

CALL TO ORDER, ROLL CALL

Mayor Warner called to order the meeting of June 24, 2014 at 7:35pm.

APPROVAL OF MINUTES - JUNE 10, 2014

Mr. Brewer asked for a correction to be made in the minutes to add the specific points he made for and against the development agreement ordinance on first reading. He noted he had five points in support of the ordinance and seven points opposing it. Mayor Warner declared that the minutes would be approved as corrected.

APPROVAL OF AGENDA

Mr. Gagen stated the only change to the agenda would be to add an Executive Session at the end of the meeting to finish what wasn't covered in the earlier Executive Session.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)

Mr. Charlie Williams, Owner of Alpenglow Botanicals, stated he wrote to the Council expressing his views about allowing Marijuana on Main Street, but also realizes there's a new Council and he may need to explain his perspective again. He further stated the past conversations have been about preserving the Breckenridge brand, and determining if marijuana problematic on Main Street. Mr. Williams then asked Council to consider having more than one outfit operating in central core if they are to allow marijuana on Main Street, and to let all marijuana businesses play on a level playing field. Mr. Williams stated these businesses are improving the guest experience, and want you to consider that competition is a good thing.

Mayor Warner stated the Chief of Police, GoBreck, and others are involved in this conversation.

B. Breckenridge Ski Resort Update

Ms. Pat Campbell, COO of Breckenridge Ski Resort, stated the resort is now fully operational for summer, including mountain biking on Peak 7 and new zip lines. She further stated the Colorado Chair project is moving forward using existing tower foundations, and with the hope to finish the project by fall season. Other projects include the update of the Peak 9 Restaurant and replacing the snowmaking pipeline on Sundown. Ms. Campbell stated Phil Metz will be replacing Kieran Cane. Also, she stated Colorado Ski Country reported visits for the state were up this season at 12.6 million and the ski industry is strong in Colorado.

Mayor Warner asked if Peak 9 road was open for access to the Fourth of July Bowl. Ms. Campbell stated she would look into that.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2014 - Public Hearings

1. COUNCIL BILL NO. 22, SERIES 2014 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH THE VILLAGE AT BRECKENRIDGE ACQUISITION CORP., INC., A TENNESSEE CORPORATION, AND HOTEL BRECK, LLC, A DELAWARE LIMITED LIABILITY COMPANY (Lot 3, Breckenridge Mountain Lodge Area Subdivision)

Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance would approve and authorize the town to sign a development agreement with Triumph Development for Hotel Breck. He further stated Council should note one proposed change to the text of the development agreement from the first reading, which modifies the text related to the parking requirement of this agreement. Mayor Warner opened the public hearing.

Michael O'Connor, of Triumph Development, offered his thanks to the Council and staff for their work on this project. He spoke about the rationale behind the project as a Residence Inn by Marriott. Mr. O'Connor stated extended stay hotels are built around a stay of 3.5 nights, give guests a little more space, and offer a couch and a door between the sitting area and the bedroom. He further stated the small kitchenette is not meant for cooking meals, and extended stay models don't have on-site restaurants. He also stated the model has 100% "hot beds", not condos or time shares, and while it's a Residence Inn, it's not prototypical. He stated this development will have a higher level of finish on the interior than the standard, and added there is a potential economic benefit of \$4 million dollars of off-site spending generated from those room nights. Mr. O'Connor also stated hotels are hard in a seasonal market, this is a unique opportunity, and the existing property has been closed since 2011. He also stated transfer of density is being sought for that location, and a modified parking arrangement will include a hotel shuttle, bus service and recommendations for DIA shuttles. He also stated he will be doing a parking study to provide justification for the parking plan, and he is asking Council to review the project as

a hotel because a Condo-Hotel by definition is owned by a group of individuals, and this is a different operating model.

Mayor Warner asked about purchasing TDRs, and Mr. O'Connor stated they are looking at purchasing 20 TDRs, which is about \$1,000,000 to open space for both the Town and the County.

Alex Iskanderian, of Vail Resorts Development Company, came to the podium to answer other questions about the property. Mr. Brewer asked if this property development would change VR's decision to develop a hotel on Peak 8. Mr. Iskanderian stated it's not an influencing factor. Ms. Gigliello asked about the current tenants in the sports store at that location, and Mr. O'Connor stated there is intent to include them in the process and the plans.

Ms. Lynn Kroll, of 113 Powder Ridge Drive, read her comments into record. She stated this is a big development and big dollars, hopes local opinions matter. She spoke about density restrictions, and height recommendations as part of the master plan for the area, emphasizing that the size is large and doesn't fit with neighboring 2-story developments. Ms. Kroll also stated profits can be made with a smaller-scale hotel and will help solve some of the other problems with this project, and asked about the remedy clause in Section 11 of the agreement. Ms. Kroll also stated she wants to make sure the agreement doesn't have loopholes.

Mayor Warner stated the process will go to the planning commission next and then come to Council again. He thanked Ms. Kroll for her comments and stated Council will look at several of her points in the coming weeks.

Ms. Wolfe asked about the original density transfer from the site and Mr. Iskanderian stated there were three sites in that location, and East West Properties transferred that density off the BML site to the Main Street Junction site. Ms. Wolfe then asked if the density coming onto the BML site will be less than the original density (on all three sites combined). And Mr. Gagen clarified that in the context of the area, there are other 3-story buildings.

Ms. Lawrence asked Ms. Kroll about what she would prefer to see on that site and Ms. Kroll stated residential buildings.

Mr. Brewer asked about a breach of agreement, and Mr. Gagen stated the Planning Commission will decide on what is allowed, while the development agreement lays the first layer of what is allowed. Mr. Brewer then asked about franchise, and Mr. Gagen stated it's a 30-year franchise with Marriott and you can't predict what happens in the long term. Mr. Brewer asked Mr. O'Connor if he would be willing to maintain the trail on the property line and he stated yes, assuming they can come up with cooperation among property owners because the trail crosses property lines. Mr. Grosshuesch stated he thinks that trail is in an easement, and Mayor Warner asked if that should be included in the agreement, and Mr. Grosshuesch stated he thought so.

Mr. Dick Richardson, of 101 Powder Ridge Drive and HOA president for that subdivision, stated the Trail issue is the biggest concern with the homeowners, as starts across from the railroad park, and there is a common tract between homes until it reaches Main Street. He further stated the BML drive goes to corner of the property, and most people walk down the pavement allowing for all-weather access. He would like to maintain all weather access to Main Street. Mr. Richardson stated part of the agreement speaks to this, but he would like to see added to that the paving of the trail, and safe pedestrian passage through that area during construction. Mr. Mosher stated this could be included as part of the plan submitted to the Planning Commission. Mr. Gagen stated the Planning Commission process is a better place to put this information.

Mr. Brewer stated he believes all-season foot access from that property is important, and asked Mr. Richardson about plowing it through his association, to allow year-round access.

Mayor Warner stated he feels it's important to this council that the trail isn't displaced or misused. Ms. Kroll stated this is a well-used trail and Mayor Warner agreed.

Mr. Brewer stated that during the Development Agreement process the community doesn't get to comment on development agreements until second reading because they are done by ordinance. Mayor Warner stated it's at the Mayor's discretion to take public comment at the first reading, and also at the Work Session if they are recognized. Mayor Warner also stated he is happy to open up the process to the public.

Ms. Shauna Weinstein, of 11 Shadow Mountain Drive, stated the new construction will change the view from their property, and the top level will have windows facing directly into their property. She further stated they bought the home for the view and privacy, and parking is a major concern throughout the year. She further stated she isn't opposed to redevelopment, she supports what's good for the Town and the neighborhood, but a change in the view and privacy and parking might be difficult. She also stated that as it is now, she can support the project.

Mr. Mark Roberts, Owner of All Summit Accommodations, and whose father owns 115 Powder Ridge Drive, stated parking in the area is difficult and he is concerned about one space per room, and where the overflow will go.

Mr. Tom Claus, of 107 Shadow Mountain Drive, stated parking will be a problem, and he is worried about parties at the pool, with noise and beer cans.

Mr. Gagen stated the police chief is in the audience and may be able to assist with parking enforcement matters.

Mr. O'Connor stated the proposed pool was an outdoor pool, and the access to the pool will only be from inside the hotel.

Mayor Warner entered the letter from Breckenridge Lodging Association into record and stated it has been provided to the developer today to review.

Ms. Gigliello stated she is concerned about the parking element to this project. Ms. Wolfe thanked Mr. O'Connor for his due diligence on the agreement. Mr. Burke stated Mr. O'Connor has been very responsive and he believes we can end up with a great building that improves what is currently there. Mr. Brewer stated there is merit to this project and he is grappling with tough issues with the development agreement itself. He further stated he can't vote for this agreement as written. Ms. Lawrence stated she appreciates the comments and is generally supportive of this project and can see the larger benefit. Mayor Warner thanked the public for their comments and stated he agrees in the development agreement process, and will review it in the future.

Ms. Wolfe moved to approve COUNCIL BILL NO. 22, SERIES 2014 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH THE VILLAGE AT BRECKENRIDGE ACQUISITION CORP., INC., A TENNESSEE CORPORATION, AND HOTEL BRECK, LLC, A DELAWARE LIMITED LIABILITY COMPANY (Lot 3, Breckenridge Mountain Lodge Area Subdivision). Mr. Burke seconded the motion. The motion passed 6-1. Mr. Brewer dissented.

2. COUNCIL BILL NO. 23 SERIES 2014 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Lot 6, Abbett Addition)

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

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

Ms. Lawrence moved to approve COUNCIL BILL NO. 23 SERIES 2014 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Lot 6, Abbett Addition). Mr. Brewer seconded the motion. The motion passed 7 - 0.

NEW BUSINESS

- A. First Reading of Council Bills, Series 2014
- B. Resolutions, Series 2014
- C. Other

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. Brewer)
Mr. Brewer stated he reported to the Planning Commission and minutes from the meeting are reflected in the packet.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated there was no report.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Cast/MMC (Mayor Warner)

Ms. Lawrence stated she enjoyed CML and is working on accreditation through that association. She further stated she attended a several sessions.

Mr. Brewer stated the most interesting session he attended to was on the Jamestown and Lyons flood recovery, which put in perspective our parking issues as a "first world" problem.

Mayor Warner stated there is another dentist as a mayor in Brush.

B. Breckenridge Open Space Advisory Committee (Ms. Lawrence)

Ms. Lawrence stated there is a lot of trail work going on, and the drainage in Cucumber Gulch is working well. She stated the committee heard an update on the Swan River restoration, and the Pump Track at the Ice Arena is being moved and BOSAC would like Council to pay for it.

C. GoBreck (Ms. Wolfe)

Ms. Wolfe stated there was no report.

D. Breckenridge Heritage Alliance (Ms. Gigliello)

Ms. Gigliello stated the BHA is looking at two big screen installations in the BGV community center, and asking for a reallocation of funds to go to this rather than for other types of signage.

Mr. Burke asked about the BHA only having one wall in the building, and not two as was originally planned.

Ms. Gigliello stated the railroad park playground will be finished in time for the 4th of July, and the BHA had a discussion about the use of sandwich boards in front of the museum.

Mayor Warner stated we need to look at the signage issue again, and we need to take some steps to resolve these issues. Mr. Burke stated we may not want to overlegislate this.

E. Water Task Force (Mr. Gallagher)

Mr. Gallagher stated Mr. Gagen sent out an update on three water cases and the Sanitation District will not pursue 2 of the 3 water cases at this point. Mr. Glen Porzak, the Town of Breckenridge water attorney, is working on language for the third agreement.

F. Cultural Arts Advisory Committee (Mr. Gallagher and Ms. Wolfe)

Mr. Gallagher stated they had two items to discuss, one being Barnhart Communications. Ms. Wolfe stated the Arts District is on a fast track right now, and working on branding using the word "Breckcreate". She further stated they are excited about being risk-taking, and Barnhart will plan come to a Work Session in early July.

Mr. Burke then asked if Council should be involved on this level of detail for the Arts District and Mr. Gallagher stated this is the formation of a new organization and the concern is that there is a level of comfort in the process. Mr. Brewer stated he liked the new branding idea.

Mr. Gallagher stated there is a new budget request for this year to cover additional costs include programming in the new arts district spaces, and new programs in current spaces. This cost includes signage, staffing to support current operations, program-related expenses, a possible special attraction, funds to bring in some concerts or artists to the Riverwalk Center on open dates, and additional dollars for advertising. The total for this request is about \$140,000 to get through this year.

Mr. Burke asked if the Grand Opening would be in conjunction with another event, and Ms. Wolfe stated it would be combined with the ribbon cutting. Ms. Wolfe asked about a special attraction fee of \$5, and Mr. Wolfe clarified they aren't looking to make a lot of money, just get people into the exhibit.

Council agreed to the additional funding.

OTHER MATTERS

Ms. Wolfe asked about the slash pile on Block 11 for wood chipping. Mr. Gagen stated the

contractors know about it, and it's been on the radio.

Ms. Wolfe also asked about the Library hours. Mr. Holman stated he attended a meeting with the Library. Ms. Wolfe stated she is concerned about us setting up a community center that will be dark during main hours. Ms. Lawrence stated she is not happy with the Recreation Center hours, but it's part of a bigger budget discussion and she believes the County doesn't have the funding or structure to do this. Ms. Lawrence stated Ms. Wolfe should attend the next Library board meeting and the Council should be on record with the County Commissioners about this issue. Council agreed to discuss this issue at the next Work Session.

Ms. Gigliello stated bike parking at La Cima Mall is an issue, and more bike racks could help in that location. Mayor Warner stated the bike racks are generally put out after road striping each summer. Ms. Gigliello also stated the signs on the bike path need to be updated with current year bike friendly community.

Mr. Brewer stated he rode his bike to the CML conference at Beaver Run Resort and didn't have a bike rack, Mayor Warner stated he locked his to a railing.

Mr. Brewer stated the Mayor should do a State of the Town report to coincide with State of the Union and State of the State and in an effort to inform the community of accomplishments and his vision.

Mr. Brewer stated the Trombone Shorty concert was good and very crowded with a diverse audience.

The Council then entered Executive Session.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 10:55 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

John Warner, Mayor