

**TOWN OF BRECKERIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 28, 2009
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CALL TO ORDER and ROLL CALL

Mayor Pro Tem Mamula called the April 28, 2009 Town Council Meeting to order at 7:31 p.m. The following members answered roll call: Mr. Millisor, Mr. Rossi, Ms. McAtamney and Mayor Pro Tem Mamula. Mr. Bergeron, Mr. Joyce and Mayor Warner were absent.

APPROVAL OF MINUTES – April 14, 2009 Regular Meeting

There were no changes, and Mayor Pro Tem Mamula declared the minutes were approved.

APPROVAL OF AGENDA

There were no changes and the agenda was approved.

COMMUNICATIONS TO COUNCIL

Citizen's Comments - (Non-Agenda Items ONLY; 3 minute limit please)

Sandy Greenhut representing Arts for the Summit passed out a calendar of events to the Town Council. She noted that Town staff has indicated that Breckenridge is not planning to participate in this year's publication. She urged the Town Council to reconsider and have the arts district be a part of the publication.

Eugene Miroshnikov passed out a "taxi questionnaire" to the Council and explained that he is collecting public opinion in support of his proposal to the Public Utilities Commission to operate a taxi service in Summit County and Breckenridge. There currently is only one taxi in operation here and he does not feel it is providing good service and he has received many negative comments. He believes every tourist town needs a good taxi service.

B. National Public Works Week Proclamation – Mayor Pro Tem Mamula introduced a proclamation for National Public Works Week.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS**

1. Council Bill No. 12, Series 2009- AN ORDINANCE AMENDING ARTICLE F OF CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING MUNICIPAL OFFENSES RELATED TO ALCOHOL, CIGARETTES AND AMUSEMENT ESTABLISHMENTS

Town Attorney Tim Berry summarized this ordinance to incorporate two state liquor offenses into the municipal code for after-hours service and consumption of liquor. The ordinance also clarifies the town parks in which alcoholic beverages are allowed. There were no changes from first reading.

Mr. Rossi moved to approve Council Bill No. 12, Series 2009. Mr. Millisor seconded the motion. Mayor Pro Tem Mamula opened the public hearing. There were no comments and the public hearing was closed. The motion passed 4-0.

2. Council Bill No. 13, Series 2009- AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 11 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING MOUNTAIN PINE BEETLES AND BEETLE INFESTED TREES

Mr. Berry explained that this ordinance proposes to rewrite the Town's mountain pine beetle ordinance. He noted staff was present to answer any questions. There were no changes to the ordinance from first reading.

Ms. McAtamney moved to approve Council Bill No. 13, Series 2009. Mr. Rossi seconded the motion. Mayor Pro Tem Mamula opened the public hearing. There were no comments and the public hearing was closed. The motion passed 4-0.

3. Council Bill No. 9, Series 2009- AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING ACCEPTABLE LAND USE TYPES AND INTENSITIES IN LAND USE DISTRICT 31

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Mr. Berry explained that this ordinance amends the land use district guidelines for the Town-owned portion of Block 11, Breckenridge Airport Subdivision, primarily to address the affordable housing project proposed to be developed. Mr. Berry noted two minor changes to the ordinance from first reading: on Page 78, Line 42 – insert tonight’s public hearing date and on Page 80, Line 8 – add language “including related paving, lighting and/or landscaping.”

Mr. Millisor moved to approve Council Bill No. 9, Series 2009 in the form included in the Town Council packet. Mr. Rossi seconded the motion. Mayor Pro Tem Mamula opened the public hearing. There were no comments and the public hearing was closed. The motion passed 4-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2009

1. Council Bill No. 14, Series 2009 - AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING SPECIAL EVENTS

Mr. Berry stated this ordinance if adopted would establish a comprehensive licensing mechanism for special events. This ordinance coordinates processes and is the result of lots of staff input. Mr. Berry noted that two revisions as directed by Council will be incorporated into the ordinance for second reading.

Ms. McAtamney moved to approve Council Bill No. 14, Series 2009. Mr. Rossi seconded the motion. The motion passed 4-0.

RESOLUTIONS, SERIES 2009

1. A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE UPPER BLUE SANITATION DISTRICT (Exchange of Water/Sewer Taps)

Mr. Gagen explained this resolution provides for exchange of sewer taps for water credits for use at the District’s Farmer’s Korner facility and outdoor irrigation. The Town will receive slightly over 50 sewer taps by giving a waiver for water credits. The sewer taps can then be used for the affordable housing project.

Mr. Rossi moved to approve “A Resolution Approving an Intergovernmental Agreement with the Upper Blue Sanitation District (Exchange of Water/Sewer Taps).” Ms. McAtamney seconded the motion. The motion passed 4-0.

2. A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER’S SIGNING OF AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (Ironside Lode, M.S. #8313 and Gold Bug Lode, M.S. #8313)

Mr. Berry explained that this resolution ratifies the Town Manager’s previous signing of an option agreement with Summit County pursuant to which the Town agreed to purchase a 50 percent interest in the Ironside and Gold Bug Lodes.

Mr. Millisor moved to approve “A Resolution Ratifying and Approving the Town Manager’s signing of an Assignment of Partial Interest in Real Estate Option Agreement with Summit County, Colorado (Ironside Lode, M.S. #8313 And Gold Bug Lode, M.S. #8313).” Ms. McAtamney seconded the motion. The motion passed 4-0.

3. A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER’S SIGNING OF AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (July Lode, M.S. #8313)

Mr. Berry explained this resolution, like the preceding resolution, ratifies the Town Manager’s previous signing of an option agreement with Summit County pursuant to which the Town agreed to purchase a 50 percent interest in the July Lode.

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Mr. Rossi moved to approve "A Resolution Ratifying and Approving the Town Manager's signing of an Assignment of Partial Interest in Real Estate Option Agreement with Summit County, Colorado (July Lode, M.S. #8313)." Mr. Millisor seconded the motion. The motion passed 4-0.

4. A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER'S SIGNING OF AN ASSIGNMENT OF PARTIAL INTEREST IN REAL ESTATE OPTION AGREEMENT WITH SUMMIT COUNTY, COLORADO (Sawlog Placer, M.S. #2154, and Wonderful Placer, M.S. #10281)

Mr. Berry explained this resolution like the preceding two resolutions ratifies the Town Manager's signing of an option agreement with Summit County whereby the Town would purchase a 25 percent interest in the Sawlog and Wonderful Placers.

Ms. McAtamney moved to approve "A Resolution Ratifying and Approving the Town Manager's signing of an Assignment of Partial Interest in Real Estate Option Agreement with Summit County, Colorado (Sawlog Placer, M.S. #2154, and Wonderful Placer, M.S. #10281)." Mr. Millisor seconded the motion. The motion passed 4-0.

OTHER

1. LLA Appointment

Mr. Gagen noted inclusion of a ballot in the packet and asked the Council members to select one name. Four votes are required for appointment. Council discussed the merits of the candidates and the Liquor Licensing Authority's responsibilities. After balloting, Mr. Gagen announced that the successful candidate was William Tatro III.

PLANNING MATTERS

A. Planning Commission Decisions of April 21, 2009

With no requests for call up, Mayor Pro Tem Mamula stated the Planning Commission decisions of the April 21, 2009 meeting would stand as presented.

B. Report of Planning Commission Liaison

Mayor Warner made the report last week via email.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen had no report.

Mr. Millisor noted that the Housing Authority budget was short \$24,000 primarily because revenues were over budgeted. Mr. Millisor will ask about the fund balance at the next meeting, and may suggest that the Housing Authority use that balance to cover the short fall.

REPORT OF MAYOR AND COUNCILMEMBERS

Reports of the Mayor and Council members were made during the work session portion of the meeting.

OTHER MATTERS

There were no other matters to discuss

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:55 p.m.

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor