

CALL TO ORDER and ROLL CALL

Mayor Warner called the March 24, 2009 Town Council Meeting to order at 7:33 p.m. The following members answered roll call: Mr. Joyce, Ms. McAtamney, Mr. Millisor, Mr. Bergeron, Mr. Rossi, Mr. Mamula and Mayor Warner.

APPROVAL OF MINUTES – March 10, 2009 Regular Meeting

The Mayor noted some minor corrections. With those changes, Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Town Manager Tim Gagen requested that Item No. 2 under “New Business - Council Bill No. 10, Series 2009 – An Ordinance Authorizing the Conveyance of Certain Town-Owned Real Property to Mercy Housing Colorado, a Colorado Non-Profit Corporation (Tract 1 Valley Brook Subdivision)” be removed from the agenda. With that change, the agenda was approved.

COMMUNICATIONS TO COUNCIL

- A. Citizen’s Comments - (Non-Agenda Items ONLY; 3 minute limit please) – None.

CONTINUED BUSINESS

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

1. Council Bill No. 7, Series 2009- AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2003 EDITION, ADOPTED BY REFERENCE IN CHAPTER 1 OF TITLE 7 OF THE BRECKENRIDGE TOWN CODE, BY ADOPTING PROVISIONS CONCERNING THE PARKING OF MOTOR VEHICLES ON A SHARED PRIVATE DRIVEWAY

Town Attorney Tim Berry summarized this ordinance to amend the Model Traffic Code by establishing a new regulation with respect to shared driveways, and requiring that a person cannot block or impede the lawful use of the driveway. There were no changes from first reading.

Mr. Bergeron moved to approve Council Bill No. 7, Series 2009 on second reading. Mr. Mamula seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 7-0.

2. Council Bill No. 8, Series 2009- AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE SIGN ORDINANCE”, BY ADOPTING PROVISIONS CONCERNING OPEN HOUSE SIGNS

Mr. Berry summarized this ordinance to amend the Sign Code by establishing a comprehensive set of rules and regulations governing open house signs in the Town of Breckenridge. There were no changes from first reading.

Mr. Millisor moved to approve Council Bill No. 8, Series 2009 on second reading. Mr. Rossi seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 7-0.

NEW BUSINESS

- A. ***FIRST READING OF COUNCIL BILL, SERIES 2009***

1. 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 (Block 11—Employee Housing)

Mr. Berry explained that this ordinance proposes to amend the land use guidelines for District 31, which is essentially the Breckenridge Airport Subdivision, to authorize the construction of an employee

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housing project on Town-owned property on Block 11. Mr. Berry requested that any motion to approve the council bill indicate a second reading/public hearing date of April 28 to accommodate special notice requirements.

Mr. Bergeron moved to approve Council Bill No. 9, Series 2009, noting that the second reading and public hearing will be held on April 28, 2009. Ms. McAtamney seconded the motion. The motion passed 7-0.

2. Council Bill No. 11, Series 2009- AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING SOLAR PANELS, SOLAR DEVICES, AND SOLAR ARRAYS

Mr. Berry handed out amendments to the ordinance after discussion at the work session. The amendments modify placement of solar devices outside of the conservation district. Mr. Berry summarized the ordinance and reviewed the hierarchy of placement of solar devices.

Mr. Mamula moved to approve Council Bill No. 11, Series 2009, with the amendments handed out this evening. Ms. McAtamney seconded the motion. The motion passed 7-0.

RESOLUTIONS, SERIES 2009

1. A RESOLUTION CONCERNING THE “BLOCK 11 VISION PLAN”

Mr. Berry explained that the Town Council previously endorsed the concept of the Block 11 Vision Plan and the land use guideline amendment for District 31 refers to the Plan. Therefore, Mr. Berry believes it would be appropriate to memorialize this document through passage of a resolution.

Mr. Bergeron moved to approve a Resolution Concerning the “Block 11 Vision Plan.” Mr. Joyce seconded the motion. The motion passed 7-0.

2. A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY (Twenty Two Quandary Village Lots)

Mr. Berry informed that last year the County and Town agreed in concept to purchase the Quandary Village Lots, and the County acquired fee title to the lots. This resolution approves the Town’s purchase of a 50 percent interest in the lots for one-half of what the county paid or \$240,270.

Mr. Millisor moved to approve a Resolution Approving a Purchase and Sale Agreement with the Board of County Commissioners of Summit County (Twenty Two Quandary Village Lots). Mr. Mamula seconded the motion. The motion passed 7-0.

OTHER

1. BOSAC Appointments

Mr. Gagen noted inclusion of a ballot in the packet and asked the Council members to select three names. Four votes are required for appointment. Council discussed the merits of the candidates and noted some potential conflicts of interest. Mr. Berry clarified that town employees were not eligible to serve on BOSAC. After balloting, Mr. Gagen announced that the successful candidates were: Erin Hunter, Jeff Cospolich and Monique Merrill.

PLANNING MATTERS

A. Planning Commission Decisions of March 17, 2009

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the March 17, 2009 meeting would stand as presented.

B. Report of Planning Commission Liaison

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Mr. Mamula reported on the discussion of footprint lots. Mr. Mamula felt the issue of residential footprint lots was pretty clear and that they should not be allowed. However, he noted that the issue is a little more unclear with commercial footprint lots. Some issues identified include ground floor residential and interior building setbacks. He asked Council to consider whether they would prefer a big building, or smaller buildings that seem more historic in context and follow the historic settlement pattern, for developments in the commercial core.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen asked if the Town Council would like a follow up on the fire break presentation. Discussion then occurred about certain town-owned open space parcels. The general feeling was that if the town is mandating that people take care of their own property, the town needs to take care of its property. Suggestions were made to look more closely at open space dedications, make them private open space, or perhaps dedicate the property back to adjacent property owners. Mr. Gagen will have staff make copies of the fire break report available in hard copy and on the website.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. **CAST/MMC** (Mayor Warner) – No report. Next meeting is on Thursday.
- B. **Breckenridge Open Space Advisory Commission** (Mr. Rossi) – No report.
- C. **BRC** (Mr. Bergeron) – No meeting.
- D. **Summit Combined Housing Authority** (Ms. McAtamney) – Meeting is tomorrow.
- E. **Breckenridge Heritage Alliance** (Mr. Joyce) – Mr. Joyce updated that Executive Director Linda Kay Peterson has turned in her resignation. The Heritage Alliance board would like to meet with Council to discuss budget, funding and responsibilities prior to hiring a new director. He suggested it could be a topic at the upcoming retreat.

There was then discussion about potential retreat meeting dates. The date was tentatively set on May 26 in the afternoon.

- F. **Peak 6 Task Force** (Mr. Rossi) – Mr. Rossi had no report. The next meeting date is being set and the Council should be receiving information about the comments turned in at the task force meeting.

OTHER MATTERS

Mr. Mamula would like to discuss the parking district again, now that the improvement district has expired. On another matter, he was approached about the possibility of putting up a memorial on the retaining wall in the dog park.

Mr. Rossi would like to see utility boxes cleaned up.

Mr. Bergeron suggested closer scrutiny of board and commission applicants to ensure they live in town and that there are no potential conflicts prior to scheduling interviews.

Mr. Joyce asked about the Town's evacuation plans in the event of a catastrophic fire. Police Chief Rick Holman explained that the town is divided into zones and evacuation routes are determined by zone and where the threat is coming from. The response is incident driven. The biggest concern is a threat that occurs when the county is full of people. The plan is currently being finalized and will be made public soon.

Mayor Warner reported that a representative from the Silverthorne library had contacted him and was wondering if there were plans for an addition to the Breckenridge library or if there were other Town facilities that may be suitable to accommodate children's story time and other activities.

EXECUTIVE SESSION

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At 8:43 p.m. Ms. McAtamney moved to convene in Executive Session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for the purposes of receiving legal advice on specific legal questions; and 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. Mamula seconded the motion.

The Mayor then restated the motion and a roll call vote was taken. The motion passed 7-0.

Ms. McAtamney moved to adjourn the Executive Session at 9:29 p.m. Mr. Mamula made the second. All were in favor of the motion.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:29 p.m.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor