPOSABLE BAG FEE. Mr. Brewer seconded the motion.

The motion Passed 7 - 0; (None) dissented. Abstain: 0; (None) abstained; Absent: 0; (None) were absent.

3. COUNCIL BILL NO. 6, SERIES 2013 - AN ORDINANCE AMENDING SECTION 9-1-18-5 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "DEVELOPMENT CODE", CONCERNING CALL UP HEARINGS HELD BY THE TOWN COUNCIL

Mayor Warner read the title into the minutes.

Tim Berry, Town Attorney stated that this ordinance is related to the practice of having a call up hearing.

Ms. McAtamney moved to approve COUNCIL BILL NO. 6, SERIES 2013 - AN ORDINANCE AMENDING SECTION 9-1-18-5 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "DEVELOPMENT CODE", CONCERNING CALL UP HEARINGS HELD BY THE TOWN COUNCIL. Ms. Wolfe seconded the motion.

The motion Passed 7 - 0; (None) dissented. Abstain: 0; (None) abstained; Absent: 0; (None) were absent.

4. COUNCIL BILL NO. 7, SERIES 2013 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS, AND CHAPTER 3 OF TITLE 9 " OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE OFF-STREET PARKING ORDINANCE"

Mayor Warner read the title into the minutes.

Tim Berry, Town Attorney stated that this Council Bill makes miscellaneous amendments to Land Use Codes.

Mr. Brewer moved to approve COUNCIL BILL NO. 7, SERIES 2013 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS, AND CHAPTER 3 OF TITLE 9 " OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE OFF-STREET PARKING ORDINANCE".

Ms. McAtamney seconded the motion.

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5. COUNCIL BILL NO. 8, SERIES 2013 - AN ORDINANCE PROVIDING FOR THE VACATION OF A RIGHT OF WAY (Portion of Skiwatch Drive)

Mayor Warner read the title into the minutes.

Tim Berry, Town Attorney stated that this is the standard process for a vacation of a right-of-way; There will be a special public hearing at time of the second reading.

Ms. Wolfe moved to approve COUNCIL BILL NO. 8, SERIES 2013 - AN ORDINANCE PROVIDING FOR THE VACATION OF A RIGHT OF WAY (Portion of Skiwatch Drive). Mr. Burke seconded the motion. The motion Passed 6 - 0; (None) dissented. Abstain: 1; Mr. Dudick abstained; Absent: 0; (None) were absent.

6. COUNCIL BILL NO. 9, SERIES 2013 - 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.

Mr. Gagen, Town Manager stated that they are keeping/renewing the lease with Alpine Rock but they are purchasing the property; After approval of the lease they will close on the property and take ownership. Mr. Berry stated this ordinance is required because this is a long-term lease (more than one year).

Mr. Gallagher moved to approve COUNCIL BILL NO. 9, SERIES 2013 - AN ORDINANCE APPROVING A LEASE WITH ALPINE ROCK COMPANY, A COLORADO CORPORATION d/b/a APC CONCRETE. Mr. Burke seconded the motion. The motion Passed 7 - 0; (None) dissented. Abstain: 0; (None) abstained; Absent: 0; (None) were absent.

7. COUNCIL BILL NO. 10, SERIES 2013-AN ORDINANCE APPROVING A DEVELOPMENTAL AGREEMENT WITH MICHAEL R. CAVANAUGH (Brown Hotel-Lots 6 and 7, Abbett Addition)

Mayor Warner read the title into the minutes.

Tim Berry, Town Attorney stated that a development agreement had been submitted and thus this ordinance is required.

Mr. Burke moved to Approve Motion to Approve CB # 10- Development . Ms. McAtamney seconded the motion. The motion Passed 7 - 0; (None) dissented. Abstain: 0; (None) abstained; Absent: 0; (None) were absent.

- B. Resolutions, Series 2013-None
- C. Other-None

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.
- B. Planning Commission Report (Mr. Gallagher)
No report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated that he had one item to update the Council on. The Abby Hall closing is scheduled for April 1, 2013; They will be turning over a lot of artifacts.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. Cast/MMC (Mayor Warner)
Mayor Warner sent his CAST report to the Council members; Mr. Gagen spoke about the RAMP public/private participation models with a 20% match; The Town is going to apply for this model related to the French street roundabout proposal, possibly the underpass on Park Avenue, and the Village road roundabout.

Mayor Warner will be calling all of the Council members regarding their committee assignments.

- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)
Mr. Brewer stated that at the BOSAC meeting they talked about the McCain Master plan; 3 forest health projects, they presented the Friends of Breckenridge trails volunteer dates. They also discussed a mountain bike guide proposal that was presented to the BOSAC; They are considering a pilot project. They reviewed the cucumber gulch monitoring report; The new BOSAC applicants/appointments will take place at the next TC meeting; They changed their next meeting date to April 8, 2013.

- C. BRC (Mr. Burke)
Mr. Dudick wanted Mr. Burke to clarify about the Central Reservations dollars that were discussed in the last BRC meeting minutes.

- D. Marketing Committee (Ms. Wolfe)
No report.

- E. Summit Combined Housing Authority (Mr. Dudick)
No report.

- F. Breckenridge Heritage Alliance (Mr. Brewer)
Mr. Brewer stated that the BHA would like to use some of the materials from the Bergenhoff for the Sawmill project.

The rotary snow plow park playground will be presented at the next Planning Commission meeting.

- G. Water Task Force (Mr. Gallagher)
Mr. Gagen stated they are waiting on the consultants; They are talking to the County about tying into the utilities.

- H. Landfill Task Force (Ms. Wolfe)
Ms. Wolfe stated that this Council is definitely interested in the pay as you go/throw environment; There will be more discussions about how to proceed.

- I. Public Art Commission (Mr. Gallagher)
Mr. Gallagher stated they have a meeting next week; Breckenridge Cultural Coalition meeting next week as well; He wanted to ask about when we were going to start to involve the various user groups. Mr. Gagen stated now is the time to start involving these groups.

OTHER MATTERS

Mayor Warner spoke to Pat and Alex regarding Vail Resorts rejection of their roundabout offer; RAMP concept may help with this; The BSR still really wants to look at the operation at Peak 9 restaurants.

Ms. Wolfe and Mayor Warner have been discussing the Riverwalk Center and the Arts District and the need for not only capital investment but also human capital; We need to make the production seamless and we do not want to under-utilize these facilities.

Mr. Dudick wanted to ask about the acreage totals on the McCain property vs. the bubble diagram.

Executive Session

As part of the town council regular meeting on March 26, 2013 at 9:11 pm, Mr. Burke moved to convene in 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. Ms. Wolfe made the second.

The Mayor stated a motion had been made 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.

The Mayor further stated the property that is the subject of the executive session is a parcel of land the Town Council may have an interest in purchasing.

A roll call vote was taken and all were in favor of the motion.

Ms. McAtamney moved to adjourn the executive session at 9:38 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 9:36pm. Submitted by Mistaya Pierpont, Deputy Town Clerk, Municipal Services.

ATTEST:

Helen Cospolich, Deputy Town Clerk

John Warner, Mayor