

CALL TO ORDER and ROLL CALL

Mayor Warner called the December 9, 2008 Town Council Meeting to order at 7:36 p.m. The following members answered roll call: Mr. Joyce, Ms. McAtamney, Mr. Millisor, Mr. Mamula, Mr. Bergeron, Mr. Rossi and Mayor Warner.

APPROVAL OF MINUTES – November 25, 2008 Regular Meeting

Mr. Joyce commented that on Pg 96 where it says Breckenridge Heritage Alliance, it should read that the updates and revisions are being finalized; the contract is not in place. Mayor Warner commented that under the CAST/MMC report Lakehill should be capitalized. With those changes Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Mr. Gagen commented that the first resolution will be deleted. 2 new resolutions will be added which are the Tarn Easements that were passed out. Also passed out is a revision to Council Bill No. 44, Series 2008. The BRC will also be making a presentation under Public Comment

COMMUNICATIONS TO COUNCIL

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

1. Ev Thomas- Thinks the ski area has made a bad decision by limiting the “Over the Hill Gang”. They are ambassadors and they contribute to the bottom line of the Ski Resort and the Town of Breckenridge. They are like a small Chamber of Commerce. Breckenridge is a dangerous place to ski and they are able to record incidents through use of cameras and cell phones if needed in prosecution.
2. Mike McCormick- Greensman Project. Breck Epic Mountain Bike Race- July 5-10- Gave an update. 6 day ultra-endurance Mountain Bike Race. Every stage begins and ends in the community of Breckenridge. The event can highlight some of the great biking/hiking in Breckenridge. Marketing plan is PR based. They have opened up registration. Sustainability, Environmental Stewardship, Zero Waste are some of the frames of this event. It is very green. They have riders coming from many countries and already 19 different states within the US. This race will generate money for the Town. They need to collaborate with Town to make this event successful. About 1/2 of the participants and volunteers need to camp, signage is also an issue. They would like Council's guidance as to what they can and should do in regard to these issues.

B. BRC Director Report- John McMahon- They did a presentation highlighting marketing, website updates, electronic, changing message. Drive as much business from day skiers to businesses. Want to see more traffic go down Main Street. Starts with Welcome Center and he would like to allow and BOLT holders to put material in the Welcome Center at a cost of 20% less than Chamber membership and then hopefully convert them to members. All Council members were in favor of the proposal.

C. Alton Scales- VP of CMC/CEO of Summit Campus- Gave an update on new CMC building. They have started putting in drywall and they are ahead of schedule and on budget. They plan to move into the building in July. Thanked the Town for the partnership.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2008 - PUBLIC HEARINGS**

1. Council Bill No. 43, Series 2008- AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES EFFECTIVE JANUARY 1, 2009

Mr. Berry explained that this ordinance if approved would increase municipal rates charged by the municipal water utility effective on January 1, 2009.

Mayor Warner asked for public comment. There was none. He closed the public hearing.

Ms. McAtamney moved to approve Council Bill No. 43, Series 2008. Mr. Mamula seconded the motion. The motion passed 6-1 with Mr. Rossi in opposition.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2008

1. Council Bill No.44, Series 2008- AN ORDINANCE AMENDING SECTION 5-5-4 OF THE BRECKENRIDGE TOWN CODE CONCERNING EXCEPTIONS TO THE GENERAL PROHIBITION AGAINST OPEN FIRES AND BURNING WITHIN THE TOWN OF BRECKENRIDGE

Tim Berry commented that the ordinance would revise the Town Code for “Open Burning of Fires”. The purpose of this revision is to allow a homeowner to utilize a “commercially” designed outdoor fireplace on their property. Through this revision it is our desire to allow people to use devices such as chimineas or other steel enclosed patio fireplaces, but we do not want people digging fire pits in the ground for open burns. These outdoor fireplaces must also be, “...assembled, located, and operated in accordance with the manufacturer's instructions.” He handed out a revised version from the work session. Tim Berry commented on the changes that were made. Mr. Mamula commented that he thinks that the type of construction wood should be defined. He will make revisions before the 2nd reading

Mr. Millisor moved to approve Council Bill No. 44, Series 2008 in the form that was handed out. Mr. Mamula seconded the motion. The motion passed 6-1 with Mayor Warner in opposition.

2. Council Bill No.45, Series 2008- AN ORDINANCE AMENDING SECTION 9-1-21 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING THE "TOWN OF BRECKENRIDGE TRAILS PLAN (REVISED AUGUST 2008)" AS A CORRELATIVE DOCUMENT TO THE BRECKENRIDGE DEVELOPMENT CODE

Tim Berry commented that the ordinance would revise the Town Trails Plan for the first time in 10 years and would amend the Town Development Code to make the revised Trails Plan a correlative document. The council did receive a revised version from the work session, the changes of which Trails Planner, Scott Reid, identified.

Mr. Bergeron moved to approve Council Bill No. 45, Series 2008 in the form that was handed out. Mr. Joyce seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2008

1. A RESOLUTION AMENDING THE TOWN OF BRECKENRIDGE MASTER PLAN TO INCLUDE THE "TOWN OF BRECKENRIDGE TRAILS PLAN (REVISED AUGUST 2008)" AS A PART THEREOF

This Resolution was removed and will appear on the next agenda.

2. A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR ATTORNEY SERVICES WITH TIMOTHY H. BERRY, P.C. FOR 2009

Tim Gagen commented that it is time for the Council to consider Tim Berry's agreement to serve as Town Attorney for fiscal 2009. Tim Berry is available to us as much as we need him, he handles issues of extreme complexity and his expertise has been extremely valuable to the Town. There are no changes to the contract from last year.

Mr. Mamula moved to approve the Resolution, Series 2008. Mr. Bergeron seconded the motion. The motion passed 7-0.

3. A RESOLUTION APPROVING AN AGREEMENT FOR MUNICIPAL COURT PROSECUTION SERVICES WITH RICHMOND, SPROUSE & MURPHY, LLC

Tim Gagen commented that the prosecution in the Town's municipal court is handled by Seth Murphy. It is time to consider Seth's contract for 2009. There are no changes to the contract from last year.

Mr. Bergeron moved to approve the Resolution, Series 2008. Mr. Mamula seconded the motion. The motion passed 7-0.

4. A RESOLUTION APPROVING A GOOSE PASTURE TARN ACCESS EASEMENT WITH WALTER MUELLER, JR AND SUSAN LOUISE MUELLER

Tim Berry commented that this resolution would authorize the Town Manager to sign an agreement to receive easement which will allow the use of Town water.

Mr. Bergeron moved to approve the Resolution, Series 2008. Mr. Mamula seconded the motion. The motion passed 7-0.

5. A RESOLUTION APPROVING A GOOSE PASTURE TARN ACCESS EASEMENT WITH MARK R. THOMAS

Tim Berry commented that this resolution would authorize the Town Manager to sign an agreement to receive easement which will allow the use of Town water.

Mr. Mamula moved to approve the Resolution, Series 2008. Mr. Bergeron seconded the motion. The motion passed 7-0.

C. OTHER

1. Ullr Bonfire Permit

Tim Gagen commented that in conjunction with the 2009 Ullr Festival, the Gold Run Nordic Center would like to host an evening Nordic event and bonfire. The event is scheduled from 6:00 PM – 9:00 PM on Monday, January 5, 2009, at the Gold Run Nordic Center. The bonfire is proposed adjacent to the driving range, approximately 200 meters south of the Golf Maintenance Shop. The bonfire itself will be on snow over an un-vegetated area next to the Driving Range. Participants will need to ski, snowshoe, or walk to the bonfire, due to its location. A similar event was has been held each year since 2003 with no problems. Attendance has ranged between 100 and 250 people.

Mr. Bergeron moved to approve a special permit to allow a bonfire during the Ullr Nordic Ski Event, on January 5, 2009, from 6:00 PM – 9:00 PM. All burning at the bonfire shall comply with the "Open Burning" requirements of Section 307 of the International Fire Code, 2006 Edition. Ms. McAtamney seconded the motion. The motion passed 7-0.

PLANNING MATTERS

A. Planning Commission Decisions of December 2, 2008

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

B. Report of Planning Commission Liaison

Mr. Mamula reported that the Planning Commission has agreed to go ahead with the community character discussion and take it to various neighborhoods. Dave Pringle brought up a valid argument about going to 100%. Impressed with how the chairman handled the meeting. The planning commission has bought into it. It is the first meeting that he felt they won a victory. Important that the Town makes the correct pitch.

REPORT OF TOWN MANAGER AND STAFF

Tim Gagen commented that they did not get to 2030 plan but will put it on the next agenda.

REPORT OF MAYOR AND COUNCILMEMBERS

A. **CAST/MMC (Mayor Warner)** – There is a CAST meeting in Telluride at the end of January. Can anyone attend?

B. **Breckenridge Open Space Advisory Commission (Mr. Rossi)** – Believes they talked about most of it already. January 23rd will be their retreat. Location TBD.

C. **BRC (Mr. Bergeron)** – He was unable to attend but did get an update. Trying to get Olympics to CO. BRC brought up Ski Lift User Tax. Visitation was down in Welcome Center 25% due to remodeling.

D. **Summit Combined Housing Authority (Ms. McAtamney)**- Nothing to report.

E. **Breckenridge Heritage Alliance (Mr. Joyce)** – Commented that Linda Kay told him that the Carter Museum design is at 100% funding level now. They are including sewer and ADA access in that.

F. **Peak 6 Task Force (Mr. Rossi)** – Nothing to report.

OTHER MATTERS- Mr. Mamula commented about the “Over the Hill Gang” and wonders why the ski area did the limitations this year. The Council further discussed the matter. Mr. Mamula commented in the lights on the old Enyeart House. They are on all the time. Hope that we can send them a letter and maybe others educating them on Dark Sky. Mayor Warner commented about Washington St and how the signs say “parking for compact cars only” and there are always pick up trucks. Mr. Millisor commented that the Round-About “no-slip” surface does not work. Asked about stop light at Four O’Clock and Park Avenue. Mr. Gagen commented that there is no funding from CDOT to do anything there. Mr. Millisor commented on Traffic Control during busy times and if Rick Holman has a traffic management plan ready. Mr. Gagen commented that they do. Mr. Millisor commented on the parking lot behind Salt Creek and that our free parking lots are being used by skiers. It does not appear that they are violation the three hour parking. We may need to re-evaluate the time limit again.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:17 p.m.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor